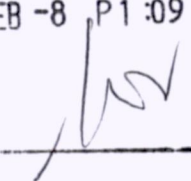




SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'17 FEB -8 P1:09

RECEIVED BY: 

SENATE
S. B. No. 1318

Introduced by SENATOR JOEL VILLANUEVA

**AN ACT INSTITUTING A PHILIPPINE LABOR FORCE
COMPETENCIES COMPETITIVENESS PROGRAM, AND
ESTABLISHING FREE ACCESS TO TECHNICAL AND
VOCATIONAL TRAINING PROGRAMS**

EXPLANATORY NOTE

"...Those who have less in life should have more in law."

– President Ramon Magsaysay

These are the words that the late President Ramon Magsaysay made popular during the heyday of his presidency. Indeed, the law is best used as a catalyst for collective change to ensure that our people have just and fair access to opportunities that will alleviate them from poverty.

A definitive way to use the law in order to empower our people is through strengthening their access to just, humane and fair opportunities to a living wage. Article XIII, Section 3 of the Philippine Constitution clearly provides that the State shall "promote full employment and equality of employment opportunities for all."

The proposed "Tulong-Trabaho Act of 2017" is one such proposed legislative measure. It has two main objectives, namely to democratize access to technical and vocational training and strengthen the existing programs to ensure gainful employment.

First, the law will guarantee that all qualified Filipinos will gain access to technical and vocational training programs through the Technical Education and Skills Development Authority through financial assistance to be allocated by the State. This will be achieved through establishing a Tulong-Trabaho Fund that will ensure financial assistance for the qualified applicants.

Second, the law will legislate the standards within which to further enhance the existing technical vocational education and training of these

programs. This will concretize the support system to ensure the development of these programs for long-term sustainability and productivity.

With this two-fold approach, the government serves as a bastion for empowering the ordinary Filipino to live a life of dignity, hope and integrity.

The passage of this important measure is earnestly sought.



SENATOR JOEL VILLANUEVA



Senate

Office of the Secretary

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**AN ACT INSTITUTING A PHILIPPINE LABOR FORCE
COMPETENCIES COMPETITIVENESS PROGRAM, AND
ESTABLISHING FREE ACCESS TO TECHNICAL AND VOCATIONAL
TRAINING PROGRAMS**

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

ARTICLE I – GENERAL PROVISIONS

SECTION 1. Short Title. - This Act shall be known as the “Tulong-
Trabaho Act of 2017.”

SECTION 2. Declaration of Policy. – Article II, Section 9 of the
Philippine Constitution provides that the State shall promote a just and
dynamic social order that will ensure the prosperity and independence of
the nation, and free the people from poverty through policies that provide
adequate social services, promote full employment, a rising standard of
living, and an improved quality of life for all.

Article XIV, Section 4 of the Philippine Constitution encourages non-
formal, informal, and indigenous learning systems, as well as self-
learning, independent, and out-of-school study programs, particularly
those that respond to community needs.

1 **SECTION 3. Objectives.** - The objectives of this Act are as follows:
2

- 3 1. To strengthen the qualifications of the Filipino workforce to meet
4 the challenges of the rapidly evolving workplaces and work
5 structures,
6
- 7 2. To provide for more innovative approaches to education and
8 training linked to the requirement of industry,
9
- 10 3. To facilitate access to quality technical education and training, and
11
- 12 4. To encourage the participation of industry and communities in
13 competencies formation and upgrading towards a more
14 competitive Filipino workforce.
15

16 **SECTION 4. Definition of Terms.** – The following terms shall be used
17 in this Act:
18

- 19 a) **Competency** - The application of knowledge, skills and attitude
20 required to complete a work activity in a range of context and
21 environment to the standard expected in the workplace.
22
- 23 b) **Competency-based learning system** - A system by which the
24 learner is trained on the basis of demonstrated ability rather
25 than on that of elapsed time.
26
- 27 c) **Direct training expenses** - Item of costs that are specifically
28 traced to, or caused by the training. Items include, among
29 others, consumables used in the course of the program, training
30 supplies, materials, utilities, venue and equipment.
31
- 32 d) **Employed workers** - Includes all those who, during the
33 reference period are fifteen (15) years old and over as of their
34 last birthday and are reported either:
35
 - 36 a. At work - those who do any work even for one hour during
37 the reference period for pay or work without pay on the
38 farm or business enterprise operated by a member of the
39 same or related by blood, marriage or adoption, or;
40
 - 41 b. With a job but not at work – those who are employed or
42 with a business but are not at work, be it temporarily or
43 due to temporary illness/injury, vacation or other reasons.

