

Republic of the Philippines
TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY
East Service Rd., South Superhighway, Taguig, Metro Manila

39th TESDA Board Meeting
4 September 2003, 9:00 a.m.
7th Floor TESDA Board Room, Office of the Chair
Taguig, Metro Manila

Resolution No. 2003 - 17

**Approving and Adopting the Unified Technical Vocational Education and
Training Program Registration and Accreditation System (UTPRAS)
Guidelines on Sanctions and Penalties**

WHEREAS, Republic Act No. 7796 otherwise known as TESDA Act of 1994 empowers TESDA to establish and maintain a system of accrediting, coordinating, integrating, monitoring and evaluating formal and non-formal technical education and training;

WHEREAS, Republic Act No. 7796 defines technical education as the education process designed at post-secondary and lower tertiary levels, officially recognized as non-degree programs aimed at preparing technicians, para-professionals and other categories of middle-level workers by providing them with a broad range of general education, theoretical, scientific and technological studies, and related job skills training;

WHEREAS, Board Resolution No. 98-03 establishes A Unified TVET Program Registration and Accreditation System;

WHEREAS, Board Resolution No. 2000-03 Approved the Adoption of the Omnibus Amendatory Guidelines in the Establishment of the Unified TVET Program Registration and Accreditation System identifying the coverage of UTPRAS to include all TVET programs offered by public and private institutions, including programs offered by enterprise-based training centers, provided that programs offered in the latter are fee paying and open to the public; All TVET programs in industrial trades and crafts, agriculture, fishery, services and home industries, among others; TVET programs with permit and recognition certificates granted by the Secretary of Education which shall be reviewed and registered under UTPRAS within the prescribed period; and including a module of employable competency or a set of modules may be registered as a TVET program under UTPRAS;

WHEREAS, the Omnibus Amendatory Guidelines in UTPRAS mentioned of Sanctions for TVET institutions which are found to have run TVET programs without complying with the registration requirements in UTPRAS;


NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the Board approves the adoption of the Unified TVET Program Registration and Accreditation System Guidelines on Sanctions and Penalties to operationalize the Sanctions contained in the Omnibus Amendatory Guidelines which is attached herewith and made an integral part of this Resolution:

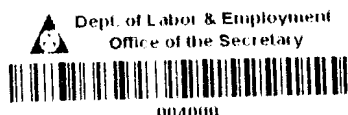
BE IT RESOLVED FURTHER, that the Board directs the Secretariat to issue the corresponding circular to disseminate the guidelines and have the guidelines published in accordance with the requirements of EO 200 Series of 1987 for the information of all concerned.

Adopted this 4th day of September 2003


MA. ADORINDA DE JESUS-FORRO
Board Secretary VI

Attested By:


PATRICIA A. STO. TOMAS
Secretary, Department of Labor and Employment
Chair TESDA Board



UNIFIED TVET PROGRAM REGISTRATION AND ACCREDITATION SYSTEM (UTPRAS)

Guidelines on Sanctions and Penalties

Legal Basis

Republic Act No. 7796, otherwise known as TESDA Act of 1994, empowers TESDA to establish and maintain a system of accrediting, coordinating, integrating, monitoring and evaluating formal and non-formal technical education and training.

TESDA Board Resolution 98 03 formally established the Unified TVET Program Registration and Accreditation System (UTPRAS). To operationalize the implementation of the Sanctions contained in UTPRAS Omnibus Amendatory Guidelines under TESDA Circular 017 s. of 2000, the following guidelines on sanctions and penalties shall hereby apply.

Definition of Terms

- a. **Auditor** – a TESDA personnel/representative qualified and authorized to conduct an audit of program registration requirements to check whether the institution is continuously complying with the registration standards – the basis by which the program was registered.
- b. **Compliance Audit** – a process of verification carried out by TESDA to determine whether an institution with registered program is continuously complying with the registration standards set forth for the program(s).
- c. **Corrective Action** – a statement of immediate remedial action(s) to the finding(s) found in the compliance audit to meet the program standards requirements.
- d. **Non-compliance/Non-conformity** – a discrepancy between what is specified in the program standards and what is actually observed by the TESDA auditor(s).

- e. **Technical Vocational Education and Training or TVET** – refers to the education and training process when it involves, in addition to general education, the study of technologies and related sciences and the acquisition of practical skills and knowledge relating to occupations in various sectors of economic and social life.
- f. **Unified TVET Program Registration and Accreditation System** or UTPRAS – a two-stage process of quality assurance the first stage involves the registration (mandatory) of programs with TESDA to ensure that they meet the minimum requirements and the monitoring of the registered programs to ensure that the institutions continuously comply with the registration requirements. The second stage involves accreditation (voluntary), which deals with institutionalization of quality management systems in the institution utilizing the Philippine TVET Quality Award as its framework which is anchored on the Philippine Quality Award.
- g. **Unregistered program** – a program offered by an institution that is not registered under the Unified TVET Program Registration and Accreditation System or UTPRAS.

