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FURTHER GUIDELINES ON THE TRAINING, TESTING, CERTIFICATION AND DEPLOYMENT OF PERFORMING ARTISTS

DOLE DEPARTMENT ORDER NO. 3-A, March 07, 1994

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Pursuant to Article 36 of the Labor Code empowering the Secretary of Labor to restrict and regulate the recruitment and placement of workers and further to Department Order No. 3, Series of 1994, in line with the recommendation by the Entertainment Industry Advisory Council, the following additional guidelines on the training, testing, certification and deployment of Performing Artists are hereby promulgated for the guidance of all concerned:

I
On the Selection of Artists for Training

1. In order to qualify for training as Performing Artist, an applicant must observe the following procedure and possess the following qualifications:

a. Potential Artist must apply with either of the following:

a.1. an accredited training center;

a.2. a licensed agency;

b. Must be physically and mentally fit;

c. Must be capable of academic and skills training; and

d. Must be of good moral character.

II
On the Selection of Trainors

2. In order to qualify as Trainor, the applicant must meet the following qualifications:

a. Academics

a.1. Must be a Filipino citizen;
a.2. Must be of legal age;
a.3. Must be a college graduate;
a.4. Must be of good moral character;
a.5. Must have been tested and/or certified by the NMYC as qualified to teach academic subjects.

b. Skills

b.1. Must be a Filipino citizen;
b.2. Must be of legal age;
b.3. Must be of good moral character

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b.4. Must be physically and mentally fit;
b.5. Must have been tested and certified by the NMYC as qualified to teach a particular skill.

III
On the Establishment of Training Centers

3. Training Centers for Performing Artists must have adequate facilities, qualified staff, and must be capable of implementing an approved training curriculum. It must have the capability to provide both academic and skills training.

Facilities

4. A Training Center should have the following facilities:

- For training of dancers, at least one (1) 40-square meter dance studio with permanently installed dance bars and wall mirrors at least 5 feet in height with a width measuring at least two-thirds (2/3) of the dance area's length. Additional dance studios must be similarly equipped and must be actually situated within its premises;

- For training of singers, at least one (1) 10-square meter music studio with acoustic protection, a sound system and piano;

- For training show bands, at least one (1) 40-square meter studio with acoustic protection, and a complete set of show band musical instruments;

- One (1) 30-square meter classroom with desks, writing boards and other teaching aids and literature;

- Auxiliary rooms, such as:

- separate comfort rooms for men and women;
- separate dressing rooms for men and women;
- waiting rooms for trainees.

- All the above mentioned studios and rooms should be well ventilated and lighted.

- Training materials, equipment and accessories based on training standards and course offering.

Staff

5. A Training Center should have a regular staff and, for its academic training program, a full-time supervisor or head who must at least be a college graduate or its equivalent.

6. The academic and skills trainors should have been certified by the NMYC.

Training Curriculum

7. A Training Center must use only academic and skills curriculum duly approved by the Secretary of Labor upon endorsement or recommendation by the EIAC. Nothing herein shall prevent a Training Center from seeking approval for the use of an improved curriculum. Training manuals and other support instructional materials may be developed by the center pursuant to the approved curriculum.

IV
On Authorization of Training Centers

Requirements for Authorization

8. An authorization to operate a training center shall be issued to a person, or an entity, or a licensed agency which

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submits such documents and complies with such requirements as follows:

- A copy of its Articles or Incorporation or Partnership duly registered with the SEC, or a copy of its Registration with the Bureau of Domestic Trade;7

- Copy of its municipal or city permit;

- Proof of ownership of the center's premises or copy of the lease/rental agreement of the premises;

- In the case of a licensed agency, a copy of its license, in lieu of the above documents;

- List of training staff with their resumes and NMYC certification as may be applicable;

- List of training equipment;

- List of training programs offered;

- In the case of licensed agency, experience in the deployment of entertainers for at least one (1) year and in the case of talent manager or promotions company, one year experience in the development and management of entertainers; and

- In the case of talent managers or promotions companies or entities other than licensed agencies, nomination or appointment by licensed agencies possessing the same qualifications as in letter "h" above especially authorized to recruit and deploy entertainers as their talent developer.

