

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

DEPARTMENT ORDER NO. 07
Series of 2000

IMPLEMENTING RULES AND REGULATIONS OF
REPUBLIC ACT NO. 8759,
OTHERWISE KNOWN AS
THE PUBLIC EMPLOYMENT SERVICE ACT OF 1999

These Implementing Rules and Regulations are hereby issued pursuant to the authority of the Secretary of Labor and Employment under Section 8 of Republic Act No. 8759. These rules are issued upon prior coordination with the Secretary of the Department of Interior and Local Government and consultation with the Presidents of the leagues of provinces, cities, municipalities and barangays.

RULE I
PRELIMINARY PROVISIONS

Section 1. *Title.* - These Rules shall be known and cited as the Implementing Rules and Regulations of the Public Employment Service Office Act of 1999. It shall be referred to herein as the Rules.

Section 2. *Coverage.* - These Rules shall cover all existing and accredited Public Employment Service Offices.

Section 3. *Definition of Terms.* - The terms used in these Rules shall mean the following:

- a. **National Facilitation Service Network (NFSN) or National Employment Service Network (NESN)** refers to the Department of Labor and Employment (DOLE), its Regional Offices, attached agencies and Public Employment Service Offices (PESOs) established at the local levels to provide integrated, collaborative and systematic delivery of employment services to clients.
- b. **Department or DOLE** refers to the Department of Labor and Employment.
- c. **Public Employment Service Office or PESO** refers to a non-fee charging multi-employment service facility or entity established, recognized or accredited pursuant to these Rules.
- d. **Key cities** refer to all cities which are industrialized, centers of trade, commerce and economic activities, and where employment opportunities exist or are accessible.
- e. **Strategic areas** refer to industrial centers, economic zones, agriculture and fisheries development zones, eco-tourism, growth areas and other areas where government intervention is needed to develop human resources in order for them to compete in open employment and self employment.
- f. **Client** refers to jobseekers, employers, researchers, planners, policy makers and other persons who seek the services of the PESO.
- g. **Labor Market Information (LMI)** refers to any information concerning the size, composition, functions, problems or opportunities of the labor market or any part

thereof, including but not limited to employment-related intentions or aspirations of labor market clients.

- h. **Regional Coordinating Council or RCC** refers to DOLE Regional Office and the offices of the DOLE attached agencies in the Regions.

RULE II POLICIES AND OBJECTIVES

Section 1. *Declaration of Policy.* - The State shall promote full employment and equality of employment opportunities for all. It shall institutionalize the NFSN or NESN, as well as strengthen and expand the existing employment facilitation service machinery of the government through the PESOs.

The State shall likewise professionalize the employment service. Toward this end, all PESO personnel who are appointed, designated or accredited pursuant to Republic Act No. 8759 and these Rules shall, subject to the needs of the service, have security of tenure and be assured of stability of employment.

Section 2. *Objectives of the Public Employment Service Office.* - The PESO shall ensure prompt, timely and efficient delivery of employment services. Toward this end, it shall:

- a. Provide a venue where clients could avail simultaneously various employment services such as LMI, referrals, training, self-employment, entrepreneurial, reintegration and other services;
- b. Serve as referral and information center for the DOLE and other government agencies by making available data and information on their respective programs;
- c. Provide clients with adequate information on employment and the labor market situation; and
- d. Establish linkages with other PESOs for job exchange and other employment related services.

The PESO shall also provide information on other DOLE programs.

RULE III FUNCTIONS AND SERVICES

Section 1. *Main Functions of the PESO.* - The PESO shall operate within its area of jurisdiction in coordination with other concerned agencies, but in every case subject to the requirements of the NFSN or NESN.

- a. The PESO shall provide LMI services. For this purpose, it shall:
 - i) Market and promote each services, through all forms of media, to all its labor market clients;
 - ii) Regularly obtain a list of job vacancies from employers;
 - iii) Generate and maintain an updated registry of skills;
 - iv) Gather, collate and process data or information on employment trends, particularly labor supply and demand, and disseminate such data or information to labor market clients; and
 - v) Provide information on licensed or authorized recruitment agencies or recruiters for local and overseas employment.

