
Hellfire: Charred Lives and Burning Resolve of the Kentex Tragedy

The Kentex Tragedy

It was not only the searing memories of screaming voices and flashing flames that awakened Terrence King Ong, the operations manager of Kentex Manufacturing Corporation, in the Philippines, who was hospitalized with third-degree burns after the May 13, 2015, fire at his factory. It was grief for his son, Tristan, who died while helping workers escape.¹ He grieved as well for the employees who did not make it out. Indeed, his imaginings of their unanswered pleas for help made him break down in tears. He humbly appealed to the public, “Please forgive me. Give me another chance.”²

At least 72 people died in the fire, dozens were injured, and another dozen were listed as missing. The aftermath was grim (see **Exhibit 1**).³ The tragedy was not unprecedented. In 1975, a wig factory burned down and killed 42 workers in Manila, the capital of the Philippines.⁴ The worst case recorded in the country was the Ozone Disco fire in a Manila suburb, which claimed 150 lives in 1996.⁵

Exhibit 1

Kentex Fire in Valenzuela City



Sources: Aguilon, Erwin. *Inquirer.net*. 17 May 2015. <<http://newsinfo.inquirer.net/691926/valenzuela-to-open-one-stop-help-center-for-kin-of-kentex-fire-fatalities>>; Associated Press. *Sun Star Manila*. 15 May 2015. <<http://www.sunstar.com.ph/manila/local-news/2015/05/15/pnp-investigating-valenzuela-factory-fire-killed-72-407593>>.

However, the nature of the Kentex fire deaths raised questions about the standards of fire safety at the factory. Some workers survived only by jumping out of the building.⁶ But many victims were blocked by window grills and locked exit doors.⁷ One survivor had to use a metal object to destroy the lock on the fire exit.⁸ Days after the incident, authorities ruled that three victims died of asphyxia.⁹ All the rest were found charred, identifiable only through their personal belongings and laboratory analysis.¹⁰

The Kentex tragedy naturally demanded accountability. But for over one week there was speculation that the owners and managers had fled the Philippines. This speculation was fueled by their absence from hearings and investigations organized by the Philippine House of Representatives and the Department of Labor and Employment (DOLE). Then Ong surfaced and consented to media interviews.

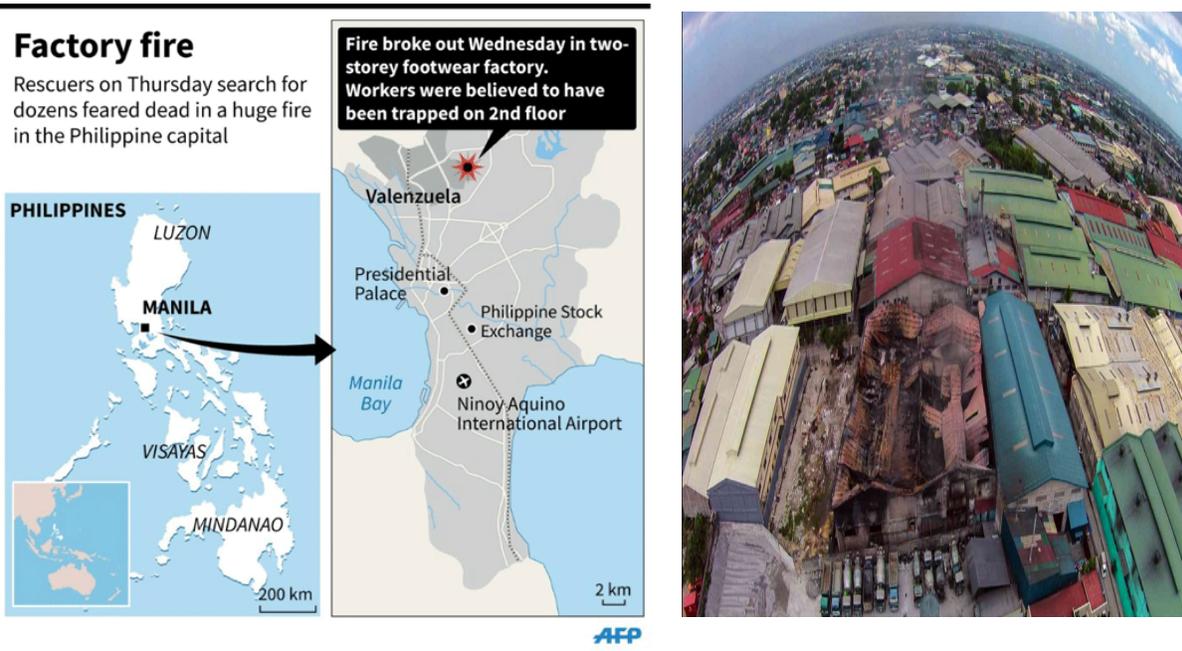
While lying on his hospital bed, Ong pondered the best way forward. His thoughts were dimmed by the serious concerns that faced Kentex. He asked himself, “What can be done to manage the crisis? What should I do and extend to help solve it?”