9. The Training Center shall be properly identified in its facade through a signboard indicating the following:

Name of Training Center

-

Authorization Number

Procedure for Authorization

10. The applicant for authorization to operate a training center for performing artists shall submit to POEA a letter of application together with the documents mentioned in paragraph 8 hereof.

11. Upon receipt of the application letter and the supporting documents, the POEA shall evaluate the same. If the documents are found to be in order, it shall order the conduct of ocular inspection on the applicant's premises to determine its compliance with the facilities and other physical requirements.

The POEA may designate, whenever possible, qualified entities to evaluate and recommend applicants for accreditation.

12. Upon finding that the applicant has complied with all the requirements for authorization, the POEA will issue a certificate attesting that the applicant is qualified to conduct training for performing artists in the academic and the specific skill/s which it applied for. Such certification shall state the terms and conditions of its operations and prohibition against engaging in the deployment of artists unless duly licensed to act as employment agency.

Validity of Authorization

13. The authorization granted under these guidelines shall be valid for one (1) year from date of issuance and shall be subject to suspension or cancellation for cause. It shall be valid only for training of artists and not for recruitment for overseas deployment.

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14. The authorization shall not be transferred or used by persons, entities or institutions other than those in whose favor it was issued.

15. Such authorization may be renewed upon application by its holder and compliance with the requirements for renewal.

Reasons for Suspension or
Cancellation of Authorization

16. An authorization to operate a Training Center for performing artists may be suspended or canceled by POEA on any of the following reasons:

- Falsification of the requisite documents, or false statement in connection with the application for authorization;

- Issuing Certificates of Training to those who did not undergo or complete the training program it;

- Non-implementation of the approved training curriculum;

- Collection or charging of training fees in excess of those prescribed by the Secretary of Labor;

- Failure to maintain a status of compliance with the facilities, staff, curriculum and other requirements for authorization;

- Issuing Certificates of Training to such number of artists as may be determined to be in excess of its space and training program capabilities;

- Engaging in acts of recruitment and placement as defined by law, except where the center is a licensed agency; and

- Commission of any act constituting violation of the rules for the establishment and operation of training centers.

Renewal, Monitoring and
Miscellaneous Provisions

17. the POEA shall authorize Training Centers, or renew authorizations, or re-instate suspended or cancelled authorizations upon compliance of the conditions for renewal or reinstatement or upon recommendation by qualified entities duly designated by it to conduct evaluation.

18. An authorized Training Center shall not operate studios or classrooms outside of its main office. It may however operate branches outside of its premises, provided that each branch complies with such facilities, staff and training curriculum requirements as earlier stipulated.

19. Training centers shall be allowed to submit for testing a number of applicants proportionate to its space and training program capabilities.

20 A Training Center which after one year of operations has achieved only a 50% or less passing rate among its graduates who took the Academic and Skills Test, shall be served a written warning and an order to institute reforms to improve the passing rate of its trainees.

If after two years of operation, its passing rate is still 50% or less, its authorization shall be suspended for six (6) months and up to such time as the POEA determines that it has instituted such reforms in its methods of teaching or teaching staff as would improve the passing rate of its graduates.

If during the succeeding year of operation, the passing rate of its graduates is still 50% or less, the authorization of the Training Center shall be revoked.

21. For purposes of monitoring, the POEA shall require authorized centers to submit a list and corresponding pictures of its graduates within fifteen (15) days from termination of each training session.

22. The POEA shall report to the EIAC periodically the number of centers authorized by it, the number of centers suspended or cancelled and the reasons therefor, and such other information as the EIAC may require for purposes of policy study and review.

23. The Training Center may collect or charge such training fees from the artist as may be prescribed by the Secretary of Labor.

V
On Accreditation of Testing Venues

24. For purposes of these guidelines, a Testing Venue is an establishment where academic and performance tests are authorized to be administered on performing artists to determine their readiness for the job.

Criteria for Accreditation

25. An establishment seeking accreditation as a Testing Venue must comply with the following requirements:

a. Location

a.1. It should be accessible by public conveyance and located in a peaceful and orderly community;

a.2. It must carry appropriate signboards for each identification;

b. Facilities

b.1.

