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Consolidated Regulatory Fines and Penalties

**SBMA
Regulatory Group**

I. ECOLOGY CENTER

A. Environmental Regulations/Standards

A.1 Nature of Violations

Minor Violations

1. Non-submission or delay in submission of reports/requirements.
2. Transfer of ownership of the project/ECC without prior approval from Ecology Center
3. Delay or failure to initiate formation or implementation of ECC conditions which do not have significant impacts on the environment (e.g. EU, MMT, EMF, EGF, etc.).
4. Non-compliance with other administrative conditions in the ECC.
5. Non-compliance with administrative and technical procedural guidelines of the EIS system.

Major Violations

1. Projects established and/or operating without an ECC.
2. Non-implementation of substantive conditions in the ECC on the EMP and EMoP and other related substantive commitments in the EIA Report, including modifications during EIA Report Review.
3. Exceedance of project limits or area.
4. Significant addition of project component or product without prior EC approval.
5. Major change in project process or technology resulting in unmitigated significant impacts not addressed by approved EMP.
6. Other offenses, such as:
 - a) *Refusal of entry for Ecology Department inspectors to assess compliance, non-compliance or violators.*
 - b) *Falsification of self-monitoring reports to mislead the Ecology Department in assessing compliance.*
 - c) *Activity which pose danger or damage to the environment*
 - d) *Acts tending to increase potential exposure to hazardous wastes and toxic chemical substances*
 - e) *Chronic and recalcitrant violations*

A.2 Schedule of Fines and Penalties

Criteria	Penalty (PhP)	
	1 st offense	2 nd offense
Minor Violations	10,000	<i>(recurring minor violation is considered as major violation)</i>
Major Violations	25,000	50,000 plus ECC suspension with option to cease if deemed necessary
Violations of relevant environmental laws, rules and guidelines	As provided in the existing laws, rules and guidelines	

A.3 Schedule of Penalty Reduction in case of “Projects established and/or operating without an ECC”

Criteria	Percent Reduction in Penalty (%)	Equivalent Amount to be Deducted (PhP)
1. Timing of ECC Application		
Proponent applied for ECC before issuance of NOV	25	12,500
2. Percentage Project completion		
Project is 25% complete	10	5,000
Project is > 25% but < 50% complete	5	2,500
Project is > 50% complete	0	0
3. Project Cost		
Project < 5.0 M	20	10,000
Project > 5.0 M	10	5,000
4. Project Impact on the Environment		
Project does not cause adverse environmental impacts	25	12,500
<i>Note: A maximum of 80% reduction in penalty can only be imposed provided the proponent meets all of the above criteria</i>		

B. Occupational Health & Safety Regulations/Standards

B.1 Nature of Violations

Minor Violations

1. All other violations/non-compliance under the Occupational Safety and Health Standards and Code on Sanitation of the Phil. not classified as “major”.

Major Violations

1. Violations or non-compliance which endanger life or property.
2. Failure to secure sanitary clearance (for food service providers).
3. Failure to undertake initial physical examination of employees (for all establishments).
4. Failure to correct minor violations within a given time.

B.1 Schedule of Fines and Penalties

Criteria	Penalty (PhP)
Minor Violations	<ul style="list-style-type: none">• All minor violations shall be penalized in the amount not to exceed PhP 5,000.
Major Violations	<ul style="list-style-type: none">• All major violations shall be penalized in the amount not less than PhP 5,000to but not to exceed PhP 10,000.• Recommend suspension/cancellation of CRTE/PTO for failure to correct major violations within a given time.

