

# **On the House Technology Industries (HTI) Factory Fire**

A Full Report of the National Fact-Finding Mission

Held on February 4-5,2017

## **I. Introduction**

### ***Background***

On February 1, 2017, at around 6 PM, a fire broke inside the premises of the three-storey building owned by HTI. Accounts from the workers indicated that between 1,000-2,000 workers were inside the building at that time. Some of the workers were about to leave HTI and some were coming in for their shift.

Authorities declared the fire under control on February 2 at 12:30 PM. However, the building continued to emit heavy smoke flames again by 7 PM until about past 11 PM. By February 3, BFP Region IV-A Director Sergio Soriano officially declared “fire out.” On February 4, the Governor of Cavite said that there were no fatalities, only the 126 workers injured and that all employees have been accounted for.

On February 2, CTUHR, IOHSAD, EILER and KMU dispatched a Quick Response Team and initial fact-finding Mission in the area to check on the situation. Cavite-based organizations also joined and kept a round-the clock incident monitoring until the morning of February 4. Interviews with HTI workers in surrounding communities were conducted, and all of the respondents remarked that many were trapped and presumed dead inside the burning building, contrary to the prior announcement of Cavite Governor Boying Remulla.

Workers’ and witnesses claims prompted a much broader NFFM on February 4 and 5.

### ***Conduct of the NFFM***

The 40-member National Fact Finding Mission (NFFM) led by Center for Trade Union and Human Rights (CTUHR), together with the Ecumenical Institute for Labor Education and Research (EILER), Institute for Occupational Safety, Health and Development (IOHSAD), Kilusang Mayo Uno (KMU), Karapatan, BAYAN, Cavite-based Workers Assistance Center (WAC) and other national and Southern Tagalog-based organizations (*see full list of organizations at the end*) went to Cavite to investigate the tragedy. The NFFM teams went to communities in different barangays in Tejero, parts of Tanza, General Trias, Rosario, Naic and Noveleta, where workers boarding houses are located.

The NFFM team also visited Divine Grace Medical Center and General Trias Hospital while other teams were stationed in Gates 3 and 5, and the surrounding eateries. In total, the NFFM interviewed 31 workers: 12 whom are regular, 4 directly hired by HTI, 5 agency-hired, a former HTI worker, 2 canteen workers and 12 relatives and family members of victims confined in the hospitals. Most of those interviewed were migrant workers from far provinces of Zamboanga,

Misamis Oriental, Iloilo, Leyte, Pangasinan to Bicol, Quezon, Batangas, and Bulacan. The NFFM also interviewed friends of HTI workers, and passers-by, drivers and workers at several eateries surrounding Cavite Export Processing Zone (CEPZ). Even after February 5, members of the NFFM continues to get bits of information from HTI workers reiterating higher number of casualties and a probable cover-up of the tragedy.

## **II. Findings**

Nearly all those interviewed by NFFM believed that many were trapped inside and have died. The stream of people desperately seeking to go out of the building was too big for the employee's passageways and fire exits to accommodate. There were accounts that the fire exits were locked, forcing escaping workers to break windows as their means of egress. Workers claim that the company's exit stairs land inside the building, or in the delivery section within the company compound. There was no exit that lands on the streets. A witness shared that he did not see anyone who escaped using the same exit he went out of, only through passageways and windows.

There were accounts that windows were tightly screwed on window sill and witnesses saw workers including a pregnant woman jumped out from the third floor window. Other witnesses narrated that on their way out, they left behind workers on the floor, unconscious. They also saw flames rapidly chasing the escaping workers. Relatives of those who were injured also told that their relative was able to escape by crawling over and stepping on unconscious bodies on the floor, whom they presumed dead.

The National Building Code of the Philippines (Republic Act 6541) and the Occupational Safety and Health Standards prescribed specific design, size, width and dimension for fire exits and passageway, particularly in structures for different loads and those that contain highly combustible materials for safer egress and other. Examining the accounts, the law's prescriptions were amiss in the HTI fire, the biggest fire in the country's history of Export Processing Zones (EPZs).

