



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



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IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT 8759, OTHERWISE KNOWN AS THE PUBLIC EMPLOYMENT SERVICE ACT OF 1999, AS AMENDED BY REPUBLIC ACT NO. 10691

These Implementing Rules and Regulations are hereby issued pursuant to the authority of the Secretary of Labor and Employment under Section 6 of Republic Act 10691. These rules are issued after consultation with the Department of the Interior and Local Government (DILG), Department of Budget and Management (DBM), Commission on Higher Education (CHED), Civil Service Commission (CSC), Professional Regulation Commission (PRC), Technical Education and Skills Development Authority (TESDA), Leagues of Provinces and Cities, DOLE Regional Offices, Committee on Labor, Employment and Human Resource Development of the Senate, PESOMAP, Inc., the Tripartite Executive Committee (TEC), and the Tripartite Industrial Peace Council (TIPC) created under RA 10395.

**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, as amended by Republic Act 10691 herein referred as the Rules.

Section 2. Coverage. These Rules shall cover all existing Public Employment Service Offices in Local Government Units (LGUs), Accredited Non-Government Organizations (NGOs), Government Owned and Controlled Corporations (GOCCs), Freeport and Economic Zones, Government Agencies, and Educational Institutions (EIs) and those PESOs and Job Placement Offices (JPOs) that may be created after the effectivity of these rules.

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

1. **Act** – refers to the PESO Act of 1999 as amended by RA 10691.
2. **Client** – refers to jobseekers, employers, investors, schools, students, returning OFWs, researchers, planners, policy makers, marginalized groups of workers who seek the services of PESO and other persons or organizations engaged in Employment Promotion Program.
3. **Department or DOLE** – refers to the Department of Labor and Employment.

4. **Educational Institutions (EIs)** - refers to institutions such as high schools, technical and vocational schools, colleges and universities, recognized by relevant authorities such as the Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA), including State Universities and Colleges (SUCs) and Local Universities and Colleges (LUCs) where people gain senior high school; college and higher education; and Technical Vocational Education and Training (TVET).
5. **Employment Plan** – is the LGUs' annual key employment planning tool which outlines the intended outcomes and the strategic management of programs/services to collectively achieve the end-goals of PESOs.
6. **Full cycle employment facilitation services** – refers to the series of activities intended to prepare job-seekers for productive employment which includes, but is not limited to enhanced career assessment and guidance; life-skills training; technical skills training; job-matching and internship.
7. **Institutionalized PESO** – refers to a PESO which has permanent plantilla positions, budgetary allocation for Personnel Services, Maintenance and Other Operating Expenses, Capital Outlay, and designated office space intended to provide employment facilitation services and information center for other DOLE programs and services.
8. **Job Placement Office (JPO)** - refers to a non-fee charging unit within an educational institution (EI) created under a MOA between an EI and the DOLE that provides employment facilitation services to its students and graduates, and coordinate its activities with the LGU PESO.
9. **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 the labor market clients.
10. **LGU's Internally Generated Income** – The source of local government sustenance by creating revenue generating activities, and levying taxes, fees, charges, and other impositions. This income shall accrue exclusively for the use of the LGU unless otherwise prohibited by the Local Government Code and other applicable rules and regulations.
11. **LGU Public Employment Service Office (LGU-PESO)** – refers to a non-fee charging multi-dimensional employment service facility or entity established and institutionalized in the Local Government Units (LGUs) pursuant to these Rules.
12. **Multi-dimensional employment service facility** - refers to employment service facility that provides livelihood, labor market trends and information, training and other capacity building initiatives, and allied services in support of the government's attainment of massive job facilitation and substantial poverty alleviation towards inclusive growth.

13. **National Employment Facilitation Service Network (NEFSN)** – refers to the Department of Labor and Employment (DOLE), its Regional Offices, attached agencies, Public Employment Service Offices (PESOs), job placement office, and other public and private entities established at the local levels to provide integrated, collaborative, and systematic delivery of employment services to clients.
14. **NGO and EI Internally Generated Income** – the income of NGOs and EIs generated from tuition fees, gifts, donations, grants, and other income generating projects and activities which shall be the source of fund to support the operation and maintenance of their respective PESO and JPO.
15. **NGO Public Employment Service Office (NGO-PESO)** – refers to a non-fee charging multi-dimensional employment service facility or entity established, operated and maintained by the Non-Government Organizations (NGO) primarily for service, through a Memorandum of Agreement (MOA) between the DOLE and the NGO pursuant to these Rules.
16. **Technical Assistance** – refers to the assistance provided by DOLE to the PESOs in the form of advice, training, seminars, and institutional cooperation to transfer or adopt service, skills and knowledge pertaining to the establishment and operation of PESOs in the LGUs.

