

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

140th TESDA BOARD MEETING
06 December 2022, Tuesday, 1:00 p.m.
TESDA Board Room, 7th Floor, TESDA Main Building,
East Service Road, Taguig City

Resolution No. 2022 - 16
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**LIFTING THE PROHIBITION ON RECRUITMENT AGENCIES TO OPERATE TVIs
AND PROVIDING FOR SANCTIONS TO TVIs WHICH WILL ILLEGALLY
SHORTEN TRAINING DURATIONS, DEVIATE FROM AN APPROVED TRAINING
PLAN OR CURRICULUM, DO ILLEGAL RECRUITMENT ACTIVITIES AS
DEFINED BY LAW, AND/OR EXISTING RULES AND REGULATIONS, AND
OTHER ANALOGOUS CIRCUMSTANCES; AMENDING FOR THIS PURPOSE
SECTIONS IV AND XX OF TESDA CIRCULAR NO. 107, SERIES OF 2021
OTHERWISE KNOWN AS THE OMNIBUS GUIDELINES ON TVET PROGRAM
REGISTRATION**

WHEREAS, Section 8 of Republic Act (R.A.) No. 7796, otherwise known as the TESDA Act of 1994, mandates that TESDA through the TESDA Board, shall establish and administer a system of accreditation of both public and private institutions;

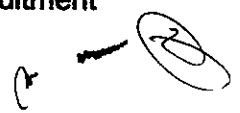
WHEREAS, the TESDA Board, through TESDA Board Resolution No. 98-03, approved the establishment of the Unified TVET Program Registration and Accreditation System (UTPRAS) in pursuit of a Quality-Assured TVET System on January 23, 1998;

WHEREAS, the TESDA Board issued several resolutions approving various amendments and/or revisions to UTPRAS, the most recent of which was TESDA Board Resolution No. 2021-34 issued on September 14, 2021;

WHEREAS, pursuant to the aforementioned TESDA Board Resolution No. 2021-34, TESDA Circular No. 107, s. 2021 (or the Omnibus Guidelines on TVET Program Registration) was issued on December 10, 2021, with effectivity on January 6, 2022;

WHEREAS, on January 18, 19, and 20, 2022, TESDA Circular No. 107, series of 2021 was operationalized through a series of orientation meetings conducted for the Regional and Provincial implementors;

WHEREAS, Item No.10, Section IV of TESDA Circular No. 107, series of 2021 - which provides that "(r)ecruitment agencies are not allowed to establish/operate technical vocational institutions (TVIs) and/or assessment centers which operations and interests would run in conflict with the interests and operations of the established training center" - became the subject of several letters of appeal received by TESDA in the months of February to September 2022 from various associations of recruitment agencies;



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WHEREAS, the specific appeal of such associations of recruitment agencies is to repeal the aforementioned provision of TESDA Circular No. 107, series of 2021 prohibiting recruitment agencies to operate TVIs;

WHEREAS, on September 23, 2022, TESDA conducted a stakeholders' consultation with the representatives of recruitment agencies where they reiterated their position that the "interests of training and/or assessment centers on the one hand and recruitment agencies on the other, rather than being in conflict, are actually complementary";

WHEREAS, on October 13, 2022, another stakeholders' consultation meeting was conducted with the TESDA Board Standards Setting and Systems Development (SSSD) Committee presiding during its 149th Committee Meeting to hear the perspectives of the TVIs and the recruitment agencies;

WHEREAS, during the 150th TESDA Board SSSD Committee meeting on November 24, 2022, the SSSD Committee (together with the Office of the Deputy Director General for Legal and Legislative Affairs; Partnerships and Linkages, and the Certification Office) discussed in detail the amendments to Sections IV and XX of TESDA Circular No. 107, series of 2021, the laws, rules, and issuances relevant thereto and its implications to both the TVIs and recruitment agencies;

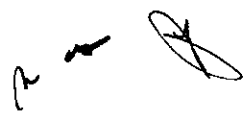
WHEREAS, during its 140th TESDA Board Meeting, held at the TESDA Board Room, TESDA Main Office on December 06, 2022, the SSSD Committee (together with the offices of the TESDA Director General, Deputy Director General for Legal and Legislative Affairs; Partnerships and Linkages, and the Certification Office) made a presentation and recommendation to the TESDA Board to amend Item 10, Section IV of TESDA Circular No. 107, series of 2021 by lifting the prohibition on recruitment agencies to operate TVIs, and the adoption of additional provisions under Section XX of the same TESDA Circular to provide specific sanctions to the TVIs which "shorten the training durations," or "deviate from approved training plan or curriculum," do illegal recruitment activities as defined by law, and/or existing rules and regulations and other analogous circumstances;

WHEREAS, after a thorough deliberation on the matter, the TESDA Board unanimously agreed to lift the prohibition on recruitment agencies and adopt the other recommendations of the SSSD Committee which may be summarized as follows:

1. Totally **delete** Item 10, Section IV of TESDA Circular No. 107, series of 2021, and **renumber** the other items under said section starting from Item Nos. 10 up to 16, to wit:

"IV. GENERAL POLICIES

XXX



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XXX."

