



Republic of the Philippines
DEPARTMENT OF ENERGY
(Kagawaran ng Enerhiya)

DEPARTMENT CIRCULAR NO. DC 2020-04-0010

**UPSTREAM PETROLEUM OPERATIONS SAFETY, HEALTH AND
ENVIRONMENT RULES AND REGULATIONS**

STATEMENT OF AUTHORITY

Pursuant to Presidential Decree No. 87 (PD 87), otherwise known as "*The Oil Exploration and Development Act of 1972*" and Section 5 of Republic Act No. 7638, as amended, otherwise known as the "*Department of Energy Act of 1992*", and in order to ensure adequate safety and protection against hazards to health, life and property as well as pollution of air, land and water from Upstream Petroleum Operations, the following safety, health and environment rules and regulations are hereby stipulated:

RULE 1
GENERAL PROVISIONS

Section 1. Title. This Department Circular shall be known as the "Upstream Petroleum Operations Safety, Health and Environment Rules and Regulations of 2020" (or the "UPOSHERR") and shall be hereinafter referred to as the Circular.

Section 2. Scope and Coverage. This Circular shall apply to all employers, employees, contractors and other entities engaged in Upstream Petroleum Operations in the Philippines including its Facilities and Workplaces.

Section 3. Definition of Terms. Terms and expressions as defined under Republic Act No. 11058 (RA 11058) and Occupational Safety and Health Standards (OSHS) issued by the Department of Labor and Employment (DOLE), shall have the same meaning in this Circular. For purposes of this Circular, however, the following terms shall be defined as follows:

1. **Authorized Representatives** refer to any employee of the Energy Resource Development Bureau - Petroleum Resources Development Division (ERDB - PRDD), who have been authorized by the Director of the ERDB to enforce the provisions of this Circular;
2. **Bureau** refers to the ERDB;
3. **Code of Practice** refers to that set of safety, health and environment standards for the Upstream Petroleum Operations to be promulgated as stated in Section 8, Rule 2 hereof;
4. **Contract** refers to Petroleum Service Contract (SC);
5. **Department** refers to the DOE;

6. **Director** refers to the Director of ERDB;
7. **Division Chief** refers to the Chief Science Research Specialist of PRDD;
8. **DENR** refers to the Department of Environment and Natural Resources;
9. **DOLE** refers to the Department of Labor and Employment;
10. **BFP** refers to the Bureau of Fire Protection;
11. **Environment** refers to the Occupational Environment Control as provided in Rule 1070 of OSHS;
12. **Employee** refers to any person involved in the operations of the Employer regardless of employment status;
13. **Employer** refers to the service contractor referred to in a Petroleum SC, and other entities, whether government or private, engaged in Upstream Petroleum Operations, whether acting alone or in consortium with others, that hires one or more persons to work for wages or salaries;
14. **Imminent Danger** refers to a situation caused by a condition or practice in any place of employment that could reasonably be expected to lead to serious physical harm;
15. **Lost Time Accident (LTA)** refers to an accident that will prevent the injured person from performing his regular job on the next working day following the day of the injury or, after reporting for work on the next working day following the day of the injury, the injured person fails to continue his normal work due to complications resulting in permanent injury and disability;
16. **Non-Lost Time Accident** refers to an accident that will not prevent the injured person from performing his regular work on the day following the day of injury and thereafter;
17. **OSHS** refers to the Occupational, Safety and Health Standards issued by the DOLE;
18. **Undersecretary** refers to the Undersecretary In-charge of ERDB;
19. **Upstream Petroleum Facilities** refers to but not limited to production and processing facilities of petroleum resources;
20. **Upstream Petroleum Operations** refer to all the activities related to exploration, development and production of petroleum resources; and
21. **Workplace** refers to but not limited to all offices, premises or worksites where the Employees are situated, including any other place where the employees who, have no fixed or definite worksite, regularly perform their assigned task in the course of their employment.

RULE 2
ADMINISTRATION AND ENFORCEMENT

Section 4. Powers and Duties of the Director.

