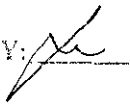


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SENATE

Senate Bill No. **2872**

RECEIVED BY: 

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INTRODUCED BY SENATOR JINGGOY EJERCITO ESTRADA

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EXPLANATORY NOTE

In 1999, Congress passed into law Republic Act No. 8759, otherwise known as the Public Employment Service Office Act of 1999, in recognition of the need to institutionalize the establishment and operation of a Public Employment Service Office (PESO) in all capital towns of provinces, key cities, and other strategic areas.

The following are among those contemplated in the law: (1) that the Department of Labor and Employment (DOLE) shall undertake the establishment, operation and maintenance of PESOs, upon the request of the LGU, NGO, CBO or SUC; (2) that the DOLE shall enter into a Memorandum of Agreement with the concerned LGU, NGO, CBO or SUC; and (3) that the budget needed for the full implementation of the law shall be provided in the General Appropriations Act (GAA) of DOLE.

Unfortunately, the full budgetary requirement to implement the law was never substantiated. The DOLE's annual budget for PESO was only for provision of technical assistance, training and supervision. There were no allocation for the establishment, operation and maintenance of the PESO office. Because of the tight fiscal situation, the PESO Act remains unfunded.

Considering that the PESO performs the very important task of facilitating the access of jobseekers to employment opportunities, it is imperative to establish a network of fully enabled Public Employment Service Offices. The restrictive provisions of the PESO Act of 1999 should therefore be rectified. Thus, these proposed amendments.

The bill aims to establish a labor market information infrastructure at the grass roots for a more efficient and effective provision of employment services. It also intends to facilitate the meeting of supply and demand for skills thereby reducing the transaction cost of information on available skills and jobs.

In view of the foregoing, approval of this bill is earnestly sought.

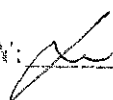


JINGCOY EJERCITO ESTRADA

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SENATE

Senate Bill No. 2872

RECEIVED BY: 

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INTRODUCED BY SENATOR JINGGOY EJERCITO ESTRADA

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AN ACT

DEFINING THE ROLE OF THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) AND THE LOCAL GOVERNMENT UNITS (LGUs) ON THE ESTABLISHMENT AND OPERATION OF THE PUBLIC EMPLOYMENT SERVICE OFFICE (PESO), AND THE OPERATION OF JOB PLACEMENT OFFICE IN SUC AND NGO, AMENDING FOR THE PURPOSE SECTIONS 3, 6, 7 AND 9 OF REPUBLIC ACT NO. 8759, OTHERWISE KNOWN AS PUBLIC EMPLOYMENT SERVICE OFFICE ACT OF 1999

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

SECTION 1. Section 3 of Republic Act No. 8759, otherwise known as the "Public Employment Service Office Act of 1999," is hereby amended to read as follows:

"SECTION 3. Establishment of the Public Employment Service Office.

"To carry out the above-declared policy, there shall be established in all [capital towns of] provinces, [key] cities, and [other strategic areas] MUNICIPALITIES a Public Employment Service Office, hereinafter referred to as "PESO", which shall be [community-based and] OPERATED AND maintained [largely] by local government units (LGUs). [and a number of non-governmental organizations (NGOs) and state universities and colleges (SUCs)]. The PESO shall be linked to the regional offices of the Department of Labor and Employment (DOLE) for coordination

and technical supervision, and to the DOLE central office, to constitute the national PUBLIC employment service network.

UPON THE REQUEST OF THE NGO OR SUC, THE DOLE MAY ENTER INTO A MEMORANDUM OF AGREEMENT FOR THE FORMER TO ESTABLISH, OPERATE AND MAINTAIN A JOB PLACEMENT OFFICE.

“TO HARMONIZE THE PROVISION OF EMPLOYMENT SERVICES IN A GIVEN TERRITORIAL JURISDICTION, THE JOB PLACEMENT OFFICE AT THE NGO AND SUC SHALL COORDINATE THEIR ACTIVITIES WITH THE NEAREST PESO.”

SEC. 2. Section 6 of the same law is hereby amended to read as follows:

“SECTION 6. Other Services of the PESO.

“In addition to the functions enumerated in the preceding section, every PESO shall [also] undertake [the following] STRATEGIES, programs and activities [:] TO MAKE THE PROVISION OF EMPLOYMENT SERVICES EFFECTIVE AND EFFICIENT.”

- [(a) Jobs Fairs – These shall be conducted periodically all over the country to bring together in one venue job seekers and employers for immediate matching;]
- [(b) Livelihood and Self-employment Bazaars – These will give clients information on the wide array of livelihood programs they choose to avail of, particularly in the rural area;]
- [(c) Special Credit Assistance for Placed Overseas Workers - This type of assistance will enable poor but qualified applicants to avail of opportunities for overseas employment;]
- [(d) Special Program for Employment of Students and Out-of-School Youth (SPESOS) - This program shall endeavor to provide employment to deserving students and out-of-school youths coming from poor families during summer and/or Christmas vacations as provided for under Republic Act No. 7323 and its implementing rules, to enable them to pursue their education;]

- [(e) Work Appreciation Program (WAP) – This program aims to develop the values of work appreciation and ethics by exposing the young to actual work situations;]
- [(f) Workers Hiring for Infrastructure Projects (WHIP) – This program is in pursuance of Republic Act No. 6685 which requires construction companies, including the Department of Public Works and Highways and contractor for government-funded infrastructure projects, to hire thirty percent (30%) of skilled and fifty percent (50%) of unskilled labor requirements from the areas where the project is constructed/located; and]
- [(g) Other programs/activities developed by DOLE to enhance provision of employment assistance to PESO clients, particularly for special groups of disadvantaged workers such as persons with disabilities (PWDs) and displaced workers.]”