Likewise, persons who expect to return or to start operation of a farm or business enterprise within two weeks from the date of the enumerator's visit, are considered employed.

e) Formal education – Learning acquired from the structured educational programs in schools, colleges and universities

f) Informal Education - Learning acquired from regular activities related to work, home, community, leisure and is not programmed nor structured for learning purposes but can be measured in assessment based on nationally agreed competency standards.

g) Non-formal education – Learning acquired from planned activities not explicitly recognized as educational program in terms of the traditional input measures but is intended to result in measurement of learning outcomes

h) Technical Vocational Education and Training (TVET) - the education or training process where it involves, in addition to general education, the study of technologies and related sciences and the acquisition of practical skills relating to occupations in various sectors of economic life and social life, comprises formal (organized programs as part of the school system) and non-formal (organized classes outside the school system) approaches.

ARTICLE II THE TULONG-TRABAHO FUND

SECTION 5. *Tulong-Trabaho Fund.* – The Technical Education and Skills Development Authority (TESDA) will establish the Tulong-Trabaho Fund as a means to provide qualified recipients with access to select TESDA training programs through the full payment of the selected programs' training fees, as well as the possibility of providing additional financial assistance such as transportation allowance and laboratory fees, as needed.

The government shall provide in the General Appropriations Act of every year sufficient funds for free technical education and training. The

1 appropriation shall be used in order to allocate funds for qualified
2 applicants to enable training for qualifications in key employment
3 generating sectors. The Tulong-Trabaho Fund shall be included as an
4 appropriation in the General Appropriations Act.

5 **SECTION 6. *Scope of Financial Assistance.*** – The Tulong-Trabaho
6 Fund will include the provision of training fees to certain school-based
7 programs, center-based programs, community-based programs and
8 enterprise-based programs of TESDA that will be determined by the
9 TESDA Board that are included in the list. The provision of additional
10 financial assistance to recipients will also be considered, based on the
11 final determination of the Tulong-Trabaho Board.

12 **SECTION 7. *Qualified Recipients.*** – Priority access to the Tulong-
13 Trabaho Fund will be made available to the following qualified recipients:

- 14 1. Unemployed Filipinos aged 18 years of age and above;
- 15 2. Out-of-school youth aged 16 years of age and below 18 years of
16 age who have not been enrolled in a public or private school for at
17 least a year prior to their application to access to the Fund;
- 18 3. High school graduates;
- 19 4. College students who have completed at least one (1) semester in
20 college, and
- 21 5. Employed workers, as defined in this Act, who intend to develop
22 and expand their current skills and training.

23 **ARTICLE III -**
24 **THE TULONG-TRABAHO BOARD**

25
26 **SECTION 8. *Composition of the Tulong-Trabaho Board.*** – The
27 Tulong-Trabaho Board will be comprised of the following members of the
28 TESDA Board as ex-officio members:

- 29 a. The Secretary of the Department of Labor and Employment;
- 30 b. Secretary of Education,
- 31 c. Secretary of Trade and Industry,
- 32 d. Secretary of Agriculture,
- 33 e. Secretary of Interior and Local Government, and
- 34 f. The Chairperson of the Commission on Higher Education.

1
2
3 The Secretary of Labor and Employment shall serve as the *ex-officio*
4 chair of the Tulong-Trabaho Board. The Secretary of Labor and
5 Employment is mandated to convene the board quarterly, or as often
6 as necessary to carry out the duties provided for in Section 9 of this
7 Act.

