



Republic of the Philippines
Department of Labor and Employment
Regional Office VI

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REVISED OMNIBUS GUIDELINES
For the Implementation of SPES
(Special Program for Employment of Students)
CY 2014

These rules shall serve as the guidelines for all program implementers and partners both from the government and private sectors to ensure efficient and effective implementation of the Special Program for Employment of Students (SPES).

RULE I. Procedures for Enrollment:

1. National Government Agencies, Government-Owned or Controlled Corporation and/or Local Government Units (LGUs) through the Public Employment Service Offices (PESOs) shall submit their Pledges of Commitment (which contains the type of occupation/work, age group, educational level preferred, duration of work and wage rate) on or before the scheduled date of pledging by the respective Field Offices (FOs) duly approved by the Heads of Office or Local Chief Executives and by the Budget Officers as to the availability of funds for the purpose.
2. Presidents/Managers/Chief Executive Officers (CEOs) or any authorized representatives of the private companies shall also submit to the DOLE Regional/Field Offices or the nearest PESOs their Pledges of Commitment duly approved by the Chief Executive Officers and Finance Officers/Comptrollers as to availability of funds on or before the scheduled date of pledging by the respective FOs (Please see attached schedule).
3. The decision of DOLE as to how much is the counterpart of 40% total pledges will be issued **not later than January 17, 2014**. The same shall be officially relayed to all concerned Offices and/or participating employers.
4. Pledges submitted after the deadline may not be considered anymore.
5. Sharing of DOLE Counterpart (40%) among Private and Public Employers will be based on pro-rata basis and/or the past performance of participating Employers but preferably on a 50-50 sharing scheme between the participating private and public employers;

6. All Private and Public Employers shall only accept applicants with complete documentary requirements. In support of the applicant's qualifications, the following documents shall be submitted:

6.1 Duly accomplished SPES Application Form (FM 5.1.3-04);

6.2 Copy of birth certificate or any document that shows his/her date of birth such as Form 138 if date of birth is indicated;

6.3 Certification by the School Registrar as to (1) his/her last enrollment; and (2) his/her average passing grade or a copy of the original class card or Form 138;

6.4 Copy of the latest income tax return (ITR) of his/her parents or certification issued by BIR that the parents are exempted from payment of tax or Brgy. Certificate issued by the Barangay Chairperson (FM 5.1.3-07) attesting that the combined net income after tax of the parents of the SPES applicant, together with his/her income if any does not exceed the annual regional poverty threshold as determined by NEDA;

6.5 For OSY, certificate of good moral character issued by the authorized barangay official (FM 5.1.3-08) where the OSY resides;

6.6 Qualified student-beneficiaries with existing active account will be paid through cash card while those who are new beneficiaries to the Program will be paid either through cash card or issuance of checks, whichever is applicable;

6.7 New beneficiaries to the Program should submit to the PESO the accurately and completely filled up cash card application form not later than March 30, 2013;

6.8 There will be no cash out from the students. The ONE HUNDRED PESOS (Php 100.00) enrollment fee for Cash Card shall be deducted from the 40% DOLE counterpart of their salary;

6.9 PESOs that will request for exemption for cash card as a mode of payment to their student-beneficiaries should submit a written justification to the Regional Office through the FOs not later than March 30, 2014, except those that have been previously approved.

7. Work Schedule of SPES Beneficiaries:

7.1 SPES beneficiaries employed in private establishments may be allowed to work on Saturdays, if necessary, and beyond eight (8) hours a day in emergency situations. All payments for work beyond normal working hours should be subject to payment of statutory overtime pay to be shouldered by the private employer.

7.2 For those 15 to below 18 years of age, the hours of work shall not be more than 8 hours a day, and in no case beyond 40 hours a week as provided under RA 9231 (*An Act Providing for the Elimination of Worst Forms of Child Labor and Affording Special Protection for the Working Child, Amending for this Purpose Republic Act No. 7610, as Amended, Otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act*). Moreover, under said law, those falling within this age range should not be made to work within the period from 10:00 pm to 6:00 am of the following day.

7.3 The DOLE Regional Office may allow a work schedule whereby SPES beneficiaries work on part-time basis of not less than four hours per day or on staggered basis (such as, work some days during the semestral break in October and some days during Christmas break), depending on the needs of the student and the employer and subject to voluntary agreement by the parties, provided that the total period worked will not exceed 52 working days or 416 working hours within a calendar year.

7.4 Since the law requires that they should be paid immediately after each completed period of employment, the Regional Office allowing the flexible schedules above described are forewarned about and should address the difficulty in monitoring and processing the students' claims.

7.5 Student-trainees shall not be allowed to work without complete documents;

8. Nature of Work of SPES Beneficiaries

8.1 The DOLE Regional and Field Offices shall encourage all participating employers, particularly the local government units (LGUs), other government agencies, academe and non-government organizations, to provide the SPES beneficiaries with work and activities which are related to skills acquisition and greening projects or green jobs.

8.2 SPES beneficiaries, particularly those 15 to below 18 years of age, should not be assigned in hazardous undertakings as prohibited under RA 9231.

