An EMPLOYERS’ GUIDE on the EMPLOYEES’ COMPENSATION PROGRAM
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## EMPLOYERS’ GUIDE ON EMPLOYEES’ COMPENSATION PROGRAM

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THE EMPLOYEES’ COMPENSATION COMMISSION

VISION

A nationally-acclaimed institution in social security promotion that is in full control of the Employees’ Compensation Program, managing a sound, strong, and wisely invested State Insurance Fund and delivering promptly, effectively and efficiently to the Filipino worker a comprehensive package of services and benefits for work-connected contingencies through pro-active, humane and dynamic policies, programs and activities.

MISSION

The ECC champions the welfare of the Filipino worker. Its mission is to:

• Build and sustain among employees and employers a culture of safety and healthful environment in the workplace;
• Ensure at all times that workers are informed of their rights, benefits and privileges under the Employees’ Compensation Program (ECP);
• Develop and implement innovative policies, programs and projects that meet the needs of workers with work-connected contingencies;
• Promptly and fairly resolve all cases brought before it;
• Restore dignity and self-esteem among occupationally disabled workers; and
• Safeguard the integrity of the State Insurance Fund.

CORPORATE VALUES

We at the ECC are God-loving, dedicated and steadfast professionals and public servants

We stand for transparency, efficiency and effectiveness in our office operations

We deal with our clients and other publics with utmost courtesy, patience and compassion

We deliver excellent services promptly and fairly to all

Most of all, we are honest, industrious and committed to our work and to the Filipino worker.
The Employees’ Compensation Program

The Employees’ Compensation Program (ECP) is a government program designed to provide a compensation package to public and private employees or their dependents in the event of work-related sickness, injury, or death.

Coverage

In the event of work-related sickness, injury, or death, the following are entitled to receive benefits and services under the ECP;

- Private sector workers who are registered as compulsory members of the Social Security System (SSS) except self-employed;
- Overseas seafarers;
- Government sector employees who are registered members of the Government Service Insurance System (GSIS) including elective government officials who are receiving regular salary; and
- Uniformed personnel of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), Bureau of Fire Protection (BFP), and the Bureau of Jail Management and Penology (BJMP).

Coverage in the program starts on the first day of employment.

Registration

Every employee shall be registered to the GSIS or the SSS through his employer within one month or thirty (30) days from the date of employment. However, no EC claim of any employee shall be rejected on the basis alone of absence of GSIS or SSS registration or EC contribution.
If the sickness, disability, or death occurs after the prescribed 30-day period of registration and before the GSIS or the SSS receives any report of the name of the concerned employee, the employer shall be liable to the GSIS or to the SSS for the lump sum equivalent to the benefits to which such employee or his dependents may be entitled.

**Contributions**

Employers pay for the EC contributions of their employees.

- For a covered employee in the private sector, his employer shall remit to the SSS a monthly contribution in accordance with the following schedule:

<table>
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<th>Range of Compensation</th>
<th>Monthly Salary Credit</th>
<th>Employers’ Contribution</th>
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<td>P900-P14,749</td>
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- For a covered employee in the public sector, his employer shall remit to the GSIS a monthly contribution of P100 per employee per month.

When a covered employee dies during employment, or is separated from employment, his employer’s obligation to pay the monthly contribution arising from that employment shall cease on the last day of the month of contingency. Likewise, when a covered employee becomes disabled during employment, his employer’s obligation to pay the monthly contribution shall be suspended during such months that he is not receiving salary or wages.
Compensability of illness or injury

Occupational Diseases

For an occupational disease and the resulting disability or death to be compensable, all of the following conditions must be satisfied:

1. the employee’s work and/or the working conditions must involve risk/s that caused the development of the illness;
2. the disease was contracted as a result of the employee’s exposure to described risks;
3. the disease was contracted within a period of exposure and under such factors necessary to contract it; and
4. there was no deliberate act on the part of the employee to disregard the safety measures or ignore established warning or precaution.

The Increased Risk Theory

There is an increased risk if the illness is caused or precipitated by factors inherent in the employees’ nature of work and working conditions. It does not include aggravation of a pre-existing illness.

