

were informally identified as employing young workers added one apprentice each in the sample. The sample reached 14 apprentices employed in nine firms.^{14/}

Twelve parents of the sampled apprentices were interviewed.

The firm, apprentice and parent/guardian sample distributions by industry are summarized in Table 15.

A serious limitation of the data is the small size of the samples. It was very difficult to find the target firms employing workers who were younger than 15 years old. The apprenticeship agreements or contracts filed with the Bureau of Apprenticeship are public records, hence are carefully specified (possibly falsified) by firms and apprentices, especially with regard to the ages and wages of the apprentices.

Table 16 gives a count of the employed apprentices for the first ten months of 1979. The number of employed apprentices who were younger than 15 were very few (ranging from 0 to 7) compared to those who were 15 years old and above (ranging from 720 to 3,210). Probably, more young apprentices were employed but were not made to sign apprenticeship contracts.

^{14/} Two firms were included in the firm sample, i.e., interviewed without any employee representative in the employee sample while six employees were interviewed whose firms of employment were not included in the firm sample.

Table 15

FIRM, EMPLOYEE AND PARENT/GUARDIAN
SAMPLE DISTRIBUTIONS BY INDUSTRY, DECEMBER 1979

ISIC Code*	Industry	Sample Size		
		Firm	Employee	Parent/Guardian
3130	Beverage industries		1	
3220	Manufacture of wearing apparel except footwear	2		
3240	Manufacture of footwear		1	1
3300	Manufacture of wood products	1	1	1
3320	Manufacture of furniture and fixtures	2	5	4
3839	Manufacture of electrical apparatus (Semi-conductor devices)	1	1	1
3852	Manufacture of photographic and optical goods		1	1
6200	Retail trade (Electrical accessories and supplies)		1	1
7132	Services incidental to transport (Aircraft maintenance)	1	1	1
8329	Business services not elsewhere classified (Silk screening)		2	2
T O T A L		7	14	12

* International Standard Industrial Classification

Table 16

MONTHLY COUNT OF EMPLOYED APPRENTICES
BY BROAD AGE GROUPING IN METRO MANILA, 1979

Month	Number of Apprentices Employed	
	Younger than 15 Year Old	15 Years Old and Above
January	1	720
February	0	2,610
March	3	2,415
April	0	1,140
May	7	2,340
June	5	2,880
July	6	3,210
August	2	1,950
September	6	2,970
October	3	2,010
Total No. of Firms in Metro Manila Employing Apprentices: 732		

Source: Apprenticeship Division, Bureau of Apprenticeship,
Ministry of Labor and Employment.

The total number of firms employing apprentices in Metro Manila in 1979 was 732. Of these firms, only 14 were on record as employing apprentices aged 15 years with previous work experiences and those younger than 15 years. The final size of the firm sample was even smaller because of the refusal of seven firms to be included in the survey. Only seven firms agreed to be interviewed and only one allowed the inspection of their production or work site. The apprentices sampled were mostly interviewed outside the firm's premises and without their firm's consent. It was this sensitivity of firms employing young apprentices which prevented this exploratory study from getting a good first glimpse of child or youth employment in the formal sector.

C. Case Study on Youth Employment in Metro Manila

This section describes a number of firms employing young apprentices in Metro Manila. It is followed with the profile of a sample of young apprentices and finally the characteristics of the young apprentices' parents or guardians and their attitudes toward youth employment.

1. Firms Employing Young Apprentices in Metro Manila

Eight firms, seven of which were in manufacturing and one in services comprise the firm sample (see Appendix B for the individual cases).

On the whole, the firms were relatively new. Most of them were big companies in terms of sales volume and the minimum employment of at least a hundred. Among those with employment data by tenure, the apprentices comprised 16 to 69 per cent of the total employment by firm which in absolute terms, ranged from 41 to 251 employees.

The recruitment of apprentices was usually done through company-employee referrals, advertisements and walk-in applications. The qualifications of would-be apprentices required by the company varied although many required a high school or vocational diploma, an age requirement of at least 15 years and the passing of a medical/physical examination or an I.Q. examination. The average daily wage of apprentices also varied. Some paid their apprentices 75 per cent of the minimum wage (P9.75) while others paid the minimum wage (P13.00). Some were paid by piece, others on a daily, weekly, or monthly basis. The length of apprenticeship agreement ranged from 3 - 6 months to a year.

The different firms in the sample had a relatively uniform basis for granting permanent status to their apprentices. They required a satisfactory performance rating by a supervisor after the termination of the apprenticeship period.

The firms, with the exception of one, gave standard employee's fringe benefits provided by law such as social security insurance,

medicare, sick leave, hospitalization, 13-month pay, worker's injury compensation and cost of living allowance.

2. The Profile of a Sample of Young Apprentices in Metro Manila

Fourteen young apprentices comprise the sample.

Socioeconomic characteristics. Most of them (8 out of 14) were born in Metro Manila and neighboring areas while six came from the Visayas and Bicol regions. Their ages ranged from 14 to 17 years. Two of the 9 males were 14 years old, six were 15 years old and one 17, while one of the 5 females was 14 years old and four were 15 year-olds. All of them were single. Four of the 15 year-olds had no dependents, another four had 4 to 6 dependents, one had 13, the 17 year-old had 10 and the three 14 year-olds came from households with 5 to 14 dependents.

The average monthly income of the 12 households ranged from less than ₱300 to less than ₱1,000. The other two belonged to the income bracket of ₱1,000 and over. Eleven out of the fourteen had other sources of family income. Half had fathers who were also working. Only three had no other working family member. Only two had other sources of income aside from labor income.

Their educational attainments ranged from grade 5 to high school. Four reached only the elementary while ten had some high school education.

Six of the fourteen had some work experience ranging from 1 to 2 months to a year's time on jobs as a (paint) scrapper and seamstress. They earned monthly incomes of ₱120 to ₱300. However, they left their previous jobs due to the low salary, change of residence, the company closed down, and one went back to school.

Practically all the reasons given for working were economic: each had to earn a living to support oneself and help parents and family. The rest who gave noneconomic reasons cited non-admission to school by one and the desire to be busy in the case of two.

Recruitment and apprenticeship. Almost all (with the exception of only one) learned about their jobs through company-employee referral by either relatives or friends. One was referred by a guardian, two by their fathers, four by relatives, one by a friend. Only one was a walk-in applicant. The hiring requirements for apprenticeship varied from some form of skill experience, and/or passing an aptitude and mental test, or none. Ten signed apprenticeship agreements or contracts. Eleven were informed of the company's conditions of employment before job entry, although only two could tell the duration of the contract (3 months for one and 9 months for the other). It is possible that they did not pay too much attention to the contract especially if they were accompanied by an elder person such as a parent or a relative when they applied for the apprenticeship.

Their apprenticeships were in the following trades: three in weaving, one in printing, one in furniture making, one in wood lamination, one in varnishing and one in semi-conductor welding.