9. Out-of-School Youth and Youth who are children of Occupationally Disabled Workers, Persons With Disability, Displaced Workers and Victims of Illegal Recruitment as SPES Beneficiaries

9.1 The DOLE Regional Offices should promote the SPES to out-of-school youth and qualified youth who are children of occupationally disabled workers, persons with disabilities, displaced workers, as well as victims of illegal recruitment and shall allocate 20% of their SPES targets for the aforementioned beneficiaries.

9.2 The Employees Compensation Commission shall provide the DOLE Regional Offices with a list of occupationally disabled workers and their children, including contact details, as soon as the information becomes available.

10. Screening and Selection of Beneficiaries

- 10.1 The identification, screening and selection of beneficiaries shall be the responsibility of the employers and facilitated by the PESO Managers and Personnel Officers of government agencies and private sector respectively, and should be done **within January – March 15, 2014**;
- 10.2 For private sector employers, the screening and selection of beneficiaries shall be in coordination with the PESOs and/or DOLE Field Offices in their area.
- 10.3 Participating employers may conduct examination and establish selection criteria in order to prioritize beneficiaries.

11. Insurance Premium of SPES Beneficiaries:

- 11.1 An insurance premium of five pesos and fifty centavos (PhP 5.50) shall be paid to the Government Service Insurance System (GSIS) for each SPES beneficiary employed in private establishments, national government agencies, local government units and government owned and controlled corporations.
- 11.2 The insurance premium shall be paid by the DOLE Regional Office, as provided by law, sourced from the Other MOOE item of the Regional Office SPES budget, if such premium is not voluntarily paid by the employer.
- 11.3 SPES beneficiaries who are employed on part time or on staggered basis should have GSIS insurance coverage per employment period.
- 11.4 The DOLE Regional Office shall ensure that the insurance premiums are remitted, together with the list of names, to the concerned GSIS Regional Office **not more than five (5) days after the start of actual employment of SPES beneficiaries**.
- 11.5 The DOLE Regional Office should keep the official receipts of said payments as proof of payment of the insurance premiums.

12. Orientation for SPES Beneficiaries

The Employers/PESOs shall conduct an orientation for SPES beneficiaries in coordination with the FOs focusing on, but not limited to, the objectives of the SPES, the duties and responsibilities of both the employer and SPES beneficiaries and the proper work values and ethics.

RULE II. Evaluation of SPES Documents:

1. Submission of Reports:
 - 1.1 All Employers shall submit to the nearest PESO not later than 5 working days after the start of employment the Placement Report indicating the following: name of students hired, date of birth, gender, address, occupation of the student, name of beneficiary, educational level, last school year attended, the wage rate per day, number of days to be employed and other pertinent information;
 - 1.2 All Employers shall submit to the nearest PESO not later than 5 working days after the duration of employment the Establishment Report Form (FM 5.1.3-01) indicating the following: name of student, beneficiary, occupational classification, nature of work, wage rate per day, employment period, number of days worked, amount paid for salary/wage total amount paid to student and the Certificate of Employment (FM 5.1.3-03).
2. The PESOs shall submit the Certificate of Employment (FM 5.1.3-03) and Establishment Report Form (FM 5.1.3-01) together with complete documents to DOLE FOs not later than three (3) working days after receipt from employers;
3. All photocopied documents submitted shall be authenticated by the duly authorized person. Documents which appear spurious shall not be accepted;
4. PESOs shall submit the complete pre-employment documents to the DOLE Field Offices in their areas of jurisdiction within one week before the start of employment and the post-employment requirements as provided in the above stated schedules;
5. The DOLE (Field Offices) ***shall not receive incomplete SPES documents***;
6. Claim documents submitted late may not be accepted unless with valid reason/s duly supported by a justification;
7. Student workers who shall be paid 100% by LGUs shall be considered SPES grantees if they are compliant to all SPES requirements. Provided that prior to the implementation of the Program, the LGUs concerned shall inform the DOLE RO/FO in writing that it shall pay the full wage or salary of the student.
8. For student-beneficiaries who worked by batches, submission of claims shall be upon completion of work per batch in order to prevent bottlenecks.

RULE III: Processing of 40% DOLE Counterpart:

1. The processing of 40% shall be on “first come, first serve” basis;
2. The DOLE Field Offices shall process the documents for payment of DOLE’s 40% counterpart;
3. The FOs shall inform PESOs and participating employers if checks are ready for release or amount has been credited with LBP in the case of cash cards;
4. Payments shall be made either in the form of CASH CARD or checks.

RULE IV. Other Reportorial Requirements


The DOLE Field Offices shall submit to the Regional Office the Profile of Participating Students, Employers and Vacancies and SPES Babies Report within thirty (30) days after the end of each semester.

RULE V. Monitoring of SPES

The DOLE Regional Office/Field Offices shall monitor the implementation of SPES to make sure that the student-beneficiaries are working and employers are paying their 60% counterpart.

These rules shall take effect immediately.

November 7, 2013, Iloilo City.


PONCIANO M. LIGUTOM
Regional Director