



Republic of the Philippines
Department of Education
Region XI
SCHOOLS DIVISION OF DIGOS CITY
Digos City



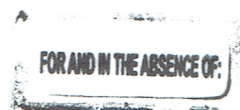
July 9, 2018

Division Memorandum
No. 556 s. 2018

Clarifications on the Department of Labor and Employment (DOLE) Work Programs (MWSP) and Certification for Enrollees in the Modified Work and Study and Senior High Schools

**To: School Principals/Officers-in-Charge/Administrators
Public and Private Secondary and Senior High Schools**

1. Attached is the Regional Memorandum No. 139, s. 2018 on the stand of the Department of Labor and Employment (DOLE) on the issuance of DOLE work permit and certification to learners of the enrollees of Modified Work and Study Program (MWSP) and Senior High Schools.
2. It is informed that the DOLE does not issue work permit and/or certification in pursuance to the DOLE Advisory No. 01-08, s. 2008 on the Employment of Youth Aged 15 to Less Than 18 Years, which states that "The issuance of a DOLE certificate to youth aged 15 to below 18 years prior to employment is not required by law."
3. Further, DOLE Circular No. 2, s. 2017 states that a Working Child Permit is only required for children who are below 15 years of age and engaged in public entertainment or information activities.
4. In lieu of the DOLE certification, all the MWSP implementers are directed to ensure that learners enrolling in the program shall be required to secure a contract or certification from their employers with consent from their parents and authorized guardians.
5. For information, guidance and compliance.



WINNIE E. BATOON, EdD.
Officer-in-Charge
Office of the Schools Division Superintendent

Melanie P. Estacio
MELANIE P. ESTACIO, Ph.D.
OFFICER-IN-CHARGE
OFFICE OF THE ASSISTANT SCHOOLS DIVISION SUPERINTENDENT

Encls: As stated

Reference: Regional Memorandum No. 137, s. 2018 dated June 26, 2018

To be indicated in the Perpetual Index under the following subjects:

CURRICULUM SENIOR HIGH SCHOOL MWSP

Ibj: clarification on the department of labor and employment (DOLE) work programs (MWSP) and certification for enrollees in the modified work and study and senior high schools
9 July, 2018

Roxas Street cor. Lopez Jaena Street, Zone II, Digos City 8002 ☎ 553-8396/553-8376/553-9170/553-8375
📠 553-8396/553-8376 🌐 www.depeddigoscity.org ✉ digos.city@deped.gov.ph

DepEd Schools Division Office - Digos City

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By: *[Signature]*



Republika ng Pilipinas
**KAGAWARAN NG EDUKASYON
TANGGAPANG PANREHIYON XI**
Lungsod ng Dabaw



Telefax Numbers: (082) 227-1102; 227-9342 (Trunkline) 225-8495
221-9428; 227-8025; 222-2617; 227-0941; 221-1210; 221-8435

Website: <http://www.region11.deped.gov.ph>
SED Email Address: sed.deped11@gmail.com

June 26, 2018

REGIONAL MEMORANDUM
No. 137, s. 2018

**CLARIFICATIONS ON THE DEPARTMENT OF LABOR AND EMPLOYMENT
(DOLE) WORK PROGRAM(MWSP) AND CERTIFICATION FOR ENROLEES IN
THE MODIFIED WORK AND STUDY AND SENIOR HIGH SCHOOLS**

To: Schools Division Superintendents

1. This pertains to the stand of the Department of Labor and Employment (DOLE) on the issuance of DOLE work permit and certification to learners of the enrollees of Modified Work and Study Program (MWSP) and Senior High Schools.
2. It is informed that the DOLE does not issue work permit and/or certification in pursuance to the DOLE Advisory No. 01-08, s. 2008 on the Employment of Youth Aged 15 to Less Than 18 Years which states that, " The issuance of a DOLE certificate to youth aged 15 to below 18 years prior to employment is not required by law."
3. Furthermore, DOLE Circular No. 2, s. 2017 states that a Working Child Permit is only required for children who are below 15 years of age and engaged in public entertainment or information activities.
4. In lieu of the DOLE certification, this Office directs all the MWSP implementers to ensure that learners enrolling in the program shall be required to secure a contract or certification from their employers with consent from their parents and authorized guardians.
5. Immediate and wide dissemination of this Memorandum to all concerned is desired.