It must have an stage with an area of at least 100 square meters and with dance bars to accommodate at least 6 dancers, with two (2) adjacent dressing rooms with an area of 20 square meters each provided with costume racks,

b.2.

It should have a space for the testing officers;

b.3.

It should be well ventilated and lighted, with windows or exhaust fans and provided with electric fans in each dressing room;

b.4.

It should have separate rest rooms for men and women, and separate dressing rooms for men and women;

b.5.

It must have a general waiting area for observers and examinees, and preferably with a canteen area;

b.6.

It should have testing equipment, accessories and materials based on the standards and on the test services the venue provides;

b.7.

It must have a computer and printer set;

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b.8.

It must have a VHS or BETA video and audio system.

c. Staff

c.1. It must be headed by a Venue Manager;

c.2. It must have at least one computer clerk, and such staff as may be necessary for it to provide the required services;

Procedure for Accreditation

26. An establishment or entity seeking accreditation as a Testing Venue shall submit to the NMYC on application letter together with the following documents:

- Registration Certificates from the appropriate government agencies;

- List of skills which it is capable of testing;

- List of equipment, accessories and materials for the skills to be tested;

- resume and picture of venue owner or administrator;

- List of staff with their resumes and pictures;

- Location map; and

- Lay out of the testing premises.

27. When the documents are found to be in order, the NMYC shall conduct an ocular inspection and evaluation of the testing venue to determine its suitability for testing.

28. Upon compliance of all the requirements for accreditation, the NMYC shall issue a corresponding accreditation certificate.

Validity, Renewal of Accreditation
and Other Provisions

29. The accreditation of Testing Venues shall be valid for a period of one (1) year from date of issuance unless sooner cancelled or withdrawn for cause. The accreditation may be renewed upon compliance with the requirements therefor.

30. The certificate of accreditation is non-transferable. It shall not be used by any person or entity other than the one in whose favor it was issued. No branches or extension venues shall be allowed to operate.

31. Tests for academic and skills shall be conducted only by Testing Officers duly accredited by the NMYC.

32. Testing Venues and their management and staff shall not be involved directly or indirectly in the training and deployment of performing artists.

33. Testing fees may be collected from the artists the amount of which shall be as may be prescribed by the Secretary of Labor.

34. The NMYC shall furnish the EIAC regularly with a list of all testing venues which had been issued accreditation and those whose accreditation had been suspended or withdrawn.

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35. No Testing Officer shall be assigned permanently to any Testing Venue.

36. The Testing Venue shall submit to the NMYC a daily report of its testing activities including the name and address of the Testing Venue, the names and skills of the applicants tested, the results of the test, names of the Testing Officers.

VI
On Accreditation of Testing Officers

37. The NMYC shall accredit and train such number of Testing Officers as may be necessary. Only professional performing artists or teachers in the performing arts who possess the required professional training, experience and integrity in the performing arts circle and the entertainment industry may be accredited as Testing Officers.

Requirements for Accreditation

38. An applicant for accreditation as Testing Officer shall comply with the following requirements:

- He must have undergone professional training under a noted performing arts trainor or training center recognized by the National Commission for Culture and Arts, or such other reputable persons, organizations or institutions in the performing arts;

- He must have at least 5 years experience as a professional performing artist in the field of performing arts where he wants to be assigned as testing officer, except in the case of dance testing officers where the experience may only be 3 years as a reputable professional dancer;

- He must have a teaching experience of 3 years, in the case of a dance testing officer;

- He must have been indorsed by the NCAA — National Committee on Dance in the case of Dancers, or the Organisasyon ng mga Pilipinong Mang-aawit in the case of Singers, or of the Musicians Guild in the case of Musicians, or such other organizations or institutions as the EIAC may find appropriate;

- He must have successfully completed the Trade Testing Officer's course developed and conducted by the NMYC;

- He must be of good moral character;

- He must not be involved directly or indirectly in the training and deployment of artists.

Accreditation Procedure and Other
Provisions

39. The applicant for accreditation as Testing Officer shall submit to the NMYC the following:

- Duly accomplished application form;

- Resume and photo;

- Copy of certificate of completion of Trade Testing Officer's Course;

- Copy of skills certificate or certificate of training or performance experience/credentials;

- Letter of commitment to accept testing assignments as may be deemed necessary by the NMYC.