NFFM has reasons to believe that the number of injured or fatalities is higher than what was reported by Cavite Governor Boying Remulla, the primary source of information cited by members of the media. The unusual silence of the workers and community residents about a fire of such magnitude that raged for 48 hours is alarming. The PEZA statement that resonated what was said by the Governor is doubtful and raises an urgent call that the tragedy must be thoroughly and independently investigated so that justice can be served.

### ***Difficulty in data gathering***

The NFFM combed the different barangays where HTI workers are known to be living. The team noted the evident, unusual hesitance of survivors and witnesses to talk about the HTI factory fire and there were several instances that CEPZ workers whom the NFFM team approached remarked that they know nothing about the fire. The NFFM team continued to interview

workers and residents, many of whom asked for complete anonymity. A handful gave their names and numbers, but just the same, they requested not to use their real names. The NFMM team found survivors and workers who were reporting for their shift when the fire broke out. They affirmed that many of the workers were possibly trapped inside the building.

*Survivors, families, relatives of victims, and other witnesses Accounts*

1. **The fire started at the 2<sup>nd</sup> floor production area and quickly spread inside the building through a centralized vacuum** – On the day of the fire, the employees were already shifting for duty, and were having a meeting. They noticed that smoke and fire was coming out of the vacuum outlet. The employees screamed and ran towards the stairs. Survivors noted that the fire started at around 6 PM, when a panel saw scraped a metal object attached to the wood being cut. The saw dusts caught the spark and the fire ignited. The centralized vacuum located close to the machine was turned on and it quickly sucked the burning saw dusts, which flowed through the duct. In seconds, the fire quickly spread. A loud explosion was heard.

The orbit fans (ceiling fan) ventilating the area escalated the spread of the fire. The building was covered with thick black smoke within minutes and workers scampered to get out of the building. A witness saw the fire quickly spread due to the chemicals, such as thinner, urethane, paint, solvent, 100% alcohol, acetone, and hydraulic oil stored in the second floor where he was working. Another witnesses attested that each shift was given a container of chemicals for production use.

Accounts point that between 2 to 5 minutes as the victim's relative shared, explosions followed and the fire engulfed the HTI main building. There was a stampede on the stairs and many of the workers were already burning. The first floor where the delivery, packaging and supplies are located also quickly caught fire. Workers said that normally, wood supplies and about a thousand pieces of Styrofoam in estimated 7ft x 5ft x 140mm (2.1m x 1.5m x 140mm) each were used for packaging finished products are found at the 1<sup>st</sup> floor.

An HTI worker who was in another building and initially helped the escaping workers get out said that when fire trucks arrived many minutes later, (about 15-20 minutes, witnesses noted) firemen aimed their fire hoses at both sides of the building, leaving the middle section to collapse first.

2. **The employees' regular entrance to and exit from the HTI main building also served as the main passageway for escaping workers. Witnesses recounted that the exits, the same ones used for fire drills landed inside the building and none redirects on the streets or**

