Republic of the Philippines
TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY
East Service Road, South Superhighway, Taguig City

111th TESDA Board Meeting
May 21, 2019
7th Floor, TESDA Board Room, Office of the Chair
Taguig City

Resolution No. 2019-27
(page 1 of 3 pages)

APPROVING THE IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT NO. 11230 "TULONG TRABAHO" ACT

WHEREAS, Section 2 of Republic Act No. 7796 declared that the state shall *"provide relevant, accessible, high quality and efficient technical education and skills development in support of the development of high quality Filipino middle-level manpower responsive to and in accordance with Philippine development goals and priorities";*

WHEREAS, Section 8 (1) of the TESDA Law mandates the TESDA Board to promulgate, after due consultation with industry associations, employers, workers, policies, plans, programs and guidelines, as maybe necessary, for the efficient implementation of the Act;

WHEREAS, Republic Act No. 11230 entitled *"An Act Instituting a Philippine Labor Force Competencies Competitiveness Program and Free Access to Technical-Vocational Education and Training (TVET) and Appropriating Funds Therefor"* otherwise known as the *"Tulong Trabaho" Act* was signed by the President last February 22, 2019;

WHEREAS, Sec. 19 of the law mandated TESDA to formulate the Implementing Rules and Regulations (IRR) within sixty (60) days upon the effectivity of the law;

WHEREAS, a Technical Working Group (TWG) was created by the Director General by virtue of TESDA Order No. 134, series of 2019 to facilitate the crafting of the IRR;

WHEREAS, the draft IRR prepared by the TWG was presented to the meeting of the 1st Ad-Hoc Committee on Rules and Protocols of the TESDA Board held last April 29, 2019 for comments;

WHEREAS, the revised draft of the IRR was presented to the TESDA Board during its meeting last May 8, 2019 for further comments;

WHEREAS, during the meeting on May 8, 2019, the TESDA Board endorsed the latest draft of the IRR and direct the Secretariat to conduct IRR Zonal consultations;

WHEREAS, the Zonal consultations were held from May 15 to 17, 2019 in Taguig City, Cebu City, Clark, Pampanga and Davao City;

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WHEREAS, the consolidated results of Zonal consultations were presented to the TESDA Board during its meeting held on May 21, 2019;

WHEREAS, during the 111th TESDA Board Meeting on May 21, 2019, the aforementioned consolidated results of the Zonal consultations were deliberated;

WHEREAS, upon deliberation, the TESDA Board has agreed on the final version of the Implementing Rules and Regulations (IRR) of Republic Act No. 11230;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED that the TESDA Board in its meeting today, May 21, 2019 at the 7th Floor, TESDA Board Room, approves the Implementing Rules and Regulations (IRR) of Republic Act No. 11230 or the *"Tulong Trabaho"* Act;

BE IT RESOLVED FINALLY, that copies of this resolution be published and disseminated to all concerned.

Adopted this 21 May, 2019.

ATTY. MARICHELLE DE VERA-DE GUZMAN
TESDA Board Secretary VI

Attested by:

SEC. ISIDRO S. LAPEÑA, PhdD, CSEE
Designated Chairperson, TESDA Board
Director General, TESDA

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USEC. RAFAELITA M. ALDABA
Department of Trade and Industry

USEC. DIOSDADO M. SAN ANTONIO
Department of Education

USEC. EPIMACO V. DENSING
Department of Interior and Local Government

MR. ISIDRO ANTONIO C. ASPER
Board Member, Labor Sector

MR. RENE LUIS M. TADLE
Board Member, Labor Sector

MR. RAMON R. DE LEON
Board Member, Labor Sector

ATTY. BAYANI G. DIWA
Board Member, Labor Sector

MR. ROGELIO J. CHAVEZ, JR
Board Member, Labor Sector

DR. LEONIDA BAYANI-ORTIZ
Board Member, Employer Sector

ENGR. EMMANUEL P. JUANEZA
Board Member, Employer Sector

MS. PATRICIA C. DALMAS
Board Member, Education and Training Sector

IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT NO. 11230 "TULONG TRABAHO ACT"

Pursuant to Section 19 of Republic Act No. 11230 entitled *"An Act Instituting a Philippine Labor Force Competencies Competitiveness Program and Free Access to Technical-Vocational Education and Training (TVET) and Appropriating Funds Therefor"* or the *"Tulong-Trabaho Act"* that was signed by the President on February 22, 2019, the Technical Education and Skills Development Authority (TESDA) hereby issues these Implementing Rules and Regulations to implement the provisions of this Act.