SANCTION PROCEDURES FOR UNREGISTERED OFFERING OF TVET PROGRAMS

Section 1. TVET Institutions offering Unregistered Programs. These are institutions, which offer programs without the UTPRAS program registration certificates. As specified in the registration procedure, the applicant Training Institution files a letter of application with the TESDA District/Provincial Office in whose area of jurisdiction the institution operates at least six (6) months before the institution will offer the program.

Section 2. Steps in the Imposition of Sanctions and Penalties

Imposition of penalties and sanctions can be classified in 3 steps:

- 1st step -** Written warning of violation for offering unregistered program giving sufficient time to explain and comply with the registration requirements.

2nd step - Issuance of Notice of Unregistered Offering of the Program(s) to the institution and publication of such Notice in a local newspaper, TESDA Website and announcement in a government radio station.

3rd step - Notice of Unregistered Offering of the Program(s) furnished to the Mayor with a letter requesting for the cancellation of Mayor's permit to operate shall be filed for non-registration of program.

Section 3. Institutions that are found offering unregistered programs shall be covered by the following procedural guidelines:

- a) TESDA Provincial/District Director sends Official Notice to the institution to explain in writing why the institution is operating TVET program(s) not registered with TESDA.
- b) Within 5 working days from the receipt of Official Notice, institution sends Letter of Explanation indicating the underlying cause(s) for not being able to register the TVET program(s) with TESDA.
- c) Within 5 working days from the receipt of Letter of Explanation, TESDA Provincial/District Director sends Letter of Compliance to register the program(s). A 30-day grace period shall be provided.
- d) Within 5 working days from the receipt of Letter of Compliance, the institution sends a Letter of Intent to Conform within the deadline set in registering the program(s).
- e) If the deadline for registering the program(s) will not be met, the institution can request in writing for extension. Depending on the merits of the request, the Provincial/District Director may grant extension provided that this should not be more than 10 working days.

- f) Institution(s) that failed to execute a Letter of Intent to Conform shall not be eligible for the grant of extension.
- g) Upon expiration of the due date to register the program(s), the Provincial/District Director shall forward the Notice of Unregistered Offering of Program(s) to the institution concerned.
- h) The Provincial/District Office shall publish the Notice of Unregistered Offering of program(s) in a newspaper of local circulation, TESDA Website and announcement in a government station for failure to register the program(s) on the due date so as to inform the public.
- i) A copy of the Notice of Unregistered Offering of Program(s) shall be forwarded to the Mayor's Office with a transmittal letter requesting for the cancellation of Mayor's permit to operate for non-registration of program.
- j) Coordination shall be made with local authorities to institutionalize the appropriate action on the matter.

**SANCTION PROCEDURES FOR INSTITUTIONS GRANTED
PROGRAM REGISTRATION BUT FAILED TO MAINTAIN
REGISTRATION STANDARDS**

Section 1. *Institutions Granted Program Registration But Failed to Maintain Registration Standards.* These are schools or centers with registered program(s), which failed to maintain the registration standards.

Section 2. *Program Registration is granted full compliance upon completion of the following requirements:*

1. **CORPORATE AND ADMINISTRATIVE Requirements:**

- a. Certified Board Resolution to offer program
- b. SEC Registration Certificate

- c. Articles of Incorporation—purpose of Institution must mention technical-vocational education and training.
- d. Certificate of Ownership of building/contract of lease
- e. Fire Safety Certificate

2. CURRICULUM AND PROGRAM DELIVERY

- a. Course design and syllabus comply with the training regulation utilizing the format prescribed by the agency.
- b. List of physical facilities, equipment, consumables and instructional materials (e.g. reference materials, slides, videotapes, and cassette tapes etc.) necessary to deliver the program.

3. FACULTY AND PERSONNEL

List of officials, trainers and non-teaching staff with their qualifications, areas of expertise and courses/seminars attended (supporting documents available such as copies of certificates and contracts of employment)

4. ACADEMIC RULES

- a. Schedule of training fees and program costs
- b. Grading system
- c. Entry requirements for the program
- d. Rules on attendance

5. SUPPORT SERVICES

- a. Health services available to learners
- b. Career guidance/placement services available to learners
- c. Research that supports the operation of the school is carried out (e.g. surveys, consultations, technical research, networking with partners) – optional
- d. Community outreach program – optional

Section 3. Compliance Audit of Registered Programs. The compliance audit is undertaken by TESDA to assess whether registered program(s) comply with the registration standards. The non-conformities shall be categorized by TESDA auditor whether high risk or low risk. Institutions that have areas of non-conformities in the registration standards will be given sufficient time to comply with the requirements.