To establish compensability of the claim under the Increased Risk Theory, the claimant must show proof of work-connection. The degree of proof required varies on a case to case basis.

Pre Employment and Periodic Medical Examination

The employer shall require pre-employment medical examination of all prospective employees and provide periodic medical examination to employees who are exposed to occupational diseases.
Prescribed Minimum Standards for Periodic Medical Examinations Designed for the Early Detection of Occupational Diseases

(Annex B of Amended Rules on Employees’ Compensation Commission)

A. When the risk exists as to the exposure to any of the occupational hazards enumerated in the “List of Occupational Diseases”, employers shall require his employees to undergo:

1. A periodic medical examination to be carried out at intervals, and in accordance with the condition, outlined in 2 and 3 below;
2. Periodic examinations at intervals of 3 months, or less, if workers are exposed to the following:
   a. Benzene (Benzol) or the nitro or amino-derivatives or benzene or its homologues.
   b. Ionizing radiations
   c. Organic phosphorus insecticides, where the interval may be shorter (as in spraying)
3. Periodic examinations at intervals not exceeding 6 months in cases of exposure to the following
   a. Lead or its toxic compounds
   b. Mercury or its toxic compounds
   c. Manganese or its toxic compounds
   d. Carbon disulfide
4. Periodic examinations at intervals not exceeding one year in cases of all other exposure enumerated in the “List of Occupational Diseases” and not covered under 2 or 3 above
5. Under special circumstances, medical examinations shall be repeated at intervals shorter than specified under 3 and 4 as recommended by the authorized medical officers.
B. The medical examination shall be as complete as possible, but shall primarily be directed towards the early detection of occupational diseases. This necessitates that certain aspects of the examination be stressed in certain types of exposures:

1. Examination of urine and urinary bladder in workers exposed to alphanaphtylamine, betanaphtylamine or benznidine or any of their salts, and suramine, or magenta,

2. Examination of the skin and eyes in workers exposed to tar, pitch, bitumen, mineral oil, paraffin or soot or any compound, product, or residue of any of these substances.

3. Examination of the eyes in workers exposed to infrared rays from molten metal, red hot metal or molten glass.

4. Examination of the skin in workers exposed to skin irritants and sensitizers.

5. Audiometric examinations in workers exposed to excessive noise, particularly in the higher frequencies

6. Examination of the gastro-intestinal and nervous systems, blood, skin, mucous membranes, and lungs in workers exposed to toxic compounds of arsenic.

7. Examination of the skin, eyes, and blood in workers exposed to ionizing radiations.

8. Examination of the gastro-intestinal and nervous systems, blood, skin, mucous membranes and lungs in workers exposed to toxic compounds of arsenic.

9. Examination of the blood in workers exposed to benzene or the nitro or amino derivatives or benzene or its homologues.

10. Examination of the skin and lungs in cases of exposure to beryllium.

11. Examination of the skin and respiratory tract in workers exposed to nickel, chromium, or their toxic compounds.
12. Examination of the nervous system, eyes, blood, and skin in workers exposed to nickel, chromium, or their toxic compounds.
13. Examination of the blood in workers exposed to carbon monoxide.
14. Examination of the eyes and respiratory tract in workers exposed to chlorine or sulfur dioxide.
15. Examination of the liver and kidney in workers exposed to dinitrophenol and its homologues.
16. Examination of the skin, liver, kidneys, and gastro-intestinal and nervous systems in workers exposed in halogen derivatives of aliphatic hydrocarbons.
17. Examination of the blood, urine, gastro-intestinal and neuro-muscular systems in workers exposed to mercury and its toxic compounds.
18. Examination of the nervous and gastro-intestinal systems, the kidneys, and eyes in workers exposed to mercury and its toxic compounds.
19. Examination of the bones, especially the lower jaw in workers exposed to phosphorus, and the choline-esterase activity in workers exposed to organic phosphate insecticides.
20. Examination of the lungs in workers exposed to risk of tuberculosis infection, silica dust, asbestos, and cotton dust.
21. Examination of the presence of peripheral vascular disturbance in workers exposed to vibrating tools.

