

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3549

INTRODUCED BY HONORABLE DR. REY B. AQUINO

EXPLANATORY NOTE

The Report and Recommendations of the Congressional Labor Commission, (Policy Prescription No. 1, February 2001) has established that the availment of basic education is the key to higher productivity and ultimately to higher incomes for labor. The Commission has also acknowledged that the problem of lack of basic education has at present times become so overwhelming for the government to face alone.

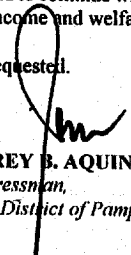
Under the premises, it is submitted that it is high time to enlist the full and active support of the business or employer sector to help the government in the gargantuan task of providing basic education to the Filipino people.

Accordingly, for purposes of securing the participation of the employer or business sector in the nationwide drive to provide basic education, it becomes imperative to propose the amendment of Art. 210 of the Labor Code by deleting the present provisions on adult education, and replacing the same with new provisions on basic education which will require the employer to send their workers back to school, at least up to the high school level or its non-formal equivalent.

To implement this, the obligation on the part of the employer will be minimal. On the financial aspect, employers will, at most, be obliged to shell out only the transportation allowance and school supplies, considering the existence of public elementary and high schools, as well as public and private non-formal schools, where no tuition fees are charged.

On the non-financial aspect, employers will be counted on to reasonably schedule the work to allow their employees adequate time for school attendance and home study, in addition to their consistent moral support to encourage their workers to continue with their sacrifices in attending school for long-term gains in productivity, income and welfare.

For all these, approval of this bill is earnestly requested.


DR. REY B. AQUINO
Congressman,
Third District of Pampanga

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HOUSE BILL NO. 3549

Introduced by Representative Dr. Rey B. Aquino

**AN ACT DIRECTED AT RAISING THE QUALITY OF THE LABOR FORCE
AND INCREASING LABOR PRODUCTIVITY BY INSTITUTIONALIZING
THE PROVISION OF BASIC EDUCATION TO WORKERS.**

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

Section 1. It is hereby declared the policy of the State to raise the quality of the labor force and increase labor productivity through the provision of basic education to workers. (*Philippine Constitution of 1987, Art. II, Secs. 17 and 18; Art. XIII, Secs. 1-3; Art. XIV, Secs. 1-2*) Consistent with this policy, the State deems it wise, prudent and necessary to institutionalize the provision of basic education to workers, mandating for the purpose the participation, support and contribution of the employers.

Section 2. In line with the declared policy of the State under this Act, the following laws shall be, as they are hereby amended, to read as follows:

Labor Code of the Philippines

“Book IV, Title IV. (Adult Education) Basic Education

“Art. 210. (Adult Education) Basic Education.

(Every employer shall render assistance in the establishment and operation of adult education programs for their workers and employees as prescribed by regulations jointly approved by the Department of Labor and the Department of Education and Culture.)

"Except only for apprentices, learners and handicapped workers covered by Book Two herein, all workers or employees, regardless of status and position, who are under the age of forty (40) years and have not completed high school education or its equivalent, shall be entitled to a reasonable opportunity for basic education, covering elementary and high school levels or their equivalent. The form of basic education may either be formal or non-formal at the reasonable discretion of the employer. The basic education services may be availed from either public or private institutions at the reasonable discretion of the employer. The manner of availment of basic education may be by class attendance or distance learning as appropriate at the reasonable discretion of the employer. The employer shall schedule the work of the worker or employee in such manner as to allow the latter reasonable opportunity to avail of basic education. The employer shall provide moral support to the worker or employee to encourage him/her to complete high school education or its equivalent. The cost of such education, which may include transportation, books, learning materials, school supplies, tuition fees, examination fees, and other related expenses, shall be part of the worker's or employee's compensation, in addition to his or her cash wage. The said cost of education paid by the employer for the benefit of the worker or employee shall however be exempt from and not be subject to income or any other tax on the part of the worker or employee. (As amended by ____ on ____)"

"Art. 146. (Opportunity for Education) Basic Education.

(If the househelper is under the age of eighteen (18) years, the employer shall give him or her an opportunity for at least elementary education. The cost of such education shall be part of the househelper's compensation, unless there is a stipulation to the contrary.)

"If the househelper is under the age of forty (40) years and has not completed high school education or its equivalent, the employer shall give him or her an opportunity for basic education, covering elementary and high school levels or their equivalent. The form of basic education may either be formal or non-formal at the reasonable discretion of the employer. The basic education services may be availed from either public or private institutions at the reasonable discretion of the employer. The manner of availment of basic education may be by class attendance or distance learning as appropriate at the reasonable discretion of the employer. The employer shall schedule the work of the househelper in such manner as to allow the latter reasonable opportunity to avail of basic education. The cost of such education, which may include transportation, books, learning materials, school supplies, tuition fees, examination fees, and other related expenses, shall be part of the househelper's compensation, in addition to his or her cash wage. The said cost of education paid by the employer for the benefit of the househelper shall however be exempt from and not be subject to income or any other tax on the part of the househelper." (As amended by ____ on ____)

Section 3. In the case of service contracts for construction, security, janitorial and similar services, the cost of mandated provision of basic education, shall be for the account of and be passed on to the principal or client or project owner. For this purpose, the service contracts shall be deemed amended accordingly, to reflect an upward increase in the service fees due to the service contractor /employer, to cover the cost of basic education.

Section 4. The Secretary of the Department of Labor and Employment, in consultation with the Secretary of the Department of Education, shall promulgate the necessary implementing rules and regulations to implement the provisions of this Act.

Section 5. All laws, orders, issuances, rules and regulations or part thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid or unconstitutional, the remainder of this Act or the application of such provision or part thereof to other persons or circumstances shall not be affected thereby.

Nothing in this Act shall be construed to reduce any existing salary or wage rates, allowances and benefits of any form under existing laws, decrees, issuances, executive orders, and/or under any contract or agreement between the employees and employers, or under any company policy by employers.

Section 6. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.