The Director or his duly authorized representative shall:

1. Enforce the provisions of this Circular concerning safety, health and environment in all Upstream Petroleum Operations including its Facilities and Workplaces;
2. Monitor and inquire/inspect safety of all Upstream Petroleum Operations including its Facilities and Workplaces in compliance with the terms and conditions of the Contract and/or accreditation;
3. In case of investigation and inquiry under this Circular, summon the Employer and company officials, Employees or any other person having knowledge on the subject for the investigation or inquiry, and require the production of pertinent documents relative thereto;
4. Conduct separate incident/accident investigations involving fatal accidents and dangerous occurrences to determine the cause/s of such accidents and occurrences, and introduce remedial measures to prevent their recurrence;
5. Suspend any activity or operation that causes or will cause imminent danger until appropriate actions has been undertaken;
6. Issuance of the temporary suspension of the rules in accordance with Section 34, Rule 8 of this Circular.
7. Issuance of the variation order in accordance with Section 35, Rule 8 of this Circular.
8. Issuance of Stoppage Order in accordance with Section 36, Rule 8 of this Circular.

Any action/order of the Director may be appealed to the Undersecretary.

Section 5. Duties of Employers

In addition to the obligations as provided in this Circular, every Employer shall:

1. Provide and ensure a safe working environment;
2. Ensure to effectuate necessary arrangements as may be appropriate, having regard to the nature and size of its activities and undertaking, for the effective planning, organization, control, monitoring and review of the relevant preventive and protective measures;
3. Identify the measures necessary to enable the Employer to comply with the requirements and provisions of this Circular. Every Employer shall conduct and record suitable and sufficient assessment of the following:

- a. The risk to the health, safety and environment of its Employees while at work; and
 - b. The risk to the health, safety and environment of person temporarily employed by the Employer as a result of or in relation to the activities of its operations.
4. Review the assessment referred to in Number 2 above and identify the scenario as whether:
 - a. There is reasonable ground to believe that the assessment is no longer valid;
 - b. There has been a significant change in the matter to which the assessment relates; or
 - c. Where, as a result of any such review, changes to the assessment are required.
5. Provide its Employees with comprehensible, relevant and updated hazard information consisting of the following:
 - a. The risk to their health, safety and environment identified by the assessment;
 - b. The preventive and protective measures;
 - c. The procedures used in hazard assessment; and
 - d. The identity of the persons appointed to conduct hazard assessment.
6. Appoint the number of qualified occupational health personnel in accordance with Rule 1960 of the OSHS, as amended.
7. Submit to the Director semi-annual comprehensive Safety, Health and Environmental Management Plans and Programs for the succeeding year on or before December 1 of the current year and before June 1 of the succeeding year.
8. Every Employer shall inform all its Employees on the safety and health hazards associated with their work.

Section 6. Duties of Employees

In addition to the obligations provided in this Circular, every employee shall:

1. Use or handle any machinery, equipment, dangerous substance, transport equipment, means of production or safety device supplied to him by his/her Employer in accordance with company policies and the relevant provisions of this Circular;
2. Inform his Employer through the Safety Engineer/Officer with specific responsibility for the safety, health and environment of his/her fellow Employees of the following:
 - a. Any work situation which a person equipped with the necessary training and instruction would reasonably consider as posing a serious and immediate danger to safety, health and environment; and

- b. Any matter which a person, equipped with the necessary training and instruction, would reasonably consider as a shortcoming in the Employer's protection arrangements for safety, health and environment.

Section 7. Cooperation and Coordination

Employers sharing a workplace, even for a temporary period, shall:

1. Cooperate with the other contractor(s) concerned insofar as practicable and necessary to enable them to comply with the requirements and prohibitions as stipulated under this Rules;
2. Take all reasonable steps to coordinate with the other contractor(s) in jointly implementing the necessary actions to comply with the other party's standard in handling the identified risk/s; and
3. Take all reasonable steps to inform the Employee/s and its Employer of the risks to health and safety arising from or in connection with the conduct of their undertaking.

Section 8. Code of Practice

Within one (1) year after the effectivity of this Circular, the Bureau shall, in consultation with Upstream Petroleum Operations stakeholders and relevant government agencies, promulgate the Code of Practice for this Circular.

RULE 3

SAFETY, HEALTH AND ENVIRONMENT ORGANIZATION

Section 9. Policy Statement. The Employer shall issue a general safety, health and environment policy statement to reflect management's positive attitude, support and commitment to effective leadership and program administration for safety, health and environment.