The Kentex Business Situation

Kentex manufactured flip-flops and sandals.¹¹ The factory that burned began operating in 2014.¹² Kentex was headquartered in Caloocan City and the factory was in a contiguous city, Valenzuela,¹³ in the Ugong district, where big industrial establishments commonly located themselves (see **Exhibit 2**).¹⁴ About 43 establishments were near the Kentex factory at the time of the fire,¹⁵ 23 of which were determined to be unsafe.¹⁶

Exhibit 2

Location of Kentex in Ugong, Valenzuela City



Source: AFP. Valenzuela City Factory Fire Death Toll Reaches 72. <<http://www.manilatimes.net/valenzuela-city-factory-fire-death-toll-reaches-72/183412/>>. Jerry Esplanada. 23 Factories Near Kentex Unsafe. <<http://newsinfo.inquirer.net/695405/23-factories-near-kentex-unsafe>>.

Kentex had declared its incorporators and owners in a filing with the national Securities and Exchange Commission (SEC) for 2014. The five original incorporators were Ong King Guan, Jose L. Tan, William Young, Nancy Labares, and Elizabeth Yu.¹⁷ Its registered stockholders serving as officers as well were Guan, Tan, Charles S. Ng, Beato C. Ang, and Mary Grace L. Ching.¹⁸ All registered owners of Kentex were listed as residing in Caloocan, Malabon, or Quezon City. **Table 1** shows the leadership in 2015.

Table 1

Owners and Officers of Kentex Mfg. Corp. (2015)

| Stockholders | Designation | Ownership (%) |
|----------------------|---------------------------|---------------|
| Ong King Guan | Treasurer/General Manager | 39 |
| Jose L. Tan | n/a | 35 |
| Nancy Labares | n/a | 10 |
| Charlie S. Ng | n/a | 6 |
| Beato C. Ang | President | 5 |
| Love John N. Mariano | n/a | 3 |
| Mary Grace L. Ching | Corporate Secretary | 2 |

Source: Republic of the Philippines Security and Exchange Commission. 26 May 2015. General Information Sheet of Kentex Mfg. Corp.

Kentex had disclosed its financial condition for the last four reporting years (see **Table 2**).¹⁹ In general, the company was growing. In 2014, its paid-up capital was one million Philippine pesos (PhP), and its incorporators had raised 400,000 PhP for the authorized value of 3 million PhP.

Table 2

Kentex Financial Situation (in Millions of Philippine Pesos, or PhP)

| Year | Assets | Liabilities | Revenue |
|------|--------|-------------|---------|
| 2014 | 25.51 | 19.27 | 57.00 |
| 2013 | 27.87 | 21.7 | 47.35 |
| 2012 | 23.6 | 17.1 | 43.33 |
| 2011 | 20.86 | 14.15 | 45.97 |

Source: Republic of the Philippines Security and Exchange Commission. 26 May 2015. Financial statements of Kentex Mfg. Corp.

Kentex was classified under the slipper industry sector of the footwear and wearing apparel industry in the Philippines. In general, the footwear/apparel industry had experienced modest growth: 5% in 1981-89, 6% in 1990-99 and 4% in 2000-10.²⁰ This was despite the fact that this industry became a priority for growth and export promotion in 1970s by the Bureau of Industry (now the Department of Trade and industry, or DTI).²¹

Positive and sustained transformation of the footwear industry was elusive four decades back.²² In the 1970s-1980s, the attention of the Philippine government had centered on resuscitation of a dying shoe industry sector in Marikina, now an urban center in metro Manila. Concomitantly, the footwear industry was poised for export promotion, as its cost-reduction ability was identified as its crucial competitive advantage. The ability of the footwear industry to reduce costs was made possible by the predominance of small and medium enterprises (SMEs) that employed labor-intensive production.