- b. The PESO shall provide referral and placement services for local and overseas as well as private and civil service employment. In accordance with existing policies, rules and regulations, it shall:
 - i) Undertake active sourcing of vacancies;
 - ii) Evaluate the qualifications of jobseekers in relation to wage employment options;
 - iii) Refer jobseekers for appropriate employment assistance and monitor the result of such referrals;
 - iv) Institute measures to ensure that recruitment and placement services, both for local and overseas, are in accordance with existing laws, rules and regulations.
- c. The PESO shall provide training and vocational guidance and employment counselling services. It shall:
 - i) Conduct pre-employment counselling, including values development and enhancement of work ethics, to prospective local and most especially to overseas jobseekers;
 - ii) Administer and evaluate psychological tests or examinations;
 - iii) Undertake employability enhancement trainings or seminars for jobseekers as well as those intending to change careers or enhance their employability; and
 - iv) Conduct orientation and training to prospective local and overseas jobseekers regarding rules and regulations on anti-illegal recruitment.
- d. The PESO shall provide self-employment services. It shall:
 - i) Maintain and provide updated directory of government and non-government institutions with existing livelihood programs, including the directory of lending institutions;
 - ii) Determine client's potentials for entrepreneurial undertakings;
 - iii) Refer clients for appropriate self-employment or livelihood assistance and monitor the results of such referrals; and
 - iv) In coordination with DOLE Regional Coordinating Council (DOLE-RCC), undertake livelihood and self-employment programs.
- e. In coordination with the DOLE-RCC, the PESO shall provide reintegration assistance services to reintegration assistance services to returning overseas Filipino workers (OFWs). It shall:
 - i) Provide a mechanism for the reintegration of OFWs;
 - ii) Determine or obtain information on returning OFWs and provide periodic information of job opportunities;
 - iii) Undertake other appropriate programs to promote the welfare of OFWs and assist in gathering or tapping the skills and potentials of the returning OFWs; and
 - iv) Undertake re-integration programs and projects that maybe developed by DOLE's Replacement and Monitoring Center (RPMC).
- f. The PESO shall likewise perform other functions analogous to the above including programs or activities developed by the DOLE to enhance provision of employment assistance to clients, particularly for special groups of disadvantaged workers such as persons with disabilities (PWDs) and displaced workers.

Section 2. *Other Services of the PESO.* – Where appropriate, the PESO shall likewise provide the following employment services:

- a. Initiate and organize jobs fairs, provided that jobs fairs conducted by private entities or educational institutions shall be supervised and monitored by the PESO pursuant to DOLE guidelines;
- b. Initiate and organize livelihood and self-employment bazaars, in coordination with government and non-government institutions undertaking livelihood and self-employment programs;
- c. Facilitate credit access to qualified overseas workers, subject to existing rules and regulations;
- d. Endeavour to reach out to qualified poor but deserving students and out-of-school-youth to pursue their education by facilitating their employment pursuant to Republic Act No. 7323, otherwise known as Special Program for Employment of Students (SPES) and its implementing rules and regulations. The PESO shall likewise encourage qualified employers to participate in the program;
- e. Coordinate and promote the adoption of Work Appreciation Program (WAP) and other enrolled youth work programs pursuant to Executive Order No. 139 through Kabataan 2000 under the Office of the President as implemented by the DOLE and other agencies; and
- f. Monitor the implementation of government-funded infrastructure projects to provide recruitment assistance to contractors for their skilled and unskilled human resource requirement pursuant to Republic Act No. 6685, otherwise known as Workers Hiring in Infrastructure Projects (WHIP).

RULE IV ADMINISTRATION OF THE NFSN OR NESN

Section 1. *Administration Framework.* - The general framework for the administration of the NFSN or NESN shall emanate from the Central Office, through the Bureau of Local Employment (BLE). Consistent with this general framework, each Regional Office shall exercise administrative and technical supervision over every PESO within its area of jurisdiction.

Section 2. *Role of DOLE Central Office.* - The Central Office shall:

- a. Provide policy directions and prescribe standards on employment services;
- b. Develop and maintain a computerised job matching facility accessible to all PESOs nationwide and the Philippine Overseas Labor Offices (POLOs) and a computerised national registry of skills, employment and business opportunities for easy access of its clients. For this purpose, the Phil-JobNet shall serve as the basic LMI system which shall be continuously enhanced and upgraded;
- c. Develop and maintain performance-based and gender-responsive indicators to assess and evaluate the effectiveness of the NFSN and the PESOs;
- d. Develop and maintain training curricula on all aspects of employment service, including gender awareness;
- e. Establish and maintain training facilities for employment service providers; and

- f. Develop and maintain a Manual of Operations for the effective implementation of the employment service program.

Section 3. *Role of DOLE Regional Offices.* - The DOLE Regional Offices, through the Regional Directors and the DOLE – RCC, shall oversee the activities of the PESO network within their areas of jurisdiction. For this purpose, the Regional Directors shall:

- a. Exercise administrative and technical supervision over the PESOs;
- b. Prepare and submit budgetary requirements to the Central Office;
- c. Recommend the requirements for human resources, equipment and other necessary resources to the Central Office for the effective management and administration of the PESO;
- d. Develop, administer and manage area-based or region-specific employment projects for PESO's implementation;
- e. Maintain a computerised regional registry of skills as well as employment and business opportunities for easy access of its clients; and
- f. Monitor and evaluate the performance of the PESOs.

RULE V ESTABLISHMENT OF THE PESO

Section 1. *Establishment of the PESO.* The PESO shall be established by the DOLE pursuant to Section 3, or upon the request of a particular entity pursuant to Section 7 of this PESO Act.