C. Results of medical examinations shall be reported to the System in a prescribed form which indicates the dates of examinations, results, and recommended action.

D. Cases of occupational diseases discovered shall be reported by the employer to the System in a prescribed form.
Work-related Injuries

For the injury and the resulting disability or death to be compensable, the injury must be the result of an accident arising out of and in the course of employment.

The injury or the resulting disability or death sustained by reason of employment are compensable regardless of the place where the incident occurred, if it can be proven that, at the time of the contingency, the employee was acting within the scope of employment and performing an act reasonably necessary or incidental to it.

Injuries or death resulting from any of the following shall also be compensable:

1. Injuries resulting from an accident which happened at the workplace.

   Slips, trips, fall, and strains are only a few examples of an accident which may happen at the place where an employee is required to be as part of his work.

   Injuries, and its resulting disability or death, sustained by employees who are required to stay in the premises or in quarters furnished by the employer regardless of the time of its occurrence are also compensable except when the disability or death was caused by the employee’s intoxication, willful intention to injure or kill himself or another, or notorious negligence.

2. Injuries resulting from an accident which happened while the employee is performing his official function.
3. **Injuries resulting from an accident which happened outside of the workplace but while the employee is performing an order of his employer.**

An injury sustained by an employee outside the company premises is compensable if it is covered by an office order, locator slip, or a pass for official business. The injury is likewise compensable where the employee was performing official functions outside regular working hours and beyond the place of work.

4. **Injuries resulting from an accident which happened while going to or coming from the place of work.**

An injury or death of a covered employee in an accident while he is going to, or coming from, the workplace shall be considered compensable under the ECP provided that the act of the employee in going to, or coming from, the workplace must have been a continuing act; that he had not been diverted therefrom by any other activity, and he had not departed from his usual route to, or from, his workplace.

5. **Injuries resulting from an accident which happened while ministering to personal comfort**

Acts performed by an employee within the time and space limits of his employment, to minister to personal comfort such as satisfaction of his thirst, hunger, or other physical demands, or to protect himself from excessive cold, are deemed incidental to his employment. Injuries sustained by the employees as a result of an accident while performing such acts are considered compensable and arising out of and in the course of employment.
6. Injuries resulting from an accident while the employee is inside the company shuttle bus

7. Injuries resulting from an accident which occurred during a company-sponsored activity.

8. Death of an Employee Due to Assault

   The death of an employee as a result of a murderous assault is compensable when the same occurred in the course of performance of official functions.

   Motive of assault need not be established if the covered employee sustained injury while he was at the assigned or designated workplaces; if the employee was executing orders of employer; or the employee was “going to or coming from” his workplace, subject to the existing guidelines of the same.

   Motive is important in cases where the covered employee was on vacation leave, off-duty, or was at home when the incident happened. Disclosure of the motive is an aid in determining causal connection between the incident and the employment.

   Injuries, which resulted to disability or death, sustained by a soldier or policeman when responding to a crime situation or when performing their sworn duties as law enforcer while he was not at his assigned post, is also compensable under the ECP.

Excepting Circumstances

   No compensation shall be allowed to the employee or his/her dependents in cases when the sickness, injury, disability, or death
was occasioned by any of the following:

1. **Intoxication**
   Intoxication refers to a person’s condition in being under the influence of liquor or prohibited drugs to the extent that his acts, words, or conduct is impaired visibly, as to prevent him from physically and mentally engaging in the duties of his employment.

2. **Notorious Negligence**
   Notorious negligence is something more than mere or simple negligence. It signifies a deliberate act of the employee to disregard his own safety or ignore established warning or precaution.

3. **Willful Intent to Injure Oneself or Another**
   This contemplates a deliberate intent on the part of the employee to inflict injuries on himself or another.

**Benefits under the ECP**

**Loss of Income Benefit**

Under the ECP, it is the disability, or the incapacity to work, which is being compensated and not the illness or the injury.

