

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

122nd TESDA BOARD MEETING
11 August 2020, Tuesday, 9:00 AM
Teleconference via Zoom Platform

Resolution No. 2020- 38
(Page 1 of 4 pages)

**APPROVAL OF THE AMENDMENT TO THE REVISED GUIDELINES IN THE
IMPLEMENTATION OF DUAL TRAINING SYSTEM UNDER THE AMENDED
IMPLEMENTING RULES AND REGULATIONS ON THE CONDUCT OF NIGHT
TRAINING**

WHEREAS, Republic Act No. 7686 otherwise known as the "Dual Training System Act of 1994" was signed into law on February 25, 1994;

WHEREAS, Section 2 of Republic Act No. 7686 provides that it is the policy of the State to strengthen manpower education and training in the country so that the latter may be assured of an ever-growing supply of an educated and skilled manpower equipped with appropriate skills and desirable work habits and attitudes;

WHEREAS, Section 7 of the same law mandates the appropriate Authority to plan, set standards, coordinate, monitor and allocate resources in support of the implementation of the system;

WHEREAS, Section 8 of Republic Act No. 7796 otherwise known as "TESDA Act of 1994" mandates the Authority to be primarily be responsible for formulating, continuing, coordinated and fully integrated technical education and skills development policies, plans and programs;

WHEREAS, during the 107th TESDA Board Meeting held last January 11, 2019, the TESDA Board issued TESDA Board Resolution No. 2019-01 which adopted the Revised Implementing Rules and Regulations (IRR) of the Dual Training System;

WHEREAS, Rule III, Section 1, paragraph p of the said revised IRR provides that the Normal Training Hours of DTS trainees shall be for eight (8) hours, and may be rendered from 6 o'clock in the morning up to 10 o'clock in the evening;

WHEREAS, Rule VI, Section 2, paragraph h of the revised IRR also provides that TESDA may review, revise and amend the promulgated IRR as it may deem necessary in order to meet and cope with the demands of time;

WHEREAS, Rule XIX, Section 1 of the revised IRR mandated TESDA to issue the necessary Operational Guidelines for the effective implementation of the DTS Act and its IRR;

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WHEREAS, on June 6, 2019, TESDA Circular 54, series of 2019 was issued by the TESDA Director General containing the Revised Operational Guidelines (OG) in the Implementation of Dual Training System (DTS) under the Amended DTS-IRR;

WHEREAS, Item VII No. 6 of the Revised OG in the Implementation of Dual Training System Act under the amended Implementing Rules and Regulations allows night training only until 10 o'clock in the evening;

WHEREAS, pursuant to the policy of the state to equip educated and skilled manpower with appropriate skills and desirable work habits and attitudes, night training is specifically sought on appeal by DTS implementers particularly the industry to allow the engagement of DTS trainees in the evening operations of a company and expose them to the actual world of work;

WHEREAS, the proposed amendment to Item VII No. 6 of TESDA Circular No. 54, s. 2019 on night training was presented to and deliberated upon during the 1st Joint Ad-Hoc Committee on Legal Matters and Support to TVET Provision Committee (Joint Committee) held on 21 July 2020;

WHEREAS, the Joint Committee deliberated and agreed to favorably recommend to the TESDA Board the following amendment to Item VII No. 6 of the Revised Operating Guidelines as follows:

Safety issues and hazardous to which the trainee may be exposed during the in-plant training should be given utmost consideration. Generally, in-plant training (night time) is allowed only up to 10 o'clock in the evening. However, the trainee may render training beyond the normal daily training hours provided the following minimum requirements are present:

- a) *The training is rendered within the required period consistent with the rules, regulations and law and shall not constitute the whole in-plant training.*

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**APPROVAL OF THE AMENDMENT TO THE REVISED GUIDELINES IN THE
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- b) The trainee shall be paid a night shift differential of not less than ten percent (10%) of the Training Allowance for each hour of work performed between 10 o'clock in the evening and 6 o'clock in the morning;*
- c) The trainee shall be entitled to an overtime pay, if applicable;*
- d) The trainee should not be below eighteen (18) years old; and*
- e) The minimum requirements above are agreed upon or improved by the company, the training provider and the labor union, in the absence of the union, the appropriate labor representative from the Labor Management Council of the enterprise.*

WHEREAS, during the 122nd TESDA Board Meeting on 11 August 2020, the TESDA Board deliberated and considered the proposal;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED to adopt the afore-quoted amendment of Item VII No. 6 of the Revised Operating Guidelines;

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

Approved this 11th day of August, 2020.


Atty. MARICHELLE D. DE GUZMAN
Board Secretary VI

Attested by:


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

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TRAINING**

(Original Signed)
USEC. RENATO L. EBARLE
Department of Labor and Employment

(Original Signed)
USEC. EPIMACO V. DENING
Department of Interior & Local
Government

(Original Signed)
USEC. BRENDA L. NAZARETH-MANZANO
Department of Science & Technology

(Original Signed)
MR. ISIDRO ANTONIO C. ASPER
Board Member, Labor Sector

(Original Signed)
ATTY. BAYANI G. DIWA
Board Member, Labor Sector

(Original Signed)
MR. RENE LUIS M. TADLE
Board Member, Labor Sector

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

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

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DR. LEONIDA BAYANI-ORTIZ
Board Member, Employer Sector

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PROF. RANDOLPH I. NONATO
Board Member, Employer Sector

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MS. MARY G. NG
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