

**[DOLE DEPARTMENT CIRCULAR NO. 3, SERIES OF
2009, October 22, 2009]**

**GUIDELINES ON THE PROCEDURE FOR CLOSURE OF BUSINESS,
FIRM OR ESTABLISHMENT UNDER REPUBLIC ACT NO. 9231**

I. Purpose

This Circular is being issued to guide the DOLE Regional Offices on the procedure for closure on the basis of Republic Act. No. 9231 (*An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child*), particularly its Section 16 g, amending Section 16 – Penalties of Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) and Department Order No. 65-04 or the Implementing Rules and Regulations of R.A 9231, particularly Sections 21, 23 and 24.

II. Closure after Notice and Hearing

In accordance with the abovementioned legal basis, the Secretary of Labor and Employment or the Regional Director may order the closure of any business, firm, or establishment found to have violated any of the provisions of R.A 9231 more than three (3) times. Prior notice and hearing is required before the issuance of such Closure Order, unless there is a ground for immediate closure, as set forth in Section III below. The hearing for the issuance of Closure Order shall be summary in nature.

III. Immediate Closure

Prior notice and hearing is not required if any of the following circumstances or grounds is present:

1. The violation of any provision of R.A. 9231 has resulted in the death, insanity, or serious physical injury of a child employed in such establishment;
2. Such firm or establishment is employing a child for prostitution or obscene or lewd shows; or
3. There is imminent danger to the life and limb of the child. An *imminent danger is a condition or practice that could reasonably be expected to cause death or serious physical harm before abatement under the enforcement procedures* can be accomplished. (Rule 1012.02 Occupational Safety and Health Standards)

Under any of the above circumstances, the Secretary of Labor and Employment or the Regional Director shall order the immediate closure of the business, firm or