**There are three types of loss of income benefit.**

1. **Temporary Total Disability (TTD)**
   - For a disability that prevents an employee from performing his work for a continuous period not exceeding 120 days
   - The amount of daily income benefit shall be ninety percent (90%) of the employee’s average daily salary credit as determined by the Systems.
2. **Permanent Total Disability (PTD)**

A monthly income benefit granted for disabilities, such as, but not limited to, complete loss of sight of both eyes, loss and function loss of both limbs, and brain injury resulting to imbecility or insanity.

The amount of monthly income benefit for PTD shall be determined by the Systems based on the average monthly salary credit or average monthly compensation (AMSC/AMC).

3. **Permanent Partial Disability (PPD)**

A monthly income benefit is granted for disabilities that result in physical loss (amputation) or functional loss of a body part.

The number of monthly pensions is based on the corresponding body part loss or functional loss, as provided under Article 193 of PD No. 626, as amended, and EC schedule of Compensation.

**Medical Services**

It includes reimbursement of the cost of medicines for the illness or injury, payment to providers of medical care, hospital care, surgical expenses, and the costs of rehabilitation appliances and supplies. The medical services are limited to ward services of hospitals duly accredited by the Department of Health (DOH).

The following are not included:

1. Extra charge for more comfortable accommodations such as private and semi-private rooms;
2. Personal comfort or convenience such as charges for the use of telephone, radio, or television; and

3. Private duty nurses
   If the patient received a more expensive service, the System shall only pay for the ward services. However, private or semi-private accommodations shall be paid by the System when it is medically necessary or there is no immediately available ward bed.

   Only necessary and relevant services shall be paid by the System. Laboratory and/or radiology services or medicines shall be kept to a level considered by the physician reasonably necessary and relevant to the particular illness or injury. Ambulatory services in an accredited hospital shall be allowed only in case of injury.

A. Hospital Confinement

   The benefits for each day of confinement in an accredited hospital shall only be for ward services.

   The benefit in case of sickness and injury shall not exceed the actual cost of ward services in accredited hospital equipped with facilities necessary for the treatment of the disease and injury.

   Confinement shall be counted in units of a full day, with the day of admission counted as a full day but not the day of discharge.

B. The subsequent attendance by an accredited physician
C. Medicines

Medicine reimbursements shall be in accordance with the amount prescribed under Republic Act No. 9502, otherwise known as “Universally Accessible Cheaper Quality Medicine Act No. 2008”.

**Processing of EC Medical Reimbursement with Previous PhilHealth and/or HMO benefits**

After the allowable HMO and/or PhilHealth benefits, if any, have been completely exhausted for a particular confinement or consultation, only the out-of-pocket expenses of the employee with work-related sickness or injury shall be the subject of claim for EC medical reimbursement.

The amount of reimbursement should not be higher than the actual amount paid by the said employee and the prevailing rates prescribed by the Commission.

Claim for EC medical reimbursement from the employer may only be allowed in case the employer has paid the hospitalization expenses of the employee with work-related sickness or injury.

**Carer’s Allowance**

A supplemental pension of P575/month is provided to pensioners under the ECP who suffer from work-connected PPD and PTD.
Rehabilitation Services/KaGabay Program  
(Katulong at Gabay sa Manggagawang May Kapansanan)

Persons with work-related disabilities (PWRD) with an approved EC TTD, PPD or PTD are qualified to avail of the benefits and services under the Katulong at Gabay sa Manggagawang May Kapansanan, or KaGabay Program.

Under this program, qualified beneficiaries are entitled to:

A. Physical Restoration
   Provision of physical or occupational therapy services to PWRDs including assistive devices, subject to funding limitations.

B. Skills Training for Re-employment
   PWRDs can acquire new competencies, subject to his/her potential and residual functional capacity.

C. Entrepreneurship Training
   PWRDs who want to set up their own livelihood undertaking are given the chance to take part in entrepreneurship training.

All these benefits and services are provided to qualified PWRDs for free.