Six were confident of becoming permanent employees in the same company after apprenticeship. Three had been with the company from one to three months, nine were in the company from five to seven months and one for a year. Four were not employed continuously because two were studying, one who gave the reason that he was just an "extra" turned out to be a seasonal worker, and the other felt lazy. Five had been given promotion in terms of pay increases for seniority or length of service. Six resided inside the company compound, another six resided near the company compound and the rest were living far from the company.

Terms and Conditions of Employment. Of the twelve apprentices who gave information on their wages, eleven worked daily for eight hours and one for ten hours. Their daily wages ranged from ₦8 to ₦13 and some received an additional emergency living allowance of ₦1 to ₦2. One was paid on piecework basis. Thirteen were paid their wages weekly while one received his bi-monthly. The fringe benefits enjoyed by the apprentices included combinations of the following: vacation leave, sick leave with pay, social security insurance, medicare, use of company clinic and other medical benefits, time-off for yearly medical/dental examination, 13-month

pay, cost of living allowance, annual bonus, company provided credit.

Those (4) who were familiar with the work scheme of their firms all indicated the use of production quotas for workers or group of workers. All of them worked during the day shift starting at the earliest 6:00 a.m. and ending at the latest 7:00 p.m. Most of them had two fifteen-minute breaks from work daily other than their lunch break. Their rest day during the week was Sunday.

Nine out of the fourteen did overtime work and four indicated they had no choice about it. Overtime work with pay ranged from two to five hours per day. The number of days with overtime work per month varied: 4 days for some, 10 days for one and 12 days for another.

Apprentices' Attitudes Toward Their Employment and Aspirations. This section of the profile will have to be interpreted more cautiously than the preceding three sections because the interviewees are young apprentices who might not yet be sure of what they like or want in life. This becomes obvious in their answers to some of the questions in the questionnaire.

When asked what they liked about their present job, twelve answered the nature of the job which may be interpreted to mean

the apprenticeship training. To the question of what they did not like about their present job, one answered the job schedule, another the odor of the rugby which caused him dizziness, and two others the nature of their jobs (finishing and rotation). When asked whether they wanted to stay in their present job, only seven said they would, two said no, three were uncertain. Eight gave reasons for staying in their present jobs: three said they liked their job, one to help parents, two because all the family members were also working in the same place, one that it was hard to find another job, and another needed a job to earn a living. Six who did not want to stay in the job even if given permanent tenure gave the following reasons: three felt their jobs to be very taxing physically, two wanted better jobs, one wanted to go back to the province, and one was going back to school.

When asked to indicate their preference between studying and working, five wanted to study, four wanted to work and two wanted to do both at the same time. When checked by another question which is supposed to give the same information, nine wanted to go back to school and only three did not. The reasons given for wanting to go back to school were to have a better and stable job and to fulfill a dream. The three who did not want to go back to school gave the reasons - feeling lazy, would rather work since he had no option to do both, and the third was afraid that he might go astray by joining a gang in school.

Finally, they were asked what their lifetime dream was. Most wanted to finish high school, become a secretary, a weaver, a midwife, policeman, and finish commerce. The others gave more general aspirations such as: to have a stable job, to work in an office, to have a better life and the most general was to live.

3. Characteristics of the Young Apprentices' Parents/Guardians and Their Attitudes Toward Youth Employment and Schooling

Of the eleven fathers, seven finished elementary levels ranging from grades 3 to 6, two reached first year high school and two reached second year college. Out of the eight mothers, six reached elementary levels ranging from grades 3 to 6, two reached high school, none reached college. For the two guardians, one reached grade 6 and the other first year college.

There were at least 2 to 5 earning members per household. Eight households had 2 earners, their household sizes ranged from 6 to 9 members. Two households of family sizes 5 and 11 had 3 earners each. One household with 4 members had 4 earners while the last household with 14 members had 5 earners. If one looks specifically at the number of earning children instead of only counting the additional earners, one finds that at least 1 child is earning in eight households whose number of children ranged from 3 to 7. Two households with 5 and 10 children had 2 earning children. Two households with 4 and 12 children had 4 earning children.

The parents were asked why they had other older children who were not working. Of the eight who responded, four indicated that their older children were studying while the other four said they were married.

Of the ten parents who responded, nine indicated that if they had the opportunity and the means, they will send their working child to school. One, however, indicated that his working child did not like to go to school any more. The parents' explanations to their children's employment at the age of 15 years old or younger were: (1) their children were school dropouts, (2) their children opted to work rather than go to school, and (the most common response) (3) another earning member would augment the very low family income.

All the eleven parents who responded to the question whether they preferred their child to pursue studies if education were free, answered yes. They all wanted their working child to go back to school because they believed that finishing one's studies is an assurance of a better job and future. Eight parents indicated their plans to try and make their child finish his studies.

On the whole, the responses of the twelve parents or guardians indicated the pervasive economic reason for having a working child who is only 15 years old, that the family income was

too low. The parents all wanted a better future for their children and felt that had it not been for lack of financial means and opportunity, their children would finish their studies.

This empirical description of apprenticeship which included the firms of employment, the characteristics of the apprentices and their terms of employment and aspirations, and the attitudes of the parents or guardians have to be interpreted very carefully. The three types of respondents had reasons to give inaccurate information. Firms employing young workers and the parents with young working children tend to give defensive answers, the former because of their possible violation of labor legislation, the latter because of a feeling of inadequacy concerning their failure to send their children to school. The young apprentices on account of their age tend to be less knowledgeable about even their terms of employment and less sure of their likes, dislikes and aspirations. What this survey reveals is the great difficulty in attempting an empirical study of youth employment. A survey like this might be best done by the government who has the authority to inspect firms.

V. GOVERNMENT REGULATION OF CHILD AND YOUTH LABOR

This chapter discusses the evolution of legislation concerning the welfare of children and the youth. It covers the 1920s when the first Child Labor Law was enacted and ends with the Labor Code and the Child and Youth Welfare Code of the 1970s. In 50 years, the legislation that took shape emerged to be most comprehensive and adequate. The role played by the International Labour Organization (ILO) in the evolution of Labor Code provisions on working minors is also discussed.

This chapter also describes the various programs and projects on child and youth welfare by different government institutions. The Ministry of Labor and Employment through its Bureau of Women and Minors has the primary function of promoting the welfare of working minors. However, other agencies are also involved in the promotion of child and youth welfare which include, among others, the Council for the Welfare of Children and Youth, the National Manpower and Youth Council, the Ministry of Education and Culture, and the Ministry of Social Services and Development.

Finally, an evaluation of government enforcement of legislation on child and youth employment is presented.

A. Legislation on Child and Youth Labor: 1923-Present

Legislation on child labor in the Philippines had its beginnings on May 1, 1913 when the first Congress of Labor met in Manila.^{15/} The Congress passed a resolution for the enactment of a law regulating the employment of children. The move was prompted by the fact that during this time young workers aged 10 to 16 years were already found working in cigar and cigarette factories, candy and bottle factories, lumber yards, mines and farms.