Section 10. The Safety, Health and Environment Organization. The Safety, Health and Environment Organization shall be under the direct and immediate control and supervision of the highest official of the Employer. The safety, health and environment program of the organization shall be integrated in its overall management and control system. The Employer shall ensure that a safety, health and environment committee, organized in accordance with Section 12 hereof, is assigned in each operation to maximize effective implementation of the Employer's safety, health and environment program and enforcement of the Rules.

Section 11. Personnel.

1. The minimum number of qualified full-time Safety Engineers/Officers shall be in accordance with the following schedule table:

Number of Employees in Upstream Petroleum Operations	1000 and above	500 to 999	50 to 499
Exploration (Drilling, Geology and Geophysical Activities)	3	2	1
Development	3	2	1
Production	2	1	1

2. The full-time Safety Engineers/Officers to be designated shall have the following minimum training requirements:

a. For Geology and Geophysical Activities

- i. Basic Occupational Safety and Health (BOSH) duly certified by a DOLE-Accredited Safety Training Organization (STO);
- ii. Standard First Aid (SFA) and Basic Life Support (BLS) duly certified by the Philippine Red Cross (PRC); and
- iii. Additional Basic Offshore Safety Induction Emergency Training (BOSIET) and Helicopter Underwater Escape Training (HUET) for offshore workplace

b. For Exploration Drilling and Production

- i. BOSH duly certified by a DOLE-Accredited STO;
- ii. SFA and BLS duly certified by the PRC;
- iii. Rig Pass (for Drilling Operation only) duly certified by the International Association of Drilling Contractors (IADC);
- iv. National Examination Board in Occupational Safety and Health (NEBOSH) or Institute of Occupational Safety and Health (IOSH) Certification; and
- v. Additional BOSIET and HUET for offshore workplace

c. Development or any Construction

- i. BOSH and Construction Occupational Safety and Health (COSH) duly certified by a DOLE-Accredited STO;
- ii. SFA and BLS duly certified by the PRC;
- iii. Additional BOSIET and HUET for offshore workplace

3. In cases where the Upstream Petroleum Operations involves less than 50 persons, a full-time Safety Engineer/Officer or a qualified supervisor engaged as part-time Safety Engineer/Officer with the same minimum requirements shall be sufficient.

Section 12. Safety, Health and Environment Committee

A Safety, Health and Environment Committee (the "Committee") shall be organized in all Upstream Petroleum Facilities upon commencement of its operations. The minimum composition of the Committee shall be determined based on the number of workers, as follows:

In every Upstream Petroleum Facility with less than one hundred (100) workers, the following shall compose the Committee:

Chairman	-	Manager
Members	-	One (1) Supervisor
	-	Three (3) workers
	-	Nurse/First-aider
	-	Environmental Officer
	-	Contractor Safety Engineer/Officer (if applicable)
Secretary	-	Safety Engineer/Officer

In case there are at least one hundred (100) workers in an Upstream Petroleum Facility, the following shall compose the Committee:

Chairman	-	Manager
Members	-	One (1) Supervisor
	-	Four (4) workers
	-	Nurse/First-aider
	-	Environmental Officer
	-	Contractor Safety Engineer/Officer (if applicable)
Secretary	-	Safety Engineer/Officer

Section 13. Qualifications of Safety Engineer/Officer and Issuance, Cancellation of Safety Engineer's/Officer's Permit.

1. All persons employed in the practice of safety in the Upstream Petroleum Operations industry shall be duly qualified and accredited by the Bureau. No Safety Engineer may be qualified or accredited by the Bureau unless he/she is duly licensed engineer with at least two (2) years actual experience in safety in Upstream Petroleum Operations industry-related work and has attended the minimum training requirement on BOSH, COSH (for Construction Operation only), SFA, BLS, NEBOSH or IOSH and Rig Pass (for Drilling Operation only) for onshore and additional Basic Offshore Safety Induction Emergency Training (BOSIET) and Helicopter Underwater Escape Training (HUET) for offshore workplace. In case, however, that the applicant, while possessing all the other requirements, is not a licensed engineer but has completed at least 2 years in college and has at least five (5) years of actual work experience in safety in Upstream Petroleum Industry-related work, he/she may still be qualified/accredited as a Safety Officer.

