Pursuant to the TVET reforms being pursued by TESDA and as part of the agency’s effort of enhancing the implementation of enterprise-based programs, the Apprenticeship and Learnership Programs shall be implemented on the basis of the attached Revised Implementing Guidelines.

All prior issuances which are contrary to the provisions of these Guidelines are hereby revoked, amended or modified accordingly.

These Guidelines shall take effect immediately.

For strict compliance.

ALCESTIS M. GUIANG
Director General
REvised GUIDElINES in the IMPLEMENTATION of APPrenticeship and LEARNERSHIP PROGRAMS

Pursuant to the TVET reforms currently being pursued by TESDA and as part of the agency’s effort of enhancing the implementation of enterprise-based programs, the following guidelines are hereby issued:

1. General Guidelines

1.1 The apprenticeship and learnership programs shall be implemented pursuant to the following laws:

- RA No. 7796 (Technical Education and Skills Development Act of 1994) and its Implementing Rules and Regulations
- PD No. 442 (Labor Code of the Philippines) and its Implementing Rules and Regulations
- Executive Order No. 111 issued on December 24, 1986

With the transfer of the Apprenticeship and Learnership Programs to TESDA by virtue of RA No. 7796, all applicable systems and procedures in TVET shall be applied to said programs. Implementation of these programs, however, shall remain to be in accordance with the Labor Code of the Philippines and Executive Order No. 111. (Please refer to Section 18 of RA No. 7796).

As such, the apprenticeship and learnership programs shall continue to be viewed as training and employment programs but greater attention should be given to the skills acquisition of the apprentices/learners.

1.2 The competency-based system shall be adopted in the implementation of the apprenticeship and learnership programs. All training packages to be developed for these programs shall be in accordance with the TESDA-approved competency-based format.

1.3 Reporting forms and other related forms developed for the National Manpower and Information System (NMIS) shall be used in the implementation of the apprenticeship and learnership programs.

1.4 Identification and approval of new occupations for apprenticeship and learnership programs shall be based on priority occupations identified by the TESDA Board and the industry in addition to specific requests forwarded by prospective partner enterprises.
2. Definition of Terms

- **Apprentice** – is a person undergoing training for an approved apprenticeable occupation during an established period assured by an apprenticeship agreement.

- **Apprenticeship** – is training within employment involving a contract between an apprentice and an enterprise on an approved apprenticeable occupation.

- **Apprenticeship Agreement** – is a contract wherein a prospective employer binds to train the apprentice who in turn accepts the term of training for a recognized apprenticeable occupation emphasizing the rights, duties and responsibilities of each party.

- **Apprenticeable Occupation** – is an occupation officially approved for apprenticeship by the Authority.

- **Authority** – refers to Technical Education and Skills Development Authority

- **Certificate of Registration** – a document issued by TESDA granting an authority to a participating enterprise to offer program in a particular occupation.

- **Competency Assessment** – refers to the process of gathering and judging evidence in order to decide whether a person has achieved a standard of competency or competence standard.

- **Competency-based Curriculum** – refers to a specification for a course or subject (module) which describes all the learning experience a student undergoes, generally including objectives, content, particularly the competencies to be learned, teaching methodology, prescribed assessment tasks, assessment guides and others.

- **Competency Standards** – refers to a written specification of the knowledge, skills, attitudes and values required for the performance of a job, occupation or trade and the corresponding standard of performance required for these in the workplace.

- **Duration of Training** – the training period for the apprenticeship and learnership program.

- **Enterprise** – a participating establishment that directly engages an apprentice based on an approved Apprenticeship/Learnership Program.

- **Learners** – persons hired as trainees in semi-skilled and other industrial occupations which are non-apprenticeable.
➢ **Learnership** – refers to any practical training on learnable occupation which may or may not be supplemented by related theoretical instructions.

➢ **Letter of Application** – a letter signifying the intentions of the enterprise to register an Apprenticeship Program.

3. **Specific Guidelines**

3.1 **Registration of Programs**

Enterprises who wish to participate in the apprenticeship or learnership program shall submit the following documentary requirements:

➢ Letter of Application
➢ Curriculum Design/Skills Training Outline
➢ Certification that the number of apprentices to be hired is not more than 20 percent of the total regular workforce.

**Registration Process (For Occupations Already Approved as Apprenticeable)**

- The applicant enterprise shall file an Application Letter together with the required documents with the nearest TESDA Provincial/District Office.

- A checklist of requirements shall be accomplished by the Provincial/District Office upon receipt of the documents. Only applications with complete supporting documents shall be officially reviewed for evaluation. Incomplete applications shall be promptly returned to the applicant enterprise.

- The TESDA Provincial/District Office shall evaluate the documents submitted and review its merit. If necessary, ocular inspection may be conducted to determine suitability of the enterprise for apprenticeship/learnership training.

- The TESDA Provincial Office shall prepare and issue a Certificate of Registration to the enterprise within ten days upon receipt of the documents. The following shall be observed in the numbering of the Certificate:

  For Apprenticeship Program:

  Certificate of TVET Program Registration

  AP No. 00 00 00 000
  Year Region Province Sequence No.
For Learnership Program:

Certificate of TVET Program Registration

LP No.       00  00  00       000
Year         Region       Province  Sequence No.