However, the industrial development plan and competitive strategy of the footwear industry suffered in the economic crisis that swept the world in the 1980s.²³ A number of footwear establishments shut down or shifted to other business ventures. Doubts were cast in foreign markets about whether the Filipino exporters could deliver on their commitments. This situation allowed imported footwear products to cement their foothold in the local market.

The Philippine government exerted efforts to revive the footwear industry, stressing its potential to contribute to the national economy and employment generation. In 2004, Republic Act (RA) 9290, otherwise known as the Footwear, Leather Goods and Tannery Industries Development Act, was promulgated.²⁴ This law provided for fiscal and non-fiscal incentives to support the production and expansion needs of the footwear industry (see **Table 3**).

Table 3

Incentives granted by RA 9290 to the footwear industry

Fiscal incentives

Zero duty on imported capital equipment
Additional deduction of 50% from gross income for the expense of training programs
Promotion, advertising, and sale of locally manufactured finished products in duty-free shops

Tax credits

Income-tax holiday
Six years of new or expanded projects in less developed areas (30 poorest provinces)
Duty exemption on imported capital equipment, spare parts, and accessories
Exemption on wharfage dues, export tax, duty, impost, and fees
Tax exemption on breeding stocks and genetic materials
Tax credits (for export producers only)
Tax credit on tax/duty portion of domestic breeding stocks and genetic materials
Tax credit on raw materials and supplies
Additional deductions from taxable income
Additional deduction for labor expense
Additional deduction for necessary and major infrastructure works
Tax- and duty-free importation of consigned equipment for a period of ten years

Non-fiscal incentives

Employment of foreign nationals
Simplification of customs procedures
Privilege to operate a bonded manufacturing warehouse
Incentives for regional headquarters in the Philippines.

Source: Republic of the Philippines. Republic Act (RA) 9290.

Five years after the passage of RA 9290, the positive effect of these incentives could hardly be felt.²⁵ Consumers registered preference for cheaper brands, driving local manufacturers to shift from synthetic to leather production. The economic crisis that hit the global economy in 2005-2009 hurt footwear exporters. Export earnings of this sector achieved a high of 45 million USD in 2003, dipping to 15 million USD in 2005 before beginning to improve. In order to thrive, some exporters obtained licensing agreements with high-profile companies (e.g. Adidas, Hush Puppies, Nike, and Tretorn). Although the agreements were favorable to imported brands, importation had similarly experienced a slump. Imports were valued at 55 million USD in 2003 but contracted to 5 million USD in 2005 before recovering, albeit partially, to 40 million USD in 2009.

On the domestic front, in 2005-09, the industry recorded the closure of 81 footwear establishments and a reduction of over four thousand employees. Footwear establishments remained concentrated in Luzon, specifically in metro Manila (36%) and the southern region of Calamba, Laguna, Batangas, Rizal, and Quezon (CALABARZON, 36%).

The Crisis Management of Kentex and State Agencies

After the fire, Kentex committed to shoulder expenses for forensic tests and medical services for the fire victims.²⁶ Within three days after the fire, the Municipal Office of Valenzuela City, the Department of Interior and Local Government (DILG), and the Department of Social Welfare and Development (DSWD) assisted Kentex in distributing financial support.²⁷ Each dependent or survivor received 13,000 PhP, made up of an initial cash assistance of 5,000 PhP plus 8,000 PhP back pay of a Kentex factory worker. While in gratitude, survivors were not silenced. They hoped to receive further assistance for losing their jobs.²⁸

Six days after the fire, Ong received reinforcement from Barbara Ang, daughter of one of the Kentex owners, company president Beato Ang.²⁹ Barbara Ang made a public appearance to reach out to the families of fire victims. She asked for forgiveness over their tragic loss. While in tears, she consoled those who unleashed their ire, confusion, and desperation. She said that no one wanted the fire incident to happen, and appealed for the kind understanding of the public over what Kentex owners were going through. The public was assured that the owners had no plans to leave the country.³⁰ She distributed flowers, cash gifts worth 6,000 PhP, and some groceries for each family.³¹

Other state offices and concerned organizations also extended help for the fire victims. The Social Security System (SSS) in Valenzuela City distributed cash assistance worth 20,000 PhP for funeral benefits for each deceased fire victim.³² The Municipal Office of Valenzuela City, headed by Mayor Rexlon (Rex) Gatchalian, established a help desk where victims' relatives could ask for extended assistance from DOLE, DSWD, SSS, Home Mutual Development Fund (Pag-Ibig), and the Philippine Health Insurance Corp. (PhilHealth).³³

Mayor Gatchalian's brother, House of Representatives member William Gatchalian, pledged financial support to the dependents of fire victims.³⁴ The Filipino-Chinese Chamber of Commerce and the Tzu Chi Foundation also committed to provide assistance.³⁵ The foundation was identifying who among the relatives of victims could be granted cash-for-work and scholarship program assistance, on top of providing victims' families with cash assistance of 5,000 PhP to 10,000.