It was only ten years later on March 16, 1923, however, when Act No. 3071 entitled "An Act to Regulate the Employment of Women and Children in Shops and Factories, Industrial, Agricultural and Mercantile Establishments and Other Places of Labor in the Philippines and to Provide Penalties for Violations Hereof and for Other Purposes," was passed by the Philippine legislature. This Act established for the first time the standards for the employment of women and young workers. Essentially, the Act required that employment of children must not be harmful to their health and normal development. The three age groups whose standards of employment were specifically mentioned were: those below 14 years of age, below 16 years and finally those below 18 years of age.

^{15/}R. Isidro, "Child's Right to Labor," Philippine Labor, Vol. II, No. 7, (July 19, 1963), p. 30.

Act No. 3071 was effective for almost a quarter of a century.

On April 15, 1952, Republic Act No. 679 entitled "An Act to Regulate the Employment of Women and Children, to Provide Penalties for Violations Hereof and for Other Purposes," was approved. Otherwise known as the Woman and Child Labor Law, it sought to provide a more extensive protection for both women and children.^{16/} Six months after, the implementing rules of Republic Act No. 679 were issued.

^{16/} In the previous law, for example, firms could not employ children below 14 years old on school days unless the child concerned already knew how to read and write. With the advent of Republic Act No. 679, the same provision was made with the added requirement that the ability of a child to read and write must be evidenced by an educational certificate. In addition, even if the child knew how to read and write, the new law specifically provided that the employment did not prejudice the child's attendance in school and if ever employed, must only perform light work. Regarding the employment of children below 16 years old, specific industrial undertakings wherein the children could not be employed are enumerated under Republic Act No. 679. This made protection to minors below 16 years old more extensive and specific than in the previous Act. As to employment of persons below 18 years of age, an important provision in Republic Act 679 not found in Act 3071 was that which required the then Secretary of Labor to authorize from time to time a specification of the type of work considered dangerous to life and health. Another new feature in Republic Act 679 was the requirement that no person below 18 years of age shall be admitted to employment without a medical examination of such person made for the purpose of determining his fitness for employment. The employer was further obliged to have such person medically examined at least every six months and in occupations involving high health risks the Secretary of Labor may require the employer to have such person medically examined until the age of 21.

Since 1952, Republic Act No. 679 was amended three times, first by Republic Act No. 1131 (June 16, 1954) then by Republic Act No. 6237 (June 19, 1971) and finally by Presidential Decree No. 148 (March 14, 1973). The Bureau of Women and Minors created in 1960 by Republic Act No. 2714 is responsible for enforcing the Woman and Child Labor Law.

Republic Act No. 1131 amended sections, 3, 7 and 12 of Republic Act No. 679 and in the process made more extensive and effective the Woman and Child Labor Law. The amendment to Section 3 added the requirement that the then Secretary of Labor would give notices to persons concerned on the occupations which involved serious danger to the life and health of an employee. (Section 7 pertained to the employment of women and is not covered by this study.) Section 12 which covered the violations and penalties committed by any woman or child was amended making it unlawful for any employer to discharge any woman or child employed by him for any cause that was not attributable to the fault of such employee.

Continuation of Footnote # 16

Under Act 3071, a minor above 16 years old though below 18 might be employed for night work. Under Republic Act 679, however, the employment of this group of children was allowed only up to ten o'clock in the evening provided that the minors were given a rest period of 13 consecutive hours between two working periods. A final feature in the new law was the provision requiring the written consent of parents or guardians for any person below 18 years of age to be employed.

Seventeen years after, on June 19, 1971, more amendments to Republic Act No. 679 were introduced by Republic Act No. 6237. Section one amended the age requirement for children to be employed to perform light work from "age 14 and below" to "between 12 and 15 years of age." It was also provided that the Secretary of Labor or his duly authorized representative should specify the types of employment which might be considered light. In addition, with or without compensation, no child between 12 and 15 years of age will be allowed to work on school days unless such child knew how to read and write. The employment of any child below 12 years of age in any kind of work including domestic service and street trades was also declared unlawful. This last provision, however, did not apply to work performed outside school hours in the home or farm enterprise of the child's parent or guardian. This minimum employable age, in effect, was set at 12 years. As to the employment of children 16 to 18 years of age, the amendments specified in more detail the types and places of work not allowed for these children.

Night work may be allowed under some circumstances and subject to the conditions specified in the ILO Convention No. 90 on Night Work of Young Persons, ratified by the Philippines in 1953. This means that persons under 18 years of age, are prohibited to work between 6:00 p.m. and 7:00 a.m. of the following

day. The ILO Convention provided that a competent authority may prescribe different intervals for different undertakings subject to consultation among employers' and workers' organizations concerned. It likewise stated that minors in this age group employed in night work will be granted a rest period of at least 13 consecutive hours between two working periods. However, the prohibition of night work may be suspended by the government for these minors when public interest required it.

More amendments were introduced to the Woman and Child Labor Law by Presidential Decree No. 148 on May 13, 1973.

The first major amendment raised the minimum employable age of minors to 14 years which under Republic Act No. 679, as amended, was 12. Exceptions to this general rule were provided. Thus, a child below 14 years may be employed as long as he is "directly under the sole responsibility of his parent or guardian, involving activities ... that are not hazardous in nature and do not in any way interfere with the child's schooling." In addition, the law no longer restricted the night work of a child below 14 years old to home or farm enterprise of the child's parent or guardian but explicitly required that the work be non-hazardous.

The entire amended section 2 of Republic Act No. 679 was repealed by P.D. 148 placing minors between 14 and 18 years of age on the same status as adults on matters of employment terms and

and conditions subject only to the requirement that the work be non-hazardous as determined by the Secretary of Labor. The then Department of Labor issued Labor Department Order No. 4 on June 8, 1973 which listed the occupations considered hazardous to young workers. (Appendix C).

The following provisions on child labor were unchanged since 1971:

1. Before being employed, a person below 18 years must show a medical certificate issued by a qualified government physician or any other physician approved by the then Secretary of Labor.

2. The employer must have his employee below 18 years medically examined at least every 6 months or oftentimes as the then Secretary of Labor may require in exceptional cases involving high health risks.

3. No minor below 16 years may work for more than 7 hours a day or 42 hours weekly and between 6 p.m. and 7 a.m. the following day.

4. No child who is 16 years but below 18 may work in any place between 6 p.m. and 7 a.m. the following day.

5. No exception for young persons of either sex to the prohibition of night work shall be allowed under circumstances and conditions specified in the ILO Convention No. 90 on night work of young persons.

6. Before being employed, a minor below 18 years must show the written consent of his parent, guardian or person having custody over him.

On May 17, 1973, the Rules and Regulations Implementing Presidential Decree No. 148 was promulgated.

By 1974, the Woman and Child Labor Law was repealed by Presidential Decree No. 442, better known as the Labor Code of the Philippines. Ratified by the National Tripartite Congress on April 28, 1973, signed into law on May 1, 1974, and made effective on November 1, 1974, the Decree sought to institute a labor code which would revise and consolidate the different labor and social laws.