Incentives for Employers Hiring Persons with Disabilities (PWD)

To encourage the active participation of the private sector in promoting the welfare of disabled persons and to ensure their gainful employment, Section 8 of Republic Act No. 7277, otherwise known as the Magna Carta for Disabled Persons, provides for adequate incentives to private entities which employ disabled persons. They are entitled to an additional deduction, from their gross income, equivalent to twenty-five (25%) of the total amount paid as salaries and wages to disabled persons who meet the required
skills or qualifications, either as regular employee, apprentice, or learner.

Furthermore, private entities that improve or modify their physical facilities in order to provide reasonable accommodation for disabled persons shall be entitled to an additional deduction from their net income, equivalent to fifty percent (50%) of the direct cost of the improvements or modifications.

Requirements for entitlement to incentives are as follows:

A. For employing disabled workers:
   a. Accreditation from the Department of Health (DOH) as to the type of disability/ies of the worker/s;
   b. Accreditation from the Department of Labor and Employment (DOLE) as to the skills and qualifications of the disabled worker/s; and
   c. Certification of Employment of the accredited disabled worker/s from the concerned DOLE Regional Director

B. For improving or modifying physical facilities for reasonable accommodation for disabled employee/s:

   a. Certification from the building inspectors in consultation with the Department of Social Welfare and Development (DSWD) and other concerned groups in the region where the facilities are located.

Section 5 of Republic Act No. 10524, or An Act Expanding the Positions Reserved for Persons with Disability, requires that at least one percent (1%) of all positions in all government agencies, offices, or corporations shall be reserved for persons with disability. On the other hand, private corporations with more than one hundred (100) employees are encouraged to reserve at least one percent (1%) of all positions for persons with disability.
Death Benefits

The beneficiaries of the deceased employee are entitled to an income benefit if the employee died as a result of a work-related injury or sickness.

They shall receive an income benefit paid at the beginning of the month of death of the member and will continue for as long as they are entitled there to.

The surviving legitimate spouse is entitled to receive income benefit until he or she remarries.

Each dependent child, not exceeding five, counted from the youngest and without substitution, shall receive ten percent more as dependent’s pension.

Funeral Benefits

An amount of **P20,000** may be granted for the Private Sector upon the death of an employee who died as a result of a work-related accident or disease.

Simultaneous Granting of EC Disability Benefits and Sick Leave Benefits for Private Sector.

EC disability benefits are granted to employees who meet work-connected accidents or diseases while the said employee is on sick leave with pay.

Simultaneous Granting of EC Disability Benefits and Special Leave Benefits for Women in the Private and Public Sector.
In the event that an employee’s gynecological disorders were found to be work-connected, all qualified women employees in the private and in the public sector can still avail of EC disability benefits in addition to Special Leave Benefits under Republic Act No. 9710, otherwise known as “Magna Carta for Women”.

For purposes of granting EC disability benefits due to gynecological disorders, the concerned woman employee must prove that her working conditions caused or contributed to the manifestation of the said disorder.

**EC Logbook**

**Notice Requirement**

Every employer shall keep a logbook to record chronologically the sickness, injury, or death of their employees containing the names of the employees; dates, places, and nature of contingency; and absences.

Entries in the logbook should be made within five (5) days from notice of knowledge of the contingency. Within five (5) days after entry in the logbook, the employer shall report to either SSS or GSIS only those contingencies he deems to be work-related.

Manual or electronic recording of such contingencies is acceptable, for as long as the information or data entered into and recorded by the employer is accurate and sufficient.

However, the mere absence of a logbook shall not result in the suspension of the evaluation of claim.
Filing of EC Benefits Claim

A. How to file EC Benefits Claims?

Proceed to the nearest SSS and GSIS branch to file for the EC benefits claims. Fill out the prescribed forms and prepare supporting documents for your benefits claim. The list of the documentary requirements are posted in SSS (www.sss.gov.ph), GSIS (www.gsis.gov.ph) and ECC (www.ecc.gov.ph) websites.

EC Medical Reimbursement claims can only be filed after the EC sickness/accident/disability/death claim has been approved by the GSIS.