**open courts limiting chances for safer egress. There were fire exits which were locked, survivors attest.**

- 2.1 The NFFM did not hear accounts of survivors stating that they used the fire exits as their means of egress. Two survivors noted that the fire exit was locked and windows were tightly screwed at the window sill. They had to break window glasses to get out. Mario (not real name) from another HTI building also said that he saw workers jumping out of the window, majority of whom were women.
- 2.2 The stairs close to where the fire started and explosions were heard became impassable even at the early stage of the fire. A regular worker assigned in the 'inside section doing ceramics for flooring' (close to where the fire started) narrated that the he heard the alarm, but couldn't remember if he heard instructions to evacuate. Together with his ten other co-workers, he hurriedly moved since the fire was quickly moving to their direction. He used the main staircase at the opposite end close to the toilet, where the throngs of other panicking workers were rushing out. He was not sure if all the workers in the burning section of 2<sup>nd</sup> and the 3<sup>rd</sup> floor were able to go down (towards the ground floor) and get out because they will be heading directly towards the fire. He said that there were more women in the 3<sup>rd</sup> floor where Quality Control and 'balcony' (a production section where house balcony is made) workers are located.
- 2.3 A canteen worker also recounted that the staircase near the toilet was not enough for the number of workers rushing out. Alex (not his real name) narrated that when he heard the alarm, he was only able to shut off the gas pipe, not the individual 50kg LPG tank in the canteen. *"Kailangan kong maghanap ng ibang daanan kasi punong puno ang hagdan, may mga nahimatay na hanggang makalabas ako. May nadaanan akong magnobyong siguro, na sa banyo napasok, umiiyak at magkayakap. Nang nasa labas na ako ng building, wala akong nakitang dumaan sa fire exit, maraming tumatalon sa bintana, mula second at third floor, mga babae, kasama na iyong buntis. Hindi ko alam kung anong nangyari sa kanila. Maraming naiwan don sa loob."* (I needed to find other way out because the stairs close to the toilet were crowded with people, others fell unconscious. As I ran I also saw a couple headed towards the bathroom crying and embracing each other. When I was already out of the building, I did not see anyone passing through the fire exit, but I many women, including a pregnant one, jumping out of the window from the second and third floor.
- 2.4 A casual worker who left HTI last year described the HTI fire exits. He said that there were six (6) Metal Fire Exits in the entire HTI Panel building (main building gutted by fire).
- Three (3) of these exits, approximately 4 feet (1.22 meters) wide were located at the 3<sup>rd</sup> floor and land inside the main building. Out of these, the two escape stairs were

located in BAY WINDOW department and the other was in BALCONY WALL. Both these escape stairs were facing the main road and land at the LOADING AREA at the ground floor. The HTI main gate is also situated facing the main road few meters away.

Another fire escape stairs was in BALCONY MONCHO (a department where wall tiles are manufactured) which also land at the ground floor inside the building close to the main stairs and LOCKER ROOM. Another fire exit was near the BALCONY CEMENT and PREPARATION area which is 50 meters away from BALCONY MONCHO.

The other two fire escape stairs were near the BUILDING MAIN ENTRANCE and at the side near BALCONY WALL, not far from the main entrance. These 2 fire escape stairs were both good for only one person at a time, its bottom end steps are 10 feet above the ground, which means that anyone using them as passage need to jump quite high to reach the ground. The ground floor had the packaging and supply section containing Styrofoam and woods, both highly combustible.

**3. Passageway is not wide enough, insufficient to accommodate the huge stream of rushing workers desperately trying to get and eventually causing a stampede.**

3.1 Reports revealed that there were about 6,000 people in the factory when the fire broke out. Interviewed by NFFM, HTI workers and survivors maintained that the employees' staircases were insufficient to hold the huge stream of workers rushing out.

3.2 Workers claimed that the MAIN ENTRANCE DOOR into HTI panel building is only approximately 6 feet (1.83 meters) wide. The distance from the MAIN STAIRS going to 2<sup>nd</sup> floor, canteen, and 3<sup>rd</sup> floor is estimated at 60 feet (18.29 meters). The MAIN STAIRS are approximately only 5 feet (1.52 meters) wide. The CANTEEN is situated between the 2<sup>nd</sup> and 3<sup>rd</sup> floor (closer to the second), which could be considered as mezanine Floor. It is in the canteen where workers from the 2<sup>nd</sup> and 3<sup>rd</sup> floors meet.

The workers also claim that the only spacious area inside the Panel Production building in 2<sup>nd</sup> and 3<sup>rd</sup> floors is the passageway for battery-operated forklift, estimated at 9 feet (2.74 meters) wide along the sides of production lines in a circular form. When the fire broke out, the company was in full operation and there were workers who performed overtime work. The space in between the production lines, where workers are standing back-to-back while working is only fit for passage of one person, especially when operation is in full swing.