Kentex's fire safety permit

The public perception was that Kentex was criminally liable for the fire deaths. This concern was one major hurdle for Ong.

All business establishments were subject to the fire code through RA 9176 series of 2008. RA 9176 provided for mandatory inspections to ensure buildings' compliance with fire safety standards imposed by the Philippine government. The issuance of a Fire Safety Inspection Certificate (FSIC) by the Bureau of Fire Protection (BFP) was one prerequisite for an application or renewal of a business permit. Upon finding any violation of the fire code, BFP was expected to issue at most two warnings. While directly accountable to DILG, BFP reported (non)compliance to the municipal office, to guide the latter's issuance of business permits. On the third instance of violation, BFP was authorized to shut down a business establishment and report the closure to the municipal office.

BFP conducted an inspection at Kentex in July 2014 and found several safety violations.³⁶ BFP said it produced substantive findings during the first inspection. It said Kentex failed to remedy the following:

- The factory had three stairways leading to the ground floor but none to the factory exit.
- Fire extinguishers were not reconditioned.
- Fire prevention was not practiced (i.e. there were no fire drills or safety seminars).
- A fire alarm system was nonexistent and there was no sprinkler system.³⁷

At the time of the fire Kentex was operating without fire safety clearance.³⁸ During the March 13, 2015, fire, the supporting documents of Kentex perished with the manager who stored them.³⁹

The compliance of Kentex on occupational standards

Apart from fire safety, Kentex was also obliged to comply with occupational health and safety requirements. Reportedly, Kentex owners applied to DOLE for an employment permit for their factory in Valenzuela after its 2014 establishment. In September 2014, DOLE issued a compliance certificate with Kentex, placing it under the category of Hazardous Workplace.⁴⁰ Thus DOLE was duty-bound to impose standards at the Kentex factory to prevent deaths and lower the health risk of its workers. DOLE issued a compliance certificate to the factory during the third inspection.⁴¹

On May 19, 2015, during a fire inquiry at the House of Representatives, DOLE admitted that it did not issue the compliance certificate to Kentex during the first two inspections. The reason was that Kentex lacked “health and safety organization” and “occupational health and safety training” in its factory.⁴² During the third inspection, Kentex had presented documents to support its compliance with DOLE occupational standards.⁴³

DOLE noted that Kentex owners declared an employment of 46 permanent and casual workers in the application.⁴⁴ However, the DOLE field inspector admitted that Kentex informed him of its subcontracting agreement with CJC Manpower Services for additional workers. DOLE kept the agency name in an active file on Kentex without verification.⁴⁵ Congressman Karlo Nograles stated that CJC Manpower Services was not registered with either DOLE or SEC.⁴⁶

Through the agency investigation organized on May 18, 2015, DOLE was able to connect with CJC Manpower Services, formerly known as Panday Management and Labor Consultancy.⁴⁷ In checking the employment records, DOLE learned that Kentex subcontracted for 99 factory workers with CJC in April 2015.⁴⁸ Out of this number, 32 subcontractors were unaccounted for after the fire broke out. DOLE publicly denounced Kentex for its subcontracting activities. DOLE Secretary Rosalinda Baldoz said:

“Kentex used the legitimacy of our assessment as cloak to circumvent our laws. I am very much disgusted by this kind of behavior. ... We will not sacrifice the good will of the many employers who have expressed faith in the DOLE’s new Labor Laws Compliance System over the ill-intent and deceptive behavior of a few employers. The standards not only of legality but more so the morality in the conduct of business of such few employers then becomes an issue.”⁴⁹

In the same investigation, all the registered owners of Kentex were summoned.⁵⁰ No owner appeared.