ATTY. ALBERTO T. ESCOBARTE, CESO III
Regional Director

Reference: Republic Act No. 9231
Republic Act No. 7610
DOLE Advisory No. 01-08, s. 2008
DOLE Circular No. 2, s. 2017
DOLE Circular No. 2, s. 2018

To be indicated in the Perpetual Index under the following subjects:

ALTERNATIVE DELIVERY MODE(ADM) LEARNERS SCHOOLS
DEPARTMENT OF EDUCATION REGION XI
RECORDS SECTION

ROC7/rnp/CLMD

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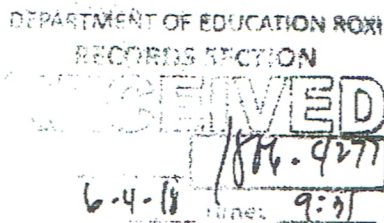


Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Davao Region
4/F AMQ Bldg.,
Dacudao Ave. corner Lakandula St., Agdao, Davao City
Tel. Nos. (082)227-4289; 227-3157; 226-2481
E-mail: dole11regionaloffice@gmail.com Website: ro11.dole.gov.ph



31 May 2018

ATTY. ALBERTO T. ESCOBARTE, CESO III
Regional Director
Department of Education (DepEd) XI
F. Torres Street, Davao City



Dear Director Escobarte:

Greetings!

We would like to appreciate your support as our partner agency, in the implementation of Republic Act No. 9231 (An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Special Protection for the Working Child, Amending for this purpose RA 7610, as amended).

In this connection, we would like to request your office to please advise the parents or guardians of your enrollees for Sunday School and Senior High Schools who would like to secure work permit from the Department of Labor and Employment (DOLE) XI that we do not issue work permit nor DOLE Certification. This is in line with Department Advisory No. 01-08, Series of 2008 re: Employment of Youth Aged 15 to Less Than 18 Years which states that, "The issuance of a DOLE certificate to youth aged 15 to below 18 years prior to employment is not required by law." Please see attached Department Advisory No. 01-08, Series of 2008 for your perusal.

Furthermore, Department Circular No. 2, Series of 2017, a Working Child Permit is only required if a child is below 15 years of age and under the following conditions:

- 1) Will be engaged in public entertainment or information, whether local or overseas, regardless of his/her role in a project such as lead, supporting, guest, or regular extra. This includes projects which are non-profit, advocacy materials or political advertisements; or
- 2) Is a foreign national and will be engaged in public entertainment or information in the Philippines; or,
- 3) Will be featured in a documentary material unless it is a school-related requirement or project; or,
- 4) Will be engaged as regular extra or as part of a crowd and is included in the script or storyboard; or,
- 5) Has been selected for a project after undergoing auditions, workshops or VTR screenings; or
- 6) Has been selected as semi-finalist in a singing, dance or talent contest for a television show.

For your information.

Thank you.

Very truly yours,


RAYMUNDO G. AGRAVANTE
Regional Director

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

DEPARTMENT OF LABOR AND EMPLOYMENT Administrative Service Control Records Section-OSD	
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DEPARTMENT ADVISORY NO. 01-08
Series of 2008

EMPLOYMENT OF YOUTH AGED 15 TO LESS THAN 18 YEARS

I. RATIONALE AND BASIS

In the interest of service and in response to queries received by the Department concerning the issuance of work certificates and permits to young workers aged 15 to less than 18 years of age, this Advisory is hereby issued for reference and guidance of all DOLE Offices as well as concerned employers and workers.

The policies stated herein are pursuant to the provisions of the **Labor Code of the Philippines** and **Republic Act 9231** (An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Special Protection for the Working Child, Amending for this purpose RA 7610, as amended) and consistent with **Department Order No. 65-04** (Rules and Regulations Implementing R.A.9231 Amending R.A. No. 7610, as amended).