2. A Safety Engineer's/Officer's Permit shall be issued upon submission of the following requirements:
 - a. A duly accomplished and sworn application (refer to Appendix "A") with emphasis on service record;
 - b. Endorsement and certification from Employer and/or contractor;
 - c. Two (2) pieces of 2" X 2" size pictures taken not less than three (3) months at the time of filing of the application; and
 - d. Payment of application / processing fee in the amount of Five Hundred Fifty Pesos (Php550.00), subject to approval of the DOE Revised Schedule of Fees and Charges.
3. Upon submission of the requirements enumerated above, the applicant will be interviewed by the Bureau to ascertain the applicant's competence.
4. Annual renewal of permit shall be made within one (1) month prior to the date of expiration of the previously-issued permit. The Bureau shall issue a new permit only after reviewing the qualifications and meritorious service record of the applicant, and compliance with the aforementioned accreditation requirements;
5. The Director may, upon the recommendation of the Division Chief, cancel accreditation of safety personnel for any of the following reasons:
 - a. Conviction of any criminal offense involving moral turpitude;
 - b. Violation of professional ethics; or
 - c. Negligence resulting in incidents/accidents as referred, but not limited to, Rule 4 Section 14 (1) of this Circular.

RULE 4
REPORTING AND RECORDING OF
INCIDENTS/ACCIDENTS/ILLNESSES/DISEASES

Section 14. Notification and Reporting.

1. Every Employer, using the prescribed form in Appendix "B", shall submit to the Bureau a report on the results of its investigation, using the fastest available means of communication within twenty-four (24) hours after the occurrence of any of the following incidents that may have resulted in LTA:
 - a. Any accident resulting death, injury or impairment;
 - b. Hospitalization of three (3) or more persons;
 - c. Accidental detonation of explosives including blasting agents;

- d. Explosion or blowout;
 - e. Accidental or over-exposure to ionizing radiation;
 - f. Accidental exposure to immediately dangerous to life and health levels of toxic substances; and
 - g. Property damages amounting to One Hundred Thousand Pesos (Php 100,000.00);
 - h. Any other incident comparable to the foregoing.
2. A quarterly statistical accident/incident/illnesses/diseases report shall be submitted by every Employer to the Bureau within twenty (20) days following the end of each quarter using the prescribed form in Appendix "C".
3. The Employer shall comply with DOE Department Circular No. 98-02-003 entitled "Amending Department Circular No. 95-10-008 Directing All Operators of Oil Rigs or Platforms, Power Plants, Oil Tankers and Barges Carrying, Producing and/or Utilizing Crude Oil-Based Products to Report All Oil Spills or Environmental Incidents to the Department of Energy", and DOE Department Circular No. 95-10-008 on the reporting of oil spills or environmental incidents to the DOE, through the Bureau, and all other Circular as may be issued by DOE.

Section 15. Record Keeping. Every Employer shall maintain a log and summary, on a calendar year basis, of all reportable incidents, which shall be completed in detail in the prescribed form (refer to "Appendix "C1 to C8") which shall be made available during inspection to the Director or Authorized Representatives.

Section 16. Evaluation of Disability. Charges for the Evaluation of Disability and Measurement of Exposure to Industrial Injuries, determination of Employee-Hours of Exposure and measurement of Injury/Illness Experience, shall be in accordance with Rules 1055 and 1056 of the OSHS, as amended, respectively.

RULE 5

GENERAL SAFETY, HEALTH AND ENVIRONMENT PROVISIONS

Section 17. General Applicability. Employers may prescribe or apply their own standards or regulations of general applicability to various conditions, practices, means, methods, processes or operations. In all instances, however, those standards or regulations as may be embodied in the Code of Practice issued pursuant to Section 8 hereof shall prevail.

Section 18. Safety and Health Training.

