

AN ACT TO AMEND REPUBLIC ACT NUMBERED ONE THOUSAND EIGHT HUNDRED TWENTY-SIX ENTITLED "AN ACT ESTABLISHING AN APPRENTICESHIP TRAINING SYSTEM AND A NATIONAL APPRENTICESHIP COUNCIL..."

REPUBLIC ACT NO. 2628, June 18, 1960

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

SECTION 1. A new section, two-A, is hereby added to Republic Act Numbered One thousand eight hundred and twenty-six, to read:

"SEC. 2-A. For these purposes, there is hereby established a National Apprenticeship Council, hereinafter called the Council, composed of seven members, two of whom shall represent employers, two shall represent employees, one shall represent the public, and one each from the Department of Labor and the Department of Education.

The members of the Council shall be appointed by the President upon the recommendation of the Secretary of Labor with the consent of the Commission on Appointments. The chairman shall be so designated in his appointment. Of the members first appointed, four shall hold office for one year and the other three, for two years. At the expiration of their respective terms, their successors shall be appointed for the term of two years reckoned from the date of such expiration. All vacancies, except those created through expiration of the term, shall be filled for the unexpired term only. Members of the Council shall not receive compensation but members who are not government employees shall be entitled to per diems not exceeding twenty-five pesos for each day of actual attendance, and to reimbursement for all necessary travelling expenses actually incurred in attending to their duties in the Council.

The Secretary of Labor may appoint such trade or industry committees as may be necessary to advise and assist the Council in carrying out the purposes of this Act. Each of such committees shall be composed of an equal number of representatives of employers and employees and one representing the public who shall act as chairman."

SEC. 2. Section three of Republic Act Numbered One thousand eight hundred and twenty-six is hereby amended to read as follows:

"SEC. 3. It shall be the duty and function of the Council:

- To organize and develop an apprenticeship program by which the requirements for trained labor may be met;
- To secure the cooperation of government agencies and private organizations and institutions, including those providing vocational guidance and training, in effecting coordination in the development of apprenticeship;
- To recommend appropriate measures for the promotion of apprenticeship;
- To assist and cooperate in determining the number of apprentices and skilled workers needed for each trade and occupation, and in promoting the proper distribution of manpower resources to meet the needs of the

national economy and the labor requirements of employers so as achieve the fullest and most effective utilization of manpower resources;

- To enable workers to make full use of their natural talents and abilities to advance their opportunities for steady employment;
- To determine apprenticeable trades and occupations in accordance with the rules, regulations and standards promulgated under this Act;
- To establish minimum standards of training in apprenticeable trades and occupations;
- To formulate and adopt standards for effecting employment of apprentices under different conditions, by setting out their qualifications for employment, number of apprentices, required education, age limitations, aptitudes, term of apprenticeship, wages, working hours, vacation with pay, and other matters;
- To lay down minimum standards and procedures for the examination of apprentices, the execution and registration of apprentices and apprenticeship agreements, the methods of supervision and the duration of the apprentices' work on the job and at school, and the methods of examination of apprentices at the end of their training;
- To stipulate the grounds under which an apprenticeship agreement may be terminated or otherwise revoked by either or both parties before the expiration of its term;
- To promulgate such rules and regulations as may be necessary to carry out the intents and purposes of this Act, including the denial of apprentices to any employer that has violated any provisions of this Act, rule or regulation promulgated thereunder, or of any apprenticeship agreement; and
- To make and submit, not later than February first of each year, a report through the Secretary of Labor of its activities, accomplishments and findings to the President and to the Congress of the Philippines.

SEC. 3. A new section, three-A, is hereby added to Republic Act Numbered One thousand eight hundred and twenty-six, to read:

"SEC. 3-A. An administrative machinery called "Office of Apprenticeship" in the Department of Labor is hereby created under a chief to be appointed by the President upon the recommendation of the Secretary of Labor, with the consent of the Commission on Appointments, who, at the time of his appointment should have had specialized training in apprenticeship administration, planning, programming and adequate experience in apprenticeship legislation for not less than two years. The chief of the office of apprenticeship shall have a compensation of seven thousand two hundred pesos per annum which shall be adjusted in accordance with Republic Act Numbered Nine hundred and ninety-seven as implemented.