RULE I
GENERAL PROVISIONS

SECTION 1. ***Title.***– These rules and regulations shall be referred to as the Implementing Rules and Regulations (IRR) of RA 11230 or the *"Tulong-Trabaho Act"*.

SEC. 2. ***Declaration of Policy.*** – 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. For this purpose, the Constitution encourages nonformal, informal and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs, particularly those that respond to community needs.

SEC. 3. ***Objectives.*** – Pursuant to Sec. 4 of the Act, this IRR has the following objectives:

a) To strengthen the qualifications of the Filipino workforce to meet the challenges of the rapidly evolving workplaces and work structures;
b) To provide for more innovative approaches to Technical Vocational Education and Training (TVET) linked to the requirement of industry to primarily address unemployment and job-skill mismatch;
c) To facilitate access to quality TVET; and
d) To encourage the participation of industry and communities in competencies formation and upgrading towards a more competitive Filipino workforce.

SEC. 4. ***Definition of Terms.*** – As used in this IRR:

a) ***Act*** refers to R.A. 11230 or the *"Tulong-Trabaho Act"*;
b) ***Center-based programs*** refer to training provisions being undertaken in the TESDA Regional and Provincial Training Centers, local government unit (LGU)-run and private Training Centers and NGO-run training centers in the different regions and provinces in the country;
c) ***Community-based programs*** refer to TVET programs conducted by Non-Government Organizations (NGOs), Local Government Units (LGUs), training centers and other TVET providers which are intended to address

the specific needs of a community, which may be delivered in an informal and formal setting in the community. This includes the Mobile Training and extension programs of public and private technical vocational institutions (TVIs). These are programs implemented with TESDA assistance.

d) ***Competencies*** refer to the standard knowledge, skills, attitudes, and values required to complete work activities in a particular job, trade, or occupation;

e) ***Competency-based learning system*** refers to a system by which the learner is trained on the basis of demonstrated ability;

f) ***Direct training expenses*** refer to items of cost that are specifically traced to, or caused by the training, and include consumables used in the course of the program, training supplies, materials, utilities, venue and equipment, trainers' fees, and other related expenditures;

g) ***Enterprise-based programs*** refer to training programs being implemented in companies or firms. These include TVET programs delivered in the enterprise which maybe in-plant or stand alone, or maybe linked with a training provider. These programs are offered to industry group or to enterprises, employees and individuals.

h) ***Formal Education*** refers to the systematic and deliberate process of hierarchically structured and sequential learning corresponding to the general concept of elementary and secondary level of schooling. At the end of each level, the learner needs a certification in order to enter or advance to the next level;

i) ***Industry board or body*** refers to industry organizations or industry associations recognized by the Technical Education and Skills Development Authority (TESDA) according to set guidelines, and those that are duly authorized to receive funding in accordance with this Act;

j) ***Informal Education*** refers to a lifelong process of learning by which every person acquires and accumulates knowledge, skills, attitudes and insights from daily experiences at home, at work, at play, and from life itself;

a) ***Labor Market Intelligence Reports*** refer to latest reports and researches provided by the TESDA and the Department of Labor and Employment (DOLE) which pertain to crucial skills that are in demand in today's competitive labor market. This shall also refer to labor market information reports issued by the DOLE, TESDA and other relevant organizations on the functioning of the labor market, the available labor resources, employment opportunities and other information such as wage rates, qualifications, employment conditions, etc.;

b) ***Non-formal Education*** refers to any organized, systematic educational activity carried outside the framework of the formal system to provide selected types of learning to a segment of the population. Those who had undergone non-formal education can be subjected to assessment and certification to a certain qualification;