The minors as a group of workers and women are treated as a special group of employees in the Labor Code.^{17/} The Labor Code in its first edition set the minimum employable age at 14. Any minor below 14 years, however, can only work under the responsibility of his parents or guardians. It further stipulated that the work engaged in by the minor must be non-hazardous in nature and do not in any way interfere with his schooling. In so far as age eligibility for employment is concerned, the Labor Code allows any person between 14 and 18 years to be employed provided that the work involved is non-hazardous and the number of work hours is determined by the Minister of Labor in appropriate regulations. The Labor Code also included an anti-discrimination clause against any person on account of his age.

Of the various amendments to the Labor Code, P.D. 850 (December 16, 1975) directly affected provisions on the employment

^{17/} Title III, Chapter II, Articles 139 and 140 of the Labor Code.

of minors. It raised the minimum employable age to 15 years.

On December 10, 1974, Presidential Decree No. 603 otherwise known as the Child and Youth Welfare Code was promulgated. In effect, the Decree codified the laws on rights and responsibilities of persons below 21 and of parents, as well as, substantive and procedural provisions on children and youth with respect to the home, church, community, samahan (refers to the aggregate of persons working in commercial, industrial, and agricultural establishments or enterprises, whether belonging to labor or management), education and the state. This Code is the first comprehensive legislation on child and youth welfare. It includes among others the basic principles concerning the youth embodied in the Revised Civil and Penal Code of the Philippines.^{18/} The Child and Youth Welfare Code also introduced fundamental reforms such as the register of working children and the right to self-organization. In addition, it adopted the provisions of the Labor Code concerning employment conditions of working children.^{19/}

Moreover, the Child and Youth Welfare Code specified that the employer shall submit to the Ministry of Labor a report on all children employed by him and a separate report on the handicapped

^{18/} See Appendices D and E for summaries of the pertinent provisions of the Civil Code and Revised Penal Code of the Philippines.

^{19/} Title VI, Chapter 2, Article 107 of the Child and Youth Welfare Code.

among them. The Minister of Labor shall then refer such handicapped children to the proper government or private agencies for vocational guidance, physical and vocational rehabilitation, and placement in employment.

With respect to labor-management relations, working children, as provided for in the Code, shall have the freedom as adults to join a collective bargaining union of their own choosing in accordance with existing law.^{20/} Neither management nor any collective bargaining union shall threaten or coerce working children to join, continue or withdraw as member of such union.

In addition, adequate assistance to the working youth was stipulated through the formation of "Samahan", which may be organized to provide the needed training at the barangay, municipal or city level representing both labor and management. Other than the "Samahan", management is enjoined by the Child and Youth Welfare Code to provide in-service training programs and educational assistance to working youth.

The Code also included other non-labor issues, affecting the development of children such as education, health and nutrition, justice and social services. Specifically, the rights and responsibilities of both the parents and the child were enumerated.

^{20/} Title VI, Chapter 3, Article 111 of the Child and Youth Welfare Code.

Further, the Code enjoins the home, the community and the state to maintain an atmosphere conducive to the proper upbringing of children particularly with respect to their preparation for adult life. The provisions regarding youthful offenders are basically the same as those contained in the Revised Penal Code.

The legislation on child labor in the Philippines have followed the 1935 Constitutional mandate which says that the State "shall afford protection to labor especially to working women and minors."^{21/} This mandate was carried over to the 1972 Constitution, Section 5, Article II which provides that the State "recognizes the vital roles of the youth in nation-building and shall promote their physical, intellectual and social well-being."

In addition, our child and youth welfare laws have been influenced by some International Labour Organizations' Conventions on Youth which were ratified by the Philippine Government. A discussion of these ratified conventions and the role played by the ILO is therefore in order.

International Labour Organization's Conventions on Youth
Ratified by the Philippine Government. Table 17 shows a total of seventeen Conventions on Youth, three were ratified by the Philippine Government. Ratification means commitment to observe the provisions of such conventions.

^{21/}Section 6, Article XIV of the 1935 Philippine Constitution.

Table 17

INTERNATIONAL LABOR ORGANIZATION'S
CONVENTIONS ON YOUTH

Convention No.	Nature of Convention	Year
5	Fixing the Minimum Age for Admission of Children to Industrial Employment	1919
6	Night Work of Young Persons Employed in Industry	1919
7	Fixing the Minimum Age for Admission of Children to Employment at Sea	1920
10	Age for Admission of Children to Employment in Agriculture	1921
15	Minimum Age for the Admission of Young Persons to Employment as Trimmers or Stakers	1921
16	Compulsory Medical Examination of Children and Young Persons Employed at Sea	1921
33	Age for Admission of Children to Non-Industrial Employment	1932
58	Fixing the Minimum Age for the Admission of Children to Employment at Sea (Revised 1936)	1936
59	Fixing the Minimum Age for Admission of Children to Industrial Employment (Revised 1937)	1937
60	Age for Admission of Children to Non-Industrial Employed (Revised 1937)	1937

Table 17 (Cont'd.)

Convention No.	Nature of Convention	Year
77	Medical Examination for Fitness for Employment in Industry of Children and Young Persons	1946
78	Medical Examination of Children and Young Persons for Fitness for Employment in Non-Industrial Occupation	1946
79	Restriction of Night Work of Children and Young Persons in Non-Industrial Occupations	1946
90	Night Work of Young Persons Employed in Industry (Revised 1948)	1948
112	Minimum Age for Admission to Employment as Fishermen	1959
123	Minimum Age for Admission to Employment Underground in Mines	1965
124	Medical Examination of Young Persons for Fitness for Employment Underground in Mines	1965

Source: ILO Conventions and Recommendations Adopted by the International Labour Conference, 1919-1966 (Geneva, 1966).

The first ILO Convention on Youth ratified by the Philippine Government on December 29, 1953 was ILO Convention No. 90 adopted in 1948 concerning night work of young persons. Provisions of the said convention prohibit the employment of young persons under 16 years for night work defined as the period between 10:00 p.m. and 6:00 a.m. of the next day. This same requirement for night work applies to minors between the ages 16 and 18 years old. For the latter age group, however, this requirement may be suspended by the government when public interest demands it.

The second ILO Convention on Youth ratified by the Philippine Government on November 17, 1960 was ILO Convention No. 77 adopted in 1946. This Convention requires the medical examination of young persons working in industry. Among others, it prohibits the employment of children and young persons under 18 years unless they have been found fit for the work specified, requires issuance of a medical certificate of fitness for employment, requires continued employment of young persons subject to medical examinations at intervals of not more than one year and finally, that the medical examination required shall not be at the expense of the child or young person, or his parents.

On December 17, 1960, the Philippine Government ratified ILO Convention No. 59 on minimum age (revised) adopted in 1937. This ILO Convention prescribes a minimum age of 15 years for the industrial

type of employment whether public or private. However, the ILO Convention by way of exception permits children under 15 years to work in non-hazardous undertakings in which only members of the employer's family are employed. Further, the Convention requires every employer in an industrial undertaking to keep a register of all persons under the age of 18 years employed by him and of the dates of the minors' births.