**3.3** Survivors noted that workers were screaming and others stumbled while thick black smoke covers the production area. Several workers had their backs burned by the blazing fire and other workers fell unconscious and were left behind by the rushing crowd. There was stampede which also made it quite impossible for all workers to get out safely.

**4. Many were trapped inside, and possibly dead, survivors recounted**

- 4.1 Nearly all the NFFM respondents believed that there were many workers trapped. They attested that given the speed and magnitude of the fire, the stairs that were ablaze and the panic, it was impossible that all workers were able to run for safety. Alex who managed to escape the building shared that on his way out from the canteen, there were already workers who lay unconscious. He further added that there was no way that the couple who headed to the toilet would have gotten out.
- 4.2 A 22-year old survivor recounted that as explosions were heard and thick black smoke covered the area, he had difficulty finding an exit. *“Ang nakikita ko na lang po ay makapal na usok, yong iba pong manggagawa nakahiga na at walang malay. Gusto ko pong kunin at hatakin ang mga kasamahan ko pero hindi ko na po kinaya. Sinundan ko na lang po ang liwanag na nakita ko at nakalabas naman ako. Ang tiyak ko po ay maraming naiwan sa loob.”* (I can only see the thick smoke, the other workers were unconscious. I want to get and pull my co-workers but I could not. I just followed a light that I saw until I was able to get out. What I am sure of is that there were many left inside).
- 4.3 A similar story was told by a victim’s relative at the hospital. He said that his sister worked in the third floor when she saw fire coming out of the vacuum. She ran towards the stairs but it was already crowded so she went to the other stairs, where she found that it was also full of people. At the time her back was already burning. Desperate, she braved going through the thick smoke and the fire and jumped from the window to the second floor. It was dark but the victim recounted having crawled over bodies on the floor. She jumped out of the window of the second floor; her feet were caught up in the railings resulting to more injuries. She sustained second degree burns in her back, hands and feet. Another family member of one of the survivors confined in the hospital narrated that her relative suffered first, second and third degree burns. Her relative was working in the third floor.
- 4.4 Another survivor also said that he jumped out of the second floor and fell and crawled over the bodies lying on the first floor and whom he suspected to be dead.
- 4.5 NFFM team members also got information from vendors, tricycle drivers and bystanders outside the Gate 5 of CEPZ, exchanging stories they heard from workers that survivors who jumped out from the second and third floors were crawling over dead bodies.

## **5. Were all the workers, including agency-hired accounted for?**

By February 4, Cavite Governor Boying Remulla announced that all workers were accounted for. NFFM however, met with two agency-hired workers on February 4 and 5, both who had not reported to their agencies since the fire broke out. This also raised doubt that the list posted in Gate 5 could only be referring to the regular workers. HTI have set up a help desk on February 2, listing the names of the victims but it was removed on February 3 according to several accounts including PEZA security guards.

There is a huge probability that only regular employees have been listed and accounted for and not the contractuels who were supposedly under the supervision of their own agencies.

#### 6. Unusual silence in the community

There was an unusual silence in the communities that NFFM visited. Residents and even HTI workers are evasive when asked about the HTI fire. There were interviewees encountered by NFFM who also spoke in hushed voices even if they were in boarding houses. This prompted the NFFM to believe that there is an apparent move to block unofficial information out of the public knowledge.

Those who were interviewed spoke in low voices and asked the NFMM members to keep their names secret, or refused to give their names and photographs taken. Owners of boarding houses particularly those visited on February 5, denied having boarders from HTI, even if HTI uniforms are hanging outside the windows.

The NFFM learned that on February 2, the employees were summoned by HTI management to report for work. Workers were told not to come for work until February 6, and that they will be paid in full until February 4.