c) ***Philippine TVET Competency Assessment and Certification System*** (PTCACS) refers to a quality-assured system in recognition of the attainment of competencies (knowledge, skills, attitudes and values) as referred to the competency standards set for middle-level occupation. It is the process of determining the qualification level of a person and a tool in identifying the training needs of a person with competency gaps;

d) ***Program*** refers to the Philippine Labor Force Competencies Competitiveness Program established in accordance with the Act;
e) ***School-based programs*** refer to the direct delivery or provision of TVET programs by the TESDA-administered schools, state universities and colleges (SUCs), local universities and colleges (LUCs) and private higher education institutions (HEIs) and technical vocational institutions (TVIs);
f) ***Selected Training Programs (STPs)*** approved by the TESDA Board based on the recommendations of pertinent industries refer to school-based, center-based, community-based, enterprise-based and web-based technical-vocational education and training programs;
g) ***Technical Vocational Education and Training (TVET)*** refers to the education or training process involving general education, the study of technologies and related sciences, acquisition of practical skills relating to occupations in various sectors of economic and social life, and comprises formal (organized programs as part of the school system) and nonformal (organized classes outside the school system) approaches;
h) ***TESDA Secretariat*** is the implementing arm of TESDA as the TVET authority in the Philippines. It consists of the Offices of the Director General, Deputy Directors General, Executive/ Service Offices, Regional/ Provincial Offices and TESDA Technology Institutions.
i) ***Web-based programs*** refer to training programs that uses Internet web technologies to facilitate learning that result to the award of a qualification.

SEC. 5. *Philippine Labor Force Competencies Competitiveness Program.* – The Philippine Labor Force Competencies Competitiveness Program is hereby established in accordance with Section 17 of the Act, and which shall be funded through the *"Tulong-Trabaho"* Fund created in accordance with Section 6 of the Act.

RULE II
THE TULONG TRABAHO FUND

SEC. 6. *Tulong-Trabaho Fund.* – Pursuant to Sections 6 and 8 of the Act, the *"Tulong-Trabaho"* Fund is hereby established to provide qualified recipients with access to TVET programs under the Selected Training Programs (STPs).

The Fund shall be used to cover the following:

6.1. Full payment of STPs training fees;
6.2. Transportation allowance and laboratory fees, as needed;
6.3. Assessment and certification fees;
6.4. Cost for the Issuance of National Certificates (NC) or Certificates of Competency (COC);
6.5. Costs for other documents, procedures, and all other administrative requirements for the completion of the TVET programs under the STPs which includes, among others:

- learning materials;
- insurance of trainees;

6.6. Other costs as may be defined in the specific guidelines issued by the TESDA Board

SEC. 7. *Sources of Funds-* Pursuant to Section 7 of the Act, the "*Tulong-Trabaho*" Fund shall be sourced through the following:

1. Annual General Appropriations Act (GAA);
2. Subject to existing rules and regulations, funding for the *"Tulong Trabaho"* Fund can also come from donations from both government and non-government organizations to include:
   a) donations, grants, endowments from non-government organizations and other local or international funding organizations.
   b) Contributions, share or fund for scholarship, skills training and capacity development from other government agencies.
3. Subject to existing laws and other issuances, the TESDA Board may accept donations in kind, counterpart and leverage funds.

RULE III
ELIGIBILITY CRITERIA

A) Recipients

SEC. 8. *Qualified Recipients.* – Pursuant to Section 9 of the Act, beneficiaries of the "*Tulong-Trabaho*" Fund shall include the following:

a) Any person at least fifteen (15) years of age not employed, not in education and not in training (NEET); and
b) Employed workers who intend to develop and expand their current skills and trainings.

Existing workers in enterprise-based companies or industries currently trained by their employers shall be excluded from the coverage of this Act.

The TESDA Secretariat through the Director General shall develop guidelines including procedures for the selection of qualified recipients for approval of the TESDA Board.

