



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

FIFTEENTH CONGRESS
Third Regular Session

COMMITTEE REPORT NO. 2708

Submitted by the Committee on Labor and Employment on 16 APR 2013

Re: House Bill No. 6926

Recommending its approval in substitution of House Bill No. 1597

Sponsors: Reps. Emil L. Ong, Raymond Democrito Mendoza, Antonio L. Tinio
and Joseph Victor G. Ejercito

Mr. Speaker:

The Committee on Labor and Employment, to which was referred House Bill No. 1597, introduced by Rep. Raymond Democrito C. Mendoza, entitled:

"AN ACT

**FIXING THE PROBATIONARY PERIOD OF EMPLOYMENT OF
ACADEMIC PERSONNEL IN PRIVATE SCHOOLS, AMENDING
FOR THAT PURPOSE PRESIDENTIAL DECREE NO. 442, AS
AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF
THE PHILIPPINES"**

has considered the same and recommends that the attached House Bill No. 6926, entitled:

"AN ACT

**FIXING THE PROBATIONARY PERIOD OF EMPLOYMENT OF
ACADEMIC PERSONNEL IN PRIVATE SCHOOLS, AMENDING
FOR THE PURPOSE PRESIDENTIAL DECREE NO. 442, AS
AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF
THE PHILIPPINES"**

be approved in substitution of House Bill No. 1597 with Reps. Raymond Democrito C. Mendoza, Joseph Victor G. Ejercito, Antonio L. Tinio and Rafael V. Mariano as authors thereof.



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

HB No.1597
Fixing the Probationary Period of Academic Personnel in Private Schools
=====

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emil L. Ong", is written over a large, stylized circular flourish.

EMIL L. ONG
Chairman
Committee on Labor and Employment

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

FIFTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6926

Introduced by Reps. Raymond Democrito C. Mendoza, Joseph Victor G. Ejercito,
Antonio L. Tinio and Rafael V. Mariano

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

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

1 **SECTION 1.** A new article is hereby inserted in the Labor Code to read as
2 follows:
3

4 **"ART. 281-A. PROBATIONARY PERIOD OF EMPLOYMENT OF**
5 **ACADEMIC PERSONNEL IN PRIVATE SCHOOLS. - THE**
6 **PROBATIONARY PERIOD OF EMPLOYMENT OF ACADEMIC**
7 **PERSONNEL IN PRIVATE SCHOOLS SHALL NOT EXCEED**
8 **THE EQUIVALENT OF ONE (1) SCHOOL YEAR FROM THE**
9 **FIRST DAY OF SERVICE. ANY STIPULATION TO THE**
10 **CONTRARY SHALL BE VOID."**
11

12 **SEC. 2. Implementing Rules and Regulations.** – The Secretary of Labor
13 and Employment shall promulgate the necessary rules and regulations to
14 implement the provisions of this Act.
15

16 **SEC. 3. Repealing Clause.** – Presidential Decree No. 442, as amended,
17 otherwise known as the Labor Code of the Philippines, and all other acts, laws,

1 presidential issuances, rules and regulations inconsistent herewith are hereby
2 repealed, amended or modified accordingly.

3

4 **SEC. 4. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
5 after its complete publication in the *Official Gazette* or in at least two (2)
6 newspapers of national circulation.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 1597

Introduced by TUCP Party-List Representative
HON. RAYMOND DEMOCRITO C. MENDOZA

EXPLANATORY NOTE

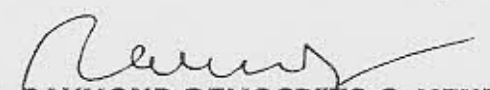
The Philippine Constitution affirms "labor as primary social and economic force," and mandates the State to "protect the rights of workers and promote their welfare." Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, needs to be in step with the State policy to "afford protection to labor" considering jurisprudence and practice.

Probationary period of employment has been abused to circumvent the Labor Code provisions on probationary employment and security of tenure, among other things. The proposed amendment seeks to provide a mandatory maximum probationary period of one (1) school year for professors, instructors and teachers and other academic personnel in private educational institutions.