II. CLARIFICATION ON EMPLOYMENT OF YOUNG PERSONS

1. RA 9231 defines the **hours of work of a working child**. "A child fifteen (15) years of age but below eighteen (18) shall not be allowed to work for more than eight (8) hours a day, and in no case beyond forty (40) hours a week." As to work at night, the same law states that "no child fifteen (15) years of age but below eighteen (18) shall be allowed to work between ten o'clock in the evening and six o'clock in the morning of the following day".
2. In reiteration of RA 7610 as amended by RA 7658, RA 9231 requires the issuance of a work permit prior to the employment of children **below fifteen** years of age, as allowed in exceptional situations. This law, however, is silent with regard to the issuance of a permit or certificate to those who are **15 but below 18 years of age**, although these young persons are still considered children.
3. Department Order No. 65-04 (Rules and Regulations Implementing R.A.9231) clarifies the **prohibitions**, which are: the employment of children in the worst forms of child labor in any public or private establishments and the employment of children in advertisements directly or indirectly promoting alcoholic beverages, intoxicating drinks, tobacco and its by-products, gambling or any form of violence or pornography.
4. The employment of a young person 15 to below 18 years of age, therefore, may be allowed subject to the conditions and prohibitions in RA 9231 and the Labor Code.

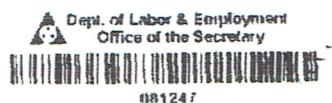
III. CONDITIONS OF EMPLOYMENT

1. Every child shall have access to formal and non-formal education, including alternative learning systems. Thus, where the young person 15 to below 18 years of age is employed, the employer shall provide him or her with access to at least elementary or secondary education, including alternative learning systems. In order to provide access, no employer shall hinder the young person's education and learning opportunities.
2. The employer shall observe the prohibitions on employment of a young person, comply with the above conditions on nature of work, number of hours of work, time of work and meet the requirements on recruitment or hiring, legitimate contracting, general labor standards and social protection, among others.
3. The issuance of a DOLE certificate to youth aged 15 to below 18 years prior to employment is not required by law. No employer shall deny opportunity to any such youth applying for employment merely on the basis of lack of DOLE work permit or certificate of eligibility for employment. Any young person 15 to below 18 years of age may present copy of this DOLE Advisory to any employer, job provider, government authority or his / her representative when seeking employment or anytime during employment.

For guidance and compliance.


MARIANITO D. ROQUE
Secretary

10 June 2008





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

DEPARTMENT CIRCULAR NO. 2
Series of 2018

17
2018-05-01 FILE 1801

**AMENDING DEPARTMENT CIRCULAR NO. 2, SERIES OF 2017 (GUIDELINES
ON THE ISSUANCE OF WORK PERMIT FOR CHILDREN BELOW 15 YEARS OF
AGE ENGAGED IN PUBLIC ENTERTAINMENT OR INFORMATION)**

Pursuant to the rule-making power of the Secretary of Labor and Employment and to further clarify the coverage of working child permit, items 1, 3.2, 4.1 and 5 of Department Circular No. 2, Series of 2017 are hereby amended as follows:

1. Coverage of Working Child Permit

1.1 A Working Child Permit is required if a child below 15 years of age:

- 1.1.1 will be engaged in public entertainment or information regardless of his/her role in a project such as lead supporting, guest, or regular extra. This includes projects which are non-profit, advocacy materials or political advertisements; or
- 1.1.2 is a foreign national and will be engaged in public entertainment or information in the Philippines; or
- 1.1.3 will be engaged as regular extra or as part of a crowd and is included in the script or storyboard; or
- 1.1.4 has been selected for a project after undergoing auditions, workshops or VTR screenings; or
- 1.1.5 has been selected as semi-finalist in a singing, dance or talent contest for a television show.

1.2 A Working Child Permit is not required if a child below 15 years of age:

- 1.2.1 is a spot extra or is cast outright on the day of filming or taping of a project; or
- 1.2.2 will join auditions or VTR screenings; or
- 1.2.3 is part of the audience of a live television show unless the child's participation is expected; or

- 1.2.4 is picked or chosen as a contestant from the audience of a live television show; or
- 1.2.5 is a contestant of a singing, dance or talent contest for a television show but has not yet been selected as a semi-finalist; or
- 1.2.6 is a recipient of gift-giving activities in television; or
- 1.2.7 is a participant in school-related performance such as play, skit, or recital; or
- 1.2.8 is a participant in sports activities, trainings or workshops aimed at developing the child's talent or skills; or
- 1.2.9 will be featured in a documentary material.