B) Programs

SEC. 9. *Selected Training Programs (STPs).* – The TESDA Secretariat, in consultation with relevant stakeholders, shall make initial recommendations on the STPs eligible to receive funding from the *"Tulong-Trabaho"* Fund. The Regional/ Provincial Offices shall also coordinate with the Regional/ Provincial Technical Education and Skills Development Committees (R/PTESDCs) in the identification and

determination of the STPs. The TESDA Board shall approve the final list of the STPs based on the recommendations of the TESDA Secretariat, through the Director General.

Selection Criteria. – the STPs shall be determined based on the following considerations:

a) The latest issuances of Labor Market Intelligence Reports;
b) Quantitative and qualitative data on employment opportunities to be provided by the DOLE;
c) Quantitative and qualitative data on jobs and skills matching, as determined by TESDA;
d) The Human Resource Development Roadmaps; National Technical Education and Skills Development Plan (NTESDP); Joint Industry Roadmaps of the DTI, BOI, and the private sector; changes in technologies and emergence of new business models;
e) Other quantitative and qualitative studies to be determined necessary by the TESDA Board;
f) Additional bases in the selection of STPs at the discretion of the TESDA Board

The TESDA Secretariat, through the Director General, shall formulate the implementing guidelines on the STPs and the schedule of cost per qualification to be charged to the "*Tulong-Trabaho*" Fund for approval by the TESDA Board.

C) Industry Boards/ Bodies/ Associations

SEC. 10. *Recognized Industry Boards/ Bodies/ Associations.* TESDA-recognized industry Boards/ Bodies/ Associations shall qualify to avail funding support from the *"Tulong-Trabaho"* Fund. The TESDA Board shall issue and conduct review of the guidelines on the recognition of industry boards/ bodies as necessary.

RULE IV
IMPLEMENTATION MECHANISM

SEC. 11. *Training Modalities.* - The delivery of identified Selected Training Programs (STPs) may be school-based, center-based, community-based, enterprise-based or web-based.

SEC. 12. *Availment Procedures.* The industry boards or bodies seeking funding from the *"Tulong Trabaho"* Fund shall submit the list of trainees requesting assistance from the *"Tulong Trabaho"* Fund to the TESDA Regional Director. The TESDA Regional Directors, in consultation with the Regional Technical Education and Skills Development Committees (RTESDCs), shall assess the recipients and submit a list of qualified recipients to the TESDA Director General for approval.

Interested individuals seeking assistance from the *"Tulong-Trabaho"* Fund can apply through the nearest TESDA Provincial/ District Offices or online through the TESDA Website. The TESDA Provincial Offices, in consultation with the Provincial Technical Education and Skills Development Committees (PTESDCs) shall review and submit the list of qualified beneficiaries to the Regional Directors. The Regional Directors shall review, consolidate and then submit the regional listing to the Director General for approval.

RULE V
THE TESDA BOARD

SEC. 13. *Roles of the TESDA Board.* To effectively implement the provisions of the Act and this IRR, the TESDA Board shall perform the following roles:

a) Promulgate policies and guidelines for the effective management of the *"Tulong-Trabaho"* Fund;
b) Receive donations from both government and non-government organizations to be used strictly and exclusively for the beneficiaries and qualified applicants of the *"Tulong-Trabaho"* Fund;
c) Provide guidelines on the determination of qualified beneficiaries entitled to receive financial assistance from the *"Tulong-Trabaho"* Fund;
d) Approve the final list of STPs eligible to receive funding from the *"Tulong-Trabaho"* Fund based on the recommendations of the TESDA Secretariat;
e) In its discretion, may adopt additional bases to achieve the objectives of the Act;
f) Release the initial list of available STPs within two (2) months from the effectivity of the Act, and shall update such list in accordance with the provisions of the Act;
g) Direct the conduct of periodic evaluation of schools and training centers that receive funding from the *"Tulong-Trabaho"* Fund;
h) Direct the conduct of performance review and audit of school or training center that failed to meet at least eighty (80) percent passing rate in the competency assessment of the beneficiaries of *"Tulong-Trabaho"* Fund;
i) Provide other criteria and standards to determine whether the school or center shall continue to receive financial assistance through the "*Tulong-Trabaho"* Fund;
j) Issue and make available to the public, an annual report on the utilization of the "*Tulong-Trabaho"* Fund and other funds allocated in the GAA, donations from private and other organizations, expenditures, performance of the qualified recipients and other pertinent information as may be necessary;
k) Direct the periodic conduct of program monitoring and evaluation: a) annual program monitoring; b) initial program assessment after two (2) years and c) impact evaluation after five (5) years of program implementation