The Labor Code of 1974 did not contain any provision prohibiting night work of children nor did it provide a rest period of at least 13 consecutive hours between two periods of night work. The ILO Committee of Experts on the Application of ILO Conventions and Recommendations called the attention of the Philippine Government on these matters. In addition, the ILO group observed non-compliance by the government on certain aspects of Ratified ILO Convention Nos. 77 and 59.

With regard to ILO Convention No. 77 concerning the medical examination of young working persons, the ILO Committee of Experts noted that the Labor Code has no provision for the medical examination of young persons employed in work places with fewer than 200 persons except apprentices covered by Sections 11 and 14, Rule VI, Book II of the Code's Implementing Rules and Regulations. The Committee further requested the Philippine Government to state the form of a physician's certificate of young persons employment, the conditions observed in drawing up and in issuing the document certifying

fitness for employment and, provision for more frequent medical examinations.

In relation to ILO Convention No. 59, the Committee sought to change the Labor Code's minimum age of 14 years for admission to industrial employment to 15 as prescribed by the Convention. Moreover, the Committee pointed out that whereas children under 15 years may be allowed to work under the direct responsibility of their parents or guardians in non-hazardous undertakings which, in turn, must not in anyway interfere with the children's schooling, such an employment is permitted only if members of the employer's family are employed.

In response to these ILO observations, the Ministry of Labor issued Policy Instruction No. 23 which took effect on May 30, 1977. In brief, this Policy Instruction prescribes the following:

1. Prohibits employers in concerned industrial undertakings from allowing minors below 16 years to work during night time from 6:00 p.m. to 6:00 a.m. of the next day. It also prohibits the employer from allowing the minors to work for more than seven hours daily or forty-two hours weekly.

2. No child who has reached 16 years but is below 18 years shall be permitted to work in any industrial undertakings between 10:00 p.m. and 7:00 a.m. of the following day. Children employed at night under this provision shall be granted a rest of at least twelve consecutive hours between the working period.

In addition, the minimum employable age was raised from 14 to 15 years by Presidential Decree No. 850 in 1975 thus meeting the ILO Convention's minimum age requirement for employment.

In summary, except for the ILO Convention's provisions (1) permitting the employment of children below 15 years only in undertakings wherein only members of the employer's family are employed and (2) requiring a rest period of at least 13 consecutive hours between two periods for minors employed in night work, the Philippine Government has fully subscribed and complied with its ratified ILO Conventions on Youth. In due time, the Government promised to consult workers and employers through a tripartite meeting to correct the two remaining deviations in the Philippine laws concerned.

B. Institutions Responsible for Child and Youth Welfare

The Ministry of Labor, in coordination with other government agencies, through its Bureau of Women and Minors, primarily promotes the welfare of working women and minors. Other offices under the Ministry directly or indirectly involved with youth welfare include the Bureau of Apprenticeship, the Bureau of Employment Services and the Bureau of Labor Standards. Outside of the Ministry of Labor, other agencies involved in the promotion of youth welfare are the Council of Child and Youth Welfare, the National Manpower and Youth Council, the Ministry of Education and Culture, the Ministry of Youth and Sports Development, the Ministry of Agriculture through its Bureau of Agricultural Extension, and finally, the Ministry of Social Services and Development especially through its Bureau of Family and Child Welfare and Bureau of Youth Welfare. Programs, among others include special

protection for minors, apprenticeship and learnership, vocational preparation, special education classes, employment services, practical skills development and job placement, employment assistance projects, and labor inspection.

These government instrumentalities involved with the promotion of youth welfare might give one a sense of security that the job is going to be done well. But this will be so only if there is prioritization and coordination of their activities. A periodic review of programs relative to the problems of the youth is also necessary.

C. The Enforcement of Legislation on Child and Youth Employment

The protection of workers from substandard working conditions has always been the concern of government policies and programs. As can be deduced from the preceding sections, the Labor Code and the Child and Youth Welfare Code provide a comprehensive set of measures to protect the welfare of working minors. These measures refer to the terms of employment, occupational health and safety, security of tenure, and social security benefits. Accordingly, rules and regulations were established and operating procedures defined for the guidance and compliance of those concerned.

However, despite government efforts in protecting child and youth welfare as evidenced by the substantial number of reforms, laws

and regulations, its effectivity lies in the extent to which such policies and regulations are being implemented and enforced.

What is the organizational set-up of agencies responsible for the enforcement of these laws and policies? While it is true that the Bureau of Women and Minors is primarily responsible for the enforcement of labor laws and regulations protecting working women and minors, it is actually the Ministry of Labor and Employment's regular offices which are directly involved with the implementation of labor standards in the country. This is in line with the policy of decentralization pursued by the Ministry to provide a more expeditious service. The regional office is usually made up of the office of the director, the arbitration branch, field services division, the labor regulation, apprenticeship and the labor relations divisions. To date, there are 13 regional offices throughout the country whose principal task is to directly implement policies, programs and projects of the Ministry in the regions. They are also in charge of the implementation of labor laws in their respective areas.

The coordinating body in labor administration and enforcement activities is the Ministry proper with the Bureau of Labor Standards, Bureau of Women and Minors and the Bureau of Apprenticeship playing significant roles when conditions of employment for working minors are concerned.