The nature of work of academic personnel in private schools and the high qualifications required for the practice of their profession put them at a disadvantaged and peculiar position over other workers. However, these should not detract from the fact that private school academic personnel already have devoted so many years of preparations for their work, including at least four years of college studies, in service training, many seminars and refresher courses and the like.

Work arrangements, while being responsive to the exacting requirements of the school environment, should be in balance with humane terms and conditions of employment. These should contribute to decent work where workers and their families should be able to live with dignity and improved quality of life. The probationary period of employment of academic personnel in private schools has been a long standing issue. There are numerous instances of abuses of the probation period to circumvent the Labor Code.

To give effect to the policy of protecting workers' rights and promoting their welfare, the passage of this bill is earnestly sought.


REP. RAYMOND DEMOCRITO C. MENDOZA
TUCP Party-List

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 1597

Introduced by TUCP Party-List Representative
HON. RAYMOND DEMOCRITO C. MENDOZA

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

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

Section 1. Probationary period of employment of academic personnel in private schools. There shall be incorporated after Article 281 of the Labor Code a new article to read as follows:

"ARTICLE 281-A. The probationary period for academic personnel in private schools shall not exceed the equivalent of one (1) school year from the first day of service. Any stipulation to the contrary shall be void."

Section 3. Separability Provisions. -- If any part of this Act is held invalid or declared unconstitutional, the same shall not affect the validity and effectivity of the other parts thereof.

Section 4. Repealing Clause. -- All laws, decrees, executive orders, rules and regulations or parts thereof, which are inconsistent with this Act, are hereby repealed, amended or modified accordingly.

Section 5. Effectivity. -- This Act shall take effect fifteen (15) days after its publication in at least two newspapers of general circulation.

Approved,



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

**MEETING OF THE
COMMITTEE ON LABOR AND EMPLOYMENT**

MINUTES OF MEETING OF THE COMMITTEE ON LABOR AND EMPLOYMENT
HELD ON 5 DECEMBER 2012, 2:00 - 4:11 P.M AT CONFERENCE ROOMS 9 & 10,
MITRA BUILDING, HOUSE OF REPRESENTATIVES

GUESTS / RESOURCE PERSONS:

Atty. Cornelio Pacala	Department of Education (DepEd)
Ms. Rosalie Buscar	Commission on Higher Education (CHED)
Atty. Joseph Noel Estrada	Coordinating Council of Private Educational Associations (COCOPEA)
Atty. Annaliza Mercene	Catholic Educational Association of the Philippines (CEAP)
Atty. Gani Coruna	CEAP
Professor. Jose Escarial	Philippine School of Business Administration, Quezon City (PSBA)
Professor Yolanda Ting	PSBA, Quezon City
Professor Alice Reyes	PSBA, Quezon City
Professor Gloria Lincuna	PSBA, Quezon City
Professor Mely Tabucol	PSBA, Quezon City
Professor Angel Goloc	PSBA, Quezon City
Professor Benny Gacula	PSBA, Manila

I. CALL TO ORDER

The Presiding Officer., Rep. Joseph Victor Ejercito, called the meeting to order at 1:59 p.m.

II. OPENING REMARKS OF THE PRESIDING OFFICER

The Presiding Officer acknowledged and thanked the resource persons for attending the meeting. Thereafter, Rep. Raymond Democrito Mendoza made his sponsorship statement on HB 1597.

III. DELIBERATION ON HB 1597 RE: FIXING THE PROBATIONARY PERIOD OF EMPLOYMENT OF ACADEMIC PERSONNEL IN PRIVATE SCHOOLS, AMENDING FOR THE PURPOSE PD 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AUTHORED BY REP. RAYMOND DEMOCRITO MENDOZA

Rep. Mendoza manifested that HB 1597 seeks to provide a mandatory maximum probationary period of one (1) school year to professors, instructors, teachers and

other academic personnel in private educational institutions. The proposal will end the practice of requiring three years probationary period prior to a permanent appointment. He added that one year probationary period, plus the academic preparation, training and experience of the personnel is sufficient to cover the requirement.