~~"10. Recruitment Agencies are not allowed to establish/operate technical vocational institutions (TVIs) and/or assessment centers which operations and interests would run in conflict with the interests and operations of the established training center. As proof of absence of conflict of interest, the applicant TVI shall be required to submit an Undertaking certifying that no member of the Board of Directors or Trustees or any of their immediate family members are direct members of such or any recruitment agency. Other documentary requirements to substantiate this claim may also be required".~~

~~"11.10. The registration of program shall consider the skills requirements indicated in Area-based Skills Map identified as priority of the industries and concerned stakeholders in the area which include the emerging skills and soft skills requirements."~~

~~"12.11. These guidelines shall also cover foreign investors as part of the Eleventh Regular Foreign Negative List and who will be engaged in the following:~~

XXX

XXX."

~~"13. 12. To produce work-ready, globally competitive, green economy workers imbued with 21st century skills, the amended Competency Standards for Basic Competencies Integrated with 21st Century Skills is a pre-requisite for all training delivery for all TVET qualifications/programs. All TRs promulgated as new or amended in 2019 onwards have integrated the 21st Century Skills."~~

~~"14. 13. The implementation of the National Service Training Program (NSTP) shall cover TVET programs with at least two (2)-year duration as provided in the Republic Act 9163 or the NSTP Law. The NSTP Serial Number shall be issued to learners completing the program."~~

~~"15. 14. The Labor Education Module shall be integrated in the TVET curriculum as prescribed by Law and its Implementing Rules and Regulations. The modules shall include fundamental rights of workers at work, occupational safety and health (OHS), workers responsibilities, among others."~~

~~"16. 15. The Team Training approach shall be encouraged. To ensure effectiveness of the educational strategy, trainers shall be from the same institution."~~

2. **Insert three (3) new provisions** after Item J under Section XX (Sanctions and Penalties), so that the current Item K will now be Item N and the new Items K, L, and M shall be included to read as follows:

"XX. SANCTIONS AND PENALTIES

XXX

XXX."

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"K. SHORTENED CONDUCT OF TRAINING DURATION THAN THAT PRESCRIBED BY EXISTING GUIDELINES OR DEVIATION FROM APPROVED TRAINING PLAN OR CURRICULUM DETRIMENTAL TO THE DELIVERY AND OUTCOME OF TRAINING:

- 1. REVOCATION OF THE CTPR FOR THE PROGRAM CONCERNED;**
- 2. REVOCATION OF ALL OTHER EXISTING CTPRS;**
- 3. DELISTING OF PROGRAM/S CONCERNED AND/OR TVI IN THE COMPENDIUM OF REGISTERED PROGRAMS.**

"L. PARTICIPATING OR CONDUCTING RECRUITMENT ACTIVITIES AS DEFINED BY LAW AND/OR EXISTING RULES AND REGULATIONS ON THE MATTER:

- 1. REVOCATION OF THE CTPR FOR THE PROGRAM CONCERNED;**
- 2. REVOCATION OF ALL OTHER EXISTING CTPRS;**
- 3. DELISTING OF PROGRAM/S CONCERNED AND/OR TVI IN THE COMPENDIUM OF REGISTERED PROGRAMS.**

"M. ALL OTHER ANALOGOUS CIRCUMSTANCES MENTIONED IN ITEM A TO L, SECTION XX OF TESDA CIRCULAR NO. 107, SERIES OF 2021:

- 1. REVOCATION OF THE CTPR FOR THE PROGRAM CONCERNED;**
- 2. REVOCATION OF ALL OTHER EXISTING CTPRS;**
- 3. DELISTING OF PROGRAM/S CONCERNED AND/OR TVI IN THE COMPENDIUM OF REGISTERED PROGRAMS.**


"K. N. Closure of Programs

X X X
X X X."

WHEREAS, the TESDA Board, in arriving at the decision to lift the prohibition on recruitment agencies in establishing TVIs, considered the following:

- 1. the complementary role of recruitment agencies in the delivery of TVET in the country;**
- 2. the fact that recruitment agencies help the facilitation of Filipinos to find gainful employment; and**
- 3. the provision of additional training competencies or training aligned to the skills requirements of the employer, among others.**

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, after a unanimous vote of the TESDA Board, to lift the prohibition on recruitment agencies to operate TVIs and adopt the recommendation of the SSSD Committee to include additional provisions under Section XX (Sanctions and Penalties) of TESDA Circular No. 107, series of 2021 as above articulated.



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BE IT RESOLVED FINALLY THAT copies of the resolution and the abovementioned Circular with the approved amendments be published in the Official Gazette or a newspaper of general circulation and be filed with the Office of the National Administrative Register (ONAR) of the UP Law Center.


Approved this 6th day of December 2022.


SEC. BIENVENIDO E. LAGUESMA
Secretary, Department of Labor and
Employment
Chairperson, TESDA Board



DANILO P. CRUZ
Director General, Technical Education
and Skills Development Authority

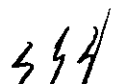

USEC. MARIDON O. SAHAGUN
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MR. RAMON R. DE LEON
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Board Member, Employer Sector

Prepared by:


ATTY. JAN MICHAEL P. JARO
Board Secretary VI