8 The other members of the Tulong-Trabaho Board will include:

- 9 a) the Director General of the National Economic Development
10 Authority,
11 b) two (2) private sector industry representatives, and
12 c) two (2) representatives of labor and organized unions.
13

14 The representatives of the private sector and the labor sector will be
15 appointed by the President.

16 **SECTION 9. *Duties and Functions of the Tulong-Trabaho Board.* –**

17 The Tulong-Trabaho Board has the following duties and functions:

- 18 a) Approve the final list of Selected Training Programs (STPs) that
19 will be given funding by the Tulong-Trabaho Fund, based on the
20 initial recommendation of the TESDA Secretariat and the TESDA
21 Director General,
22
23 b) Release a list of available STPs within two (2) months after the
24 signing of this bill into law, and to be updated accordingly in
25 accordance with the provisions of this Act,
26
27 c) Determine the final list of qualified applicants and recipients of the
28 Tulong-Trabaho Fund,
29
30 d) Decide on the provision of additional allocation for financial
31 assistance in addition to the payment of training fees,
32
33 e) Conduct a periodical review of the programs that will be made
34 available through the Tulong-Trabaho Fund, through quantitative
35 job market studies, data provided by the training centers,
36

1 f) Decide on the financial management and disbursement of the
2 Tulong-Trabaho Fund,
3

4 g) Coordinate with the TESDA Director General for the execution of
5 actions and decisions regarding the financial management and
6 disbursement of the Tulong-Trabaho Fund,
7

8 h) Receive donations from both government and non-government
9 organizations to be used strictly for the beneficiaries and qualified
10 applicants of the Tulong-Trabaho Fund and for no other purpose,
11

12 i) Release an annual report to the public on the management of the
13 Tulong-Trabaho Fund, including revenue received from the
14 General Appropriations Act and donations, expenditures,
15 performance of the recipients of the fund and other pertinent
16 information, and
17

18 j) All other duties and functions related to the determination of policy
19 directives and subsequent execution of the Tulong-Trabaho Fund.
20

21 **SECTION 10. *Criteria of Selected Training Programs (STPs)*** – The
22 Selected Training Programs (STPs) that will be made available for
23 financial assistance through the fund will be determined based on the
24 following criteria:

- 25 a. The latest issuances of Labor Market Intelligence Reports;
26 b. Quantitative data on employment opportunities to be provided by
27 the Department of Labor and Employment; and
28 c. Quantitative data on jobs and skills matching, as determined by
29 TESDA.
30

31 **SECTION 11. *Submission of Potential Recipients.*** – The heads of
32 admission of all school-based programs, center-based programs,
33 community-based programs and enterprise-based programs shall submit
34 a list of qualified trainees of their respective programs who have applied
35 to avail of the Tulong-Trabaho Fund to the Tulong-Trabaho Board
36 through the TESDA-Director General. The list of qualified recipients will
37 be released periodically, depending on the availability of the STPs and
38 the available allocation of the Tulong-Trabaho Fund.

1 **SECTION 12. *Evaluation of Assistance Given to Schools and***
2 ***Training Centers.*** – Schools and training centers who receive the
3 Tulong-Trabaho Fund and implement its allocation to qualified applicants
4 shall be evaluated quarterly by the Tulong-Trabaho Board. The training
5 schools and centers are required to ensure that at least 70% of the
6 beneficiaries of the Tulong-Trabaho Fund who receive the financial
7 assistance will pass the TESDA qualification examination. The Tulong-
8 Trabaho Board has the discretion to provide other criteria and standards
9 to determine whether the school or center should continue to receive
10 financial assistance through the Tulong-Trabaho Fund.

11 **SECTION 13. *Public Online Registry.*** – TESDA shall create a registry
12 of schools and training centers where the financial assistance of the
13 Tulong-Trabaho Fund will be allocated, as well as database of qualified
14 recipients of the financial assistance and graduates of these programs.
15 The registry and database must be accessible through the use of the
16 Internet or other online systems.