40. The applicant's name and resume shall be endorsed for comments by the concerned Performing Arts bodies mentioned in paragraph 38 (a) and (d).

41. If the applicant is favorably indorsed, he shall undergo the Trade Testing Officer's Course.

42. Upon successful completion of the course, he shall be issued a certificate of accreditation by the NMYC.

43. The certificate of accreditation is valid for three (3) years and shall be non-transferable.

44. The NMYC shall assign accredited Testing Officers to such Testing Venues as it may deem proper on the day of testing, for which reason the Testing Officer shall make arrangements for his prompt receipt of notice of assignment. However, the preparation and documentation of the applicant performing artist should be completed at least 1 week in advance and the venue assignment notice issued to the artist applicant within a reasonable time.

45. Testing Officers shall not collect testing fees directly from the artists.

VII
On the Administration of Performance Test

Nature and Extent of Test

46. A performance test, in the context of the herein guidelines, is a trade test administered to determine the job preparedness of a performing artist.

47. A performing artist's job preparedness is measured in terms of work attitude, job understanding, moral values and skills competency and readiness to perform his production number or repertoire before an audience.

Admission to the Test

48. Applicants for testing shall submit to NMYC his application together with a 2 x 2 photo, Training Certificate or Certificate of Exemption duly issued by the Secretary of Labor as may be recommended by the EIAC, and such other requirements as may be imposed.

49. Admission to the test shall be limited to applicants who completed training courses according to prescribed curricula and had been endorsed for testing by the accredited center which trained them. The NMYC shall therefore issue an admission slip to the artist applicant for test who complies with the requirements under the preceding paragraph and possesses the proper endorsement from an accredited training center showing that he has the experience or has undergone training.

However, artists who had been granted a certificate of exemption from training according to the rules on the matter may also be issued an admission slip for the test without need for the endorsement referred to above.

Test Administration

50. Only applicant-artists who had been issued admission slip by the NMYC shall be admitted for testing.

51. Performance tests shall be conducted strictly in accordance with the methodology for performance tests.

52. The Testing Officer shall ensure that admission to the test room is limited to the registered applicant artists as reflected in the prepared admission/attendance list.

53. The Testing Officer shall require all applicant artists to sign the admission/attendance sheet before taking the test. Applicants who failed to appear on the scheduled date and time of test shall be marked "absent" and may be rescheduled upon proper application.

54. The Testing Officer shall ensure that the applicant artists are in appropriate attire and that they observe proper discipline and decorum.

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55. In administering the test, the Testing Officer shall perform the following duties:

- Check the attendance of the applicants;

- Give a short orientation/briefing to applicant on: general instruction, specific instructions for each test item, DOs and DON'Ts inside the testing venue;

- Observe and rate applicants as they perform or demonstrate their skills;

- Fill up the rating sheet of each applicant;

- Immediately release the test results after the test.

56. Performance tests shall be administered and rated by three (3) accredited Testing Officers. Testing Officers who actually administered and rated the test shall sign the rating sheets and attendance sheets.

57. Paper and pencil test or academic test shall first be administered by the Testing Officer prior to the skills test. Failure in the academic test shall disqualify the applicant to take the skills test.

58. Alterations or erasures are not allowed on the rating sheets. Thus, NMYC shall declare the test results null and void if the rating sheets are found to be with alterations or erasures.

59. Results of the test shall be prepared in five (5) copies. A copy each shall go to:

- the Applicant

- POEA

- accredited Testing

- NMYC

- Venue

- EIAC

60. The test shall be derived from approved skills standards for Dancers, Singers, Musicians, and other related jobs.

61. For dancers, the test shall be based on a Dance Syllabus whose standards are developed by the NMYC in consultation with the entertainment industry and Production Show, the weight of which shall be distributed in the following proportion: 40% for Syllabus, and 60% for Production Show. Each applicant will execute exercises and combinations based on the approved dance standards and likewise perform his dance production number or as a member of a dance group.

For Singers, Musicians and other performers, the test shall be based on a full performance.

