

# TRIPARTITE INDUSTRIAL PEACE COUNCIL

## RESOLUTION NO. 5

*Series of 2011*

*“Requesting DOLE to Initiate a Dialogue with the Stakeholders toward the Review and Amendment of the Provision on the Three-Year Probationary Period for Private School Teachers”*

**WHEREAS**, the Commission on Higher Education issued Memorandum Order No. 40, Series of 2008, adopting and promulgating the *Manual of Regulations for Private Higher Education of 2008*, herein referred to as the *Manual*, specifically on the three-year probationary period for private school teachers;

**WHEREAS**, Section 117 of the *Manual* provides that:

*“Section 117. Probationary Period. An academic teaching personnel, who does not possess the minimum academic qualifications prescribed under Sections 35 and 36 of this Manual shall be considered as part-time employee, and therefore cannot avail of the status and privileges of a probationary employment. A part-time employee cannot acquire regular permanent status, and hence, maybe terminated when a qualified teacher becomes available.*

*The probationary employment of academic personnel shall not be more than a period of six (6) consecutive semesters or nine (9) consecutive trimesters of satisfactory service, as the case may be”;*

**WHEREAS**, the Department of Education issued Department Order No. 88, Series of 2010, issuing the *2010 Revised Manual of Regulations for Private Schools in Basic Education*, herein referred to as the *2010 Revised Manual*, specifically on the three-year probationary period for private school teachers;

**WHEREAS**, Section 63 of the *2010 Revised Manual* provides that:

*Section 63. Probationary Period; Regular or Permanent Status. A probationary period of not more than three years in the case of school teaching personnel and not more than six months for non-teaching personnel shall be required for employment in all private schools. A school personnel who has successfully undergone the probationary period herein specified and who is fully qualified under the existing rules and standards of the school shall be considered permanent.*

**WHEREAS**, the labor sector during the 109<sup>th</sup> Labor Day Celebration identified the three-year probationary period for private school teachers as an issue of violation of the workers' right to security of tenure;

**WHEREAS**, as a response to address the issue, the TIPC proposed to request the Department of Labor and Employment and to consult with the Commission on Higher Education, Department of Education, Technical Education and Skills Development Authority and all stakeholders to review the provision on the three-year probationary period for private school teachers;

**WHEREAS**, the academic community and other stakeholders shall be engaged in the discussion and consultation for the review and amendment of the aforementioned provision;

**WHEREAS**, the existing industry tripartite councils (ITCs) on the education sector shall be utilized as a venue for discussing the issues on the probationary period for private school teachers and the agreements and recommendations thereof shall be endorsed to the National Tripartite Industrial Peace Council before the end of 2011 for consideration and further discussion;


**NOW THEREFORE, BE IT RESOLVED, AS WE HEREBY RESOLVE**, to request DOLE to initiate a dialogue with Commission on Higher Education, Department of Education and all stakeholders towards the review and amendment of *CHED Memorandum Order No. 40, Series of 2008, (Manual of Regulations for Private Higher Education of 2008)* and *DepEd Department Order No. 88, Series of 2010, (2010 Revised Manual of Regulations for Private Schools in Basic Education)*, specifically on the three-year probationary period for private school teachers.

Approved this 12<sup>th</sup> day of September 2011, at Occupational Safety and Health Center, Diliman, Quezon City.

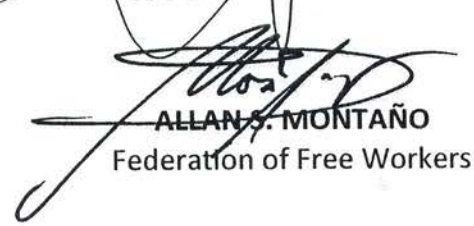
**LABOR SECTOR**

  
**DANIEL L. EDRALIN**  
Alliance of Progressive Labor

  
**JOSUA T. MATA**  
Alliance of Progressive Labor

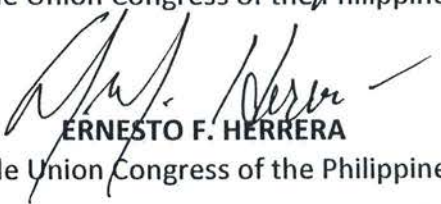
  
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Alliance of Filipino Workers

