

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



Senate
Office of the Secretary

'16 JAN 21 AM 28

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 359

Submitted by the Committees on Labor, Employment and Human Resources Development; and Finance on JAN 21 2016.

Re: Senate Bill No. 3091

Recommending its approval in substitution of Senate Bill No. 2889.

Sponsor: Senator Sonny Angara

MR. PRESIDENT:

The Committees on Labor, Employment and Human Resources Development; and Finance to which was referred Senate Bill No. 2889, introduced by Senators Sonny Angara and Loren Legarda, entitled:

**AN ACT
INSTITUTIONALIZING THE NATIONWIDE IMPLEMENTATION OF
THE JOBSTART PHILIPPINES PROGRAM AND PROVIDING
FUNDS THEREFOR**


have considered the same and has the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 3091, prepared by the Committee, entitled:

**AN ACT
INSTITUTIONALIZING THE NATIONWIDE IMPLEMENTATION OF
THE JOBSTART PHILIPPINES PROGRAM AND PROVIDING
FUNDS THEREFOR**

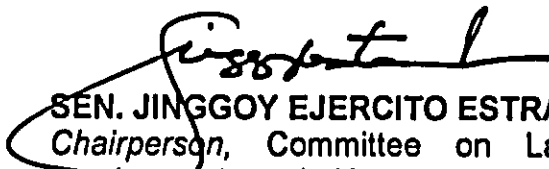
be approved in substitution of Senate Bill No. 2889 with Senators Sonny Angara and Loren B. Legarda as authors.

Respectfully submitted:

Chairpersons:




SEN. SONNY ANGARA
*Acting Chairperson, Committee on Labor,
Employment and Human Resources
Development;*
Vice Chairperson, Committee on Finance




SEN. JINGGOY EJERCITO ESTRADA
*Chairperson, Committee on Labor,
Employment and Human Resources
Development;*
Member, Committee on Finance

SEN. LOREN B. LEGARDA
Chairperson, Committee on Finance
Member, Committee on Labor, Employment and Human Resources Development

Vice Chairpersons:



SEN. SERGIO R. OSMEÑA III
Vice Chairperson, Committee on Finance



SEN. TEOFISTO L. GUINGONA III
Vice Chairperson, Committee on Finance
Member, Committee on Labor, Employment and Human Resources Development

SEN. CYNTHIA A. VILLAR
Vice Chairperson, Committee on Finance
Member, Committee on Labor, Employment and Human Resources Development

SEN. PAOLO BENIGNO AQUINO IV
Vice Chairperson, Committee on Finance


Members:

SEN. FRANCIS G. ESCUDERO
Committees on Labor, Employment and
Human Resources Development; and Finance


SEN. RAMON BONG REVILLA, JR.
Committees on Environment and
Natural Resources; and Finance

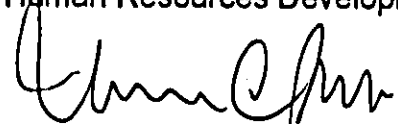
SEN. FERDINAND R. MARCOS, JR.
Committees on Labor, Employment and
Human Resources Development; and
Environment and Natural Resources;
and Finance


SEN. MARIA LOURDES NANCY S. BINAY
Committee on Finance

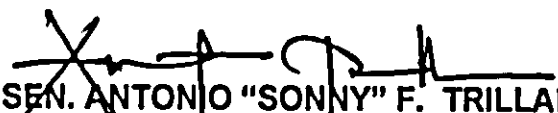

SEN. JOSEPH VICTOR G. EJERCITO
Committees on Labor, Employment
and Human Resources Development;
and Finance

SEN. MIRIAM DEFENSOR SANTIAGO
Committee on Finance


SEN. MANUEL M. LAPID
Committee on Labor, Employment and
Human Resources Development


SEN. VICENTE C. SOTTO III
Committees on Labor, Employment
and Human Resources Development;
and Finance


SEN. GRACE POE
Committees on Labor, Employment and
Human Resources Development; and Finance


SEN. ANTONIO "SONNY" F. TRILLANES IV
Committee on Labor, Employment and
Human Resources Development


