

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



76 JAN 26 P3 01

SENATE
S. No. 3139

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
PROVIDING THE PROBATIONARY PERIOD OF EMPLOYMENT OF ACADEMIC
PERSONNEL IN PRIVATE SCHOOLS, THEREBY AMENDING FOR THE
PURPOSE PRESIDENTIAL DECREE NO. 442 (AS AMENDED), OTHERWISE
KNOWN AS THE LABOR CODE OF THE PHILIPPINES

EXPLANATORY NOTE

This bill seeks to legislate the period of probationary employment for professors, instructors, and teachers, and other academic personnel in private educational institutions. It is a declared policy of the State to recognize the complementary roles of public and private institutions in the educational system. Consistent with this, the State shall exercise reasonable supervision and regulation of all educational institutions and likewise enhance the right of teachers to professional advancement. The State shall further ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfillment. (1987 Constitution, Art. 14, Sec. 4(1), Sec. 5(4) and 5(5).

In furtherance of these declarations, there is a need to shorten the probationary employment for teachers, instructors, and professors and other academic personnel in private schools from the existing three-year period to just a year of very satisfactory service for those in the elementary and secondary levels, from six down to two consecutive regular semesters of very satisfactory service for those in the tertiary level, and from nine to three consecutive trimesters of very satisfactory service for those in the tertiary level where collegiate courses are offered on the trimester basis. This measure

will ensure that private schools get the best available talents and employ them as regular employees at the shortest time possible, while simultaneously affording to the academic personnel their right to professional advancement.

. This is a senate counterpart bill to one filed in the House of Representatives by former Rep. Oscar Gozos.¹


MIRIAM DEFENSOR SANTIAGO
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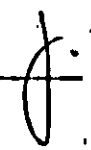
¹ This bill was originally filed during the Fifteenth Congress, First Regular Session.

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

1 SECTION 1. There shall be incorporated after Article 281 of Book 6, Title 1 of
2 the Labor Code a new article to read as follows:

3 ART. 281-A. Probationary period of academic personnel in private
4 schools. - The probationary period for academic personnel shall not be
5 more than one calendar year of very satisfactory service for those in the
6 elementary and secondary levels, two consecutive regular semesters of very
7 satisfactory service for those in the tertiary level, and three consecutive
8 trimesters of very satisfactory service for those in the tertiary level where
9 collegiate courses are offered on a trimester basis.

10 For this purpose, the term "academic personnel" shall include:

11 A) Those engaged in actual teaching service, either on full time or
12 part-time basis.

13 B) Those who possess certain prescribed academic functions directly
14 supportive of teaching such as:

15 1. Registrars

16 2. Librarians

- 1 3. Guidance counselors
- 2 4. Researchers
- 3 5. Other similarly employed individuals
- 4 C) Other school officials responsible for academic matters.

5 SECTION 2. *Repealing Clause.* – All laws, decrees, executive orders, rules and
6 regulations or parts thereof, which are inconsistent with this Act, are hereby repealed,
7 amended or modified accordingly.

8 SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
9 its complete publication in the *Official Gazette* or in at least two (2) newspapers of
10 general circulation, whichever comes earlier.

Approved,

/lfd 27Nov2015