One of the relatives told the team that they were forbidden by HTI to speak to anyone about the tragedy. On February 4, the workers were again required to report inside the HTI. When the NFFM team members returned to the communities previously visited, previous interviewee confided that the management asked them to delete all photos taken about the fire. Asked why he and other workers seem to avoid sharing stories about the fire, fear of losing jobs was their answer.

### III. **Whitewashing**

Since February 1, the management of HTI, PEZA and the LGU barred the media from entering the CEPZ. At the onset Gov. Remulla asserted that PEZA has an independent charter, alluding that HTI is outside the LGU's jurisdiction. By mid-day of February 2, the two hospitals where the injured are confined have restricted entry and access to victims and information was limited to hospital official bulletins. A regular worker for some years also revealed that even in 2013 fire, media were not given access.

Since February 3, HTI management was completely silent about the fire, while Gov. Remulla was still the only one giving out information. PEZA on the other hand kept reiterating that HTI was certified as compliant. DOLE Region IV simply echoed what had been said and announced that it will start a probe. On the afternoon of February 4, NFFM team member witnessed that media were finally allowed to enter the HTI compound but

were instructed to remain inside their vehicle and barred from communicating with anyone on-site. On the same day Gov. Remulla announced that it would take two weeks to map out the building complex and the LGU will need more manpower and heavy equipment like cranes and bulldozers for the clearing operations, implying that SOCO investigation will proceed afterwards.

However, such clearing operation have raised serious concerns as it will tamper the scene or destroy evidence that bode ill of proving allegations that more had been trapped. Clearing operation prior to a thorough investigation will cast more doubts on the credibility and allegations will not rest.

In addition, HTI management and the authorities kept the public guessing about the company's total workforce as they refuse to release the official records. Accounts gathered during the interviews, revealed that the workers are mostly young, ranging from 18-35 years old, and significant numbers come from provinces outside Cavite. There are around 8,000 regular out of the 13,000 employees while the remaining 5,000 are contractual, casual, or agency-hired.

The initial findings of the NFFM suggests that there is an apparent attempt on the part of the HTI management, the PEZA, the Cavite LGU and to certain extent DOLE Regional Office to hide the actual number of casualties and the possible OHS and labor standards violations.

#### **IV. Working conditions and violations of labor standards**

House Technology Industries Pte Ltd is the biggest company inside the Cavite Export Processing Zone. Founded in 1996, it started with only six Filipino workers and had grown to have an estimated 13,000 workforce. HTI is engaged in manufacturing and assembling of pre-fabricated house parts exported to Japan. In 2013, 20-23 houses went to Japan everyday at a cost of Php 10Million per unit. HTI gained prominence when a tsunami hit Japan in 2011, and HTI prefab house was the only one left.<sup>1</sup>

##### **Violations on Occupational health and safety**

HTI was given Certification of Compliance on general labor standards and occupational safety and health on February 2016. As reported by PEZA, there were about 6,000 to 7,000 workers at HTI when the fire broke out. In the Panel building, between 1,500 to 2,000 people were working. The National Building Code of the Philippines and Internal

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<sup>1</sup> ABS-CBN, <https://www.youtube.com/watch?v=HpMlyrui43E>



Rules and Regulations of Fire Code of the Philippines stipulate that “Every story or usable portion thereof, having an occupant load of 500 to 999 shall have not less than three exits. Every story or portions thereof, having an occupant load of 1000 or more shall have not less than four exits.”<sup>2</sup> which means that at the minimum, Panel Building alone should have at least 8-9 exits and adjacent stairs at the canteen located in the mezzanine. HTI has only six (6) fire exits that had the workers overcrowding in passageway. Fire Code of the Philippines also prescribes that “ The same law also states that “every exit shall discharge into a public way, exit court, or exit passageway. Every exit court shall discharge into a public way or exit passageway. Yards, courts, open space, or other portions of the exit discharge shall be of required width and size to provide all occupants with a safe access to a public way.”<sup>3</sup>

In the case of HTI, it was apparent that this provision was violated. Therefore, the fire exits and passageways seemed to have failed to comply the provisions of the National Building Code, Fire Code of the Philippines and Fire Protection and Control provisions of the Occupational Safety and Health Standards of 1989. Moreover, the company does not have automatic sprinklers, stairs going to the roof or fire enclosures as mandated by law, particularly in structures that contain highly combustible materials. This needs to be thoroughly checked and investigated particularly in reference to the compliance certification.