Section 4. Sanctions and Penalties for failure to meet the program registration standards are classified into 3 steps.

- 1st step -** Grant of extension to institution that did not comply within the due date provided a Letter of Explanation was executed within the time frame requirement (within 5 days from due date) and the explanation is meritorious.
- 2nd step -** Notice of Cancellation of Registration shall be issued to the institution that failed to comply.
- 3rd step -** **De-listing** of the program(s) that failed to comply and publication in a local newspaper to inform the public.
- 4th step -** Request to the mayor to cancel the Mayor's permit of the institution for being unable to maintain the registration requirements for the program(s).

Section 5. Sanction procedures shall be governed by the following guidelines:

- a) Institutions that are granted Certificate(s) of Program Registration shall be subjected to compliance audit by TESDA to determine their continuing compliance with the registration requirements/standards.
- b) TESDA representatives inform the institutions of the conduct of program registration compliance audit. Unscheduled audits maybe performed if TESDA has reason(s) to believe that programs being offered failed to meet the registration requirements.
- c) If the compliance audit found out that the institution has not maintained certain standards for program registration, the TESDA auditor with the concurrence of the school head and/or his/her duly designated representative shall agree in writing the time scale for the corrective action(s) to rectify such non-conformities.
- d) The non-conformities shall be categorized by TESDA auditor whether high risk or low risk non-compliance(s).

Below is the categorization of areas of non-compliance for programs granted registration:

- ◆ **High risk non-compliance** – the following are the list of infractions and all other similar violations which constitute high risk to students and other stakeholders:
 1. Invalid SEC Registration.
 2. Expired fire safety certificate.

3. Absence or failure to show evidence that the curriculum is being delivered using the competency-based approach
4. Missing or insufficient equipment, tools and consumables from that required in the standards.
5. Missing or insufficient instructional materials available from that indicated in the standards
6. Unavailability of qualified instructor(s) for the program based on what is indicated in the standards.
7. Entry requirements for the program do not comply with standards requirements, if available.
8. Rules on attendance are not documented and provided to the students.
9. Evidence that health services is not being provided to the students.
10. Evidence that there is no career guidance/placement services being provided to the students.
11. Expired contract of lease of premises.

◆ **Low risk non-compliance** – the following are the list of infractions and all other similar violations which constitute low risk to students and other stakeholders:

1. Tuition fees and program costs adjustments were not updated to the concerned TESDA Provincial Office.

2. List of officials and non-teaching staff with their qualifications have undergone some changes and the TESDA Provincial Office was not apprised of these changes.
 3. No documented grading system, no details are provided to students/trainees.
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- e) Institutions that failed to rectify the non-compliance(s) on the due date upon verification of the TESDA auditor shall be required to execute a Letter of Explanation within 5 working days from due date of rectifying the non-conformities indicating the cause(s) of not being able to comply on the due date to the TESDA Provincial/District Office.
 - f) Depending on the merits of the Letter of Explanation of the institution, an extension of 5 working days may be granted by the Provincial/District Director.
 - g) Institution that failed to execute a Letter of Explanation within 5 working days from due date of compliance shall not be eligible for the grant of extension and those with Letter of Explanation not found to be meritoriously justifiable.
 - h) TESDA shall uphold the Certificate(s) of Program Registration of institutions that complied on or before the due date as referred to in letter e. On the other hand, for those that failed to do so, the Provincial/District Director shall forward the Notice of Cancellation of Registration to the institution.
 - i) If no appeals are made within 5 working days from the receipt of Notice of Cancellation of Registration from the institution, TESDA shall take out the registered status of the program(s) in its Registry (De-listed). The Notice of Cancellation of Registration shall also be published in a newspaper of local circulation for the information of the public.

- j) The Provincial/District Director shall furnish the Mayor the Notice of Cancellation of Registration with a letter of request for the cancellation of Mayor's permit to operate for non-compliance of registered status.
- k) Only low-risk non-compliances can be appealed to the Director General. High-risk non-compliances once approved by the Provincial/District Director becomes final and executory.
- l) The Director General will act on the appeal within 30 working days from receipt thereof. If no decision is made within the indicate timeline, the appeal is upheld.

General Provisions

Section 1. The affected institution shall transfer enrollees in on-going Unregistered or De-listed Program to the nearest training provider offering the same National Certificate Level Program registered with TESDA.

Section 2. The affected institution shall refund in full the fees paid by the students to include among others, tuition fees, laboratory fees, and miscellaneous fees.

Section 3. The affected institution shall comply both with the provisions of sections 1 and 2 of this general provisions.

Section 4. These sanctions shall apply without prejudice to students and parents taking legal action in the appropriate court against the erring institution.

Effectivity:

These guidelines on sanctions and penalties shall take effect 15 days after publication in a newspaper of general circulation.