In case the child in the documentary material is engaged in child labor, the producer shall refer the child to the nearest DOLE Regional/Provincial/Field Office for the necessary services needed by the child and his/her family.

In the best interest of the child, the identity of the child laborer shall not be disclosed whether directly or indirectly pursuant to the *Guide for Media Practitioners on the Reporting and Coverage of Cases Involving Children*. Photographs, images or video footages of the face or any distinguishing feature or information of the child laborer including his or her family members shall not be taken, published or shown to the public in any manner.

3. Working Child Permit

x x x

3.2 Group Permit

For children appearing in a single project and without Working Child Permit yet, the DOLE Regional/Provincial/Field Office shall issue a group permit.

4. Validity of Working Child Permit

x x x

- 4.1 In case there is a need to re-schedule the performance of the child outside the validity period indicated in the Working Child Permit, the employer shall notify in writing the DOLE Regional/Provincial/Field Office which issued the permit at least two (2) days prior to the performance of the work.

However, in case the re-scheduling is due to unforeseen events and not the employer's fault, the employer shall notify in writing the DOLE Regional/Provincial/Field Office which issued the permit immediately after the parent or guardian of the child has been informed that the work will be re-scheduled.

5. Requirements for the Issuance of Work Permit

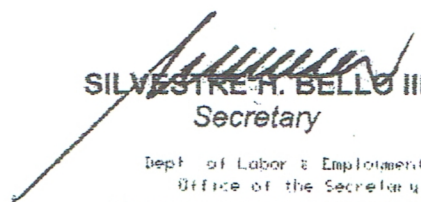
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- 5.4 In case of death, absence or unsuitability of both parents and in the absence of a legal guardian, the child's guardian shall be required to submit proof of relationship to the child and a Notarized Affidavit explaining the reason for exercising substitute parental authority over the child.

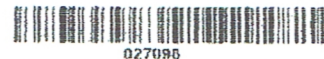
In accordance with Article 216 of the Family Code, the following shall be the order of preference on substitute parental authority:

- 5.4.1. child's surviving grandparent;
- 5.4.2. child's oldest brother or sister over 21 years of age, unless unfit or disqualified; and
- 5.4.3. child's actual custodian over 21 years of age, unless unfit or disqualified.

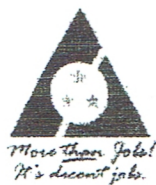
For your guidance and compliance.


SILVESTRE H. BELLO III
Secretary

Dept. of Labor & Employment
Office of the Secretary



21 MAR 2019



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

DEPARTMENT OF LABOR AND EMPLOYMENT	
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DEPARTMENT CIRCULAR NO. 2
Series of 2017

**GUIDELINES ON THE ISSUANCE OF WORK PERMIT FOR CHILDREN BELOW
15 YEARS OF AGE ENGAGED IN PUBLIC ENTERTAINMENT OR INFORMATION**

This Guidelines aims to guide the Department of Labor and Employment (DOLE) Regional/Provincial/Field Offices on the issuance of Working Child Permit pursuant to Republic Act No. 9231 (*An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose Republic Act No. 7610, as amended, Otherwise Known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act"*) and Department Order No. 65-04 (*Rules and Regulations Implementing Republic Act No. 9231 Amending R. A. No. 7610, as amended*).

Republic Act No. 9231 provides that children below 15 years of age shall not be employed, except:

- a. When a child works directly under the sole responsibility of his/her parents or legal guardian and where only members of his/her family are employed; or
- b. Where a child's employment or participation in public entertainment or information is essential.

In the above exceptional cases, the employer shall first secure a work permit from the DOLE before engaging the services of the child.

Department Order No. 65-04 defines public entertainment or information as "artistic, literary, and cultural performances for television show, radio program, cinema or film, theater, commercial advertisement, public relations activities or campaigns, print materials, internet, and other media".