C. Appeal for Denied Claims

EC claims denied by the SSS or GSIS may be appealed to the Employees’ Compensation Commission (ECC) through a simple letter of appeal.
D. Prescriptive Period

No claim for compensation shall be given due course unless said claim is filed with the System within three years from the time the cause of action accrued.

Reckoning Date of the Prescriptive Period

1. For sickness, it is the time the employee lost his earning capacity.
2. For injury, it is from the time it was sustained.
3. For death, at the time of death of the covered employee.

LIABILITIES OF AN EMPLOYER

Non-registration of employee

If the sickness, disability, or death occurs after the prescribed 30-day period of registration and before the GSIS or the SSS receives any report of the name of the concerned employee, the employer shall be liable to the GSIS or to the SSS for the lump sum equivalent to the benefits to which such employee or his dependents may be entitled.

Contributions

Under Section 3, Rule V of the Amended Rules on Employees’ Compensation, the following penalties shall be imposed on any violations on the provisions on contributions;

Any employer who is delinquent in his contributions shall be liable to the System for the benefits which may have been paid to his employees or their dependents, and any benefit and expenses to which such employer is liable shall constitute a preferred lien on all his property, real or personal, over any credit except taxes.
The payment by the employer of the lump sum equivalent of such liability shall absolve him from the payment of the delinquent contributions due and payable during the calendar year of the contingency and penalty thereon with respect to the employee concerned, but said employer shall be subject to criminal liability.

In case of such delinquency, the employer or responsible official who committed the violation shall be punished with a fine of not less than P1,000 nor more than P10,000 and/or imprisonment for the duration of the violation or non-compliance or until such time that a rectification of the violation has been made, at the Court’s discretion.

If any contribution is not paid to the SSS, the employer shall pay besides the contribution a penalty thereon of 3 percent a month from the date of the contribution falls due until paid.

**Safety Devices**

The employer shall comply with safety and health laws and shall take the necessary precautions for the prevention of work-related disability or death.

In case an employee gets injured or dies due to failure of the employer to comply with the safety devices requirement, the employer shall pay the State Insurance Fund a penalty of 25 percent of the lump sum of equivalent of the monthly income benefit due to the employee.
EC Logbook

In case of the employer’s failure to record in the logbook an actual sickness, injury or death of any of his employees within the period prescribed by the EC Law or gives false information or withholds material information provided by the employer in relation to his employee’s claims for EC benefits, sanction shall be imposed on the employer. These shall include a liability for a 50 percent of the lump sum benefit and/or a fine ranging from P500-P5000 and imprisonment ranging from six months to one year.
An Employers’ Guide on the Employees’ Compensation Program

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ECC-REU No. VII
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Gorordo Avenue, cor. Gen. Maxilom Avenue, Cebu City
Tel. No. (032) 266-9722 / Email: reu7@ecc.gov.ph

ECC REU No. VIII
Address: Department of Labor and Employment, DOLE Compound
Trese Martires Street, Tacloban City
Tel. No. 053-3255236 / Fax. No. 053-5234220 / Email: reu8@ecc.gov.ph

ECC-REU No. IX
Address: Department of Labor and Employment (DOLE)
3/F QNS Bldg., Vet. Ave. Extension, Tumaga Road, Zamboanga City
Tel. No. (062) 991-2673 / Email: reu9@ecc.gov.ph

ECC-REU NO. X
Address: Department of Labor and Employment (DOLE)
3/F Gonzalo Go Bldg., Corrales Avenue, Cagayan de Oro City
Tel. No. (082) 727-682 / Fax. no. (088) 231-2041 / Email: reu10@ecc.gov.ph

ECC-REU NO. XI
Address: Department of Labor and Employment (DOLE)
4th Flr., Davao Ching Printers Bldg. cor. Dacudao Avenue
and Lakandula Street, Agdao, Davao City
Tel. No. 082-2274289 / Fax. No.: 082-2262671 / Email: reu11@ecc.gov.ph

ECC-REU XII
Address: Department of Labor and Employment (DOLE)
314 Upper Paredes Street, Koronadal City, South Cotabato
Tel. No. (083) 228-2190 / Fax. No. (083) 228-2190
Email: reu12@ecc.gov.ph