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 NEFSN, as well as strengthen and expand the existing employment facilitation service machinery of the government through PESOs.

The State shall likewise professionalize the government service. Toward this end, all LGU PESO personnel shall be appointed based on merit and fitness as to their relative qualifications and competence to perform the functions of the positions, to be determined as far as practicable by competitive examinations. They shall be covered by Civil Service Laws and Rules in the course of their employment. No LGU PESO personnel shall be moved, suspended, or terminated except for cause and after due process.

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

1. Provide a venue where clients could avail simultaneously various employment services, such as LMI, referrals, training, and entrepreneurial, reintegration, and other services;
2. Serve as referral and information center for the DOLE and other government agencies by making available data and information on their respective programs;

3. Provide clients with adequate information for the DOLE and other government agencies by making available data and information on their respective programs;
4. Provide clients with adequate information on employment and the labor market situation; and
5. 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 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 NEFSN.

1. The PESO shall provide LMI services. For this purpose it shall:
 - a. Market and promote its services, through all forms of media, to all its labor market clients;
 - b. Obtain a list of Job vacancies from employers at least on a monthly basis or as the need may arise, and require them to register and be accredited in the DOLE's Phil-JobNet;
 - c. Generate and maintain an updated registry of skills;
 - d. Gather, collate, and process/analyze data or information on employment and investment trends, emerging markets, particularly labor supply and demand, and disseminate such data or information to labor market clients; and
 - e. Provide information on licensed or authorized, blacklisted, suspended or cancelled private employment agencies and recruiters for local and overseas employment, and registered or delisted job contractors and sub-contractors.
2. The PESO shall provide referral and placement services for local and overseas as well as private and public employment in accordance with existing policies, rules and regulations. It shall:
 - a. Undertake active sourcing of job vacancies;
 - b. Evaluate qualifications of jobseekers in relation to wage employment options;
 - c. Refer job seekers for appropriate employment assistance and monitor the result of such referrals; and
 - d. Institute measures to ensure that recruitment and placement services, both for local and overseas, are in accordance with existing laws, rules, and regulations.
3. The PESO shall provide career advocacy and employment coaching services. It may partner with other service providers in the delivery of the following:

- a. Conduct pre-employment coaching, including values development and enhancement of work ethics, to prospective local and overseas jobseekers;
 - b. Administer/conduct talent/skills assessment for jobseekers;
 - c. Undertake employability enhancement trainings or seminars for jobseekers as well as those intending to change careers or enhance their employability; and
 - d. Conduct orientation and training to prospective local and overseas jobseekers regarding rules and regulations on anti-illegal recruitment and human trafficking.
4. The PESO shall facilitate the implementation and/or provision of livelihood and self-employment programs and services. It shall:
- a. Maintain and provide updated directory of government and non-government institutions with existing livelihood and self-employment programs, including the directory of lending institutions;
 - b. Determine client's interests for livelihood and self-employment undertaking;
 - c. Refer clients for appropriate livelihood and self-employment/assistance and monitor the results of such referrals; and
 - d. In coordination with DOLE Regional Coordinating Council (DOLE-RCC), facilitate the implementation of livelihood and self-employment programs and services.
5. In coordination with the Overseas Workers Welfare Administration (OWWA) and the National Reintegration Center for OFWs (NRCO), the PESO shall assist in providing re-integration assistance services to returning Overseas Filipino Workers (OFWs).
6. The PESO shall prepare and submit to the respective local Sanggunian or Council, through the LGU Committee on Labor and Employment, an annual employment plan and corresponding budget requirements including other regular funding sources and budgetary support of the PESO. It shall:
- a. Conduct an annual planning session to provide a basis for setting priorities, define objectives for a 12-month period, and to design strategies and programs to meet them.
 - b. Prepare detailed budgetary requirements, present the same to the Local Chief Executive who will submit it to the Local Sanggunian, for approval.
7. Coordinate and promote the adoption of enrolled youth work programs such as SPES and GIP pursuant to Executive Order no. 139 through Kabataan 2000 under the Office of the President as implemented by the DOLE and other agencies based on existing laws, rules and regulations. The PESO shall likewise encourage qualified employers to participate in the program.
8. 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 PESO. Where appropriate, the PESO shall likewise provide the following employment services:

1. Initiate and organize job fairs, provided that job fairs conducted by private entities or educational institutions shall be supervised and monitored by the PESO pursuant to DOLE guidelines;
2. Facilitate the conduct of local recruitment/special recruitment activities in coordination with the Philippine Overseas Employment Administration (POEA) and in accordance with the existing laws, rules, and regulations;
3. Initiate and organize livelihood and self-employment bazaars, in coordination with government and non-government institutions undertaking livelihood and self-employment programs and services; and
4. Coordinate and 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 NEFSN

Section 1. Administration Framework. The general framework for the administration of the NEFSN shall emanate from the DOLE Central Office, through the Bureau of Local Employment (BLE) under the supervision of the Undersecretary for Employment. Consistent with this general framework, each Regional Office shall exercise technical supervision over every PESO and job placement office within its area of jurisdiction.