1. Every Employer shall ensure that their Employees are provided with adequate safety and health training to be conducted by the Safety Engineer/Officer upon employment and on their being exposed to new or increased risk due to any of the following:

- a. Upon transfer or change in responsibilities within the Employer's undertaking;
 - b. The introduction of new work equipment into or a change concerning work equipment already in use within the Employer's undertaking;
 - c. The introduction of new technology into the Employer's undertaking; or
 - d. The introduction of a new system of work into or a change concerning a system of work already in use within the Employer's undertaking.
2. The safety and health training shall:
- a. Be conducted every three (3) years for every field employee engaged in the operation or as may be directed by the Bureau and shall be conducted by a Safety Engineer/Officer;
 - b. Be adapted to take account of any new or changed risks to the health and safety of the Employees concerned;
 - c. Be conducted during working hours; and
 - d. Be recorded to include the title, duration, facilitators/lecturers and results of course evaluations, among others.

Section 19. Personal Protective Equipment (PPE).

1. Every Employer shall determine the presence of hazards or potential risks requiring the use of the PPE. If such hazards are present, or likely to be present, the Employer/contractor shall:
 - a. Select PPE that properly fits each affected Employee;
 - b. Communicate selection decisions;
 - c. Require affected Employee to use the PPE; and
 - d. Provide training on the proper use and care of the PPE to each Employee who is required to use the same.
2. Employees shall be provided with the appropriate PPE, safety devices and equipment as required at the expense of the Employer.
3. All PPE to be used shall be of the approved design and construction appropriate for the exposure and the work to be performed that meets the minimum OSHS.
4. Prior to use, appropriate fit test examination shall be conducted to ensure that the PPE conforms to the following minimum requirements:
 - a. The Employee is physically fit to use the PPE;

- b. Provide adequate protection against the specific hazard for which they are designed or intended;
 - c. Be reasonably comfortable to use; and
 - d. Fit properly and shall not unduly interfere with the movements of the user.
5. No Employee in a plant or field shall be subjected or exposed to a hazardous environmental condition without the necessary protection; and

Section 20. Workplace Monitoring and Control.

- 1. It shall be duty of the Employer to monitor and control the exposure of its Employees to Workplace hazards and shall maintain records of each employee's exposure, as provided in Appendix C1 to C8;
- 2. All regular measurements of the Workplace hazards shall be carried out in operations and work processes, and a record of such measurement shall be made available during the Bureau's inspection;
- 3. Periodic monitoring of airborne toxic and hazardous substances; and
- 4. Every Employer shall develop an appropriate procedure relative to works involving toxic and hazardous substances.

Section 21. Electrical and Mechanical Works. All electrical and mechanical installations, constructions and equipment shall be in accordance with the provisions of the latest edition of the Philippine Electrical Code and Philippine Society of Mechanical Engineering Code. Operations, maintenance and repair works of electrical and mechanical equipment or machinery shall be done by a qualified and duly authorized personnel of either the employer or its contractors in adherence to RA 7920, otherwise known as the "New Electrical Engineering Law", and RA 8495, otherwise known as the "Mechanical Engineering Law".

Section 22. Guarding of Machinery. All moving parts of machinery and all dangerous parts of equipment shall be effectively guarded in accordance with Rule 1200 of the OSHS, as amended.

Section 23. Work Permit System.

- 1. Every Employer shall adopt and implement a work permit system;
- 2. Every Employer shall not allow any critical activity such as a hot work, work on electrical system, excavation, critical lift, work on heights, and work on confined spaces and any other activity deemed critical unless all hazards are first removed or controlled; and
- 3. Every Employer shall ensure that Employees exposed to the hazards created by hot work, energy isolation, excavation, critical lift, work on heights, and work on confined spaces and any other activity deemed critical are protected by PPE in accordance with the requirements of Section 19 of this Circular.

Section 24. Use of Commercial Explosives. No Employer shall store, handle or transport explosives within the Upstream Petroleum Facilities when such storage, handling and transportation of explosives or blasting agents constitute an undue hazard to life or limb. For this purpose, pertinent requirements under Rule 10, Chapter 4, Div. 5 of the Implementing Rules and Regulations (IRR) of RA 9514, otherwise known as the "Fire Code of the Philippines of 2008", and the duly issued requirements of the Philippine National Police – Explosives and Ordinance Division are hereby adopted. The Employer shall submit a quarterly transaction report to the Bureau within twenty (20) days following the end of each quarter using the prescribed form in **Appendix "D"**.

