

[REPUBLIC ACT NO. 9547, April 01, 2009]

**AN ACT STRENGTHENING AND EXPANDING THE COVERAGE OF
THE SPECIAL PROGRAM FOR EMPLOYMENT OF STUDENTS,
AMENDING FOR THE PURPOSE PROVISIONS OF R.A. NO. 7323,
OTHERWISE KNOWN AS THE SPECIAL PROGRAM FOR
EMPLOYMENT OF STUDENTS**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled::

SECTION 1. Section 1 of R.A. 7323, otherwise known as the "Special Program for Employment of Students (SPES)", is hereby amended to read as follows:

"SECTION 1. Any provision of law to the contrary notwithstanding, any person or entity employing at least ten (10) persons may employ poor but deserving students fifteen (15) years of age but not more than twenty-five (25) years old, paying them a salary or wage not lower than the minimum wage for private employers and the applicable hiring rate for the national and local government agencies: *Provided*, that student enrolled in the secondary level shall only be employed during summer and/or christmas vacations, while those enrolled in the tertiary, vocational or technical education may be employed at any time of the year: *Provided, further*, That their period of employment shall be from twenty (20) to fifty-two (52) working days only, except that during Christmas vacation, employment shall be from ten (10) to fifteen (15) days which may be counted as part of the students' probationary period should they apply in the same company or agency after graduation: *Provided, finally*, That students employed in activities related to their course may earn equivalent academic credits as may be determined by the appropriate government agencies.

"For purposes of this Act, poor but deserving students refer to those whose parents' combined income, together with their own, if any, does not exceed the annual regional poverty threshold level for a family of six (6) for the preceding year as may be determined by the National Economic and Development Authority (NEDA). Employment facilitation services for applicants to the program shall be done by the Public Employment Service Office (PESO).

"Participating employers in coordination with the PESO, must inform their SPES employees of their rights, benefits, and privileges under existing laws, company policies, and employment contracts."

SEC. 2. Section 2 of the same Act is hereby amended to read as follows:

"SEC. 2. *Sixty per centum* (60%) of the said salary or wage shall be paid by the employers in cash and *forty per centum* (40%) by the government in the form of a voucher which shall be applicable in the payment for the students' tuition fees and books in any educational institution for secondary, tertiary, vocational or technical education: *Provided*, That local government units (LGUs) may assume responsibility for paying in full his salary or wages. The amount of the education vouchers shall be paid by the government to the educational institutions concerned within thirty (30) days from its presentation to the officer or agency designated by the Secretary of Finance.

"The vouchers shall not be transferable except when the payees thereof dies or for a justifiable cause stops in his duties, in which case it can be transferred to his brothers or sisters. If there be none, the amount thereof shall be paid his heirs or to the payee himself, as the case may be."

SEC. 3. Section 3 of the same Act is hereby amended to read as follows:

"SEC. 3. The Secretary of Labor and Employment, the Secretary of Education, the Chairman of the Commission on Higher Education, the Secretary of Budget and Management, the Secretary of Social Welfare and Development and the Secretary of Finance shall issue the corresponding rules and regulations to carry out the purposes of this act.

"The Secretary of Labor and Employment shall be the Program Chairman."

SEC. 4. Section 4 of the same Act is hereby amended to read as follows:

"SEC. 4. Any persons or entity who refuses to honor education vouchers or makes any fraudulent or fictitious claim under this Act, regardless of whether payment has been made, shall upon conviction be punished with imprisonment of not less than six (6) months and not more than one (1) year and a fine of not less than Ten thousand pesos (P10,000.00), without prejudice to their prosecution and punishment for any other offense punishable under the Revised Penal Code or any other penal statute.

"In case of partnerships or corporations, the managing partner, general manager, or chief executive officer, as the case may be, shall be criminally liable."

SEC. 5. Section 5 of the same Act is hereby amended to read as follows: