

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
SEVENTEENTH CONGRESS
Second Regular Session



HOUSE BILL NO. 7949

Introduced by: **"KUYA" JOSE ANTONIO R. SY-ALVARADO**

EXPLANATORY NOTE

Article II, Sec. 9 of the Philippine Constitution provides that the "State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation, and free people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all". In this provision, the state solves at the same time a chain of social problems that comes with it: social interest, low productivity and poverty.

This bill, known as the "Lingkod Manggagawa Act of 2018", seeks to strengthen and democratized access to technical and vocational training in the country. It also provides more innovative approaches to education and training linked to the requirement of industry and to enhance access to quality technical education and training. It is design to help people develop the skills they need to enter the work force in a high growth, high demand occupation as quickly as possible.

With the foregoing approach the country's state of technical education and training will ensure the competitiveness and development of business in the economy.

Hence, this proposal is submitted for consideration.

"KUYA" JOSE ANTONIO R. SY-ALVARADO
Representative
First District of Bulacan

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Introduced by: **“KUYA” JOSE ANTONIO R. SY-ALVARADO**

AN ACT
INSTITUTING A PHILIPPINE LABOR FORCE COMPETENCIES
COMPETITIVENESS PROGRAM, AND ESTABLISHING FREE ACCESS TO
TECHNICAL AND VOCATIONAL TRAINING PROGRAMS

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

ARTICLE 1
GENERAL PROVISIONS

SECTION 1. Short Title- This Act shall be known as the *“Lingkod Manggagawa Act of 2018.”*

SECTION 2. Declaration of Policy- Article II, Section 9 of the Philippine Constitution provides that the State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation, and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.

Article XIV, Section 4 of the Philippine Constitution encourages non-informal and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs, particularly those that respond to community needs.

SECTION 3. Objectives- The objectives of this Act are as follows:

1. To strengthen the qualifications of the Filipino workforce to better meet the challenges of rapidly evolving workplaces and work structures;
2. To provide for more innovative approaches to education and training linked to the requirement of industry;
3. To facilitate and enhance access to quality technical education and training; and
4. To encourage the participation of industry and communities in competencies formation and upgrading to the attainment of a more competitive Filipino workforce

SECTION 4. Definition of Terms,- The following terms shall be used in this Act:

1. **“Competency”-** The application of knowledge, skills, and attitude required to complete a work activity in a range of context and environment under the standard expected in the workplace.

2."Competency-based learning system"- A system by which the learner is trained on the basis of demonstrated ability rather than on that of elapsed time.

3."Direct Training Expenses"- Item of costs that are specifically traced to, or caused by, the training. Items include consumables used in the course of the program, training supplies, materials, utilities, venue, and equipment.

4."Employed Worker"- Includes all those who, during the reference period, are fifteen (15) years old and over and are reported to be either:

a. At work- those who do any work even for one hour during the reference period for pay or who work without pay on the farm of business enterprise operated by a member of the same family or related by blood, marriage or adoption, or;

b. With a job but not at work- those who are employed or engaged in a business but are not at work, for temporary causes such as temporary illness,

injury, vacation, or for similar reasons. Likewise, persons who to return to or to commence the operation of farm or business enterprise within two weeks from the date of the enumerator's visit, are considered employed.

5."Formal Education"- Learning acquired from structured educational programs in schools, colleges and universities.

6." Informal Education"- Learning acquired from regular activities related to work home, community, and leisure, and is not programmed nor structured for learning purposes but can be measured in an assessment based on national competency standards.

7."Non-formal education"- Learning acquired from planned activities not explicitly recognized as educational programs in terms of traditional input measures but is intended to result in measurable learning outcomes.

8." Technical Vocational Education and Training (TVET)"- The education or training process which involves, in addition to general education, the study of technologies and related sciences, and the acquisition of practical skills relating to occupations in various sectors of economic and social life. This process comprises formal (organized programs as part of the school system) and non-formal (organized classes outside the school system) approaches.