Section 25. Construction Works. Every Employer shall safeguard their Employees engaged in construction work in every Upstream Petroleum Workplace by complying with the construction safety standards provided under OSHS and DOLE Department Order No. 13, series of 1998 – Guidelines Governing Occupational Safety and Health in the Construction Industry.

Section 26. Fire Protection and Control.

1. Every Employer, in consideration of the potential risks involve, shall construct, install, provide, incorporate, adopt and maintain in Upstream Petroleum Facilities, under operable and practical conditions, the following:
 - a. Fire suppression devices, equipment or systems;
 - b. Fire safety structures; and
 - c. Fire protection and warning systems.
2. Every Employer shall ensure that Upstream Petroleum Operations and/or processes with potential for serious fire and explosion are segregated or located in areas where only minimum number of Employees required in the process are allowed at any given time; and
3. For basic safety measures and special precautions required for fire prevention in hazardous work processes, including fire safety construction, protective and warning system, fire safety program in workplace and hazardous work process, as well as use, handling and/or storage of hazardous materials, the relevant provisions of the Fire Code of the Philippines and its Implementing Rules and Regulations shall be adopted.

Section 27. Serious and Imminent Danger.

1. Every Employer shall:
 - a. Create a Disaster Emergency Preparedness/Contingency Plan and Response Team;
 - b. Establish appropriate emergency action plan to be implemented in the event of serious and imminent danger;

- c. Designate a sufficient number of competent persons to implement the procedures insofar as they relate to the evacuation of Employees from their work; and
 - d. Ensure that none of its Employees may access any area where such access is limited on grounds of health and safety unless they have sufficient training, experience, knowledge, health and safety instructions which will enable them to properly implement the evacuation procedure for the abatement of imminent danger.
- 2. Every Employer shall set up, communicate and maintain an appropriate emergency alarm system to alert or warn all persons likely to be affected by the existing or imminent disaster conditions. The alarm shall be distinctive and recognizable as a signal to evacuate the area or to perform actions designated under the emergency action plan;
 - 3. Every Employer shall conduct emergency drills at least twice a year to ensure safe and orderly evacuation of personnel as well as timely and effective action of response team;
 - 4. For the purpose of No. 1 (b) of this section, the procedures to be adopted by the Employer shall include the following:
 - a. Inform any person at work who is exposed to serious and imminent danger, of the nature of the hazard and of the steps taken or to be taken to protect him/her from the hazard;
 - b. Enable the persons concerned, without prejudice to taking appropriate steps in the absence of guidance or instruction and in the light of their knowledge and the technical means at their disposal, to stop work and immediately proceed to a safe place in the event of their being exposed to serious, imminent and unavoidable danger; and
 - c. In exceptional cases, for reasons duly substantiated, prevent the persons concerned from resuming work in any situation where there is still serious and imminent danger.
 - 5. A person shall be regarded as competent for the purposes of No. 1 (c) above where he has sufficient training, experience or knowledge and other qualities, to enable him/her to properly implement the evacuation procedure referred to therein.

Section 28. Hazard Communication. Hazardous substance and chemical used, processed or produced shall be evaluated and stored only in approved and properly labeled containers.

The Employer shall use internationally accepted standards on instructional/warning signs and color codes for identification of materials conveyed in piping systems.

Section 29. Engineering Change Management. As part of the engineering functions or process management, all new installations, plant, equipment and changes in facility shall have a hazard screening and review conducted to ensure conformance with standards.

Section 30. Environmental Compliance. All Upstream Petroleum Operations shall be conducted in accordance with environmental regulations as prescribed by the DENR and/or any other concerned agency.

RULE 6
OCCUPATIONAL HEALTH REQUIREMENTS

Section 31. Health Program.

1. Every Employer shall promote, protect and maintain the health and well-being of its Employees through the implementation of an occupational health program which includes the following:
 - a. Health examination for pre-employment, periodic, special, transfer/separation and other health examination deemed necessary by qualified health authorities;
 - b. Management and treatment of occupational injuries and diseases;
 - c. Immunization programs;
 - d. Health education and counselling;
 - e. Keeping of medical records; and
 - f. Other relevant health programs.
2. Health surveillance shall include the following activities:
 - a. Biological monitoring;
 - b. Medical surveillance; and
 - c. Symptoms and injury, inspection and examination.