SEN. PIA S. CAYETANO
Committee on Labor, Employment and Human
Resources Development


SEN. AQUILINO PIMENTEL III
Committee on Finance

Ex Officio Members:



SEN. RALPH G. RECTO
President Pro-Tempore

SEN. ALAN PETER "COMPAÑERO" S. CAYETANO
Majority Leader

SEN. JUAN PONCE ENRILE
Minority Leader

SEN. FRANKLIN M. DRILON
Senate President

16TH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



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SENATE
S. No. 3091

RECEIVED BY: 

(In substitution of S.B. No. 2889)

Prepared by the Committees on Labor, Employment and Human Resources Development; and Finance with Senators Sonny Angara and Loren B. Legarda as authors thereof

AN ACT
INSTITUTIONALIZING THE NATIONWIDE IMPLEMENTATION OF THE
JOBSTART PHILIPPINES PROGRAM AND PROVIDING FUNDS THEREFOR

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "JobStart
2 Philippines Act".

3
4 **SEC. 2. Declaration of Policy.** - It is the policy of the State to promote full
5 employment, equality of employment opportunities for all, and afford full protection to
6 labor. The Philippines subscribes to the International Labor Organization's (ILO)
7 Decent Work Agenda. As a signatory to ILO Convention 88, the State shall promote
8 the establishment of Public Employment Service Office (PESO) as the primary
9 institution at the local level that will be responsible for implementing a variety of
10 active labor market programs including job search assistance, training, and
11 placement for the unemployed, particularly the young jobseekers.

12
13 **SEC. 3. Statement of Objectives** - The JobStart Philippines Program aims to
14 shorten the youth's school to work transition by enhancing the knowledge and skills
15 acquired in formal education or technical training by jobseekers in order for them to
16 become more responsive to the demands of the labor market. With the participation
17 of the private sector and other stakeholders, the program will also help develop the
18 life skills of the youth, including those relevant to the values of professionalism and
19 work appreciation, and provide trainees with a conducive and safe work environment

1 or venue where they can apply relevant theories and code of ethics. Another
2 objective of the program is to further improve the delivery of employment facilitation
3 services of the PESOs.

4
5 **SEC. 4. Definition of Terms.** - For purposes of this Act, the following terms
6 are hereby defined as follows:

- 7 a) **Employer** – refers to an establishment or an enterprise which may be a
8 company, sole proprietorship, partnership, corporation, or any other legal
9 entity registered under relevant laws that may provide a venue for training
10 and placement of JobStart trainees.
11
- 12 b) **Internship Stipend** - refers to the amount which the JobStart trainee
13 receives from the participating employer for the duration of the internship
14 period.
- 15 c) **JobStart** – refers to the Department of Labor and Employment's (DOLE)
16 program designed to enhance the employability of at-risk youth to improve
17 their integration into productive employment through the provision of full
18 cycle employment facilitation services including job search assistance, free
19 technical and life skills trainings, placement in internships, and job referral
20 from the PESOs.
21
- 22 d) **JobStart Graduate** – refers to a JobStart trainee who has completed all
23 the program services and undergone all stages of the JobStart program.
24
- 25 e) **JobStart Internship** – refers to the practical learning of a JobStart trainee
26 in a regular work environment with a participating employer for a period of
27 up to three (3) months, as determined by the latter.
28
- 29 f) **JobStart Life Skills Training** – refers to a ten-day training designed to
30 holistically develop the behavior, attitude, and values of JobStart trainees,
31 which as a result will enable them to plan better their career path and deal
32 effectively with the demands and challenges of everyday life and work.
33
- 34 g) **JobStart Technical Training**– refers to the technology-based theoretical
35 instruction for a period of up to three (3) months in a lecture area, and
36 hands-on exercises in a laboratory or a workshop within the premises of a
37 technical training provider, either in a technical vocational institute (TVI)
38 registered with the Technical Education and Skills Development Authority
39 (TESDA), in-house in a participating employer, or within the available
40 facilities of LGUs.
41
- 42 h) **JobStart Trainee**– refers to an eligible JobStart registrant selected to
43 participate in the program.
44