RULE VI
THE TESDA SECRETARIAT

SEC. 14. ***Roles of the TESDA Secretariat.*** The TESDA Secretariat shall perform the following roles:

1. Recommend for approval of the TESDA Board the list of STPs eligible to receive funding from the "*Tulong-Trabaho*" Fund;
2. TESDA Regional Directors shall assess the recipients and submit a list of qualified recipients to the TESDA Director General for approval;
3. Periodically update the list of qualified recipients depending on the availability of the "*Tulong-Trabaho*" Fund and the number of STPs;
4. Provide guidelines on the recognition of industry board or body that will qualify to avail of the *"Tulong-Trabaho"* Fund;
5. Create a public online registry of schools and training centers that offer STPs and a database of qualified recipients of financial assistance and graduates of these programs that is accessible through the TESDA Website;
6. Design and implement the support systems necessary to achieve the objectives of the Act, particularly the development of additional TVET programs and the improvement of existing TVET programs;
7. Ensure that only qualified recipients of the Fund are appropriately trained and their competencies are regularly updated;
8. Put in place appropriate standards, proper planning, trainers' training and certification, competency assessment and certification and quality assurance system to ensure that entrants to the Program shall be sufficiently equipped;
9. Undertake the development of modalities and programs for employed workers and accumulation of new learning modules to upgrade competencies of employed workers;
10. Seek the participation of industries and engagement of local governments and the labor sector.

RULE VII
MISCELLANEOUS PROVISIONS

SEC. 15. ***Oversight Committee.*** – Pursuant to Section 18 of the Act, a Joint Congressional Oversight Committee on *"Tulong-Trabaho"* is hereby created to be composed of three (3) members each from the House Committee on Higher and Technical Education and the House Committee on Labor and Employment, to be appointed by the House Speaker and three (3) members each from the Senate Committee on Labor, Employment and Human Resources Development and the Senate Committee on Education, Arts and Culture to be appointed by the Senate President. The membership to the Committee from the House of Representatives and the Senate shall have at least one member each to represent the minority.

The Joint Congressional Oversight Committee on "*Tulong-Trabaho*" shall have the power to monitor and review the implementation of the Act and the disbursements of the "*Tulong-Trabaho*" Fund. The Secretariat of the Joint Oversight

Committee shall be drawn from the Secretariat personnel of the House Committee on Higher and Technical Education; the House Committee on Labor and Employment; the Senate Committee on Labor, Employment and Human Resources Development and Senate Committee on Education, Arts and Culture. Likewise, funding of the expenses of the Joint Oversight Committee shall be taken from the appropriations of both the House and Senate Committees.

SEC. 16. ***Issuances on Policies and Guidelines After Effectivity of the Rules.*** – The TESDA Board shall, after due consideration as required by Article II, Sec 10, paragraph 1 of the Act, promulgate from time to time, issuances on policies and guidelines for the effective implementation of these rules and regulations.

SEC. 17. ***Separability Clause.*** – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the IRR or the provision not otherwise affected shall remain valid and subsisting.

SEC. 18. ***Review / Amendment of the IRR.*** The TESDA Board may initiate the review and/or introduce amendments to these Rules as deemed necessary and practicable.

SEC. 19. ***Repealing Clause.*** – Pursuant to Section 21 of the Act, any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of the Act and this IRR is hereby repealed, modified, or amended accordingly.

SEC. 20. ***Effectivity Clause.*** – This IRR shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

This IRR shall be registered with the Office of the National Administrative Register at the University of the Philippines Law Center, UP Diliman, Quezon City.

Approved: May 21, 2019

By the Authority of the TESDA Board:

SEC. ISIDRO S LAPEÑA, PhD, CSEE
Director General, TESDA