

SIXTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Third Regular Session )



16 JAN 21 A9:41

SENATE

S. No. 3090

RECEIVED BY: *J*

(In substitution of S.B. No. 2759)

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Prepared by the Committee on Labor, Employment and Human Resources  
Development with Senators Jinggoy Estrada and Sonny Angara as authors

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**AN ACT**  
**AMENDING CERTAIN PROVISIONS OF R.A. 9547 OTHERWISE KNOWN**  
**AS AN ACT STRENGTHENING AND EXPANDING THE COVERAGE OF**  
**THE SPECIAL PROGRAM FOR EMPLOYMENT OF STUDENTS,**  
**AMENDING FOR THE PURPOSE PROVISIONS OF R.A. 7323, OTHERWISE**  
**KNOWN AS THE SPECIAL PROGRAM FOR EMPLOYMENT OF STUDENTS**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

1 **SECTION 1.** Section 1 of RA 9547 is hereby amended to read as follows:  
2

3 "SEC. 1. Any provision of law to the contrary  
4 notwithstanding, any person or entity employing at least ten  
5 (10) persons may employ poor but deserving students, OUT-  
6 OF-SCHOOL YOUTH (OSY) OR, DEPENDENTS OF  
7 DISPLACED OR WOULD-BE DISPLACED WORKERS DUE  
8 TO BUSINESS CLOSURES, OR WORK STOPPAGES, OR  
9 NATURAL CALAMITIES, INTENDING TO ENROLL IN ANY  
10 SECONDARY, TERTIARY OR TECHNICAL-VOCATIONAL  
11 INSTITUTIONS, fifteen (15) years of age but not more than  
12 [twenty-five (25)] THIRTY (30) years old, paying them a salary  
13 or wage not lower than the minimum wage for private  
14 employers and the applicable hiring rate for the national and  
15 local government agencies: *Provided*, that students enrolled in  
16 the secondary level shall only be employed during summer  
17 and/or Christmas vacations, while THE OSY AND those  
18 enrolled in the tertiary, vocational or technical education may  
19 be employed at any time of the year: *Provided, further*, That  
20 their period of employment shall be from twenty (20) to [fifty-  
21 two (52)] SEVENTY-EIGHT (78) working days only, except that  
22 during Christmas vacation, employment shall be from ten (10)  
23 to fifteen (15) days, which may be counted as part of the  
24 students' probationary period should they apply in the same

1 company or agency after graduation: *Provided, finally,* That  
2 students employed in activities related to their course may earn  
3 equivalent academic AND PRACTICUM OR ON-THE-JOB  
4 TRAINING credits as may be determined by the appropriate  
5 government agencies.  
6

7 "For purposes of this Act, poor but deserving students,  
8 OUT OF SCHOOL YOUTH, AND DEPENDENTS OF  
9 DISPLACED OR WOULD-BE DISPLACED WORKERS DUE  
10 TO BUSINESS CLOSURES, OR WORK STOPPAGES, OR  
11 NATURAL CALAMITIES refer to those whose parents'  
12 combined income, together with their own, if any, does not  
13 exceed the annual regional poverty threshold level for a family  
14 of six (6) for the preceding year as maybe determined by the  
15 National Economic and Development Authority (NEDA).  
16 Employment facilitation services for applicants to the program  
17 shall be done by the public employment service office (PESO).  
18

19 "Participating employers in coordination with the PESO,  
20 must inform their SPES employees of their rights, benefits, and  
21 privileges under existing laws, company policies, and  
22 employment contracts."  
23

24  
25 **SEC 2.** Section 2 of the same Act is hereby amended to read as follows:  
26

27 "SEC. 2. *Sixty per centum* (60%) of the said salary or  
28 wage shall be paid by the employers in cash and *forty per*  
29 *centum* (40%) by the government [in the form of a voucher,]  
30 ALSO IN THE FORM OF CASH DIRECTLY TO THE  
31 STUDENT OR THROUGH FINANCIAL INSTITUTIONS OR  
32 OTHER PAYMENT FACILITIES, SUBJECT TO THE  
33 EXISTING RULES ON PROCUREMENT which shall be  
34 applicable in the payment for the students' tuition fees, [and]  
35 books, AND OTHER EDUCATION-RELATED EXPENSES,  
36 INCLUDING THEIR DAILY ALLOWANCE FOR FOOD AND  
37 TRANSPORTATION IN GOING TO SCHOOL [in any  
38 educational institution for secondary, tertiary, vocational or  
39 technical education]: *Provided,* That local government units  
40 (LGUs) EMPLOYING SPES BENEFICIARIES may assume  
41 responsibility for paying in full [his] THE salary or wages.  
42 PROVIDED FURTHER, THAT FOR LOW INCOME LGUS  
43 EMPLOYING SPES BENEFICIARIES, THE NATIONAL  
44 GOVERNMENT SHARE MAYBE INCREASED UP TO  
45 SEVENTY-FIVE PERCENT (75%) DEPENDING ON THE  
46 LGU'S FINANCIAL CAPACITY TO PAY THE SPES  
47 BENEFICIARIES.  
48