II. BUILDING PERMIT & SAFETY DEPARTMENT

Minor Violations

- a. Failure to post Certificate of Occupancy / Use / Operation
- b. Failure to post Building Permit Construction information sign

Major Violations

- a. Unauthorized changes, modifications, alterations during construction in the plans and specifications submitted to SBMA for which it had issued building permits
- b. Unauthorized changes in the type of construction from “more fire resistive” to “less fire-resistive
- c. Failure to provide or install appropriate safety measures for the protection of workers, inspectors, visitors, immediate neighbors and pedestrians
- d. Non-compliance with order to abate or demolish
- e. Construction without an approved building permit
- f. Use or occupancy of building / structure without appropriate Certificate of Occupancy / Use / Operation
- g. Change in the existing use or occupancy without Certificate of change of Occupancy / Use / Operation
- h. Excavations left open without any work being done at the site for more than one hundred twenty (120) days

Schedule of Fines and Penalties

Type of Violation	Notice		
	1st	2nd	3 rd
Major Violation (a to h)	Warning	P50,000 Fine; and suspension or cancellation of CRTE / PTO - Suspension of housing privileges and legal action	
Minor Violation (a to b)	Warning	P35,000 Fine;	P50,000 Fine; and suspension or cancellation of CRTE / PTO - Suspension of housing privileges and legal action

Other Penalties and Surcharges

1. Construction, installing, repairing, alteration or causing any change in the occupancy / use of any building / structure or part thereof or appurtenances thereto without any

permit; surcharge of 100% of building fees; Provided that, when work in building / structure is started pending issuance of Building Permit, surcharge shall be as follows:

○ Excavation for Foundation	10% of building permit fees
○ Construction of foundation (including pile driving and Laying of reinforcing bars)	25% of building permit fees
○ Construction of superstructure up to 2.00 m. above established Grade	50% of building permit fees
○ Construction of superstructure above 2.00 m.	100% of building permit fees

2. Failure to pay annual inspection fee within thirty (30) days from prescribed date, surcharge of 25% of the inspection fees.

FIRE SAFETY AND PROTECTION (Major Violations)

A	Failure to provide safety measures for the manufacture, storage, handling and / or use of the following hazardous material:	
	Cellulose nitrate plastic of any kind	500.00
	Combustible fibers	500.00
	Cellular materials such as foam rubber, sponge rubber and plastic foam	500.00
	Flammable and combustible liquids or gases or any classification	2,500.00
	High piled or widely spread combustible stock	500.00
	Metallic Magnesium in any form	500.00
	Corrosive liquids, oxidizing materials, organic peroxide, nitro methane, ammonium nitrate, or any amount of highly toxic pyrophoric, hypergolic or cryogenic materials or poisonous gases as well as material compounds which when exposed to heat of flame become a fire conductor or generate excessive smoke or toxic gases	500.00
	Blasting agents, explosives and special industrial explosive materials, blasting caps, black powder, dynamite, nitro-cellulose, fulminates of any kind and plastic explosives containing ammonium salt or chlorate(storage materials)	2,500.00
	Liquid Nitroglycerine and liquid trinitrotoluene	2,500.00
	Fire works materials of any kind or form	2,500.00
	Matches in commercial quantities more than 60 match man's gross	500.00
	Hot ashes, live coals and embers	500.00
	Mineral, vegetable and animal oils and other derivative by products	500.00
	Recycling of combustible waste materials	500.00

	Explosives dusts and vapors (during operation stage-refueling)	5,000.00
	Agricultural forest, marine or mineral products which may undergo spontaneous combustion	500.00
B	Failure to provide safety measures for the following hazardous operations / procedures:	
	Welding or soldering	2,500.00
	Industrial / commercial baking and drying	5,000.00
	Disposal of combustible waste materials	5,000.00
	Pressurized / forced-draft burning equipment	5,000.00
	Smelting and forging	5,000.00
	Motion picture projection using electrical arc lamp	500.00
C	Failure to provide the following safety on construction and protective warning systems:	
	Termination of all exits in an area affording safe passage to a public way or safe disposal area	10,000.00
	Obstructing designated fire lanes or access to fire hydrants	5,000.00
	Overcrowding or admission of person beyond the authorized capacity in movie houses, theaters, coliseum, auditorium or other public assembly buildings, except in other assembly areas on the ground floor with open sides or open doors sufficient to provide safe exits	15,000.00
	Locking fire exits during periods when people are inside the building	15,000.00
	Prevention or obstruction of the automatic closure of fire doors or smoke partitions or dampers	5,000.00
	Use of fire protective or fire fighting equipment of the Fire Department other than for fire fighting except in other emergencies where their use are justified	5,000.00
	Giving false or malicious fire alarm	5,000.00

