

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 2549



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.


RAYMOND DEMOCRITO C. MENDOZA
Representative, TUCP Party-List

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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,