In Rule 1943-04, a provision reads that “All stairways used as fire exits shall lead directly to the street or through fire resistant passages with a width of at least equal to the aggregate width of all exits discharging through such passages.”<sup>4</sup> Accounts proved otherwise, and HTI was certified compliant.

The spark that ignited the fire came from the panel saw that scraped a metal object inside the wood that was fed to the machine. The company safety officers should have known that any metal friction can create spark. There is also an apparent lack of proper electronic devices that could have automatically switched on in case of smoke or fire detection, or could have shut down electric equipment or valves that can cause, fan or aggravate fire. A survivor narrated to the NFMM how they had to unplug the electrical devices and vacuum manually when the fire broke out.

Workers attest that HTI regularly conducts fire drills, and occasionally even held ‘surprised’ fire drill to prepare the workers. Workers were also given Personal Protective

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2 Republic Act 6541, SECTION 8.01.07: Stairs, Exits, and Occupant Loads/ SECTION 10.2.5.2 GENERAL PROVISIONS, Division 5, Means of Egress, Fire Code of the Philippines

<sup>3</sup> Fire Code of the Philippines, 2008 IRR, para M, Discharge from Exits

<sup>4</sup> Rule 1943—04, Para 3, Fire Protection and Control, Occupational Safety and Health Standards 1989, authority under Article 162 Labor Code of the Philippines

Equipment (PPE) and safety was discussed during orientation and on regular basis. There also safety officers. Survivors and witnesses interviewed by NFFM, said that drills were helpful, but it was lot different when it is done in actual situation. In a drill, alarms are sounded, a paging system will then call everyone to stay calm, not to panic, to line up and follow the one carrying flag that will lead them to safety. Except for alarm, none of the workers recalled hearing a warning nor a page.

HTI can be considered a hazardous establishment and under Rule 1030 of the Occupational Health and Safety Standards the training and accreditation of all safety officers are mandatory to fully guarantee general safety of the workplace. An establishment with at least 251 workers requires a minimum of two full-time and duly-accredited safety officers. Every additional 500 workers or a fraction thereof would require one more additional safety officers. Considering that HTI has around 5,000 workers at a given shift (and operates on three shifts for 24 hours), the number of safety officers that should have been on-duty must also be checked.

#### **HTI pays the minimum wage, but violates the Overtime pay**

HTI pays its workers the minimum wage of Php356/day for 8-hour work. The company operates for 24 hours, with a 12-hour standard working times, 7 AM-7 PM, 7 PM-7 AM, with a day-off once a week. Regular workers are asked if they will sign up for overtime, but casuals and contractual workers are expected to do overtime (OT) work every day.

Workers interviewed by NFFM contend that they are paid Php 50 per hour, which is less than the mandated 25% OT premium per hour on regular day. Meanwhile, contractual workers pay for their uniforms. Workers from different provinces are also enjoined to work on Sunday as overtime to increase their income, as shared by another regular worker.

#### **Employer violates workers' right to organize**

The HTI factory is non-unionized and workers revealed that in the orientation, hired applicants are dissuaded from organizing or joining unions. The Labor Code states the right to promote free trade unionism that inherently forbids employers from restraining or limiting employees in lawful exercise of their rights to organizing, working together, and joining a labor organization for collective bargaining purposes and the overall advancement of workers' rights. HTI and its service providers practice anti-union discrimination.