62. The points system of evaluation shall be used for the performing artist test. Each of the three (3) Testing Officers shall rate or evaluate the performance of each applicant.

In the point system of evaluation, points are assigned for every element of the performance test. The cut-off point, or the minimum passing score shall be set by the NMYC. To pass the test, the applicant artist should get or meet the cut-off-point or more, of at least two (2) Testing Officers, provided that no criterion should have a rating below 60% of the allotted points.

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63. There shall be specific rating sheets for every designed performance test. The elements of the test enumerated are those which are contained in the performance test. The elements are stated briefly with corresponding columns for maximum points and points earned.

A remark column is provided where the Testing Officer will write down some observable comments or behavioral traits exhibited by the applicant artists.

Upon completion of the test, the Testing Venue shall furnish the applicant with a copy of his rating.

The Certificate of Competency

64. Certificates of Competency shall be awarded individually to performing artists who pass the academic and skills test. The Certificate shall bear, among other things, the name and picture of the artist, job title for which he has been certified, his code number, his signature and such other relevant information.

The original Certificate shall be officially indorsed by the NMYC to the POEA for purposes of issuance of the Artist Record Book.

65. The NMYC shall furnish periodically the POEA and the EIAC with a list of all artists to whom Certificates of Competency have been issued.

VIII
On The Issuance of the Artist Record Book

66. An Artist Record Book (ARB) is a document issued to a performing artist which attests to his competence for the job indicated thereon. The Book shall contain information on its holder such as, the artist's name, birthday, thumb mark, color of eyes, height, weight and skills category. It shall contain the picture of the artist and shall record such information on his training, academic and skills tests, overseas deployment and the agency responsible therefore, remittance, and such other relevant information as the Secretary of Labor may require.

The ARB shall bear the same control number as the Certificate of Competency.

67. Only performing artists who pass the academic and skills tests may be issued Artist Record Book.

Artists who are granted exemption from the test by the Secretary of Labor may likewise be issued Artist Record Book.

68. The ARB shall be released only to the performing artist together with his Certificate of Competency. However, in the case of artists who were trained, without cost to himself, under the auspices of a Training Center, or a Licensed Agency with whom he has a valid management contract, the ARB and Certificate of Competency may be released to the artist only in the presence of the representative of the Training Center or Licensed Agency provided that such arrangement is made known to the POEA within a reasonable period prior to the release of the documents.

The unreasonable refusal of the artist to honor his obligations to his Training Center, or Licensed Agency may be a ground for the imposition of disciplinary action by the POEA upon proper complaint of the aggrieved party.

69. The POEA shall furnish the NMYC and the EIAC periodically with a list of all artists to whom ARBs have been issued.

IX
On Artist's Deployment

70. Only an artist with a valid ARB may be processed by the POEA for deployment. The submission of such ARB

shall be a requirement for the processing of the employment contract of the artist.

71. A licensed agency which submits for processing the ARB of an artist assumes responsibility for the authenticity thereof. In this regard, the agency may seek the prior indorsement of the said ARB from the Training Center or Licensed Agency which trained the artist.

72. In case of the unreasonable refusal of the Training Center or Licensed Agency to indorse or release the ARB for reasons other than the existence of a management contract with the artist, or other obligations recognized under existing POEA rules or issuances, the aggrieved party may file a complaint with the POEA which may allow the deployment of the artist subject to the determination of the responsibilities of all concerned parties.

X
On Pre-Departure Showcase

73. Pre-departure showcase preview shall be a requirement for group performers who did not take the test as a group. Individual performing artists such as singers, musicians, and self-contained performers may be deployed without undergoing pre-departure showcase preview.

XI
Training Curriculum and Test Standards

74. The Training Curriculum and Testing and Evaluation Standards developed and to be developed in cooperation with the industry and which are hereto annexed shall be implemented.

The EIAC and its Standing Committees shall continue studies on other issues and subject matters not covered herein and shall recommend to the Secretary appropriate policies thereon.

All provisions of previous orders and issuances which are inconsistent with this Order shall be deemed modified or repealed.

For strict and immediate compliance.

Adopted: 7 Mar. 1993

(Sgd.) MA. NIEVES R. CONFESOR
Secretary

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