- 1 i) **JobStart Unit** – refers to the office established and managed by the
2 Bureau of Local Employment (BLE) and Regional Offices of the DOLE,
3 and the participating PESOs to implement and oversee the JobStart
4 program.
5
6 j) **Technical Training Certificate** – refers to a certification that shall be
7 jointly issued by the DOLE, the TESDA, and the participating employer
8 after program completion and assessment of the JobStart trainee's
9 competencies to attest the skills acquired by the JobStart trainee. The
10 certificate shall contain a list of the units of competency and qualification
11 acquired.
12
13 k) **Training Allowance** - refers to the amount which the JobStart trainee
14 receives from the JobStart Unit for the duration of the life skills and
15 technical training.
16
17 l) **Training Plan** – refers to a written plan that specifies the skills set and
18 competencies to be acquired by the JobStart trainee from technical
19 training to internship period. The plan will describe the training curriculum
20 or modules to be used, the training schedule, venue, facilities, cost, as well
21 as the training's monitoring and evaluation framework. The training plan
22 shall be prepared by the employer and approved by the JobStart Unit with
23 technical advice from TESDA.

24
25 **SEC. 5. Qualifications of a JobStart Trainee** - To qualify as a JobStart
26 trainee, a person must:

- 27
28 a) be a Filipino citizen;
29 b) be eighteen (18) to twenty-four (24) years of age at the time of the
30 registration period. Those who are seventeen (17) years old may also
31 register provided that they will be eighteen (18) years old at the time of the
32 technical training;
33 c) have at least reached high school level;
34 d) not be employed, studying, or undergoing training at the time of the
35 registration; and
36 e) have no work experience or have less than one (1) year of accumulated
37 work experience.

38
39 **SEC. 6. Program Components.** - The JobStart Program shall include full
40 employment facilitation services such as registration, client assessment, life skills
41 training with one-on-one career coaching, technical training, job matching, and
42 referrals to employers either for further technical training, internship, or for decent
43 employment.
44

1 **SEC. 7. Status of JobStart Trainees** - The JobStart registrant shall be
2 considered as a trainee and not as an employee of the participating employer for the
3 duration of the training program. JobStart graduates shall be given preference in the
4 hiring of workers by the participating employers. After life skills training, the PESO
5 shall assess and determine whether the JobStart trainee is ready to be referred to for
6 decent employment or would require further training.

7
8 **SEC. 8. Role of the JobStart Unit.** -The DOLE shall establish a JobStart Unit
9 at the BLE and in every DOLE regional office. The JobStart unit shall provide the
10 employer the training costs, administrative costs, or other fees, if any, as specified
11 under a memorandum of agreement between the DOLE and the employer. It shall
12 also approve Training Plans in coordination with the appropriate PESOs and with
13 technical advice from TESDA.

14
15 **SEC. 9. Role of DOLE.** -The DOLE shall be the executing agency of the
16 JobStart Philippines Program. The BLE shall serve as the program manager that
17 shall provide the necessary technical and administrative assistance to concerned
18 regional and field offices, and PESOs. The DOLE regional and field offices shall
19 supervise and monitor the implementation of the JobStart activities in their respective
20 jurisdiction. The DOLE shall conduct capacity-building activities to train the PESOs in
21 adopting the new model on employment facilitation services, particularly on career
22 coaching and life skills.

23
24 **SEC. 10. Payment of Allowances and Stipends.** - The trainees shall receive
25 a daily training allowance from the JobStart Unit beginning from the life skills training
26 stage to the technical training stage. The amount of the training allowance shall be
27 determined by the DOLE.

28 Upon entry into the internship stage, the participating employer shall provide
29 the JobStart trainees with a daily stipend of not less than seventy-five percent (75%)
30 of the prevailing minimum wage in the city or municipality where the establishment is
31 located. The amount of the stipend shall be based on the trainee's actual
32 attendance. Absences, tardiness or under time incurred shall be deducted therefrom
33 in accordance with the Training Plan.

34
35 Training allowances and stipends shall be paid at least once every two (2)
36 weeks or twice a month at intervals not exceeding sixteen (16) days.