#### **HTI engages and promotes Labor Only Contracting (LOC) practices**

During interviews, NFFM members learned that HTI employs thousands of agency-hired workers. Based on their combined accounts, there are six manpower agencies supplying workers the company, namely: Helping Hand Development Cooperative, Best One, Extraordinaire Janitorial and Manpower Services, Inc., HRTM, Hikari, Human Resources And Contracting Corporation, and Alkabest. The contractual worker that was interviewed shared that they (agency-hired workers) did not have a supervisor from their agency; instead, supervisors from HTI oversee their work.

HTI has a peculiar way of hiring and maintaining workers. It directly hires workers, as casuals for about three months and hires through agencies. When casuals directly hired by HTI completes the three-month period and passed the performance evaluation, s/he will be handed over to one of the agencies for about two years, again, if performance is good. During two-year period the worker is considered an agency worker, not HTI worker, wearing a different color of uniform but performing the same work similar to what regular workers do. The agency will assign the worker in HTI companies or operation s/he will be deployed. HTI has sister companies: SCAD, Wu Kong and HRD. If s/he passed the evaluation, HTI decides if s/he will be hired as regular worker. Additionally, a former casual worker shared that after completing twice the one-year contract, he was not regularized and was offered only a contract of an agency, which he eventually refused.

During the FFM, no accounts from the workers interviewed said that the agencies have lending equipment, tools, and providing separate work areas as required by law (DO18-A). HTI also exercises a form of control over the agency-hired workers through evaluation and thus, responsible to workers.

DOLE Labor Advisory No. 10 (series of 2016) reiterates the prohibition for any form of labor-only contracting and considered a practice like in the HTI constitutes violation of workers' rights. Further, workers of labor-only subcontractors should be considered employees of the principal.

As of this writing, NFMM members have not been able to check the licenses issued by the regional office of the DOLE, nor their service agreements with HTI. However, workers' accounts strongly indicate agency-hiring on a huge scale, with at least 5,000 out of 13,000 workers not hired directly.

### **Other violations**

PEZA, DOLE and even the Cavite LGU have not provided truthful and sufficient information on the case of HTI workers. The State recognizes the right to information of the people, the media, institutions and advocates. On matters of public concern and safety, the Constitution states that:

*The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for the policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.*

This provision seeks transparency as well as provides the public with sufficient information to effectively exercise other basic rights. The Local Government Code clearly requires all national agencies, in this case, DOLE and PEZA, to conduct periodic consultations with appropriate LGUs, non-governmental and people's organizations, and other stakeholders in their jurisdictions. In *Valmonte v. Belmonte, Jr.*, the court explained the significance of these provisions: The right to information goes hand-in-hand with the constitutional policies of full public disclosure and honesty in the public service.

As noted before, various means were employed by Cavite LGU and PEZA to block or limit access to information by physically barring even journalists and other media practitioners from entering CEPZ and interviewing workers, witness or observers of the fire incident. The government agencies, particularly the Cavite LGU, DOLE, PEZA and their authorized representatives, have not granted access to official records nor the site of the tragedy, increasing probability of hiding the truth.

## **V. Conclusions and Recommendations**

The Cavite LGU, PEZA and the Bureau of Fire Protection had all admitted that a thorough investigation has not been conducted on the fire incident, despite the strong allegations that many could have been trapped inside the burning building. Cavite Governor Remulla has also announced a clearing operation even if no thorough investigation has been started nor in the beginning of admission that SOCO and BFP has not really gone to inspect every nook of the burnt buildings.

Suspicious of cover-up is increasing as full disclosure of workers particularly those hired by the six manpower agencies had not been done. Contractual workers claim that even in normal circumstances, agency-hired workers are not counted or considered HTI workers.

In an environment with light, inflammable materials and combustible chemicals, why is it that there were no sprinklers and other fire safety measures to contain the fire? Why is a building considered compliant, when it does not follow the mandated numbers of

fire exits? Has the Bureau of Fire Protection factored this in their investigation in dismissing the workers' claims that no one was trapped?