Section 32. Health Services.

1. Every Employer shall, in accordance with the requirements of Rule 1960 of the OSHS, as amended, provide the necessary medical and dental services and facilities;
2. Every Employer shall maintain necessary additional emergency medical supplies and medicines as recommended by the Employer's medical personnel;
3. In the absence of a clinic or hospital near and/or in proximity to the place of work, every Employer shall ensure that suitable transport facilities are readily available, and sufficient number of persons are adequately trained and readily available to render first aid; and

4. The Employer shall provide the necessary sanitary and welfare facilities in the work place as required under Chapter 7 of P.D. 856 otherwise known as the "*Sanitation Code of the Philippines*".

RULE 7
ADMINISTRATIVE FINES AND PENALTIES

Section 33. Administrative Fines and Penalties. Pursuant to Rule 2 of this Circular, the Director shall impose administrative fines and penalties for the following violations:

1. Failure or late submission of quarterly statistical reports for incident/ accident/ illnesses/ diseases:

Number of Offense	Fine
First	Php 50,000.00
Second	Php 100,000.00
Third and Succeeding	Php 150,000.00

2. Failure to register or secure/renew a permit for Safety Engineers/Officers:

Timeline	Fine
Within one (1) month after the expiration of the old permit	Php 50,000.00
After 1 month after the expiration of the old permit	Php 100,000.00

3. Failure to employ a qualified Safety Engineer/Officer:

Timeline	Fine
Within six (6) months after the signing of Service Contract	Php 250,000.00
After the sixth (6 th) month and every succeeding month	Php 500,000.00

4. Failure to notify the Bureau using the fastest and efficient means of communication the occurrence of any incident/accident specified and within the period set forth in Rule 4 Section 14 of this Circular – Fine of P10,000.00.
5. Failure to correct any unsafe condition(s) noted by the Bureau's Authorized Representative:

Number of Offense	Fine
First	Php 250,000.00
Second	Php 500,000.00
Third and Succeeding	Php 1,000,000.00 and suspension of operation in the area affected until the unsafe condition(s) is/are rectified

6. Withholding or failure to provide pertinent data or information regarding the safety aspects of Upstream Petroleum Operations as required by the Bureau:

Number of Offense	Fine
First	Php 100,000.00
Second	Php 200,000.00
Third and Succeeding	Php 500,000.00

7. Official receipts shall cover all fines collected in accordance with paragraph (1) hereof.

RULE 8

TEMPORARY SUSPENSION, VARIATION ORDER AND STOPPAGE ORDER

Section 34. Temporary Suspension

1. The Director may issue to an employer-applicant a temporary order suspending the applicability of a Rule or any part of this Circular for any of the following reasons:
 - a. The unavailability of professional or technical personnel or of materials and equipment needed to comply with this UPOSHERR;
 - b. Necessary construction or alteration of the prescribed facilities cannot be completed on the effective date of the UPOSHERR; and
 - c. The employer is participating in experiments or studies approved or conducted by the Bureau designed to demonstrate new techniques to safeguard the safety and health of the employees.
2. In such a case, the employer-applicant shall establish:
 - a. The reason for the application for a temporary suspension order, specifying the rule or portion requested to be suspended;
 - b. Assurance of the employer to take all available and necessary steps to safeguard the employees against the hazards covered by the rule, and prescribe the necessary measures, methods, operations and practices which must be adopt and use while the temporary suspension is in effect; and
 - c. Submission of an effective program for coming into compliance with the rule as quickly as possible, specifying a given date for compliance.
3. The application shall be submitted to the Division Chief, as the case may be, who after hearing the employees or their duly authorized representatives shall evaluate and recommend action to the Director. The Division Chief may issue an interim order to be effective until the temporary suspension order is issued by the Director;
4. The temporary suspension order, shall prescribe the practices, means, and methods. Operations, or process which the employer must use and adopt while the order is in effect and while the program for coming into the compliance with the rule is being implemented; and
5. The temporary suspension order shall not be in effect longer than the period needed by the employer to come into compliance with the rule or one year, whichever is

shorter, renewable for another year, subject to revocation or shortening of the period by the Director, if such is warranted.