37
38 **SEC. 11. JobStart Training Period.** - The JobStart training period shall be
39 divided into three (3) phases, namely:

40
41 A. JobStart Life Skills Training:
42

- 1 a) The life skills training shall be conducted by the PESOs with technical
2 assistance from DOLE for a period of ten (10) days, with at least one life
3 skill being taught in each day of the program.
4 b) The JobStart life skills training modules shall be developed by the DOLE in
5 consultation with DepEd, CHED, TESDA and other stakeholders.
6 c) The JobStart trainee shall receive a daily allowance for the duration of the
7 life skills training to be provided by the PESOs with funding support from
8 DOLE.
9

10 B. JobStart Technical Training:

- 11
12 a) The JobStart technical training shall be for a period up to three (3) months.
13 Upon the recommendation of the participating employer and as approved
14 by the PESO, a JobStart trainee can skip or be exempted from undergoing
15 the technical training and transition directly to internship stage. The
16 technical training period may also be less than three (3) months depending
17 on the skills and competencies that the JobStart trainee must achieve and
18 as determined by the participating employer.
19 b) The JobStart trainee shall receive a training allowance from the JobStart
20 Unit for the duration of the technical training.
21 c) The JobStart technical training shall allow the trainee to acquire a
22 qualification or a set of competencies aligned with the appropriate TESDA
23 Training Regulations as applicable, and be qualified to get a National
24 Certificate (NC) or Certificate of Competency (COC). The TESDA shall set
25 the mechanisms and guidelines for the evaluation of competencies not
26 covered by existing Training Regulations.
27

28 C. JobStart Internship:

- 29
30 a) The JobStart internship period shall not be more than three (3) months or
31 six hundred (600) hours. The total daily training hours shall be eight (8)
32 hours exclusive of not less than sixty (60) minutes time-off for the regular
33 meals.
34 b) The internship period may be beyond eight (8) hours a day, provided that
35 said overtime shall not exceed two (2) hours a day. The JobStart trainee
36 shall be paid for the overtime stay an additional stipend equivalent to the
37 daily internship stipend plus at least twenty-five percent (25%) thereof.
38 d) In case of night shift training, the JobStart trainee shall be entitled to a night
39 shift differential pay of not less than ten percent (10%) of the internship
40 stipend for each hour of training between 10 o'clock in the evening and 6
41 o'clock in the morning.
42 e) A JobStart trainee may be trained during regular holidays provided that the
43 trainee is willing to and will be compensated twice the daily internship
44 stipend on a regular holiday.
45 f) The time spent on overtime stay shall be duly credited to the trainee's
46 number of training hours.

- 1 g) A JobStart trainee shall no longer be required to undergo a probationary
2 period at the end of the internship phase should the trainee be hired in the
3 same establishment upon completion of the program, provided that said
4 trainee also completed his or her technical training within the Training Plan
5 prepared by the same participating employer.
6

7 **SEC. 12. Entitlement to Other Benefits and Incentives.** - Notwithstanding
8 the local government unit (LGU) or participating employer's preference to provide
9 additional or other health services or insurance support, the JobStart trainees shall
10 be covered with a basic accident insurance for the duration of the program to be paid
11 by the DOLE. The participating employer shall be reimbursed by the DOLE and
12 disbursed through the PESO with the cost of the JobStart trainee's pre-training and
13 employment medical examinations. On the other hand, the LGU shall exempt the
14 JobStart trainees from securing a work permit.
15

16 **SEC. 13. Duties and Responsibilities of the JobStart Trainee.** - The
17 JobStart trainee shall exert every effort to acquire the abilities, values, and
18 knowledge necessary to achieve the purpose of the training. Towards this end, the
19 trainee shall:
20

- 21 a) Submit to the PESO the following documents:
22 1. NSO birth certificate or any government issued identification card with
23 applicant's birth date;
24 2. High school and college diploma if applicable;
25 3. Transcript of records of highest educational level attained; and
26 4. Training certificates or a national certification issued by TESDA if
27 applicable.
28 b) Enter into either a training or service contract with the participating
29 employer;
30 c) Report for training or work in the establishment based on the schedule
31 indicated in the training or work contract;
32 d) Perform tasks and activities indicated in the Training Plan;
33 e) Use tools, instruments, machines and other equipment with due care;
34 f) Not reveal any business or trade secrets that have come to the trainee's
35 knowledge in the course of the training;
36 g) Adhere to the existing rules and regulations of the establishment; and
37 h) Report to the PESO for an exit interview after the completion of the
38 internship period.
39