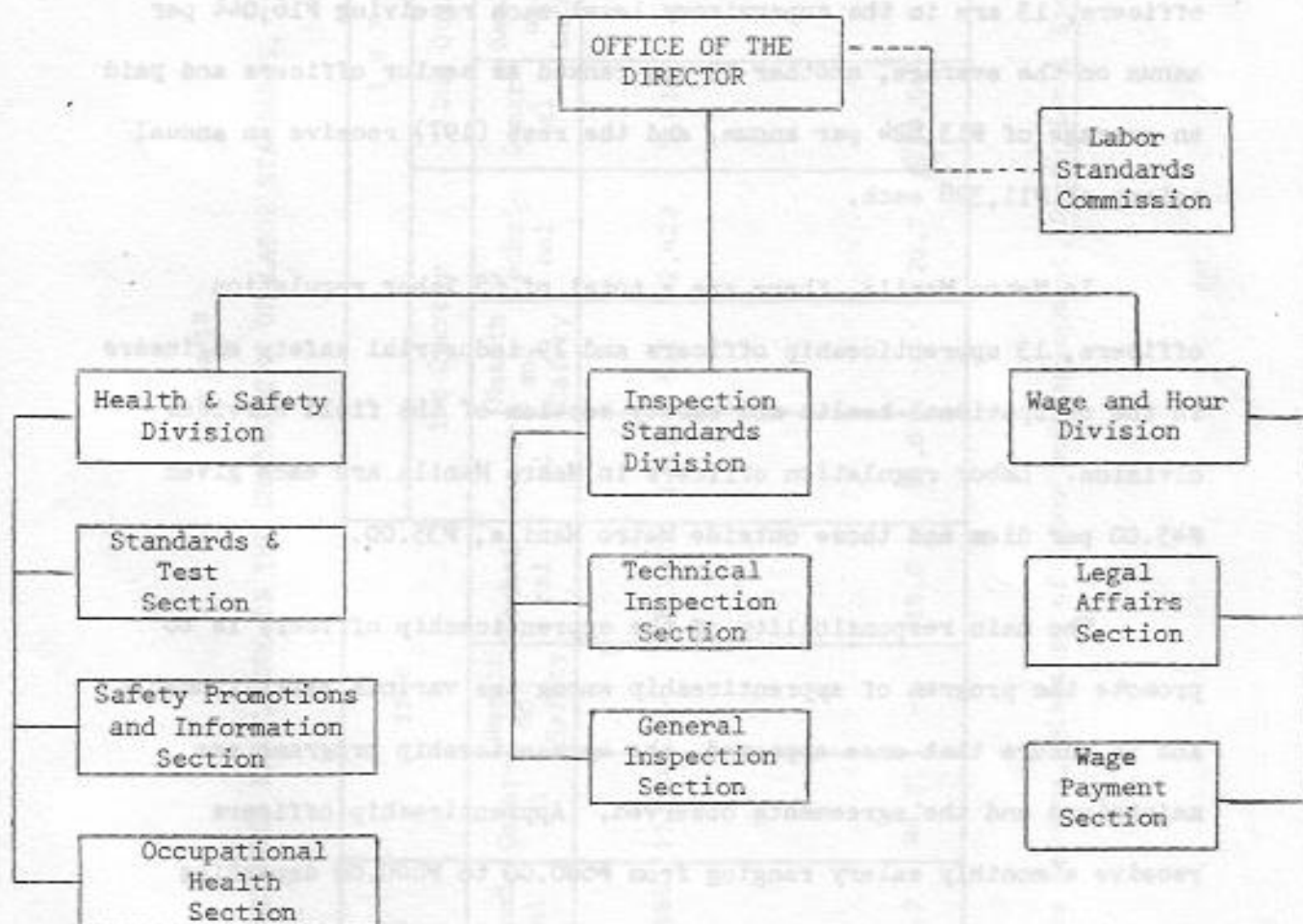
Chart 1 shows the organizational set-up of the Bureau of Labor Standards which is in charge with the overall planning and policy making governing the administration and enforcement of labor standard laws. The Bureau consists of three main divisions: health and safety, inspection standards and the wage and hour division. The health and safety division prescribes safe limits and corrective measures on occupational health and safety, the inspection standards division supervises all inspection activities for the proper enforcement of labor standards while the wage and hour division sets the standards and procedures for the application of wage and hour provisions.

There are two types of inspection assignments. One is the special inspection which is essentially a follow up investigation of a case and the other is the regular type which primarily gathers specific or general information according to the Bureau's planned program. Other than examination of records and employer interview, the labor regulation officer is also enjoined to interview employees and union officials to establish the degree of adequacy and accuracy of records. In so far as minors are concerned, the labor regulation officers are required to look particularly into the age, nature of the work assigned, facilities provided by the employer such as seats, toilets, dressing rooms, hours of work especially night work, and wages paid. Inspection activities are prioritized according to the extent of existing labor problems. Finally, in coordination with the apprenticeship officers, it is also the responsibility of the labor regulation

CHART 1

BUREAU OF LABOR STANDARDS
ORGANIZATION CHART

1980



officers to ensure that apprenticeship/learnership agreements are observed accordingly.

For the whole Philippines, there are 223 labor regulation officers (formerly called labor inspectors), 59 apprenticeship officers and 75 industrial safety engineers. Of the 223 labor regulation officers, 13 are in the supervisory level each receiving ₱16,044 per annum on the average, another 13 are ranked as senior officers and paid an average of ₱13,824 per annum, and the rest (197) receive an annual salary of ₱11,328 each.

In Metro Manila, there are a total of 68 labor regulation officers, 13 apprenticeship officers and 19 industrial safety engineers in the occupational health and safety section of the field services division. Labor regulation officers in Metro Manila are each given ₱45.00 per diem and those outside Metro Manila, ₱35.00.

The main responsibility of the apprenticeship officers is to promote the program of apprenticeship among the various establishments and to ensure that once approved, the apprenticeship programs are maintained and the agreements observed. Apprenticeship officers receive a monthly salary ranging from ₱600.00 to ₱800.00 depending on rank.

Table 18 shows the number of firms inspected for the period 1977 to 1979. A high percentage of the inspected establishments, ranging

Table 18

SELECTED INDICATORS ON THE ENFORCEMENT OF LABOR STANDARDS, 1977 TO 1979

	1977				1978				1979								
									1st Quarter			2nd Quarter			3rd Quarter		
	General	Health and Safety	Technical	General	Health and Safety	Technical	General	Health and Safety	Technical	General	Health and Safety	Technical	General	Health and Safety	Technical		
Firms Inspected	14,291	14,045	9,966	11,314	-	8,229	2,471	567	2,423	5,024	-	2,604	2,487	-	2,743		
Per cent of Inspected Firms Found Violating Labor Standards	50.3	2.6	19.2	46.3	-	15.0	41.0	-	20.7	50.9	-	15.6	39.9	-	21.3		

Source: Labor Statistics Service, Ministry of Labor and Employment, Operational Statistics, October 31, 1979.

from 40 to 50 per cent, were found violating several labor standards. General labor standards violated include non-payment and underpayment of wages and allowances and improper record keeping. In 1977, about 3 per cent of the firms inspected violated health and safety standards. There was no report on this type of violations for 1978 and 1979. Firms found violating technical standards ranged from 15 to 21 per cent of the inspected firms during the period.

Reports of the Inspection Service Program indicate that the number of firms inspected by labor regulation officers is quite small. While each regional office employs an average of 17 labor regulation officers, it takes on the average 8.3 days for a labor regulation officer to inspect one firm. As a consequence, with 19,873 establishments to be inspected in 1978, only 4,136 or 20.1 per cent were inspected. Similarly, in 1979, out of the 14,378 establishments targeted for inspection, only 2,834 or 19.7 per cent were inspected. Aggravating this poor inspection rate is the suspension of regular inspection activities during the Christmas season. If one were to compare the number of firms inspected with the number of firms existing, the average inspection rate of .5 per cent in 1979 is deplorably small.^{22/} In addition, there may be violators who are not

^{22/} There are 546,265 establishments in the Philippines of which 39.3 per cent are located in Metro Manila. (Bureau of Employment Services, Ministry of Labor, Industry Employment and Establishment Profile, December 1979).

reported by inspectors because of bribery. These evidences strongly point at the grossly inadequate enforcement of laws protecting minors implying therefore the possibility of rampant abuses and exploitation of the working youth.