ARTICLE II

THE LINGKOD MANGGAGAWA FUND

SECTION 5. Lingkod Manggagawa Fund- The technical Education and Skills Development Authority (TESDA) will establish the Lingkod Manggagawa Fund as a means to provide qualified recipients with meaningful access to select TESDA training programs through the full payment of the selected programs' training fees, as well as the possibility of providing additional financial assistance such as transportation allowance and laboratory fees, as needed. The government shall provide in the General Appropriations Act of every year sufficient funds for free technical education and training. The appropriation shall be used in order to allocate funds for qualified applicants to enable training for qualifications in key employment generating sectors. The Lingkod Manggagawa Fund shall be included as an appropriation in the General Appropriations Act.

SECTION 6. Scope of Financial Assistance- The Lingkod Manggagawa Fund will include the provision of training fees to certain school-based programs, center-based programs, community-based programs and enterprise-based programs of TESDA, which programs shall be determined by the TESDA Board for inclusion in a program list as provided for in this Act. The provision of additional financial assistance to recipients will also be considered, based on the final determination of the Lingkod Manggagawa Boards as provided in Article III.

SECTION 7. Qualified Recipients- Priority access to the Lingkod Manggagawa Fund will be made available to the following qualified recipients:

1. Unemployed Filipinos who are eighteen (18) years old and above;
2. Out-of-school youth who are above (16) years old but below eighteen (18) years old who have not enrolled in a public or private school for at least a year prior to their application to access to the fund;
3. High school graduates;
4. College students who have completed at least one (1) semester in college, and
5. Employed workers, as defined in this Act, who intend to develop expand their current skills and training.

ARTICLE III THE LINGKOD MANGGAGAWA BOARD

SECTION 8. Composition of the Lingkod Manggagawa Board- The Lingkod Manggagawa Board will be comprised of the following members of the TESDA Board, as ex-officio members:

1. The Secretary of the Department of Labor and Employment;
2. Secretary of Education,
3. Secretary of Trade and Industry
4. Secretary of Agriculture,
5. Secretary of Interior and Local Government, and
6. The Chairperson of the Commission on Higher Education.

The Secretary of Labor and Employment shall serve as the ex-officio chairman of the Lingkod Manggagawa Board. The Secretary of Labor and Employment is mandated to convene the board quarterly, or as often as necessary, to carry out the duties provided for in Section 9 of this Act. The other members of the Lingkod Manggagawa Board will include:

1. The Director General of the National Economic Development Authority,
2. Two (2) private sector industry representatives, and
3. Two (2) representatives of labor and organized unions. The representatives of the private will be appointed by the President.

SECTION 9. Duties and Functions of the Lingkod Manggagawa Board- The Lingkod Manggagawa Board shall exercise the following duties and functions:

1. Approve the final list of Selected Training Programs (STPs) that will be given funding by the Lingkod Manggagawa Fund, based on the initial recommendation of the TESDA Secretariat and the TESDA Director General;
2. Release a list of available STPs within two (2) months after the signing of this bill into law, regardless of the status of any implementing rules and regulations, to be updated accordingly in accordance with the provisions of this Act;
3. Determine the final list of qualified applicants of the Lingkod Manggagawa Fund;
4. Decide on the provision of additional allocation for financial assistance in addition to the payment of training fees;
5. Conduct a periodical review of the programs that will be made available through the Lingkod Manggagawa Fund, through quantitative job market studies and data provided by the training centers, among other sources;
6. Decide on the financial management and disbursement of the Lingkod Manggagawa Fund;
7. Coordinate with the TESDA Director General for execution of actions and decisions regarding the financial management and disbursement of the Lingkod Manggagawa Fund;
8. Receive donations from both government and non-government organizations to be used strictly for the beneficiaries and qualified applicants of the Lingkod Manggagawa and for no other purpose;
9. Release an annual report to the public on the management of the Lingkod Manggagawa Fund, including revenue received from General Appropriations Act and

donations, expenditures, performance of the recipients of the fund, and other pertinent information; and

10. Exercise all other duties and functions related to the determination of policy directives, implementation, and execution of the Lingkod Manggagawa Fund

SECTION 10. Criteria of Selected Training Programs (STPs)- The Selected Training Programs (STPs) that will be made available for financial assistance through the fund will be determined through the application of the following criteria:

1. The latest issuances of Labor Market Intelligence Reports;
2. Quantitative data on employment opportunities to be provided by the Department of Labor and Employment; and
3. Quantitative data on jobs skills matching, as determined by TESDA.