3.2 Approval of Program (For Occupations not yet Approved as Apprenticeable)

Enterprises who wish to avail of the Apprenticeship/Learnership Program and whose occupation is not yet included in the list of approved Apprenticeable/Learnable Occupations shall submit the following requirements:

Documentary Requirements
- Letter of Application
- Curriculum Design/Skills Training Outline
- Certification that the number of apprentices to be hired is not more than 20 percent of the total regular workforce.

Registration Process
- The applicant enterprise shall file an Application Letter together with the required documents with the nearest TESDA Provincial/District Office.

- A checklist of requirements shall be accomplished by the Provincial/District Offices upon receipt of the documents. Only applications with complete supporting documents shall be officially reviewed for evaluation. Incomplete applications shall be promptly returned to the applicant company.

- The TESDA Provincial/District Office shall evaluate the documents submitted and review its merit. If necessary, ocular inspection may be conducted to determine suitability of the enterprise for apprenticeship/learnership training.

- The TESDA Provincial Office shall forward copy of the documents to the Office of Apprenticeship thru the TESDA Regional Office.

- The TESDA Provincial Office shall prepare and issue within ten days a Certification authorizing the enterprise to hire apprentices.
OA shall review the documents and recommend to the TESDA Board approval of the proposed occupation(s) for inclusion in the list of apprenticeable occupations.

OA shall update the List of Approved Apprenticeable/Learnable Occupations and disseminate copy to the Regional/Provincial Offices.

The Provincial Office, upon receiving the list, shall prepare the Certificate of Registration and issue it to the enterprise within five working days.

3.3 Approval of Apprenticeable/Learnable Occupations

To facilitate approval of Apprenticeable/Learnable Occupations, all occupations declared priority by the TESDA Board and the industry shall be forwarded by OA to the TESDA Board for approval and inclusion in the list of apprenticeable/learnable occupations.

3.4 Post-Registration Concerns

- The names of all companies with registered programs shall be published by OA once a year in a leading newspaper and uploaded in the TESDA website.

- All companies with registered programs shall be subject to periodic monitoring by the Regional/Provincial Office to identify areas for possible assistance/intervention.

- All companies with registered programs shall be required to submit to the Provincial Office copy of Apprenticeship/Learnership Agreements and Enrollment Report (NMIS Form No. 050) within ten (10) working days upon signing of the agreements and copy of the Terminal Report (NMIS Form No.100) every 25th day of the month.

- All Provincial Offices shall submit to the Regional Office copy of the Enrollment Report and Terminal Report at the end of the month. These reports are in addition to the reports currently being submitted regularly to OA.

- All Regional Offices shall submit to OA copy furnished the Planning Office copy of the Enrollment Report, Terminal Report and the other reports every 5th day of the month.

3.5 Sanctions

Registration Certificate of companies that are not taking in apprentices/learners for two (2) consecutive years shall be revoked.
3.6  **Assessment and Certification of Apprentices/Learners**

Whenever applicable, graduates of the Apprenticeship/Learnership programs shall be subjected to competency assessment. Competency Certificate shall be issued on the basis of demonstrated competencies for each trade by the enterprise.

3.7  **Number of Apprentices/Learners to be Taken in by Companies**

A participating enterprise shall be allowed to take in apprentices/learners only up to a maximum of 20% of its total regular workforce.

3.8  **Apprenticeship/Learnership Agreement**

No apprenticeship/learnership training will commence until an Apprenticeship/Learnership Agreement has been forged between an enterprise and an apprentice/learner.

3.8  **Benefits of Apprentices/Learners**

The apprentices/learners are entitled to receive a wage equivalent to 75 percent of the prevailing minimum wage and other benefits including overtime pay. An apprentice can work overtime provided there are no regular workers to do the job and the time spent on overtime work is duly credited to his training hours.

3.9  **Incentives to Participating Companies**

Participating companies shall be entitled to an additional deduction from taxable income of one half (1/2) of the value of labor training expenses incurred for developing the productivity and efficiency of apprentices/learners. Said incentive shall be given provided that such deduction shall not exceed ten (10) percent of direct labor wage and that the enterprise who wish to avail of this incentive should pay the apprentices the minimum wage.

3.10  **Period of Apprenticeship and Learnership**

The apprenticeship period shall not be less than four (4) months and not more than six months. The participating enterprise has the option to hire the apprentice even prior to the completion of the apprenticeship period. The learnership period,
on the other hand, shall not be more than three (3) months. The enterprise is obliged to hire the learner after the learnership period.

3.11 Plant Apprenticeship Committee

The creation of a plant apprenticeship committee in participating enterprises shall be necessary. It shall be composed of management, labor and government representatives.

3.12 Settlement of Disputes

In case of any violation of apprenticeship/learnership agreement, the Plant Apprenticeship Committee (PAC) upon filing a complaint by the aggrieved party shall have the initial responsibility for settling differences. In case of failure by the PAC to settle the issue, the TESDA Provincial Office or its authorized representative shall refer the case to the DOLE Regional/Provincial Office which has jurisdiction over the concerned company to investigate and render a decision pursuant to pertinent rules and regulations.

4.0 Effectivity

These guidelines shall take effect immediately.

August 12, 2004, Manila

ALCESTIS M. GUIANG
Director General