RULE VII – CLASSIFICATION AND GENERAL REQUIREMENTS OF ALL BUILDINGS BY USE OR OCCUPANCY

Section 701. Occupancy Classified

1. There are 10 Groups of Occupancies sub-divided into 25 Division. The accompanying matrix shows the Groupings and Divisions and the corresponding uses.
 - a. Building proposed for construction shall be identified according to their use or the character of its occupancy and shall be classified as follows:
 - i. **Group A – Residential Dwellings**

Group A Occupancies shall include:

Division 1 - Residential building / structure for exclusive use of single family occupants including school or company staff housing; single (nuclear) family dwellings, churches or similar places of worship' church rectories, community facilities and social centers; parks, playgrounds, pocket parts, parkways, promenades and play lots; clubhouses and recreational uses such as golf courses, tennis courts, basketball courts, swimming pools and similar uses operated by the government or private individuals as membership organizations for the benefit of their members, families and guests and not operated primarily for gain.

Division 2 - Residential building for the exclusive use of non-leasing occupants not exceeding 10 persons including single-attached or duplex or townhouses, each privately-owned; school dormitories (on campus); convents and monasteries; military or police barracks/dormitories; pre-schools, elementary and high schools, provided that they do not exceed 16 classrooms; outpatients clinics, family planning clinics, lying-in clinics, diagnostics clinics, medical and clinical laboratories; branch library and museums, steam/dry cleaning outlets, party needs and accessories (leasing of tables and chairs, etc.)

ii. Group B – *Residentials, Hotels and Apartments*

Group B Occupancies shall be multiple dwelling units including boarding or lodging houses, hotels, apartment buildings, row houses, convents monasteries and other similar building each of which accommodates more than 10 persons.

iii. Group C – *Education and Recreation*

Group C Occupancies shall be buildings used for school or day-care purposes, involving assemblage for instruction, education, or recreation and not classified in Group 1 or in Division 1 and 2 or Group H Occupancies.

iv. Group D – *Institutional*

Group D Occupancies shall include:

Division 1 - Mental hospitals, mental sanitarium, jails, prisons, reformatories, and buildings where personal liberties of inmates are similarly restrained.

Division 2 - Nurseries for full-time care of children under kindergarten age, hospitals, sanitarium, nursing homes with non-ambulatory patients, and similar buildings each accommodating more than five persons.

Division 3 - Nursing homes for ambulatory patients, homes for children of kindergarten age or over, each accommodating more than five persons: Provided, that Group D Occupancies shall not include buildings used only for private or family group dwelling purposes.

v. Group E – *Business and Mercantile*

Group E Occupancies shall include:

Division 1 - Gasoline filling and service stations, storage garages and boat storage structures where no work is done except exchange of parts and maintenance requiring no open flame, or the use of highly flammable liquids.

Division 2 - Wholesale and retail stores, office buildings, drinking and dining establishments having an occupant load of less than one hundred persons, printing plants, police and fire stations, factories and workshops using not highly flammable or combustible materials and paint stores without bulk handlings.

Division 3 - Aircraft hangars and open parking garages where no repair work is done except exchange of parts and maintenance requiring no open flame, welding or the use of highly flammable liquids.

vi. Group F – *Industrial*

Group F Occupancies shall include: ice plants, power plants, pumping plants, cold storage, and creameries, factories and workshops using incombustible and non-explosive materials, and storage and sales rooms for incombustible and non-explosive materials.

vii. Group G – *Storage and Hazardous*

Groups G Occupancies shall include:

Division 1 - Storage and handling of hazardous and highly flammable material.

Division 2 - Storage and handling of flammable materials, dry cleaning plants using flammable liquids; paint stores with bulk handling, paint shops and spray painting rooms.

Division 3 - Wood working establishments, planing mills and box factories, shops, factories where loose combustible fibers or dust are manufacture, processed or generated; warehouse where highly combustible materials is stored.