Kentex owners, through their corporate lawyer, Renato Paraiso, denied that they received formal invitations from DOLE. Paraiso said it was improper for DOLE to informally invite these owners through broadcast media. Moreover, he termed DOLE reckless for describing Kentex as immoral while Kentex had legitimately obtained the certificate of issuance from DOLE. He found it strange as well that DOLE chased Kentex to question its contractual agreement with CJC Manpower Services. He remarked, “... Let them please not pass the responsibility on us to call the attention of or to inspect this manpower agency (...*Huwag naman pong sanang ipasa sa amin na kami po dapat ang magpuna or mag-inspect dito sa manpower agency na iyon*).”⁵¹

Shifting the blame to the subcontracted worker

Seven days after the fire, there was an attempt to shift the blame from Kentex owners to the welder Oscar Romero,⁵² a subcontractor from Ace Shutter Corp. The Valenzuela police considered suing him after collecting corroborative and eyewitness accounts from the Kentex factory secretary and other subcontracted welders.⁵³ He allegedly performed welding in the absence of a hot works permit that BFP

should issue. He was taken into custody and charged with “reckless imprudence resulting in multiple homicide and multiple physical injuries and damage to properties.”⁵⁴

Romero had been subcontracted to repair a roll-up metal gate in the second floor of the Kentex factory.⁵⁵ He recounted that the factory secretary directed him to work in a room dosed with toxic and combustible chemicals.⁵⁶ Before the welding commenced, he said, he was assured of the safety of the workplace because the chemicals were safely covered with tarpaulins or canvas. However, the first spatter of welding ignited the chemicals.⁵⁷ Alarmed, the factory secretary drenched the affected areas of the room but to no avail. The fire then spread to different parts of the building.⁵⁸

Ace Shutter Corp. contested any link of the actions of the welder to the Kentex tragedy.⁵⁹ Its legal counsel, John Coluso, defended Romero by saying, “On the basis of that assurance [from the Kentex factor secretary], the welder started the work so I don’t think it’s fair to blame him.”⁶⁰ Coluso added that Romero had been serving Ace Shutter for 14 years.⁶¹ In an investigation conducted by BFP, Coluso said, the welder reenacted how the fire started.⁶² He said, “So far, based on the reaction of the authorities, I may be wrong but they [BFP] seem to be of the belief that he did not do anything wrong.”⁶³

Congress

The House of Representatives probed the Kentex tragedy.⁶⁴ One area of its inquiry concerned the permits given to the Kentex factory by DOLE and BFP. Lawmakers found DOLE to have conducted a substandard inspection, citing:

- The DOLE assessment checklist said fire extinguishers in the factory were sufficient.
- Sprinkler systems, required by RA 9176, were not part of the DOLE assessment checklist.
- A DOLE inspector failed to state the absence of sprinkler systems, hose reels, or hose boxes.
- A DOLE inspector failed to note availability of fire emergency exit illustrations.
- Kentex failed to show a fire safety inspection certificate (FISC) for the rubber materials that DOLE recognized as combustible and hazardous, and a DOLE inspector did not ask for one.
- A DOLE inspector failed to obtain evidence of a required fire drill.
- Kentex showed the issuance of a business permit in 2014 but a DOLE inspector did not look for the FSIC.
- A DOLE inspector did not take photos in the factory.
- A DOLE inspector said he did not notice window grills but could not present any proof to his claim.⁶⁵

Meanwhile, the municipal office of Valenzuela clarified the provisional nature of the business permit issued to Kentex. However, the Valenzuela lawmaker, Congressman Magtanggol Gunigundo, pointed out that a FSIC is a prerequisite for the issuance of business permits under RA 9176.⁶⁶ This meant that the municipal office should have conducted a thorough evaluation of Kentex operations before issuing a business permit.

BFP did not escape rebuke from the lawmakers. The congressional investigation established:

- BFP did not issue a FSIC to Kentex in 2014.
- In July 2014, BFP sent Kentex a notice to comply, in view of the fire safety standards that it had to meet.
- The last action taken by BFP Valenzuela was the issuance of the July notice.⁶⁷

Two days before the congressional investigation, Kentex had already denied the BFP statements regarding illegal operations.⁶⁸ Attorney Paraiso declared that BFP had issued a FSIC to Kentex after it was able to fully comply with the July 2014 notice. He recalled that Kentex also positively took action to remove the steel matting of the factory window, as ordered by BFP. With the issuance of a FSIC, Paraiso stressed, Kentex did not have criminal liability in the fire incident. He did not exempt Kentex from its social responsibility but clarified that it was taking steps to extend all necessary forms of assistance to fire victims and their dependents.⁶⁹

Presidential Intervention

In May 2015, the president of the Philippines, Benigno S. Aquino III, organized an executive meeting to discuss his administration's way forward regarding the Kentex tragedy.⁷⁰ His cabinet reached an agreement to develop and enact an integrated legal framework on fire safety and protection standards.⁷¹ All violations of occupational standards were to be criminalized, to bolster the safety and rights of employees in their workplace.⁷² His cabinet agreed as well to organize an anti-arson task force to lead the investigation of the fire incident.⁷³