Section 2. Roles of DOLE and the LGUs. The LGUs in coordination with DOLE, shall establish the PESO.

1. It shall be the responsibility of DOLE to:

- a. Provide policy directions and prescribe standards on employment services such as tools for testing/talent mapping, career advocacy and employment coaching, labor market information, determination of livelihood and self-employment interests;
- b. Maintain and further enhance the PhilJobNet, the government's official job matching and LMI facility accessible to all PESOs nationwide and the Philippine Overseas Labor Offices (POLOs);
- c. Develop and maintain performance-based and gender-responsive indicators to assess and evaluate the effectiveness of the NEFSN and the PESOs;
- d. Set standards for the establishment and operation of PESO and identify the roles, duties, and responsibilities of PESO personnel in coordination with DILG, CSC, and DBM;
- e. Provide regular training to PESO personnel in the various aspects of employment service in coordination with the LGU; and

- f. Monitor and evaluate the performance of the PESOs. Provide feedback to the Local Chief Executives (LCEs) on a semestral basis.

2. It shall be the responsibility of the LGUs to:

- a. Establish a monitoring system to capture the labor market information reported by the establishments operating in the locality including local infrastructure projects and other investment opportunities;
- b. Conduct activities in the furtherance of promoting employment creation within each area of jurisdiction; and
- c. Develop, administer, and manage area-based employment projects for PESO's implementation.

RULE V ESTABLISHMENT AND ACCREDITATION

Section 1: Establishment of the LGU PESO. Pursuant to Section 1 of RA 10691, the LGUs shall establish, operate, and maintain the PESOs in all provinces, cities and municipalities. The PESO, similar to other departments in the LGUs, shall be under the office of the governor, city, or municipal mayor as local chief executives. Accordingly, the LGU concerned shall create a PESO in their respective area of jurisdiction through an Ordinance in accordance with the existing rules.

Thereafter, the LGU shall inform the concerned DOLE Regional Office of the passage of Ordinance institutionalizing a PESO within its jurisdiction.

Section 2: Establishment and DOLE Accreditation of NGO PESO and Job Placement Office. An NGO PESO and a JPO may be accredited by DOLE through the execution of a Memorandum of Agreement by and between the DOLE and the NGO or the Educational Institution respectively, in accordance with the following:

1. Qualifications. The NGO and EI must:
 - a. Be duly registered by the appropriate government agencies for both regulatory and statutory requirements;
 - b. Be active or operational for at least two (2) years immediately prior to DOLE accreditation;
 - c. Be equipped with office facilities and equipment such as computers, tables, and chairs, and office space for the exclusive use of the NGO PESO or JPO; and
 - d. Have personnel to handle employment facilitation services with the applicable qualifications prescribed in these rules.
2. Procedures. Within fifteen (15) days from the filing of a letter request together with the documentary requirements (proof of registration and operation) by the NGO and EI for accreditation, the DOLE, through its Regional Office, shall:
 - a. Evaluate the documents to ensure that the NGO or EI is capable of discharging its functions as enumerated in the Act and in these Rules;

- b. Conduct an ocular inspection and inventory of the employment services, equipment and facilities of the NGO and EI; and
 - c. Upon approval of the request, execute Memorandum of Agreement (MOA) with the NGO or EI to identify their respective roles, duties, and responsibilities in the establishment, maintenance, and operation of PESO or EI JPO.
3. Operation. The NGO or EI can operate a PESO or JPO respectively, and engage in employment facilitation services only after they have entered into a MOA with DOLE.

**RULE VI
RECRUITMENT, SELECTION, AND HIRING OF LGU PESO PERSONNEL**

Section 1. Minimum Criteria for Hiring of LGU PESO Manager and Personnel. The LGU shall appoint PESO Manager and personnel based on Merit Selection Plan (MSP) and Merit Promotion Plan (MPP) of the LGU and subject to the existing Civil Service Rules and Regulations.

The following shall be the minimum criteria for hiring of LGU PESO Manager and personnel:

- a. They should meet the minimum qualification standards set by the Civil Service Commission (CSC) rules and regulations on education, training, relevant experience or expertise and applicable eligibility and other qualification standards set by the DOLE such as:
 - 1. Managerial experience and technical proficiency in program management relative to employment facilitation.
 - 2. Ability of creating high performing work environment that is beneficial to the PESO and its clients.
- b. They should pass both oral and written examinations to be administered by the LGU; and
- c. They should pass the medical, physical, psychological examinations administered by competent or authorized persons or institutions.