Rep. Antonio Tinio of the ACT Teachers Party-list, in support of the bill, said that a licensed applicant teacher in a public school, once accepted, is immediately appointed to a permanent position. He also manifested his desire to be a co-author of the measure to which the author readily accepted.

Representatives from DOLE, DepEd, CHED and PSBA interposed no objection and are in support of the bill. However, representatives from CEAP and COCOPEA registered their opposition.

Atty. Joseph Noel Estrada of COCOPEA said that the three year probationary period is not just a practice but an official policy pursuant to Joint Order No.1, series of 1996, of the Department of Labor and Employment and the DepEd (formerly Department of Education and Culture). It is an academic requirement for a master's degree prior to an appointment to a full time status and shortening this to one year will defeat the purpose of training competent teachers worthy of appointment to a permanent position.

Rep. Mendoza pointed out that under PD 442, probationary period is only six months and the subject employee must receive the minimum wage pursuant to the minimum wage law. But in the case at hand, teachers in the private school are treated differently because of the Joint Order No.1. He and Rep. Rafael Mariano manifested that there is a need to review the Joint Order No. 1 series of 1996 of the Department of Labor and Employment and the DepEd.

Rep. Mariano moved, duly seconded by Rep. Tinio, for the approval of the bill. There being no objections, the bill was approved by the Committee.

IV. CONTINUATION OF THE DELIBERATION ON HR 1754 RE. INQUIRY INTO THE ALLEGED VIOLATIONS OF THE PROPER SHARING OF THE PROCEEDS OF TUITION FEE INCREASES IMPOSED BY VARIOUS EDUCATIONAL INSTITUTIONS, AUTHORED BY REP. MA. VICTORIA SY-ALVARADO

The Presiding Officer briefed the Committee on the status of the measure under deliberation. He noted that, for the second time, despite invitation from the Committee, there was no representative from PSBA Quezon City.

The CHED submitted a report with regard to the compliance of the PSBA, Quezon City with the DEC's Order No. 15 series of 1992, for the school year 2007 to 2011. The CHED representative claimed that PSBA Quezon City filed its application for tuition fee increase for academic year 2007 to 2008 and 2010-2011 and has complied with section 1 (consultation requirement), section 2 (consultation process) and section 3 (documentary) requirements of the said order.

On the other hand, Mr. Escarreal claimed that in the case of PSBA Quezon City, "there was no faculty official or representative who signed any compliance for the school years 2007-2008, 2008-2009, 2009-2010 and also for the 2010 and 2012".

Considering the absence of a representative from the PSBA administration to respond to the issue raised, the Committee decided to set another meeting on the

matter declaring that the PSBA Quezon City administration be compelled to attend the next Committee meeting.

V. OTHER MATTERS

Rep. Mariano requested that other measures pending with the Committee like House Bill Nos. 5110 and 375 be scheduled for deliberation and resolution of the Committee. In response, the Presiding Officer said that the Chairman will be informed of said concerns for his appropriate action.

VI. ADJOURNMENT

There being no other matters to discuss, the meeting was adjourned at 4:11 p.m.

Prepared by:

(Sgd.) LOLA FEBE S. PIMENTEL
Supervising Legislative Staff Officer II
Committee on Labor and Employment

Certified true and correct:

(Sgd.) CELESTE S. DE CASTRO
Committee Secretary
Committee on Labor and Employment

Attested by:

(Sgd.) EMIL L. ONG
Chairman
Committee on Labor

FACT SHEET
House Bill No. 1597

(As Approved by the Committee on December 5, 2012)

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

Introduced by: REPS. RAYMOND DEMOCRITO C. MENDOZA, JOSEPH VICTOR
G. EJERCITO, ANTONIO L. TINIO, & RAFAEL V. MARIANO

Committee Referral: COMMITTEE ON LABOR AND EMPLOYMENT
Committee Chairperson: REP. EMIL L. ONG

OBJECTIVE:

- To ensure the protection of workers' rights and the protection of their welfare

KEY PROVISION:

- Provides that the probationary period of employment of academic personnel in private schools shall not exceed the equivalent of one (1) school year from the first day of service.

RELATED LAW:

- P.D. 442, as amended, otherwise known as the Labor Code of the Philippines