40 **SEC. 14. Participation of Employers.** - An employer shall be allowed to
41 take in JobStart trainees only up to a maximum of twenty percent (20%) of its total
42 workforce. The employer shall not take in the same trainee to be part of the former's
43 engagement in a similar training program such as the Dual Training Program and the
44 National Apprenticeship Program.
45

The participating employers must have the following:

- 1
2 a) Legitimate business operating within the LGU's area;
3 b) Certificate of Compliance (COC) on General Labor Standards and
4 Occupational Safety and Health (OSH) Standards;
5 c) Capacity to provide, in case of an in-house arrangement, or facilitate, in
6 case of a third-party training provider, a TVET training to JobStart trainees,
7 and to arrange for the disbursement of the internship stipend;
8 d) Capacity to provide for up to three (3) months internship or work
9 experience to JobStart trainees, with a commitment to pay at least
10 seventy-five percent (75%) of the daily minimum wage for the relevant city
11 or municipality;
12 e) Capacity to develop a training plan to be learned and applied by the
13 trainee in the establishment;
14 f) Capacity to mentor and monitor a JobStart trainee's performance; and
15 g) Interest and willingness to absorb or offer possible regular employment to
16 JobStart graduates.

17
18 **SEC. 15. Duties and Responsibilities of Employers.** - The participating
19 employer shall perform the following:
20

- 21 a) Design and implement the training plan in partnership with a TVET
22 institution, as applicable;
23 b) Enter into either a training or work contract with the JobStart trainee;
24 c) Provide to the JobStart trainee practical training or work experience for a
25 maximum period of three (3) months or 600 hours;
26 d) Pay the JobStart trainee a daily stipend of not less than seventy-five
27 percent (75%) of the daily minimum wage of the city or municipality where
28 the establishment is located;
29 e) Encourage the JobStart trainee to develop personality and professionalism
30 and to the extent possible, protect the JobStart trainee from physical or
31 moral danger;
32 f) Submit monitoring and evaluation reports or other information on the
33 trainee's performance as may be required by the DOLE or the PESO;
34 g) Submit invoices to the PESO for reimbursement or liquidation of
35 expenses, as the case may be, of training costs, internship stipend, and
36 other administrative costs; and
37 h) Notify the PESO and the JobStart Unit of a trainee's breach of contract or
38 misconduct in the training premises prior to its decision to suspend or
39 terminate the training.

40
41 **SEC. 16. Termination of Training Contract.** -Any of the following shall be a
42 valid cause to terminate the training contract:
43

44 By the employer:

- 45
46 i. Habitual absenteeism of the trainee;

- 1 ii. Willful disobedience by the trainee of the establishment's rules, or
2 Insubordination of a lawful order of a superior;
3 iii. Theft or malicious destruction of establishment's property or equipment
4 by the trainee;
5 iv. Engaging in violence or other forms of misconduct in the training
6 or establishment's premises by the trainee; and
7 v. Inefficiency or poor training performance for a prolonged period despite
8 warnings duly given to the trainee.

9
10 By the JobStart trainee:

- 11
12 i. Substandard or harmful working conditions within the establishment's
13 premises;
14 ii. Cruel and inhumane treatment; and
15 iii. Prolonged or continuing illness.

16
17 Either party may furnish the other party a notice of intent to terminate the
18 training contract for cause as defined in this section.

19
20 In case the training contract has been terminated, replacement of a JobStart
21 trainee in an establishment shall be allowed subject to the cause of termination. In
22 case the termination is caused by the employer, the JobStart trainee may still be
23 referred to other participating employers. In case the termination is caused by the
24 trainee's non-adherence to program guidelines, a new trainee may still be provided
25 to the employer provided that there are other trainees available for deployment.