  
**JOSE SONNY G. MATULA**  
Federation of Free Workers


  
**ALLAN S. MONTAÑO**  
Federation of Free Workers

  
**VICTORINO F. BALAIS**  
Trade Union Congress of the Philippines


  
**ZOILO V. DELA CRUZ, JR.**  
Trade Union Congress of the Philippines

  
**ERNESTO F. HERRERA**  
Trade Union Congress of the Philippines

  
**ESPERANZA S. OCAMPO**  
Trade Union Congress of the Philippines


  
**MILAGROS C. OGALINDA**  
Trade Union Congress of the Philippines




  
**DAVID L. DIWA**  
Lakas Manggagawa Labor Center

  
**GERARD R. SENO**  
Trade Union Congress of the Philippines


  
**BENJAMIN C. ALAR**  
National Confederation of Labor


  
**JESUS B. VILLAMOR**  
Trade Union Congress of the Philippines

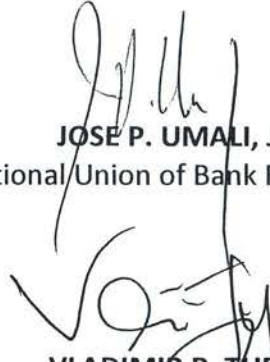
  
**MANUEL P. ARIAS**  
National Federation of Labor Unions

  
**ALEJANDRO C. VILLAVIZA**  
Trade Union Congress of the Philippines

  
**NORBERTO M. ALENSUELA, Sr.**  
Pambansang Diwa ng Manggagawang Pilipino

  
**JOSE P. UMALI, JR.**  
National Union of Bank Employees

  
**GREGORIO C. DEL PRADO**  
Alliance of Independent Hotels and Restaurant Workers Union

  
**VLADIMIR R. TUPAZ**  
Trade Unions of the Philippines and Allied Services


**EMPLOYERS' SECTOR**

  
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Employers Confederation of the Philippines

  
**SERGIO R. ORTIZ-LUIS, JR.**  
Employers Confederation of the Philippines

  
**ANIANO G. BAGABALDO**  
Employers Confederation of the Philippines

  
**RANULFO P. PAYOS**  
Employers Confederation of the Philippines

  
**ERNESTO O. CECILIA**  
Employers Confederation of the Philippines

  
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Employers Confederation of the Philippines

  
**RENE E. CRISTOBAL**  
Employers Confederation of the Philippines

  
**ANTON L. SAYO**  
Employers Confederation of the Philippines

**FRANCISCO R. FLORO**

Employers Confederation of the Philippines

**RENE Y. SORIANO**

Employers Confederation of the Philippines

**VICENTE LEOGARDO, JR.**

Employers Confederation of the Philippines

**ANCHETA K. TAN**

Employers Confederation of the Philippines

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Employers Confederation of the Philippines

**FELICIANO L. TORRES**

Employers Confederation of the Philippines

**CESAR MARIO O. MAMON**

Employers Confederation of the Philippines

**JESUS B. VARELA**

Employers Confederation of the Philippines

**JORGE T. MENDIOLA**

Employers Confederation of the Philippines

**SCHUBERT CAESAR C. AUSTERO**

Employers Confederation of the Philippines

**MARY G. NG**

Employers Confederation of the Philippines

**EMERICO O. DE GUZMAN**

Employers Confederation of the Philippines

**OTHER INVITEES/REPRESENTATIVES**

**BUTCH PENA**

Association of Genuine Labor Organization

**PETE PINLAC**

MAKABAYAN

**JOSE APOLLO R. ADO**

Alliance of Progressive Labor

**FLORENCIA R. CABATINGAN**

Trade Union Congress of the Philippines

**TONY REYES**

MAKABAYAN

**RAFAEL E. MAPALO**

Trade Union Congress of the Philippines

**GOVERNMENT SECTOR**

**SECRETARY ROSALINDA DIMAPILIS-BALDOZ**

Department of Labor and Employment

Dept. of Labor & Employment  
Office of the Secretary



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