

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Batasan Hills, Quezon City



**SEVENTEENTH CONGRESS**  
Third Regular Session

**HOUSE BILL No. 8929**

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Introduced by  
**ACT Teachers Party-List Rep. ANTONIO L. TINIO and Rep. FRANCE L. CASTRO**

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**AN ACT**  
**PROVIDING FOR THE PERIOD OF PROBATIONARY EMPLOYMENT OF TEACHING AND NON-**  
**TEACHING PERSONNEL IN PRIVATE SCHOOLS, THEREBY AMENDING FOR THE PURPOSE**  
**PRESIDENTIAL DECREE 442, AS AMENDED**

**EXPLANATORY NOTE**

This bill seeks to correct the decades-long injustice besetting the teaching and non-teaching personnel in private schools by setting a six-month probationary period for teachers, professors, and the like in the basic and tertiary levels.

Article 281 of the Labor Code prohibits private sector employers from placing workers on probationary period longer than six months from the date the worker starts his or her contract. However, the probationary periods for teaching personnel are longer—three years in basic education and six consecutive regular semesters or nine consecutive trimesters in the tertiary level. Because of this, teachers and faculty are prevented from acquiring regular employment and security of tenure especially to the teaching and non-teaching personnel in the private schools.

What makes this even more unjust is that this situation is created because of mere administrative issuances were held above the law which they are supposed to be merely implementing rules and guidelines. From the 1970 Manual of Regulations for Private Schools until the present 2011 Revised Manual of Regulations for Private Schools in Basic Education (Department of Education Order 88, series of 2010 as amended) and 2008 Manual of Regulations for Private Higher Education (Commission on Higher Education Memorandum Order 40), the effect is the same: with these

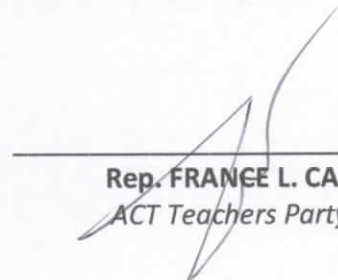
agencies and private schools' application of the longer probationary period against private teaching personnel, these administrative issuances supersede the Labor Code, without express and clear authority from either the Labor Code itself or any other labor standards law.

There is no justifiable reason for having a longer maximum period for probation of teaching personnel. The six months provided by the Labor Code is enough for teaching personnel to prove their competence and expertise. Within six months the school has enough time to evaluate the services of the teacher whether satisfactory enough for the teacher to be considered as regular employee.

It should be noted that in the public sector, teachers, by the mere fact of their appointment under the DepEd, are presumed fit and competent enough for regular employment, there being no such thing as a probationary period pursuant to the Magna Carta for Public School Teachers (Republic Act 4670). There should be no reason for private employers to impose higher standards for regular employment and security of tenure.

Hence, there is an urgent need to enact an express provision in the Labor Code which includes teaching and non-teaching personnel in the coverage of the six-month probationary period.

For the above-cited reasons, approval of this bill is earnestly sought.

  
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**Rep. ANTONIO L. TINIO**  
*ACT Teachers Party-List*  
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**Rep. FRANCE L. CASTRO**  
*ACT Teachers Party-List*

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**PRESIDENTIAL DECREE 442, AS AMENDED**

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

**Section 1.** Article 281 of Presidential Decree 442 is hereby amended to read as follows:

Article 281. Probationary employment. Probationary employment shall not exceed six (6) months from the date the employee started working, unless it is covered by an apprenticeship agreement stipulating a longer period. The services of an employee who has been engaged on a probationary basis may be terminated for a just cause or when he fails to qualify as a regular employee in accordance with reasonable standards made known by the employer to the employee at the time of his engagement. An employee who is allowed to work after a probationary period shall be considered a regular employee.

THIS SECTION SHALL INCLUDE TEACHING AND NON-TEACHING EMPLOYEES IN PRIVATE SCHOOLS, COLLEGES, UNIVERSITIES, AND OTHER EDUCATIONAL INSTITUTIONS.

**Section 2. *Repealing Clause.*** – Any provision of laws, orders, agreements, rules, or regulations contrary to and inconsistent with this Act is hereby repealed, amended or modified accordingly.

**Section 4. *Effectivity.*** – This Act shall take effect fifteen (15) days after its complete publication either in the *Official Gazette*, or in at least two (2) newspapers of general circulation.

*Approved,*