President Aquino followed up with a press briefing on June 1, 2015. In it he described the fire incident as a "tragedy waiting to happen."⁷⁴ He accused Kentex owners of engaging in illegal operations since 1996: "From 1996 to 2014, they were never issued a fire safety inspection certificate. They failed to secure the needed requirements in accordance with the fire code...."⁷⁵ He also exonerated BFP from any liability and vowed to charge other parties involved, including CJC Manpower Services, which listed its owner as someone who turned out to be a 19-year-old student.⁷⁶

Aquino was most critical of the municipal office of Valenzuela. He blamed Mayor Gatchalian for issuing a business permit to Kentex, negating previous efforts by BFP to observe the law.⁷⁷ Observers noted that while BFP worked directly under DILG Secretary Mar Roxas, a political ally of Aquino, Gatchalian belonged to the opposition power bloc, the National People's Coalition (NPC).

After the press briefing, Roxas and another political ally of Aquino -- Department of Justice (DOJ) Secretary Leila de Lima — gave their own take on Kentex tragedy.⁷⁸ Roxas said the Kentex owners and plant manager played a part in causing the fire⁷⁹ by failing to comply with the fire code.⁸⁰ De Lima planned to form a panel of prosecution to investigate the case,⁸⁸ but said she was already convinced that local government authorities of Valenzuela, including Gatchalian, bore responsibility.⁸¹

The Government of Valenzuela Strikes Back

Two weeks before Aquino's press briefing, BFP had made known its position on the Kentex tragedy.⁸² While explaining how the process of fire safety inspection works, it firmly held that no other

agency regulations could supersede the provisions of RA 9176.⁸³ It cited its inspection of business establishments as a prerequisite to issuance of business permits in any locality.⁸⁴

Mayor Gatchalian responded on radio and TV programs to clarify the mandate of his office in light of Aquino's statements. His office also came out with online publication of its position, rebutting the criticism from Aquino.⁸⁵ According to the mayor, the decision of his office to issue a FSIC to Kentex was sanctioned by Joint Memorandum Circular No. 1 series of 2010, DILG Memorandum Circular No. 2011-05 series of 2011, BFP Memorandum series of 2012, and Valenzuela Ordinance No. 62 series of 2012 (see **Table 4**).

Table 4

Legal Bases for FSIC Issuance by the Office of the Valenzuela Mayor

Joint Memorandum Circular No. 1 series of 2010 by DILG and Department of Trade and Industry (DTI)

Streamlines business application by limiting inspections by the local government unit to check compliance with building and fire safety standards and other regulations; shall be undertaken within the year after the issuance of the building permit.

Former Secretary Jesse M. Robredo's DILG Memorandum Circular No. 2011-05 Series of 2011

The city/municipal fire marshal issues a written report notifying the local chief executive of the recommendation to issue any of the following permits or revoke existing ones....

BFP Memorandum Series of 2012

Calls for safety inspection of any building, structure, or establishment two or three months before the scheduled renewal of any permits or licenses. It also underscores the submission or referral of the application for business permits before such inspection is conducted, as well as provides for the inspection of establishments with issued business permits during the one-stop-shop within three days of receipt of payment of pertinent fire code fees.

Valenzuela Ordinance No. 62 Series of 2012

Provides for post-audit inspection of regulatory permits and clearances within reasonable time to double check the owner's faithful confirmation to any regulatory measures and requirements, to ensure that only compliant and first-rate business subsist in the city.

Source: Office of Valenzuela City Mayor. "Valenzuela City: Business/Building Permitting Process." 2015. Web. Accessed 17 July 2015. <http://www.valenzuela.gov.ph/files/pdfs/PPT_bldg_permit_process.pdf>.