SECTION 11. Submission of Potential Recipients- The heads of admission of all school-based programs, Center-based programs, community-based program and enterprise-based programs shall submit a list of qualified trainees of their respective programs who have applied to avail of the Lingkod Manggagawa Board through the TESDA-Director General and who have been screened by such heads following the parameters and provisions of this Act applicable to qualified recipients. The list of qualified recipients will be released periodically, depending on the availability of the STPs and the available allocation of the Lingkod Manggagawa Fund.

SECTION 12. Evaluation of Assistance Given to Schools and Training Centers- Schools and training centers which receive the Lingkod Manggagawa Fund and which implement is allocation to qualified applicants shall be evaluated quarterly by the Lingkod Manggagawa Board. The training schools and centers are required to ensure that at least 70% of the beneficiaries of the Lingkod Manggagawa Fund who receive the financial assistance will pass the TESDA qualification examination. The Lingkod Manggagawa Board has the discretion to provide other criteria and standards to determine whether the school or center should continue to receive financial assistance through the Lingkod Manggagawa Fund.

SECTION 13. Public Online Registry- TESDA shall create a registry of schools and training centers where the financial assistance of the Lingkod Manggagawa Fund will be allocated, as well as a database of qualified recipients of financial assistance and graduates of STPs. The registry and database must be accessible through the use of the Internet or other online system.

ARTICLE IV DEVELOPMENT MODALITIES AND SUPPORT SYSTEMS

SECTION 14. Primary Duty of TESDA- TESDA, pursuant to Republic Act No. 7796, shall design and implement support systems that are necessary to achieve the objectives of this Act, particularly, the development of additional TVETs and the improvement of existing TVETs.

SECTION 15. Support Systems for the Development of a Competitive Filipino Workforce- A TVET, to be relevant to changing demands, must be based on developing competencies and focused on learning outcomes. Competency-based training allows for flexibility and facility for adaptation of programs in short periods of time and through modular arrangements. Competency-based training includes developing the potential entrants' skills and capacities, as well as upgrading competencies of employed workers.

1. Entrants' Preparation and Development
 - a. Appropriate Standards- Competency standards, development of curricula, and necessary training designs shall be established in order to align technical

education and training programs that are necessary to meet the needs of industry and to ensure meaningful access to the Philippine job market.

- b. General Planning- Vocational guidance career planning shall include, but shall not be limited to, the technical vocational and (TVL) exploratory program in basic education and the Public Employment Service Officer (PESO) career advocacy program of DOLE.
- c. Established of Trainors' Training and Certification- TESDA shall establish the Trainors' Training and Certification to ensure the qualification of trainors in pursuance of the objectives of this Act.
- d. Competency Assessment and Certification- TESDA shall develop a mechanism to enable employers to easily recognize the competencies of a job applicant.
- e. Quality Assurance System- TESDA shall develop quality assurance system that will be used to establish quantitative and qualitative standards, in order to provide credibility to the qualifications issued to graduates of programs and certificate holders.

2. Upgrading Competencies of Employed Workers

- a. Modalities and Programs for Employed Workers- TESDA shall be tasked with developing modalities of learning acquisition, in recognition of the circumstances of full time and part time workers in urban and rural areas and in various industries with varying work schemes and practices. Modalities shall include formal, non-formal and informal learning modes.
- b. Learning modules accumulation system- TESDA shall develop new learning modules to allow workers to achieve competencies in modules and bundle the modules into certifiable qualifications.
- c. Industry Participation and Incentives- Industry participation and incentives must recognize that technical education and training in the workplace is an effective mode of skills acquisition and values formation. Collaboration between the private sector and TESDA shall be encouraged in order to enhance workers' capacities.
- d. Engagement of Local Government- Community participation of local government units, specifically the Public Employment Service Offices (PESO), shall be encouraged in recognition of the mandate and functions of PESOs.

ARTICLE V MISCELLANEOUS PROVISIONS

SECTION 16. Oversight Committee- A joint oversight committee of the chairperson of the Committee on Labor of both Houses shall be convened in order to review, among others, the list of the STPs, the management of the Lingkod Manggagawa Fund, the performance of the qualified recipients, and the progress of development modalities and support systems.

SECTION 17. Separability Clause- If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 18. Repealing Clause- Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act, is hereby repealed, modified, or amended accordingly.

SECTION 19. Effectivity Clause- This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