Section 2. Functions and Salary Grade of LGU Department Head (PESO Manager).

- 1. **Functions.** The Primary function of the PESO Manager is to manage all technical and administrative activities of the PESO.
 - a. Develop action plans, proposals, and other documents needed in the implementation of programs and services.
 - b. Identify training needs and arrange staff training as needed (i.e. in-house or block release) training staff, or delegating to appropriate unit/staff.
 - c. Responsible for informal stages of staff discipline, including coaching and counseling.

- d. Maintain a systematic process flow to ensure the effective and efficient management of the office and avoid complaints from clients.
 - e. Conduct reviews of daily procedures being implemented in order to update and trim down unnecessary processes and carry out remedial action.
 - f. Maintain effective communication with the Local Executives to appraise and provide recommendations for policy directions.
2. Salary Grade of LGU Department Head (PESO Manager). The Salary grade of PESO Manager shall be equivalent to that of a Department Head according to the income classification of the LGU.

Section 3. Personnel Structure of the LGU PESO. Under Republic Act 10691, the PESO shall be initially organized and composed of a PESO Manager and may be assisted by a Labor and Employment Officer (LEO) as may be determined by the LGU.

To fully implement the services of the PESO under RULE III hereof, additional positions may be created by the LGU based on the following personnel structure:

POSITION	SALARY GRADE
1. Chief Labor and Employment Officer	24
2. Supervising Labor and Employment Officer	22
3. Senior labor and Employment Officer	19
4. Labor and Employment Officer III	16
5. Labor and Employment Officer II	13
6. Labor and Employment Officer I	11
7. Labor and Employment Assistant	9

RULE VII

DUTIES AND RESPONSIBILITIES OF PARTICIPATING AGENCIES AND INSTITUTIONS

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

1. Assist the DOLE in promoting employment programs within their respective areas of jurisdiction or operations;
2. Provide necessary employment related expertise such as, but not limited to labor and employment researches; talent/skills assessment administration; human resource development and other resources, including budgetary allocation;
3. Promptly submit regular monitoring and performance reports to the DOLE RO, in case of LGU PESO, and to the LGU PESO which cover the area, in the case of NGO PESO and EI Job Placement Office; and
4. Perform other functions as may be stipulated in the MOA or as necessary in furtherance of the objectives of the Act.

Section 2. Salary of NGO PESO Manager and Personnel and EI Job Placement Officer and Personnel.

1. The NGO, the EI, or the LGU in the case of LUCs shall determine the salaries of their respective NGO-PESO Managers, Job Placement Officer, and personnel.
2. The position level of the Job Placement Officer of SUCs shall be determined by existing policies and regulations of SUCs in accordance with DBM position and classification standards.

**RULE VIII
FUNDING**

Section 1. Funding of the PESO. The amount necessary for the implementation of this Act such as the operation and maintenance of the PESO shall be charged against the Internal Revenue Allotment (IRA) of the LGUs and other internally generated income of the LGU concerned. Likewise, the operation and maintenance of the NGO PESOs and Job Placement Offices of EIs shall be charged against their internally generated income.

Funds for the provision of technical assistance, training and supervision of the PESO shall be included in the budget of the DOLE and in the annual General Appropriations Act (GAA).

The amount necessary to implement the provisions of this Act shall be included by the Department of Budget and Management in the General Appropriations Act (GAA).

**RULE IX
TRANSITORY AND FINAL PROVISIONS**

Section 1. Transitory Provision.

- a. All existing LGU PESOs pursuant to the MOA with DOLE, shall continue to operate until such time that a new PESO shall have been established in accordance with the Act and these rules.
- b. Within sixty (60) days after the effectivity of these rules, the DOLE ROs/FOs shall notify all existing NGO and school-based PESOs to submit accreditation requirements in accordance with these rules.
- c. Existing PESOs of GOCCs, Freeport and Economic Zones, government agencies, and other similarly situated PESOs not covered by RA 10691 which were created and operating under a MOA between said entities and DOLE shall continue to exist and operate until said MOA is terminated by any of the Parties.
- d. The designated LGU PESO Managers who are qualified to the position may be given priority, however, those who have not met the eligibility requirement shall be given a grace period of one (1) year to comply.
- e. The designated SUC PESO Manager may be given priority to be appointed as Job Placement Officer upon the effectivity of these rules.

- f. The initial creation of LGU PESO Manager Positions shall be exempted from the personnel services limitation as may be provided by law.

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

Section 3. Repealing Clause. All rules and regulations, agreements and procedures inconsistent herewith are hereby repealed or modified accordingly.

Section 4. Effectivity. These Rules shall take effect after fifteen (15) days from its publication in a newspaper of general circulation or in the Official Gazette.

22 June 2016

Rosalinda Dimapilis-Baldoz
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Secretary

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