Section 2. *Procedures for the Establishment of PESO.* - Pursuant to Section 3 of the Act, the DOLE shall establish, operate and maintain PESOs in capital towns of provinces, key cities, and other strategic areas. Accordingly, the DOLE shall:

- a. Provide the necessary budgetary allocation, office space, human resource complement, equipment and supplies;
- b. In consultation with the LGU concerned, appoint PESO personnel subject to civil service rules and the accreditation requirements in these rules;
- c. Provide administrative and technical assistance and allied support services; and
- d. Provide regular training to PESO personnel in the various aspects of employment service.

Upon the request of an LGUs, NGOs, CBOs and SUCs which does not have an existing PESO, the DOLE may likewise establish a PESO pursuant to Section 7 of the Act. Within fifteen (15) days from receipt of the request, the DOLE shall:

- a. Evaluate the employment services and facilities needed by the clients to enable the particular PESO to efficiently discharge its functions;
- b. Evaluate and accredit the personnel in accordance with the accreditation process provided in these Rules; and
- c. Forge a Memorandum Of Agreement (MOA) with the requesting party, identifying their respective roles, duties and responsibilities in the establishment, maintenance and operation of the PESO.

RULE VI
ACCREDITATION OF PESOs AND INCUMBENT PERSONNEL

Section 1. *Scope of Accreditation.* - All PESOs constituted, established, organized, or in existence pursuant to a MOA between the DOLE and LGUs, NGOs, CBOs, SUCs as well as those institutionalized pursuant to legislative actions of local government units prior to the effectivity of the Act, may be accredited by the DOLE. Accreditation of existing PESOs shall be in areas of employment services provided to clients, office and facilities, as well as human resources.

Section 2. *Accreditation of Services.* – In the accreditation of the services provided to clients, including office and support facilities, the following procedures shall be followed:

- a. Thirty (30) days after the effectivity of these Rules, all existing PESOs shall submit the inventory of the employment services it renders to clients as well as its equipment and facilities to the Regional Office.
- b. The Regional Office shall evaluate the documents and conduct ocular inspection to ensure that the particular PESO is capable of discharging the functions of a PESO as enumerated in the Act and in these Rules.

Section 3. *Accreditation of Personnel.* – In the accreditation of PESO personnel, the following procedures shall be followed:

- a. Thirty (30) days after the effectivity of these Rules, the PESOs shall submit the roster of its personnel and their qualifications to the appropriate DOLE Regional Office.
- b. The Regional Office shall evaluate the qualification of the said PESO personnel based on the minimum criteria prescribed in these Rules.

Section 4. *Minimum Criteria for Accreditation of PESO Personnel* - The following shall be the minimum criteria for accreditation of PESO personnel:

- a. They should meet the minimum qualification standards set by the DOLE and Civil Service rules on education, training, relevant experience or expertise and applicable eligibility;
- b. They should pass the medical, physical, psychological examinations administered by competent or authorized persons or institutions;
- c. They should pass both oral and written examinations to be administered by the DOLE;
- d. In case of LGUs and SUCs, they should occupy regular or permanent plantilla items.

Section 5. *Effect of Accreditation.* – Accredited personnel shall not be replaced without due process and without prior authority of the DOLE. Upon the accreditation of the PESO's employment services and personnel, the DOLE shall fore a new MOA with the concerned PESO identifying the respective roles, duties and responsibilities of the parties in the maintenance and operation of the PESO.

RULE VII

DUTIES AND RESPONSIBILITIES OF PARTICIPATING AGENCIES AND INSTITUTIONS

Section 1. *Duties and Responsibilities of Participating Agencies and Institutions.* - The LGUs, NGOs, CBOs and SUCs participating in the implementation of the PESO Act shall have the following duties and responsibilities:

- a. Assist the DOLE in the promoting employment programs within their respective areas of jurisdiction or operation;
- b. Provide necessary employment related expertise such as but not limited to labor and employment researches; psychological test administration; human resource development and other resources, including budgetary allocation as stipulated in the MOA;
- c. Promptly submit to the DOLE Regional Office regular monitoring and performance reports; and
- d. Perform other functions as may be stipulated in the MOA or as necessary in furtherance of the objectives of the Act.

RULE VIII FUNDING

Section 1. *Funding of the PESO.*- The amount necessary for the initial implementation of the Act shall be charged against the existing appropriation of the DOLE and its other operating agencies. Thereafter, the amounts needed for the full implementation shall be included in the budget of the DOLE through the General Appropriations Act.

RULE IX TRANSITORY AND FINAL PROVISIONS

Section 1. *Transitory Provision.*- Pending appropriation through the General Appropriations Act, personal services and other expenses funded by LGU appropriations shall be maintained in accordance with the existing MOA with DOLE.

The existing MOA between the DOLE and the concerned SUCs, NGOs and CBOs shall remain in full force and effect until a new MOA consistent with the Act and these Rules shall have been signed between and among the parties concerned.

Section 2. *Separability Clause.* - If any provision of these Rules is held invalid or unconstitutional, any other provision not so affected shall continue to be valid and effective.

Section 3. *Effectivity.* - This Rules shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Manila, Philippines, 30 August 2000.

BIENVENIDO E. LAGUESMA
Secretary