The four legal bases reinforced the mandate of BFP. Mayor Gatchalian clarified that BFP was still in charge of fire safety inspections, whose results should be forwarded to the municipal office of Valenzuela. These results were used by the office to approve or cancel business permits. Approval leads to further inspection of the business establishments. What the first two legal bases authorize the city to do is to issue provisional business permits.⁸⁶

Kentex was issued a provisional business permit in January 2015.⁸⁷ Gatchalian insisted that his office's mandate for business inspection was confined to the assessment of structural and electrical integrity, and not fire safety. He said his office received no reports stemming from the two inspections conducted by BFP in July and October 2014.⁸⁸ BFP failed as well to provide his office with a copy of a Kentex compliance certificate within the prescribed reporting period, he said. Under the presumption of business regularity, the provisional business permit of Kentex was not revoked.⁸⁹

Gatchalian questioned why BFP failed to take action on Kentex compliance issues.⁹⁰ He emphasized that RA 9176 vested full authority in BFP to close business establishments found violating the fire code. The same provision applies whether or not his office intentionally neglects the inspection reports of BFP. He also asserted inefficiency of BFP in conducting fire safety inspections.⁹¹

Labor Sector's Articulation of Issues

At the first blush of the Kentex tragedy, different labor organizations expressed their commiseration with fire victims and their families. These organizations include the labor agency of the United Nations (UN) and the International Labor Organization (ILO), which used the occasion to voice the fundamental right of employees to a healthy and safe working environment.⁹² It also called for tougher measures to prevent workplace accidents through regular inspections and ensuring that labor rights are observed in the workplace.⁹³

In the Philippines, the Center for Trade Union and Human Rights (CTUHR), the Ecumenical Institute for Labor Education and Research, the Institute for Occupational Health and Safety Development, and the national labor center of Kilusang Mayo Uno (KMU), or May One Coalition, created a fact-finding body to investigate the Kentex issue.⁹⁴ This body interviewed fire survivors and eyewitnesses. The group learned that BFP and DOLE issued compliance certificates even as Kentex committed the following violations:

- Absence of proper smoke and fire alarms.
- Absence of fire and safety drills.
- Absence of fire exits.
- Mishandling of the chemical super-seal as rubber emulsifier.¹⁰⁴
- The group held DOLE primarily accountable, given the gravity of violations of occupational standards by Kentex that were overlooked by DOLE.⁹⁵

A different coalition of labor groups organized a rally against Kentex and CJC Manpower Services.⁹⁶ During the coalition rally, the Bukluran ng Manggagawang Pilipino (BMP), or Organization of Filipino Workers; Sentro ng Nagkakaisang Manggagawa (Sentro), or Center of United Workers; Partido Manggagawa (PM), or Worker's Party; and the Trade Union Congress of the Philippines (TUCP) decried the alleged criminal acts in labor violations, contractualization policy, and sweatshop practices (i.e. *pakyawan*). PM took a step farther and challenged the group of private employers, Employer Confederation of the Philippines (ECOP), to ensure compliance of members to legally prescribed business standards.⁹⁷

On May 18, 2015, DOLE took the same tack of argument as the previous labor coalition in investigating the Kentex tragedy. It learned from SSS that Kentex failed to remit employer contributions to the workers' pension fund.⁹⁸ A further investigation by DOLE showed that Kentex remitted the SSS contribution for 13 workers — 9 of whom were not contracted with Kentex — in May 2015 for the month of February 2015.⁹⁹ DOLE claimed that Kentex did not merely violate the labor code but also defrauded its workers.

Dole declared that Kentex's underpayments circumvented the collective bargaining agreement with its workers.¹⁰⁰ Kentex could be held criminally liable under RA 6727 or the Wage Rationalization Act

series of 1989. Late in May 2015, DOLE planned to file a compliance order to Kentex and CJC Manpower Services to compensate 99 fire victims with the sum of 7.8 million PhP for its underpayments.¹⁰¹ This amount did not include other underpayments for payroll items of Kentex workers, the subject of another compliance order.¹⁰²

In June 2015, DOLE increased the compensation of the 99 workers to 8.3 million PhP. CJC Manpower Services, as a Kentex subcontractor, was held primarily accountable for paying the amount. DOLE based its decision on older and recent findings regarding labor standards violations by Kentex and CJC:

- Underpaid workers.
- Did not pay the required cost of living allowance (COLA).
- Did not provide workers' 13th month pay for 2014.
- Did not provide holiday pay and special holiday premiums.
- Illegally deducted a cash bond of 100 PhP per week.
- Did not remit workers' premiums to the Social Security System, PhilHealth, and Pag-IBIG Fund, despite deductions in pay.
- Was not registered under DO 18-A.
- CJC did not have a written contract with Kentex, as required under DO 18-A.
- Did not provide employment contracts to workers deployed at Kentex.
- Did not submit an annual work accident/illness exposure data report.
- Did not submit annual medical reports.
- Did not have company policies and programs on anti-sexual harassment, drug-free workplace, tuberculosis, hepatitis B, and HIV-AIDS.¹⁰³