Division 4 - Repair garages.

Division 5 - Aircraft repair hangars.

viii. Group H – Assembly Other Than Group I

Groups H Occupancies shall include:

Division 1 - Any assembly building with a stage and an occupant load of less than 1000 in the building.

Division 2 - Any assembly building without stage and having an occupant load of 300 or more in the building

Division 3 - Any assembly building without a stage and having an occupant load of less than 300 in the building.

Division 4 - Stadia, reviewing stands, amusement park structures not included within Group 1 or in Division 1, 2 and 3 of this Group.

ix. Group I – Assembly Occupant Load 1000 or More

Groups I Occupancies shall be any assembly building with a stage and an occupant load of 1000 or more in the building.

x. Group J – Accessory

Groups J Occupancies shall include:

Division 1 - Agriculture structures.

Division 2 - Private garages, carports, fences over 1.80 meters high, tanks, swimming pools and towers.

Division 3 - Stages, platforms, pelota, tennis, badminton or basketball courts, tombs, mausoleums, niches, aviaries, aquariums, zoo structures, banks and record vaults.

Other subgroupings or divisions within Groups A to J may be determined by the Secretary. Any other occupancy not mentioned specifically in this Section, or about which there is any question, shall be included in the Group which it most nearly resembles based on the existing or proposed life and fire hazard.

III. ACCREDITATION OFFICE

A. System of Fines and Penalties

1. Minor Violations

Items	Fines	Remarks
1. Late renewal of Accreditation	US\$ 25.00	Quarterly
2. Non-posting/display of Accreditation Permit in a conspicuous place in the premises	US\$ 10.00	Per violation
3. Non-posting/ display of Sanitary Clearance in a conspicuous place in the premises	US\$ 10.00	Per violation
4. Setting up of tables/chairs/ benches from designated allowable area	US\$ 5.00	Per violation
5. Failure to wear Accreditation ID's within the SBFZ	US\$ 5.00	Per violation
6. Failure to wear prescribed uniform within SBFZ	US\$ 5.00	Per violation

2. Major Violations

Items	Fines/Penalty	Remarks
1. Operating without Accreditation <i>First violation</i> <i>Second violation</i>	US\$ 400.00 -	Advise to apply for accreditation Blacklisted form doing business within SBFZ
2. Peddling or selling or displaying of goods outside their designated area <i>First violation</i> <i>Second violation</i> <i>Third violation</i>	US\$ 25.00 US\$ 50.00 Suspended until all fines and penalties are paid	
3. Any fraudulent act/misrepresentation in the submission of documents	Cancellation of Accreditation & banned from doing business in SBFZ	
4. Fraudulence/misrepresentation in the conduct of business within the SBFZ	Cancellation of Accreditation & banned from doing business in SBFZ	

5. Hiring or employment by SBF-registered companies of non-accredited entities		
<i>First violation</i>	US\$ 500.00 US\$ 400.00	For the one hiring For the one hired
<i>Second violation</i>	Cancellation of CRTE or Certificate of Accreditation	

IV. VISA PROCESSING OFFICE

A. System of Fines and Penalties

1. Minor Violations

Items	Fines	Remarks
1. Late renewal of SSWV	<ul style="list-style-type: none"> US\$ 50.00 plus US\$ 2.00 daily until date of compliance US\$ 50.00 plus US\$ 2.00 daily until date of compliance 	Responsible: Expat Responsible: Sponsor Co.
2. Failure to downgrade	US\$ 50.00	Responsible: Sponsor Co.
3. Late Submission of Annual Report (SSIV) holders	US\$ 50.00 plus US\$ 2.00 daily until date of compliance	Responsible: Expat

2. Major Violations

Items	Fines	Remarks
1. Undocumented Illegal Worker	US\$ 1,000.00	Responsible: Expat & Sponsor (each)
2 Working with company other than sponsor company	US\$ 500.00	Responsible: Expat
3. SSWV/SSIV Holder working outside FPZ	US\$ 500.00	Responsible: Expat
4. Undocumented Foreign National	US\$ 200.00	Responsible: Expat

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