17
18 **ARTICLE IV**
19 **DEVELOPMENT MODALITIES AND SUPPORT SYSTEMS**
20

21 **SECTION 14. *Primary Duty of TESDA.*** – TESDA, pursuant to Republic
22 Act No. 7796, shall design and implement the support systems
23 necessary to achieve the objectives of this Act, particularly the
24 development of additional TVETs and the improvement of existing
25 TVETs.

26
27 **SECTION 15. *Support Systems for the Development of Competitive***
28 ***Filipino Workforce.*** – A TVET, to be relevant to changing demands,
29 must be based on developing competencies and focused on learning
30 outcomes. Competency-based training allows for flexibility and facility for
31 adaptation of programs in short period of time and in modular
32 arrangements. This includes developing potential entrants' skills and
33 capacities, as well as upgrading competencies of employed workers.
34
35
36
37
38
39

1 **A. Entrants' Preparation and Development**

2
3 **A.1 Appropriate Standards** - Competency standards,
4 development of curricula and necessary training designs
5 shall be established in order to align the technical
6 education and training programs, necessary to meet the
7 needs of the industry, and to ensure the access to the
8 Philippine job market.

9
10 **A.2 General planning** - Vocational guidance and career
11 planning shall include, but shall not be limited to, the
12 technical vocational and livelihood (TVL) exploratory
13 program in basic education and the Public Employment
14 Service Officer (PESO) career advocacy program of DOLE
15 and the local governments.

16
17 **A.3 Establishment of Trainors' Training and**
18 **Certification.** -TESDA shall establish Trainors' Training
19 and Certification to ensure the qualification of trainors in
20 pursuance of the objectives of this Act.

21
22 **A.4 Competency Assessment and Certification** -
23 TESDA shall develop a mechanism to enable employers to
24 easily recognize the competencies of a job applicant.

25
26 **A.5 Quality Assurance System** - TESDA shall develop a
27 quality assurance system that will be used to establish
28 quantitative and qualitative standards, in order to provide
29 credibility to the qualifications issued to graduates of
30 programs and certificate holders.

31
32 **B. Upgrading Competencies of Employed Workers**

33
34 **B.1 Modalities and Programs for Employed Workers.** -
35 TESDA shall be tasked with developing modalities of
36 learning acquisition, in recognition of the circumstances of
37 full time and part time workers in urban and rural areas
38 and in various industries with varying work schemes and
39 practices. Modalities shall include formal, non-formal and
40 informal learning modes.

41
42 **B.2 Learning modules accumulation system** - TESDA
43 shall develop new learning modules to allow workers to

1 achieve competencies in modules and bundle the modules
2 into certifiable qualifications.

3
4 **B.3 Industry Participation and Incentives** - Industry
5 participation and incentives in recognition that technical
6 education and training in the workplace is an effective
7 mode of skills acquisition and values formation.
8 Collaboration between the private sector and TESDA shall
9 be encouraged in order to enhance their workers'
10 capacities.

11
12 **B.4 Engagement of Local Government** - Community
13 participation of local government units, specifically the
14 Public Employment Service Offices, shall be encouraged
15 in recognition of the PESOs mandate and functions.

16
17 **ARTICLE V –**
18 **MISCELLANEOUS PROVISIONS**
19

20 **SECTION 16. Oversight Committee.** – A joint oversight committee,
21 comprised of the chairpersons of the Committee on Labor of both
22 houses will be convened in order to review, among others, the list of the
23 STPs, the management of the Tulong-Trabaho Fund and the
24 performance of the qualified recipients, as well as the progress of the
25 development modalities and support systems.

26 **SECTION 17. Separability Clause.** - If any provision or part hereof, is
27 held invalid or unconstitutional, the remainder of the law or the provision
28 not otherwise affected shall remain valid and subsisting.

29 **SECTION 18. Repealing Clause.** - Any law, presidential decree or
30 issuance, executive order, letter of instruction, administrative order, rule
31 or regulation contrary to or inconsistent with, the provisions of this Act is
32 hereby repealed, modified, or amended accordingly.

33 **SECTION 19. Effectivity Clause.** - This Act shall take effect fifteen (15)
34 days after 4 its publication in at least two (2) newspapers of general
35 circulation.

36
37 **Approved,**
38