Chapter VI

SUMMARY AND RECOMMENDATIONS

Summary. This study examined the extent and nature of children and youth employment in the Philippines during the 1960s and the 1970s. Countries like the Philippines are in transition from a subsistence agrarian economy to industrial capitalism. Viewed in this perspective, the role of children in production becomes primarily a function of the existing mode of production. In an agrarian society where the basic unit is the family or the extended clan, the children like the rest of the household or clan members are considered producers whose contributions to production are determined by their abilities. The children share the total produce with the adults in the household and exploitation is difficult to establish much more to measure. During the transition to industrial capitalism, the rationalization of agricultural production is accomplished through increased division of labor and specialization. As work takes place away from the home involving other non-family members, exploitation becomes more easily measured since the sharing of the total output is likely to be detached from the major consideration of the needs of those who contributed to production. Unorganized, easily intimidated and exploited, the children with hardly any bargaining power can be a source of cheap labor.

The literature on child and youth employment in the Philippines cited the poor working conditions of child labor such as their low wages,

long hours of work and poor work surroundings. The pervasiveness of child and youth employment and the abuses prompted the government to initiate various laws to safeguard the children's welfare as early as the 1920s.

The study also analyzed the labor force participation, employment characteristics and educational background of the 10-14 year-olds. The size of this labor force group was about 570 thousand in 1971 and 785 thousand in 1976. A greater proportion (63-64 per cent) were males. The labor force participation rate was smaller in urban than in rural areas. A slight increase in labor force participation was observed during the five-year period 1971-1976. Compared however to the other labor force age groups, the 10-14 year-olds had the lowest labor force participation of about 12 per cent in the same period. Their labor force participation fluctuated during the year. As expected, there was a peaking in May which may be explained by the school vacation time of this group.

The 10-14 year-old labor force experienced a high employment rate of 96.0 and 97.5 per cent implying an unemployment rate of 4.0 and 2.5 per cent, in 1971 and 1976, respectively. The employment-unemployment rates were similar for both sexes. Most of the employed in this age group (61 per cent) were unpaid family workers. The wage and salary workers comprised 22.9 per cent and the rest were self-employed. This age group was a larger proportion of the agricul-

tural employment, than its share in the total non-agricultural employment. There were twice as many females than males in the nonagricultural sector while the reverse was true in the agricultural sector. The extent of their employment was further characterized by hours of work. From 1961 to 1971, the percentage of this age group working 40 hours and more increased from 29.3 to 45.2 per cent. However, this proportion declined to 32.7 per cent by 1976. On the whole, there was a greater proportion of this age group working less than 40 hours compared to that of the other working age groups.

The youth ages 10-14 years are supposed to be in the fourth elementary grade to second year high school. The data on their educational profile showed that 12.9 per cent never entered school and that the largest proportion of this age group (18.9 per cent) completed grade 4. In effect 51.4 per cent of the age group completed at least grade 4 but only 18.6 per cent reached grade 6 and even a smaller percentage (6.9 per cent) reached high school. There is however some optimism because of the increasing proportion of school age children who stay in school and complete higher educational levels. However the access to educational opportunities continues to vary among regions and between rural and urban areas. The national goal for this age group should be to have all of them in school to enable them to live fuller lives and to contribute to the development of Philippine society.

This paper included a study of a sample of firms, apprentices and their parents/guardians in Metro Manila in 1979. The study also established basically the same employment pattern characterized by low wages and poor working conditions of working minors, as described by earlier studies. The nature of the (apprentice)employee-employer relationship gives the employer substantial clout and therefore the great need for government regulation and inspection so as to prevent exploitative conditions. The survey also verified the main reasons for youth participation in production early in life, that of poverty and lack of schooling options.

A review of the evolution of legislation concerning the employment of children and the youth showed that in 50 years, from the 1920s to the 1970s, the legislation that took shape emerged to be most comprehensive and adequate. The problem lies in the grossly inadequate enforcement of these laws protecting minors implying therefore the great possibility of rampant abuses and exploitation of the working youth.

Recommendations. The children and the youth have been participating in production in less developed countries. Although work is in itself a form of training, formal schooling provides a broader training which develops an individual more fully and gives him more options for a productive adult life. It is the society's responsibility through the instrumentality of the government to provide the children relevant formal schooling.

Children are made to work because their parents are unable to finance their schooling. The government should then provide enough free spaces in the school system. But the other non-direct costs of schooling, especially foregone income of children, may be important enough, hence, the family cannot afford to do without it. Therefore, the problem to be confronted is poverty. All government programs directed at increasing the income of the poor should be strengthened and given priority.

There is also a need to make schooling a relevant and effective training. The content of education needs restructuring and the quality of teachers and school facilities needs improving. The Ministry of Education and Culture has always been sensitive to these needs but it blames its inability to achieve its targets and to implement new programs more appropriate to the working youth on the lack of funding. Since funds will always be limited then the Ministry will have to prioritize its concerns accordingly.

There is some complementarity between school and work. Work would enhance the child's preparation for future employment. The apprenticeship and learnership programs need to be strengthened to make them serve better the interest of the youth relative to that of the employer.

The government will have to take seriously the implementation of laws protecting working minors. Our review of such government legislation indicate their adequacy. In addition, there are international

sanctions being applied by the International Labour Organization whose recommendations on working minors had been well-received by the government. The problem is the extent of implementation and enforcement of these legislation, rules and regulations.

Based on our assessment of the enforcement of these legislation, the following are recommended. The number of inspectors should be increased so that they can inspect more firms and also improve their inspection. The improvement of the quality of inspection requires the inculcation of proper attitudes on the part of inspectors and adequacy in their incomes so that they are less vulnerable to bribery.

The problem in the implementation of labor legislation includes not only the collusion between the firm employing minors and the government inspector but also that between the firm employing the minor and the apprentice himself and/or his parent or guardian. This dimension of the problem goes back to the poverty of the apprentice's household. The government should hold liable not only the firm but also the parent or guardian who subverts the laws intended to protect their working children. The government in May, 1980 issued a ruling making all Labor Code violations criminal offenses. Hopefully, this will work to prevent the further exploitation of working minors and to decrease their present level of exploitation. Labor unions should also take on a more serious guardianship of employed minors especially because this is a group of workers who can be easily exploited relative to adults.

These recommendations cover mostly the working minors who are in the formal sector. Those in the informal sectors are more difficult to protect. The Child and Youth Welfare Council can help focus the activities of the different public and private organizations for child and youth welfare on the working minors in the informal sector.

Finally, it is worth remembering that all efforts at regulating child and youth employment are stop-gap measures. The most effective preventive measure to child and youth exploitation in less developed countries is the eradication of poverty.

BIBLIOGRAPHY

1. Articles and Periodicals

- Arce, Emma. "These Are Our Children," Philippine Free Press, Vol. XXXIX (July 17, 1948).
- Depth News. "Portrait of Working Minor: They Toil to be in School," Philippine Labor, Vol. II, No. 2 (January 15, 1974).
- Fidelino, Rachel. "Problems of Child Labor," Social Work, Vol. VI (January, 1961).
- Isidro, Romeo. "Child's Right to Labor," Philippine Labor, Vol. II, No. 7 (July 19, 1963).
- Rodgers, Gerry and Guy Standing. "The Economic Roles of Children in Low-income Countries: A Framework for Analysis," ILO-WEP Working Paper No. 81, October 1979.
- Rosario, Nieves del. "The Women and Minors Who Hold Jobs," The Evening News Saturday Magazine, Vol. VI, No. 8 (February 24, 1951).