SEC. 3. Section 7 of the same law is hereby amended to read as follows:

“SECTION 7. Role of DOLE[, ]and LGU[s, NGOs, CBOs and SUCs].

[“Upon the request of the LGUs, NGOs, CBOs, SUCs which do not have existing PESOs, the establishment, operation and maintenance of PESOs shall be undertaken by the DOLE. The DOLE shall enter into memoranda of agreements with the concerned LGUs, NGOs, CBOs, SUCs for the establishment, operation and maintenance of PESOs in their respective areas of jurisdiction and the institutionalization of existing PESOs.] THE DOLE AND THE LGU SHALL JOINTLY ESTABLISH THE PESO.

It shall be the responsibility of the DOLE to:

- (a) PROVIDE TECHNICAL SUPERVISION, COORDINATION AND CAPACITY BUILDING TO THE PESO;
- (b) Establish and maintain a computerized [national manpower] HUMAN RESOURCE AND JOB registr[y]IES [of skills and employment and business opportunities] to facilitate the provision and packaging of employment

assistance to PESO clients and [the] TO set[ting-]up [of] intra- and inter-regional job clearance system as part of the overall employment service network;

- [(b) Provide office space, equipment and/or supplies, as well as necessary personnel complement to manage, operate and maintain the PESO;]
- [(c) Designate in consultation with the LGU NGO, CBO or SUC concerned, a qualified [project manager and/or key personnel who shall be responsible for the operation and management of the PESO;]
- [(d)c) Provide technical assistance and allied support services to the PESO[;], INCLUDING, BUT NOT LIMITED TO, TRAINING OF PESO PERSONNEL IN THE VARIOUS ASPECTS OF EMPLOYMENT FACILITATION FUNCTIONS;
- [(e)d) [Train PESO personnel in the various aspects of employment facilitation functions] SET STANDARDS FOR THE ESTABLISHMENT AND OPERATION OF THE PESO OFFICE, AND QUALIFICATION STANDARDS FOR THE PESO PERSONNEL;
- [(f)e) Extend [/facilitate such] other packageS of employment services [to the provisions of employment assistance] to [clients of] the LGU, NGO, or SUC concerned, including the conduct of job fairs, CAREER ADVISE, ETC. [and other activities]; and
- [(h)f)[Undertake] Monitor, assess, and evaluate the PERFORMANCE OF THE PESO NETWORK, INCLUDING THE JOB PLACEMENT OFFICES AT THE SUC AND NGO [the PESO program implementation].

[For their part the LGUs, NGOs, CBOs, or SUCs shall extend the following assistance and services as may be necessary in the promotion of employment within their respective areas of jurisdiction.] FOR THEIR PART, PERSONS WHO ARE SEEKING EMPLOYMENT, PARTICULARLY THE UNEMPLOYED, SHALL REGISTER AT THE PESO FOR EMPLOYMENT FACILITATION ASSISTANCE. THE ESTABLISHMENTS, ON THE OTHER HAND, SHALL SUBMIT THEIR JOB VACANCIES AS WELL AS APPLICANTS HIRED TO THE PESO TO ENSURE THE AVAILABILITY OF ACCURATE INFORMATION ON

SUPPLY AND DEMAND FOR SKILLS IN THE LABOR MARKET.

IT SHALL BE THE RESPONSIBILITY OF THE CONCERNED LGU TO:

- (A) OPERATE AND MAINTAIN THE PESO;
- (B) ENSURE COMPLIANCE WITH THE OPERATIONAL STANDARDS SET BY THE DOLE;
- (C) EXTEND SUCH ASSISTANCE AND SERVICES AS MAY BE NECESSARY IN THE PROMOTION OF EMPLOYMENT WITHIN THE AREA OF JURISDICTION; AND
- (D) SUBMIT TO THE DOLE PERIODIC PERFORMANCE/ ACCOMPLISHMENT REPORTS."

SEC. 4. Section 9 of the same law shall be amended to read as follows:

"SECTION 9. Funding. [The amount necessary for the initial implementation of this Act shall be charged against the existing appropriation of the DOLE and its operating agencies. Thereafter, the amount needed for the full implementation of this Act shall be included in the budget of the DOLE in the succeeding General Appropriations Act.]

THE ANNUAL BUDGETARY REQUIREMENTS OF ITS PESO SHALL BE INCLUDED IN THE ANNUAL BUDGETARY APPROPRIATION OF THE LGU. THE SUC AND NGO SHALL PROVIDE THE RESOURCES FOR THE OPERATION OF THEIR JOB PLACEMENT OFFICES.

FUNDS FOR THE PROVISION OF TECHNICAL ASSISTANCE, TRAINING AND SUPERVISION OF THE PESO SHALL BE INCLUDED IN THE BUDGET OF THE DOLE IN THE GENERAL APPROPRIATION ACT.

SEC. 5. Implementing rules and regulations. – The secretary of labor and employment shall issue the necessary rules and regulations for the effective implementation of this act within ninety (90) days after its effectivity.

SEC. 6. Repealing clause. – All laws, decrees, executive orders, proclamations, rules and regulations or any part thereof, which are *inconsistent with the provisions* of this act, are hereby deemed repealed or modified accordingly.

SEC. 7. Separability clause. – If for any reason, any section or provision of this act or any part thereof, or the application of such section, provision or portion is declared invalid or *unconstitutional*, the remainder thereof shall not be affected by such declaration.

SEC. 8. Effectivity. – This act shall take effect after fifteen (15) days from the date of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

*Approved,*