The Secretary of Labor shall also appoint such clerical, technical, and professional assistants as may be necessary to the proper operation of this office, and no person shall be appointed technical or professional assistant unless he has had adequate training for the performance of his duties."

SEC. 4. Section four of Republic Act Numbered One thousand eight hundred and twenty-six is hereby amended to read as follows:

"SEC. 4. The Office of Apprenticeship shall:

- Act as secretariat to the National Apprenticeship Council;
- Implement and supervise standards in apprenticeship that may be formulated by the Council and carry out the apprenticeship program envisioned by this Act;
- Assist and cooperate with the Council in the development and formulation of policies, rules, regulations,

standards and plans;

- Promote the purposes of this Act by bringing employers and workers together and assisting them in working out appropriate apprenticeship programs;
- Conduct research on matters affecting apprenticeship and compile and disseminate such research currently;
- Provide technical and advisory services to the council, several apprenticeship committees, employers, association of employers, employees, associations of employees, and other interested parties, in the development, maintenance, and operation of apprenticeship programs;
- Provide services for the review and appraisal of proposed apprenticeship programs and apprenticeship agreements;
- Maintain a register of apprentices, apprenticeship agreements, and apprenticeship programs;
- Maintain currently a record of all apprenticeship committees and management-labor committees and all employers operating under approved apprenticeship programs;
- Approve, disapprove, suspend, revoke or terminate plant apprenticeship programs and apprenticeship agreements, and issue certificates of completion of apprenticeship;
- Act as a clearing house for the operation of apprenticeship programs in different areas, industries and occupations;
- Disseminate such information regarding apprenticeship as may be necessary to bring about a better understanding of the purposes of the apprenticeship programs provided by this Act and to arouse public interest in such programs; and
- Protect and promote the welfare of apprentices."

SEC. 5. A new section, four-A, is hereby added to Republic Act Numbered One thousand eight hundred and twenty-six, to read:

"SEC. 4-A. It shall be unlawful for an employer to enter into an apprenticeship agreement or otherwise employ an apprentice in any apprenticeable trade or occupation declared as such by the Council without having a certification in writing by the Office of Apprenticeship to the effect that the plans and standards of the apprenticeship program comply with the provisions of the law and measures up to the standards and policies laid down by the National Apprenticeship Council.

Any violation of the provisions of this section shall be punished by a fine of not less than one hundred pesos nor more than five hundred pesos, or by imprisonment for not less than thirty days nor more than one year, or both such fine and imprisonment in the discretion of the court.

If the violation is committed by a firm, association, or corporation, the penalty shall be imposed on the officer or officers thereof who are responsible for the violation.

SEC. 6. Section five of Republic Act Numbered One thousand eight hundred and twenty-six is hereby amended to read as follows:

"SEC. 5. Any employer with an approved apprenticeship program may enter into an apprenticeship agreement with a qualified apprentice. Each apprenticeship agreement shall contain:

- The full names of the contracting parties;
- The date of birth of the apprentice;