DOLE was preparing to issue an order to Kentex to compensate 76 workers for a different set of violations.¹⁰⁴

The feminist organization Gabriela and its affiliate labor organization, KMU, found it disconcerting that the state selectively ran after a few names. They bashed President Aquino for absolving BFP, DILG, and DOLE of accountability, and even branded DILG and DOLE "...the guiltiest parties in his cabinet."¹⁰⁵ Gabriela and KMU found both DILG and DOLE negligent in their duty to ensure compliance of Kentex. From their perspective, DILG was accountable for BFP's failure to notify the Valenzuela government of the Kentex findings, whereas DOLE conducted a substandard inspection of Kentex. Gabriela went beyond the context of Kentex as it faulted the state for fostering poor employment standards in the Philippines. A Gabriela lawmaker, Partylist Representative Emmi de Jesus, stated that the government is "liable not only for the deaths accruing from its negligence in implementing occupational health safety standards but more so because of its inutility in providing decent jobs for the people."¹⁰⁶

On June 3, 2015, after Kentex indicated it had paid settlement claims to fire victims in the amount of 136,000 PhP¹⁰⁷ and its attorney Paraiso explained that fire victims' representatives voluntarily offered the settlement, in exchange for waiving legal claims,¹⁰⁸ KMU claimed that it was Kentex who approached

the victims' representatives to settle. The labor group had advised these representatives to refuse Kentex's waiver offer and instead pursue the justice that they deserved.¹⁰⁹

Toward an Uncertain Future

On June 8, 2015, kin and survivors of the Kentex tragedy filed complaints before the Office of the Ombudsman.¹¹⁰ They lodged charges against the following:

- DOLE Secretary Rosalinda Baldoz
- DOLE NCR Director Alex Avila
- DOLE NCR Labor Compliance Officer Joseph Vedasto
- DILG Secretary Mar Roxas
- BFP Chief Director Ariel Barayuga
- BFP NCR Director Sergio Soriano
- BFP Fire Safety Enforcement Chief Sr. Inspector Ed-groover Oculam
- Valenzuela City Fire Marshall Supt. Mel Jose Lagan¹¹¹

Kentex survivors and victims' relatives hosted solidarity activities for their global day of action on June 13, 2015.¹¹² Indonesian workers and Australian-based members of Migrante, a Filipino migrant group, expressed support for and unity with Kentex victims and local sympathizers.¹¹³

The Aquino administration was confident that it could resolve the Kentex tragedy with Secretaries Roxas and Baldoz already taking action on the matter.¹¹⁴ However, Roxas was caught admonishing the complainants for "barking up the wrong tree" in holding him accountable for the incident.¹¹⁵ Results were awaited from the investigations being independently conducted by DOJ and DOLE. DOJ had already recommended a criminal charge for Ong, together with Guan, Ang, welder Romero, Kentex driver Divino Provideo,¹¹⁶ and Rosalina Uy Ong (owner of Ace Shutter Corp.).¹¹⁷ It also implicated officials of Valenzuela City for administrative and criminal offenses.¹¹⁸ DOLE also issued a cease and desist order for CJC Manpower Services.¹¹⁹

Days after Aquino's press briefing, Valenzuela City took action to shut down businesses with substandard working conditions and without FSICs. This involved the inspection of 15,000 business establishments, which were ordered to produce FSICs within seven days from the date of notice.¹³¹

Taking the Challenges to the Next Level of Action

The most challenging days had come for Ong to test his leadership, management values, and capacity for reflexive learning. He found himself in the thick of delineating truth from fantasy and lies. The development of events since the fire of May 13, 2015, had painted the precarious existence of every concerned actor and sector. Ong felt as if the world weighed down on him. A good decision would move Kentex toward a viable future. But a wrong move would damage the reputation, morale, or trust of the affected parties. Ong was at a point of no return.

How to bail Kentex out of its tumultuous context was the biggest question in Ong's mind. As well, with his name implicated by the state in the Kentex fire tragedy, he had a serious personal stake in the matter. The fire aftermath mandated interests beyond the financial bottom line of Kentex. Local and global institutions and individuals had voiced their concerns for labor rights, workplace safety, management liability, state accountability, and standards for business establishments. Thus Ong confronted the full terrain of interests in a situation that was structurally and procedurally complex. Under these circumstances, he could not afford to be silent. He asked himself again, "What can be done to manage the crisis? What should I do and extend to help solve it?"

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