



Republic of the Philippines
Province of Davao Oriental
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
SP Complex, Government Center, Dahican
CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 42ND REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, APRIL 19, 2023 AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Hon. Niño Sotero L. Uy, Jr. Vice Governor – Presiding Officer

Regular Members:

District I

Hon. Nelson R. Dayanghirang, Jr.
Hon. Anna Cheryl N. Castro
Hon. Marietta D. Palmera
Hon. Andy A. Monday

District II

Hon. Shella Marie S. Go
Hon. Harold A. Montes
Hon. Rotchie M. Ravelo
Hon. Daud V. Linsag
Hon. Stephen Paul L. Uy

Ex-Officio Members:

Hon. Joselito B. Villademosa	President, Philippine Councilors League (PCL) - Davao Oriental Chapter
Hon. Rustan R. Castellones	President, Liga Ng Mga Barangay (LNB) - Davao Oriental Chapter
Hon. Eleuterio C. Manaytay	Indigenous Peoples Mandatory Representative (IPMR)

ABSENT:

Hon. Art Benjie C. Bulaong	SP Member, District I
Hon. Ronald T. Lara, Jr.	Sangguniang Kabataan Provincial Federation President (SKPFP)

PROVINCIAL ORDINANCE NO. 17-14-04-2023

Author : Hon. Marietta D. Palmera
Sponsor : Hon. Marietta D. Palmera

AN ORDINANCE ESTABLISHING PUBLIC EMPLOYMENT SERVICE OFFICE (PESO) AS REGULAR PROVINCIAL DEPARTMENT OFFICE IN THE PROVINCE OF DAVAO ORIENTAL AND CREATING ESSENTIAL POSITIONS FOR THE OPERATION OF THE SAID OFFICE, SUBJECT TO PERSONAL SERVICES LIMITATION.

WHEREFORE, on motion of SP Member Marietta D. Palmera, duly and jointly seconded by SP Members Stephen Paul L. Uy, Eleuterio C. Manaytay, Shella Marie S. Go, Daud V. Linsag, Nelson R. Dayanghirang, Jr., Anna Cheryl N. Castro, Andy A. Monday, Rotchie M. Ravelo, and Harold A. Montes, it was

Be it ordained by the 17th Sangguniang Panlalawaigan of Davao Oriental, by virtue of the powers vested in it by law, in session assembled, that:

SECTION 1. SHORT TITLE. This Ordinance establishing Public Employment Service Office in the Province of Davao Oriental shall be known as "PESO Davao Oriental Ordinance".

Marietta D. Palmera

Stephen Paul L. Uy

[Signature]

SECTION 2. SCOPE. This Ordinance shall govern the establishment, operation and maintenance of the Public Employment Service Office (PESO) in the Province of Davao Oriental.

SECTION 3. LEGAL BASIS. Republic Act 7160, otherwise known as the Local Government Code of 1991 (Book 1, Title 1, Chapter 2, Sections 16 and 17) provide articles concerning social welfare, labor and employment, implying PESO activities from the viewpoint of "Right of Work" of the people.

Republic Act 8759, otherwise known as Public Employment Service Act of 1999, as amended by Republic Act 10691, signed into law on October 26, 2015, mandated that there shall be established in all provinces, cities, and municipalities a Public Employment Service Office, hereinafter referred to as "PESO", which shall be operated and maintained by Local Government Units (LGUs).

SECTION 4. DECLARATION OF POLICY. Pursuant to Section 76, Title III of the Republic Act No. 7160 also known as the "Local Government Code of 1991", the Local Government Units (LGUs) may create positions based on their priority needs and financial capability, provided that they conform to the guidelines set forth in the Department of Budget Management (DBM)'s Local Budget Circular No. 61, dated March 18, 1996.

SECTION 5. DEFINITION OF TERMS. The terms used in this Ordinance shall mean the following:

- a. Ordinance – refers to PESO Davao Oriental ordinance;
- b. 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;
- c. DOLE - refers to the Department of Labor and Employment;
- d. 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);
- e. 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 PESO's;
- f. 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;
- g. 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;
- h. 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

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- DOLE that provides employment facilitation services to its students and graduates, and coordinate its activities with the LGU PESO;
- i. 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;
 - j. 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;
 - k. LGU Public Employment Services 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;
 - l. Multi-dimensional employment service facility - refers to employment service facility that's provides livelihood, labor 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;
 - m. 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.

SECTION 6. OBJECTIVES. The PESO, in general, shall ensure the prompt, timely and efficient delivery of employment service and provision of information on the other programs of the Department of Labor and Employment (DOLE). Specifically, the PESO shall:

- a. Provide a venue where people could explore simultaneously various employment options and actually seek assistance they prefer;
- b. Serve as referral and information center for the various services and programs of DOLE and other government agencies present in the area;
- c. Provide clients with adequate information on employment and labor market situation in the area; and
- d. Network with other PESO's within the region on employment for job exchange purposes.