- A statement of the trade, craft, or business in which apprenticeship is sought, and the date on which apprenticeship will begin or end;
- A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, the total of which hours shall, in no case, be less than those established by the Council pursuant to this Act: Provided, That the combined hours of work and of the required related and supplemental instruction of the apprentice shall not exceed the maximum number of hours of work prescribed by the law for a worker of the age and sex of the apprentice: Provided, further, That no overtime work for apprentices shall be permitted;
- A statement setting forth a schedule of the working processes in the trade or industry in which the apprentice is to be taught and the approximate time to be spent on the job in each process;
- A statement of the graduated scale of wages to be paid the apprentice, the provisions of Republic Act Numbered Six hundred two to the contrary notwithstanding, and whether or not the required school time shall be compensated;
- A statement fixing a period of probation of not more than five hundred hours of employment and of related instruction extending not more than four months during which time the apprenticeship agreement may, at the request of either party in writing, be terminated upon approval of the chief of the Office of Apprenticeship for good and sufficient cause;
- A provision that an employer who is unable to fulfill his obligation under an apprenticeship agreement, may, with the approval of the chief of the Office of Apprenticeship, transfer such contract to any other employer, if the apprentice consents and such other employer agrees to assume the obligation of said apprenticeship agreement;
- Such additional terms and conditions not inconsistent with this Act, which the Council determines are necessary and proper to effectuate the purposes of this Act;
- A clause providing that there shall be no liability on the part of the employer for an injury or illness sustained by an apprentice engaged in school work outside of the premises of the employer; and
- A clause stating that a copy of the apprenticeship agreement shall be issued without cost to the apprentice."

SEC. 7. Section six of Republic Act Numbered One thousand eight hundred and twenty-six is hereby amended to read as follows:

"SEC. 6. Every apprenticeship agreement shall be signed by the employer or his agent, or by an authorized representative of an association or group of employers, or employees, or by an apprenticeship committee, and by the apprentice; and, if the apprentice is a minor, by the minor's parent or guardian: Provided, That where a minor enters into an apprenticeship agreement under this Act for a period of training which shall extend into his majority, the apprenticeship agreement shall likewise be binding for such period as may be covered during the apprentice's majority: Provided, further, That every apprenticeship agreement entered under this Act shall be approved by the appropriate apprenticeship committee, if any, and by the chief of the Office of Apprenticeship, and a copy of the agreement shall be filed with the Council.

SEC. 8. Section seven of Republic Act Numbered One thousand eight hundred and twenty-six is hereby amended to read as follows:

"SEC. 7. Upon the complaint of any interested person or upon his own initiative, the chief of the Office of Apprenticeship or his authorized representatives shall investigate any violation of the terms of an apprenticeship agreement made under this Act, and for such purpose he shall hold hearings, inquiries, and other proceedings necessary to such investigation and issue subpoena and subpoena duces tecum. The parties

to such agreement shall, upon reasonable notice thereof, be given a fair and impartial hearing. All such hearing and investigations shall be made pursuant to such rules and procedures as may be prescribed by the Council.

The decision of the chief of the Office of Apprenticeship shall be filed with the Council and copy thereof shall be sent to the parties. Any person aggrieved by such decision or action may appeal therefrom to the Council, which shall hold a hearing thereon after due notice to the interested parties. Appeal may be made to the Secretary of Labor within fifteen (15) days from notice of the decision of the Council and therefrom to the Court of Appeals within thirty (30) days from the notice of the decision of the Secretary of Labor.

SEC. 9. Section eight of Republic Act Numbered One thousand eight hundred and twenty-six is hereby amended to read as follows:

"SEC. 8. Any party to an apprenticeship agreement aggrieved by an order or decision of the Council may bring the appropriate proceedings in the courts on question of law. The decision of the Council shall be conclusive and final, if action thereon is not filed in court within thirty days after the date of notice of such order or decision.

No person shall institute any action for the enforcement of any apprenticeship agreement, or damages for the breach of any such agreement, made under this Act unless he shall first have exhausted all administrative remedies provided by this Act.

SEC. 10. Section nine of Republic Act Numbered One thousand eight hundred and twenty-six is hereby amended to read as follows:

"SEC. 9. To ensure the effective implementation of the policy laid down in section two hereof:

- The Office of Manpower Services, shall develop and prepare economic analysis with respect to the several apprenticeable occupations and with respect to the industries involved, and provide appropriate aptitude tests in the selection of apprentices.

- The Department of Education shall:

- Provide related and supplemental instruction for apprentices, secure and furnish facilities, instructional materials, and supplies necessary for such instruction;

- Develop and prepare courses of instruction for apprentices, correlate such instruction with job experience and administer and supervise such instructions;

- Enroll apprentices in schools and keep individual attendance and progress records of such apprentices;

- Employ or otherwise obtain and train apprentice instructors and coordinators;

- Advise and assist the chief of the Office of Apprenticeship and apprenticeship committees regarding training programs;

- Designate, when so required, members of educational advisory committees to the Office of Apprenticeship and apprenticeship committees; and

- Assist in the selection of apprentices by the development of appropriate aptitude tests or by providing pre-apprenticeship courses, or both.

The Department of Education, with the approval of the Department of Labor, may delegate all or any of the foregoing duties to an appropriate public or private agency: Provided, That the Department of Education shall have a continuing responsibility for the effective performance of such delegated duties."

SEC. 11. Section ten of Republic Act Numbered One thousand eight hundred and twenty-six is hereby amended

to read as follows:

"SEC. 10. As used in this Act—

- The term "apprentice" means a worker at least sixteen years of age who is covered by a written apprenticeship agreement with an employer, an association of employers, an organization of workers, or an apprenticeship committee registered with the Office of Apprenticeship which contract provides for not less than two thousand hours of reasonably continuous employment for such Worker and for his participation in an approved schedule of work experience through employment and supplemented by related classroom instruction.

No person shall work or be engaged as apprentice unless he is at least sixteen years of age; has completed the high school course or such course or courses as the Council may prescribe; and shows his fitness for the employment by means of a certificate of his school attendance, demonstration of his capacities and aptitude, and presentation of a certificate of his physical fitness by a medical officer of the Department of Labor or Bureau of Health.

- The term "apprenticeship" means a system of training in which one or more employers undertake by contract to employ a worker and to train him or have him trained systematically in an apprenticeable occupation for a certain period, the duration of which has been fixed in advance and in the course of which the apprentice is bound to work in the service of such employer or employers.

- The term "apprenticeable occupation" means an occupation which: (1) is customarily learned in a practical way through training in the job; (2) is clearly identified and commonly recognized throughout the industry as a skilled trade or craft; (3) requires two thousand or more hours of work experience to learn; (4) requires related instruction to supplement the work experience; (5) is not a part of a more extensive occupation recognized as apprenticeable by the National Apprenticeship Council; (6) involves the development of skills and the use of tools and equipment sufficiently broad to be applicable in like occupations throughout an industry rather than of restricted application to the products of one or more employees in such industry; and (7) is not concerned with selling Or distribution of goods; or with managerial, clerical, professional and semi-professional activities; or with agriculture as defined by Republic Act Numbered Six hundred two, as amended.

- The term "employ" includes to suffer or permit to work;

- The term "employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee or apprentice;

- The term "industry" includes any trade or business, enterprise or branch or branches thereof or any calling, service or employment in which individuals are gainfully employed.

- The term "person" includes an individual partnership, association, corporation, business trust, legal representatives or any organized group of persons."

SEC. 12. Section thirteen of Republic Act Numbered One thousand eight hundred and twenty-six is hereby amended to read as follows:

"SEC. 13. The sum of two hundred thousand pesos or so much thereof as may be necessary is hereby appropriated out of any funds in the National Treasury not otherwise appropriated to carry out the purposes of this Act. Thereafter the necessary funds for this purpose shall be included in the annual General Appropriations for the Department of Labor. Nothing in this Act shall, however, be construed to prevent the acceptance by the Office of Apprenticeship of voluntary contributions for the support of apprenticeship and labor-management committees."

SEC. 13. All appropriations, personnel, files, records, properties, supplies and equipment belonging to the

apprenticeship division of the Department of Labor are hereby transferred to the Office of Apprenticeship.

SEC. 14. The title of Republic Act Numbered One thousand eight hundred and twenty-six is hereby amended to read as follows:

"An Act establishing an Apprenticeship System and a National Apprenticeship Council, defining the powers and duties of the said Council and providing funds therefor."

SEC. 15. This Act shall take effect upon its approval.

Approved, June 18, 1960.

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