1. Coverage of Working Child Permit

1.1 A Working Child Permit is required if a child below 15 years of age:

- 1.1.1 will be engaged in public entertainment or information, whether local or overseas, regardless of his/her role in a project, such as lead, supporting, guest, or regular extra. This includes projects which are non-profit, advocacy materials or political advertisements; or
- 1.1.2 is a foreign national and will be engaged in public entertainment or information in the Philippines; or
- 1.1.3 will be featured in a documentary material unless it is a school-related requirement or project; or
- 1.1.4 will be engaged as regular extra or as part of a crowd and is included in the script or storyboard; or

- 1.1.5 has been selected for a project after undergoing auditions, workshops or VTR screenings; or
- 1.1.6 has been selected as semi-finalist in a singing, dance or talent contest for a television show.
- 1.2 A Working Child Permit is not required if a child below 15 years of age:
 - 1.2.1 is a spot extra or is cast outright on the day of filming or taping of a project; or
 - 1.2.2 will join auditions or VTR screenings; or
 - 1.2.3 is part of the audience of a live television show unless the child's participation is expected; or
 - 1.2.4 is picked or chosen as a contestant from the audience of a live television show; or
 - 1.2.5 is a contestant of a singing, dance or talent contest for a television show before being selected as a semi-finalist; or
 - 1.2.6 is a recipient of gift-giving activities in television; or
 - 1.2.7 is a participant in school-related performance such as play, skit, or recital; or
 - 1.2.8 is a participant in sports activities, trainings or workshops aimed at developing the child's talent or skills.

2. Hours of Work of a Working Child

Republic Act No. 9231 provides that a child below 15 years of age may be allowed to work for not more than four (4) hours in any given day and not more than 20 hours a week. Such child is not allowed to work between 8:00 p.m. and 6:00 a.m. of the following day.

- 2.1 The maximum four (4) hours of work per day is inclusive of all projects of a child. Whether a child is engaged in only one (1) project or in several projects at any given day, his/her total work hours shall not exceed four (4) hours a day and not more than 20 hours a week. Night time scenes may be shot during daytime with the use of production facilities that can simulate night time.
- 2.2 Hours of work include: a) all time during which a child is required to be at a prescribed workplace; and b) all time during which a child is suffered or permitted to work. It is inclusive of wardrobe/costume fitting, make-up application, practice or rehearsal while in the workplace, including waiting time. Rest periods of short duration during work hours shall be counted as hours worked.
- 2.3 Sleeping time as well as travel time of a child from his/her residence to the workplace shall not be included as hours worked without prejudice to the application of existing rules on employee's compensation.



- 2.4 When a child's performance is scheduled beyond 8:00 p.m. such as during Awards Night, Christmas Special or New Year's Special, the television network may tape it prior to the live broadcast and play it at the scheduled time. The network concerned shall inform the DOLE Regional/Provincial/Field Office that the child's performance will be taped in advance and will be aired beyond 8:00 p.m.

3. Working Child Permit

3.1. Individual Permit

- 3.1.1. The Working Child Permit shall be kept by the child's parent or guardian and shall be brought every time the child goes to work.

- 3.1.2. Each Working Child Permit card can record five (5) projects of the child. It shall not be surrendered to the DOLE after five (5) projects but shall be kept instead by the child's parent or guardian.

3.2. Group Permit

For children engaged as regular extras appearing in a single project and without Working Child Permit yet, the DOLE Regional/Provincial/Field Office will issue a group permit.

4. Validity of Working Child Permit

Section 12 of Department Order No. 65-04 provides that the work permit shall state the period of its validity based on the employment contract or the application for work permit, as the case may be. However, the period of validity shall in no case exceed one (1) year.

- 4.1 In case there is a need to re-schedule the performance of the child outside the validity period indicated in the Working Child Permit, the employer shall notify in writing the DOLE Regional/Provincial/Field Office which issued the permit at least two (2) days prior to the performance of the work.
- 4.2 In case there is a need to extend the duration of the child's participation in a project, the employer shall secure another Working Child Permit from the DOLE Regional/Provincial/Field Office for the extended period.

5. Requirements for the Issuance of Work Permit

Section 9 of Department Order No. 65-04 provides for the requirements for the issuance of work permit. In complying with said requirements, the following shall be observed:

- 5.1 The application for Working Child Permit shall bear the signature of the employer and countersigned by an authorized network representative in the case of television.
- 5.2 The employment contract of the child shall specify his/her role, the duration (date/s and time schedule) of the child's participation, and the child's salary or compensation, among others. The contract shall also indicate if the child would receive due remuneration for appearances or guestings to promote a product, show or film. Moreover, the contract shall also include provisions stating the employer's compliance to child protection laws.

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- 5.3 The medical certificate issued by a licensed physician for the working child shall be valid within one (1) month from the date of issuance. The medical certificate shall contain the full name and signature of the physician and his/her license number.

6. Working Child Permit Application Process

- 6.1 The Working Child Permit application shall be filed by the employer, parent or legal guardian at the DOLE Regional/Provincial/Field Office having jurisdiction over the workplace of the child at least three (3) days prior to the shooting/taping/event.

- 6.2 In case the work will be done in more than one (1) workplace falling under the jurisdiction of more than one (1) DOLE Regional/Provincial/Field Office, the application shall be filed with the DOLE Regional/Provincial/Field Office having jurisdiction over the principal office of the employer.

However, at least two (2) days prior to the performance of the work, the employer and the DOLE Regional/Provincial/Field Office which issued the permit shall inform the DOLE Regional/Provincial/Field Office having jurisdiction over the workplace of the activities to be undertaken involving the child.

- 6.3 In case of succeeding applications, the previously issued Working Child Permit card shall be presented to the DOLE Regional/Provincial/Field Office which shall indicate that a new Working Child Permit card has been issued.

7. Orientation for Parents/Guardian of Working Child

The DOLE Regional/Provincial/Field Office shall conduct orientation on the salient features of Republic Act No. 9231 to the child's parents or guardian and employer, or the child himself or herself as may be appropriate prior to the issuance of Working Child Permit.

8. Role of Parents and Guardians

Parents/guardians shall be allowed to accompany the child during rehearsals, shootings, tapings or performance.

9. Employment of Spot Extras

In case there is a need to engage spot extras, the employer shall file at least two (2) days prior to the shooting or taping a notice with the DOLE Regional/Provincial/Field Office where the work is to be performed that it will undertake activities involving child work. The notice shall state the approximate number of child workers to be employed, the date, place and time the work is to be performed, and an undertaking that the employment shall be in conformity with Republic Act No. 9231 and Department Order No. 65-04. The names of the children engaged as spot extras shall be submitted to the DOLE Regional/Provincial/Field Office immediately after the shooting or taping.

10. Release of Working Child Permit

The DOLE Regional/Provincial/Field Office shall release the Working Child Permit to the parent or legal guardian or employer of the child. It may be released to the child's



guardian or to a representative of the employer provided that they present an authorization letter signed by the child's parent or legal guardian.

11. Loss of Working Child Permit Card

In case of loss of the Working Child Permit card, a new one shall be secured from the appropriate DOLE Regional/Provincial/Field Office. The applicant shall submit a notarized Affidavit of Loss and shall also secure clearance from all DOLE Provincial/Field Offices located within the concerned region, if applicable.

12. Monitoring of Shootings/Tapings/Performances

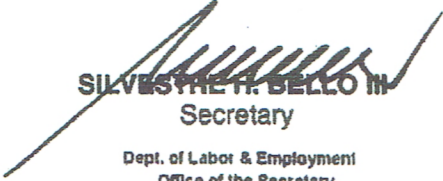
The DOLE Regional/Provincial/Field Offices shall conduct monitoring of shootings, tapings or performances to validate the information indicated in the Working Child Permit application.

13. Working Child Permit Records

The DOLE Regional/Provincial/Field Office is required to keep photocopy of all Working Child Permits that it has issued. Once the child has reached 15 years of age, the child's records can be disposed already.

This Guidelines shall take effect on 1 January 2018.

For your guidance and compliance.


SILVESTRE H. BELLO III
Secretary

Dept. of Labor & Employment
Office of the Secretary



30 OCT 2017