SECTION 7. FUNCTIONS. The Public Employment Service Office (PESO) shall have the following functions, as per Republic Act 8759, otherwise known as Public Employment Service Act of 1999, as amended by Republic Act 10691:

- a. Encourage employers to submit to the PESO on a regular basis a list of job vacancies in their respective establishments in order to facilitate the exchange of labor market information (LMI) services to job seekers and employers by providing employment services to job seeker, both for local and overseas employment, and recruitment assistance to employers;
- b. Develop and administer testing and evaluation instruments for effective job selection, training and counseling;
- c. Provide persons with entrepreneurship qualities access to the various livelihood and self-employment programs offered by both government and non-governmental organizations at the provincial, city, municipal, barangay levels by undertaking referrals for such programs;

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- d. Undertake employability enhancement trainings/seminar for jobseekers as well as those who would like to change career or enhance their employability;
- e. Provide employment and occupational counseling, career guidance, mass motivation and values development activities;
- f. Conduct pre-employment counseling and orientation to prospective local and overseas workers;
- g. Provide reintegration assistance services to returning Filipino migrant workers;
- h. Prepare and submit to the local sanggunian an annual employment plan and budget including other regular funding sources and budgetary support of the PESO; and
- i. Perform such functions as to willfully carry out the objectives of this Ordinance.

SECTION 8. PESO SERVICES OFFERED. In addition to the functions enumerated in the preceding section, the PESO shall also undertake the following priority programs and activities:

- a. *Job Fairs.* These shall be conducted periodically all over the country to bring together in one venue job seekers and employers for immediate matching;
- b. *Livelihood Assistance and Skills Training.* These will give clients options on the array of livelihood programs and provision of capability development through skills training in partnership with TESDA, DTI and other related agencies that facilitates community training and employment services.
- c. *Special Credit Assistance for Placed Overseas Workers.* This type of assistance will enable poor but qualified applicants to avail of opportunities for overseas employment;
- d. *Special Program for Employment of Students and Out-of-School Youth (SPESOS).* This program shall endeavor to provide employment to deserving students and out-of-school youths coming from poor families during summer and/or Christmas vacations as provided for under Republic Act No. 7323 and its implementing rules, to enable them to pursue their education;
- e. *Educational Assistance Program.* Since education is a primordial requirement to employment, the PESO shall facilitate provision of financial assistance, subject to funds availability, to indigent but deserving tertiary school students both private and public tertiary institutions.
- f. *Wage Employment Program.* Temporary employment program for disadvantaged workers such as displaced OFWs, retrenched/displaced workers, graduate pilot employment, PWDs, and out-of-school youths (OSYs) with up to three (3) months working period;
- g. *Emergency Employment Program.* An emergency employment response to any affected natural or man-made disasters/calamities;
- h. *Work Appreciation Program (WAP).* This program aims to develop the values of work appreciation and ethics by exposing the young to actual work situations;
- i. *Workers Hiring for Infrastructure Projects (WHIP).* This program is in pursuance of Republic Act No. 6685 which requires construction companies, including the Department of Public Works and Highways (DPWH) and contractor for government-funded infrastructure projects, to hire thirty percent (30%) of skilled and fifty percent (50%) of unskilled labor requirements from the areas where the project is constructed/located; and
- j. Other programs/activities developed by DOLE to enhance provision of employment assistance to PESO clients, particularly for special groups of

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disadvantaged workers such as persons with disabilities (PWD's) and displaced workers.

SECTION 9. CREATION OF ESSENTIAL POSITIONS UNDER PESO. Pursuant to DOLE Department Order No. 157-16 "Implementing Rules and Regulations of RA 8759, otherwise known as the PESO Act of 1999, as amended by RA No. 10691", dated June 22, 2016, under Section 2.2 Salary Grade of LGU Department Head (PESO Manager). "The Salary Grade of PESO Manager shall be equivalent to that of the Department Head according to the income classification of the LGU"; and Section 3, Personnel Structure of the LGU PESO, the following essential positions shall be created based on the PESO personnel structure with corresponding Salary Grade and shall follow the minimum qualification requirements prescribed by the CSC law:

1. Provincial Government Department Head (PESO Manager) – SG 26
2. Provincial Government Assistant Department Head (Chief Labor and Employment Officer) – SG 24

SECTION 10. FUNDING AND APPROPRIATION. The Provincial Government of Davao Oriental shall provide in its Annual Budget a sufficient fund necessary to maintain and improve PESO operations.

SECTION 11. SEPARABILITY CLAUSE. Should any portion of this Ordinance be found unconstitutional or otherwise invalid by a court of proper jurisdiction, all remaining provisions shall remain in effect and shall not be affected by the ruling on the invalid section.

SECTION 12. REPEALING CLAUSE. All ordinances, executive orders and administrative issuances or part thereof which are inconsistent with this ordinance are hereby repealed or modified accordingly.

SECTION 13. EFFECTIVITY. This Ordinance shall take effect immediately upon approval.

ENACTED: APRIL 19, 2023

CARRIED, by twelve (12) affirmative votes of SP Members Nelson R. Dayanghirang, Jr., Shella Marie S. Go, Anna Cheryl N. Castro, Harold A. Montes, Rotchie M. Ravelo, Daud V. Linsag, Stephen Paul L. Uy, Marietta D. Palmera, Andy A. Monday, Joselito B. Villademoso, Rustan R. Castellones, and Eleuterio C. Manaytay; negative votes – none; and abstention - none.

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I hereby Certify to the Correctness
of the foregoing Ordinance.


MAXIMINO A. NAZARENO II
Secretary to the Sangguniang Panlalawigan





**Attested and Certified
to be duly Adopted:**


NIÑO SÓTERO L. UY, JR.
Vice Governor and Presiding Officer

APPROVED:


CORAZON N. MALANYAON
Governor

Date approved and signed APR 27 2023