26
27 **SEC. 17. Grievance Committee.** -The Grievance Committee shall have the
28 initial responsibility of settling differences in case of any violation of the training
29 agreement or upon the filing of a complaint by an aggrieved party. The Grievance
30 Committee shall be composed of the officials and representatives of the concerned
31 DOLE regional and field offices, and PESOs which have the jurisdiction over
32 concerned establishments. The Committee shall investigate and render a decision
33 pursuant to pertinent rules and regulations. In case of failure by the Grievance
34 Committee to settle the issue or render a decision, or in case the complaint is
35 against members of the Grievance Committee, the case shall be referred to the
36 DOLE-BLE for appropriate action.

37
38 **SEC. 18. Payment of Administrative Fee.** - Participating employers shall
39 receive an amount per month per JobStart trainee to cover administration cost in
40 managing the trainee, such amount to be determined by the DOLE.

41
42 **SEC. 19. Partnership with Local Government.** - The LGUs, through the
43 PESOs, shall serve as the conduit of DOLE in implementing the program at the local
44 level. The PESOs are expected to:
45

- 1 a) Hire adequate staff to ensure the smooth implementation of the program;
2 b) Organize the registration process for the program intake of registrants;
3 c) Process and evaluate information of registrants and select eligible
4 program beneficiaries;
5 d) Conduct job matching and referral;
6 e) Collect and review relevant financial and administrative documents and
7 reports as necessary for the processing of the training grants to the
8 JobStart trainees as well as the administrative fee provided to the
9 employer;
10 f) Maintain a complete profile and record of transactions of program
11 participants and employers; and
12 g) Submit a monthly program monitoring report to the DOLE, copy furnished
13 the concerned DOLE regional and field offices, and the office of the local
14 chief executive.

15
16 **SEC. 20. *Enhancement of Labor Market Information System (LMIS).*** –To
17 develop local Labor Market Information System, participating PESOs shall make use
18 of the DOLE's Skills Registry System (SRS) to manage records of JobStart trainees,
19 employers, and PESO transactions. The PESO staff shall be trained in the use of the
20 SRS and job matching.

21
22 The DOLE regional and field offices and the BLE shall establish the
23 necessary information technology infrastructure and system to improve the
24 collection, processing, analysis, report development, and dissemination of PESO
25 statistics and other labor market information. Towards this end, labor market
26 analysts shall be hired by the DOLE and the BLE to provide technical assistance in
27 maintaining the LMIS at all levels.

28
29 **SEC. 21. *Oversight Committee.*** - An Oversight Committee shall oversee the
30 implementation of the JobStart Program. The Committee shall be chaired by the
31 DOLE. The Committee shall be composed of representatives from the Department of
32 Interior and Local Government (DILG), Department of Social Welfare and
33 Development (DSWD), National Youth Commission (NYC), TESDA, and
34 representatives from the youth, employer, and labor sectors. An annual progress
35 report shall be transmitted to both Houses of Congress through the Secretary of
36 Labor and Employment.

37
38 **SEC. 22. *Appropriations.*** – To carry out the provisions of this Act, such
39 amount as may be necessary is hereby authorized to be appropriated from the
40 National Treasury. Thereafter, such sums as may be necessary for the continued
41 implementation of this Act shall be included in the General Appropriations Act as a
42 separate item under the DOLE's budget.

43
44 **SEC. 23. *Implementing Rules and Regulations.*** - Within ninety (90) days
45 from the effectivity of this Act, the Secretary of Labor and Employment, in

1 coordination with concerned agencies, shall formulate the necessary rules and
2 regulations to implement the provisions of this Act.

3

4 **SEC. 24. Separability Clause.** – If any provision of this Act is held invalid or
5 unconstitutional, the same shall not affect the validity and effectivity of the other
6 provisions hereof.

7

8 **SEC. 25. Repealing Clause.** – All laws, decrees, executive orders and rules
9 and regulations contrary to or inconsistent with the provisions of this Act are hereby
10 repealed or modified accordingly.

11

12 **SEC. 26. Effectivity.** – This Act shall take effect fifteen (15) days from the
13 date of its publication in the *Official Gazette* or in at least two (2) newspapers of
14 general circulation.

15

Approved,