49 "THE NATIONAL GOVERNMENT SHARE SHALL BE  
50 PAID WITHIN THIRTY (30) WORKING DAYS UPON

1 SUBMISSION OF THE PARTNER-EMPLOYER OR  
2 PARTICIPATING ESTABLISHMENT OF THEIR REPORT ON  
3 PAYMENT OF SALARY OR WAGES WHICH SHALL BE THE  
4 BASIS OF THE PORTION OF THE SALARY OR WAGES TO  
5 BE PAID BY THE NATIONAL GOVERNMENT THROUGH  
6 THE DEPARTMENT OF LABOR AND EMPLOYMENT.  
7

8 [The amount of the education vouchers shall be paid by the  
9 government to the educational institutions concerned within  
10 thirty (30) days from its presentation to the officer or agency  
11 designated by the Secretary of Finance.]  
12

13 "IN CASE OF SICKNESS, ABSENCE, OR DEATH OF  
14 THE SPES BENEFICIARY, THE IMMEDIATE HEIRS MAY  
15 CLAIM THE SALARY, PROVIDED, THAT PROOF TO THIS  
16 EFFECT HAS BEEN CLEARLY ESTABLISHED.  
17

18 "LIKEWISE, THE SPES BENEFICIARY SHALL BE  
19 ENTITLED TO SOCIAL PROTECTION BY VIRTUE OF AN  
20 INSURANCE COVERAGE WITH THE GOVERNMENT  
21 SERVICE AND INSURANCE COMMISSION (GSIS) FOR A  
22 PERIOD OF ONE YEAR.  
23

24 ["The vouchers shall not be transferable except when the  
25 payees thereof dies or for a justifiable cause stops in his duties,  
26 in which case it can be transferred to his brothers or sisters. If  
27 there be none, the amount thereof shall be paid his heirs or to  
28 the payee himself, as the case may be."]  
29  
30

31 **SEC 3.** Section 3 of the same Act is hereby amended to read as follows:  
32

33 "SEC. 3. [The Secretary of Labor and Employment, the  
34 Secretary of Education, the Chairman of the Commission on  
35 Higher Education, the Secretary of Budget and Management,  
36 the Secretary of Social Welfare and Development and the  
37 Secretary of Finance shall issue the corresponding rules and  
38 regulations to carry out the purposes of this act.  
39

40 "The Secretary of Labor and Employment shall be the  
41 Program Chairman." ] THE DOLE SHALL ISSUE THE  
42 IMPLEMENTING RULES AND REGULATIONS TO CARRY  
43 OUT THE PURPOSES OF THIS ACT. FURTHER, THE  
44 SECRETARY OF THE DEPARTMENT OF LABOR AND  
45 EMPLOYMENT, MAY ISSUE ADDITIONAL GUIDELINES  
46 WHICH MAY BE DEEMED APPROPRIATE.  
47  
48

49 **SEC 4.** Section 4 of the same Act is hereby deleted. Succeeding sections  
50 are hereby renumbered accordingly.

1       **SEC 5.**     Section 5 of the same Act is hereby amended to read as follows:  
2

3               **SEC. [5] 4.** The Secretary of the Department of Labor and  
4       Employment shall include in the Department's program the  
5       operationalization of the expanded Special Program for  
6       Employment of Students, **INCLUDING THE MAINTENANCE**  
7       **OF A DATABASE OR REGISTRY FOR MONITORING OF**  
8       **SPES BENEFICIARIES.**  
9

10              "The amount necessary to carry out the purposes of this  
11       Act is hereby authorized to be appropriated in the General  
12       Appropriations Act for 1992 and the subsequent annual general  
13       appropriations acts: *Provided* that the appropriation, for the  
14       purposes of this Act shall not be reduced by Congress below  
15       the amount appropriated for the previous year and, after  
16       approval, shall be automatically and regularly released:  
17       *Provided, further,* that the appropriation herein shall be  
18       increased by at least 20 *per centum* (20%) annually."  
19

20  
21       **SEC 6. Separability Clause.**— If any provision of this Act is declared  
22       unconstitutional, the same shall not affect the validity and effectivity of the other  
23       provisions thereof.  
24

25  
26       **SEC 7. Repealing Clause.**— All laws, executive orders, presidential  
27       proclamations, rules and regulations or parts thereof inconsistent with the  
28       provisions of this Act are hereby repealed or modified accordingly.  
29

30  
31       **SEC 8. Effectivity Clause.**— This Act shall take effect fifteen (15) days after  
32       its publication in the Official Gazette or in at least two (2) national newspapers  
33       of general circulation.

*Approved,*