Section 35. Variation Order

1. A variation order shall stipulate the conditions under which the variation is permitted and shall be applicable and effective only to the particular employer and operations covered by the order. A variation order shall remain in effect until revoked by the Director.
2. If there shall be practical difficulty or unnecessary hardship in complying with the requirements of any rule or provisions in this Circular, the Director, upon the recommendation of the Division Chief, may issue an order allowing a variation in complying with such requirements, provided that the purpose of such rule or provision is substantially served and the safety and health of the employees remain ensured. The employer affected by such rule or provision may request in writing the Director, thru the PRDD, to authorize such a variation stating the grounds for the request and the measures to be taken or already being taken.
3. The application for a variation order shall contain the following:
 - a. A specification of the rule or provision or portion thereof from which the employer is seeking variation;
 - b. An attestation from technically qualified person that the employer is unable to comply with the rule and detailed reasons thereof;
 - c. A detailed statement of the measure he will take or is already taking to protect the employees against the hazards covered by the rule or provisions; and
 - d. A certification that the employees have been informed and a copy of the application has been furnished the employees or their duly authorized representative.

Section 36. Stoppage Order

1. When an enforcement officer, finds that an imminent danger exists in a workplace, he shall inform the affected employer and employees of the danger and shall recommend to the Director the issuance of an order for stoppage of operation or other appropriate action for the abatement of the danger. Pending the issuance of the order, the employer shall take appropriate measures to protect the employees;
2. Upon the receipt of the recommendation, the Director shall immediately determine whether the danger exists and is of such a nature to warrant the issuance of a Stoppage Order or other appropriate action to minimize the danger;
3. The Order shall require specific measures that are necessary to avoid, correct or remove such imminent danger and to prohibit the presence of any worker in such location where such danger exists, except those whose presence are necessary to avoid, correct or remove such danger or to maintain a continuous process or operation. Where stoppage of operation is ordered, the Order shall allow such correction, removal or avoidance of danger only where the same can be accomplished in a safe and orderly manner; and

4. The Director may lift the Stoppage Order after a determination by DOE authorized representatives during a field inspection/verification that the cause/s for its issuance has been sufficiently rectified or has ceased to exist.

RULE 9

FINAL PROVISIONS

Section 37. Separability Clause. In the event that any provision of this Circular or the application of such provision to any person or circumstance is declared invalid, the remainder of this Circular and the application of such provision to other persons or circumstances shall not be affected by such declaration.

Section 38. Resolution of Conflicts and Overlapping Jurisdictions. In case any provision of this Circular conflicts, duplicates or overlaps with rules and regulations being implemented by other government agencies, such conflict, duplication or overlapping shall be resolved by coordination or any other means of cooperation among such agencies.

Section 39. Interpretation. Notwithstanding the provisions of Section 36, Rule 9 hereof, where the requirements thereof overlap or duplicate an existing regulation, compliance with a more specific regulation shall be considered substantial compliance. However, where the requirements go beyond those in the more specific regulations, additional measures shall be instituted to comply fully with this Circular. The Director shall determine such measures that are or will be at least as effective as the standards prescribed under this Circular.

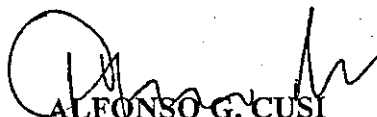
Section 40. Transitory Provision. All Safety Engineers/Officers should comply with the minimum training requirements as mandated in this Circular within one (1) year from effectivity hereof.

Section 41. Repealing Clause. All rules and regulations pertaining to safety, health and environment in Upstream Petroleum Operations, orders or parts thereof which are inconsistent with or contrary to this Circular are hereby repealed, amended, or modified accordingly.

Section 42. Effectivity. This Circular shall take effect fifteen (15) calendar days after publication in at least two (2) newspapers of general circulation.

Let copies of this Circular be furnished the University of the Philippines Law Center – Office of the National Administrative Register (UPLC-ONAR).

Issued on APR 22 2020 in Energy Center, Bonifacio Global City, Taguig City.


ALFONSO G. CUSI
Secretary