Based on the very detailed accounts of the workers with regard to the building's entry and exit points, did those spaces and passageways meet the requirements stipulated under the Fire Code and the National Building Code for structure with more than 500 occupants (HTI employs thousands of workers at a given time)? Was the width and height faithful to the standards set by the law to allow safe movement of people, especially for places where there are highly combustible materials? Is the number of safety officers who should have been on-duty compliant as well.

There were more women working in the Quality Control in the 3rd floor including a pregnant woman who jumped out from the 3<sup>rd</sup> floor window and more possibly trapped. From the reported 126 workers injured brought to hospital, the NFFM looked and pursued the list supplied by Divine Grace Medical Center and the General Trias Hospital posted outside the hospital building and from other hospital that were publicized, there were 25 women.

The NFFM can't help but ask, where were those women workers? What happened to that pregnant woman? The distance from the ground floor to the third floor is high, as vertical clearance alone from the 1<sup>st</sup> to the 2<sup>nd</sup> floor, where containers are brought in, is estimated to about 18 feet (5.49 meters) high.

Given these very crucial questions, NFFM believed that those interviewed have all the reasons to belie Gov. Remulla's claim that everyone was accounted for.

Having said the above, the NFFM recommends the following:

1. Immediate, transparent, thorough, independent and impartial investigation on the HTI tragedy free from intervention by the HTI management, PEZA and Cavite LGU to lend credence to the result. To the very least, the investigation must pave way for full and complete disclosure of casualties so that justice can find its course.
2. A review of the company's Certificate of Compliance vis-a-vis the National Building Code, Fire Code and the Fire Protection and Control under Occupational Safety and Health Standards of 1989, and to hold accountable all those responsible for the fire tragedy.
3. A full disclosure of HTI workers hired through the agencies, complete list of workers accounted for, and complete examination to find out if the agencies are accredited by DOLE since they exhibit Labor Only Contracting practices.
4. Repeal Department Order 131-13 and implement the mandatory, strict and frequent safety inspection of all establishments by the Department of Labor and Employment (DOLE). Results of the inspection should be approved by the genuine representative of

the workers and presented to the public immediately. The inspecting authorities should take measures against companies concealing their safety standards.

5. Support the immediate passage of the Worker's SHIELD (Safety and Health Inspection and Employer's Liability Decree) as it is a big leap towards the mandatory inspection of all establishments.
6. End the anti-union discrimination, promote and respect the workers right to freedom of association not only to represent workers in their workplaces but serves as monitors for OSH standards implementation;
7. Review and amend, and when necessary repeal the Special Economic Zone Act of 1994 that grants authority to economic zones to operate under independent charter, and to function independently away from scrutiny of government agencies and the general public and act like separate entity, i.e. a government with separate labor laws and regulations.

**Our calls:**

*Justice for HTI workers!*

*Pass SHIELD Bill now!*

*End contractualization!*

*End impunity on violations of labor rights!*

*Independent investigation of HTI tragedy, now!*

*Hold HTI, PEZA, DOLE and Cavite LGU accountable!*

*Struggle for safe working conditions for the Filipinos!*

The National Fact Finding Mission is composed of various organizations including Center for Trade Union and Human Rights (CTUHR), Ecumenical Institute for Labor Education and Research (EILER), Institute for Occupational Safety, Health and Development (IOHSAD), Karapatan, Hustisya, BAYAN, Cavite-based Workers Assistance Center (WAC), Women Workers in Struggle for Employment, Empowerment and Emancipation (Women WISE3), Crispin B Beltran Resource Center, Kilusang Mayo Uno, Balai Obrero, National Union of Peoples Lawyers, Migrante International, Office of Representative Arlene Brosas, Gabriela Women's Party, Bayan Muna Partylist, Altermidya, May Day Production, Seminarians from St. Andrews Theological Seminary, Liga ng mga Kontraktwal, Solidarity of Cavite Workers, Bayan-Cavite, KADAMAY-Cavite, and community volunteers.