

S. No. 3090
H. No. 6414

Republic of the Philippines
Congress of the Philippines
Metro Manila
Sixteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand fifteen.

[REPUBLIC ACT NO. 10917]

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9547, OTHERWISE KNOWN AS AN ACT STRENGTHENING AND EXPANDING THE COVERAGE OF THE SPECIAL PROGRAM FOR EMPLOYMENT OF STUDENTS, AMENDING FOR THE PURPOSE PROVISIONS OF REPUBLIC ACT NO. 7323, OTHERWISE KNOWN AS THE SPECIAL PROGRAM FOR EMPLOYMENT OF STUDENTS

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

SECTION 1. Section 1 of Republic Act No. 9547 is hereby amended to read as follows:

“SECTION 1. Any provision of law to the contrary notwithstanding, any person or entity employing at least ten (10) persons may employ poor

but deserving students, out-of-school youth (OSY) or dependents of displaced or would-be displaced workers due to business closures, or work stoppages, or natural calamities, intending to enroll in any secondary, tertiary or technical-vocational institutions, fifteen (15) years of age but not more than thirty (30) years old, paying them a salary or wage not lower than the minimum wage for private employers and the applicable hiring rate for the national and local government agencies: *Provided*, That students enrolled in the secondary level shall only be employed during summer and/or Christmas vacations, while the OSY and those enrolled in tertiary, vocational or technical education may be employed at any time of the year: *Provided, further*, That their period of employment shall be from twenty (20) to seventy-eight (78) working days only, except that during Christmas vacation, employment shall be from ten (10) to fifteen (15) days which may be counted as part of the students' probationary period should they apply in the same company or agency after graduation: *Provided, finally*, That students employed in activities related to their course may earn equivalent academic and practicum or on-the-job training credits as may be determined by the appropriate government agencies.

"For purposes of this Act, poor but deserving students, OSY, and dependents of displaced or would-be displaced workers due to business closures, or work stoppages, or natural calamities refer to those whose parents' combined income, together with their own, if any, does not exceed the annual regional poverty threshold level for a family of six (6) for the preceding year as may be determined by the National Economic and Development Authority (NEDA). *Employment facilitation services for applicants to the program shall be done by the Public Employment Service Office (PESO).*"

"Participating employers, in coordination with the PESO, must inform their SPES employees of their rights, benefits, and privileges under existing laws, company policies, and employment contracts."

SEC. 2. Section 2 of the same Act is hereby amended to read as follows:

"SEC. 2. Sixty *per centum* (60%) of the said salary or wage shall be paid by the employer in cash and forty *per centum* (40%) by the government also in the form of cash directly to the student or through financial institutions or other payment facilities, subject to the existing rules on procurement which shall be applicable in the payment for the student's tuition fees, books, and other education-related expenses, including their daily allowance for food and transportation in going to school: *Provided*, That local government units (LGUs) may assume responsibility for paying in full the salary or wages: *Provided, further*, That for low income LGUs employing SPES beneficiaries, the national government share may be increased up to seventy-five *per centum* (75%) depending on the LGUs' financial capacity to pay the SPES beneficiaries."

"The national government share shall be paid within thirty (30) working days upon submission of the partner-employer or participating establishment of their report on payment of salary or wages which shall be the basis of the portion of the salary or wages to be paid by the national government through the Department of Labor and Employment."

"In case of sickness, absence, or death of the SPES beneficiary, the immediate heirs may claim the salary: *Provided*, That proof to this effect has been clearly established."

"Likewise, the SPES beneficiary shall be entitled to social protection by virtue of an insurance coverage with the Government Service Insurance System (GSIS) for a period of one (1) year."

SEC. 3. Section 3 of the same Act is hereby amended to read as follows:

"SEC. 3. The Department of Labor and Employment shall issue the implementing rules and regulations to carry out the purposes of this Act. Further, the Secretary of the Department of Labor and Employment may issue additional guidelines which may be deemed appropriate."

SEC. 4. Section 4 of the same Act is hereby deleted. Succeeding sections are hereby renumbered accordingly.

SEC. 5. Section 5 of the same Act is hereby amended to read as follows:

"SEC. 4. The Secretary of the Department of Labor and Employment shall include in the Department's program the operationalization of the expanded Special Program for Employment of Students, including the maintenance of a database or registry for monitoring of SPES beneficiaries.

"The amount necessary to carry out the purposes of this Act is hereby authorized to be appropriated in the General Appropriations Act for 1992 and the subsequent annual general appropriations acts: *Provided*, That the appropriation, for the purposes of this Act, shall not be reduced by Congress below the amount appropriated for the previous year and, after approval, shall be automatically and regularly released: *Provided, further*, That the appropriation herein shall be increased by at least twenty per centum (20%) annually."

SEC. 6. *Separability Clause.* - If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SEC. 7. *Repealing Clause.* - All laws, executive orders, presidential proclamations, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 8. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,

Feliciano Belmonte Jr.
FELICIANO BELMONTE JR.
Speaker of the House
of Representatives

Franklin M. Drilon
FRANKLIN M. DRILON
President of the Senate

Senate Bill No 3090, which was approved by the Senate on February 1, 2016, was adopted as an amendment to House Bill No. 6414 by the House of Representatives on May 23, 2016.

Marilyn B. Barua AP
MARILYN B. BARUA AP
Secretary General
House of Representatives

Oscar G. Yabes
OSCAR G. YABES
Secretary of the Senate

Approved:

BENIGNO S. AQUINO III
President of the Philippines

Lapsed into law on JUL 21 2016
Without the signature of the President
In accordance with Article VI, Section
27 (1) of the Constitution.

MARIANITO M. DIMALANDAL
DIRECTOR IV
MALACANAN RECORDS SERVICE