2. Reports

- Bureau of Apprenticeship. Annual Report, 1979.
- Bureau of Apprenticeship. Primer on Apprenticeship, 1979.
- Bureau of the Census and Statistics. Census of Population and Housing: Summary Report, 1970.
- Bureau of Employment Services. Industry Employment and Establishment Profile, December 1979.
- Bureau of Labor Standards. Inspection Service Manual (Revised).
- Bureau of Women and Minors. Status of Working Youth in the Philippines, 1979.
- International Labour Organization. Conventions and Recommendations Adopted by the International Labour Conference, 1919-1966. Geneva, 1966.

International Labour Organization. Sharing in Development,
A Programme of Employment Equity and Growth for the
Philippines, 1974.

Ministry of Education and Culture. Annual Report, 1978.

Ministry of Labor. Annual Report, 1978.

Ministry of Social Services and Development. Annual Report, 1978.

National Economic and Development Authority (NEDA), National Sample
Survey of Households Bulletin, 1961, 1966, 1971 and 1976.

_____. Philippine Statistical Yearbook, 1979.

NEDA-UNFPA. A Study on the Situation of Children in the Philippines,
June 1979.

National Manpower and Youth Council. Annual Report, 1978.

National Tripartite Conference on the Status of Working Youth:
A Report, Manila, 1979.

Presidential Commission to Survey Philippine Education. Education
for National Development, New Patterns, New Directions, 1970.

3. Public Documents

Civil Code of the Philippines, 1949.

Labor Code of the Philippines, 1977.

The Philippine Constitution, 1935.

The Philippine Constitution, 1972.

Policy Instruction No. 23, 1977.

Presidential Decree No. 148, 1973.

Presidential Decree No. 603, 1974.

Presidential Decree No. 604, 1974.

Presidential Decree No. 850, 1975.

Appendix A

APPRENTICESHIP AGREEMENT

This AGREEMENT entered into this _____ day of _____,
19__ by and between _____
(Name of employer or sponsoring organization)
with business address at _____
hereinafter referred to as the EMPLOYER, and _____
(Name of
Apprentice) born on _____, and residing at _____
_____ hereinafter referred to as
the APPRENTICE, and being a minor is represented by _____
_____ hereinafter referred to as the GUARDIAN.

WITNESSETH: That the EMPLOYER and the APPRENTICE, represented
by his/her GUARDIAN, do hereby mutually agree and bind themselves as
follows:

1. That the EMPLOYER agrees to employ and train the APPRENTICE
and the APPRENTICE agrees to apply himself diligently and faithfully
to work in the trade of _____
during the period of apprenticeship conformity with the Apprenticeship
Standards approved for the aforementioned trade and made part of this
AGREEMENT, and under the following terms and conditions:

- a. Period of apprenticeship _____ Hours
- b. Hours of related theoretical instruction _____ Hours
- c. Probationary period _____ Hours
- d. Credit for previous experience _____ Hours
- e. Apprenticeship period remaining _____ Hours
- f. Date of start of training _____
- g. Approximate date of completion of apprenticeship _____
- h. The schedule of work processes in which the apprentice
is to receive adequately supervised on-the-job training
and experience, of which a record shall be kept and
periodically evaluated, is attached hereto and made part
of this agreement and marked as ANNEX "A".
- i. The graduated wage rate to be paid the apprentice for
each period of apprenticeship upon satisfactory
performance of both on-the-job and related instruction
is as follows:

Any apprentice who fails to perform satisfactorily within any stage of his training may be given, at the discretion of the apprenticeship committee, a period of one (1) month within which to improve his performance. If within this period the apprentice concerned fails to show any improvement he should be dropped from the program. However, if the apprentice has improved within the specified period, he shall be entitled to the corresponding wage increase immediately.

- j. The apprentice shall work the equivalent of eight (8) hours a day in the course of his training. Overtime work may be allowed provided the hours of work rendered are duly credited towards his training time. Overtime pay shall be computed based on the current statutory minimum wage or his prevailing wage, whichever is higher. The provisions of the Labor Code on work performed on a holiday or rest day shall likewise apply. Time spent in related theoretical instruction shall be considered as hours of training.

- k. The company rules and regulations shall be observed as part of the terms and conditions of this apprenticeship agreement.

2. Supplementary theoretical instruction to apprentices in cases where the program is undertaken in the plant may be done by the employer. If the latter is not prepared to assume this responsibility, the same may be delegated to appropriate government agency;

3. That if the employer is unable to fulfill his obligations under this agreement, he may transfer this contract to another employer if the apprentice consents thereto and the new employer agrees to assume all the obligations thereunder. In case of transfer, the Apprenticeship Division of National Capital Region should be duly notified within five (5) working days from the transfer;

4. That if the APPRENTICE is a minor, this AGREEMENT entered into for and in his behalf by his parent or guardian shall continue to bind him even after his attainment of majority age;

5. That upon satisfactory completion of apprenticeship by the apprentice, the apprenticeship committee is under obligation to recommend to the Apprenticeship Division of National Capital Region the issuance of the necessary Certificate of Completion of Apprenticeship;

6. That during the probationary period, either party to this Agreement may terminate said Agreement by serving written notice on the other at least five (5) working days before the actual date of termination, stating the reason thereof;

7. That after the probationary period either party to an Agreement may terminate the same only for any of the valid causes mentioned in Section 25, Rule VI, Book II, of the Rules and Regulations implementing the Labor Code. The procedure for effective termination shall be in accordance with the appropriate instructions prepared by the Bureau of Apprenticeship and approved by the Ministry of Labor;

8. That a copy of this Agreement shall be furnished without cost to the parties, the Apprenticeship Division of National Capital Region, the Bureau of Apprenticeship, and the agency which shall provide related theoretical instruction if the employer is not the one giving said instruction within five (5) working days from the date of execution thereof; and

9. That this AGREEMENT shall take effect on the date of the start of training by the Apprentice.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures this _____ day of _____, 19__ at _____, Philippines.

(Name of Employer/Company)

(Signature of Apprentice)

By:

(Signature of Authorized Official)

(Signature of Parent or Guardian)

This is to certify that the foregoing apprenticeship agreement has been ratified by the _____

(Name of Apprenticeship

Committee)

this _____ day of

_____, 19__ at _____.

(Signature of Chairman or Secretary)

Appendix B

CASE STUDY ON EIGHT METRO MANILA FIRMS EMPLOYING YOUNG APPRENTICES IN 1979

Eight firms, seven of which were in manufacturing and one in services comprise the sample. They are discussed in the order of their international standard industrial classification.

a. Firm 1 (ISIC Code 3220)

It produced baby's wearing apparel and had been in operation for five years. A greater proportion (70 per cent) of its production catered to the domestic market and 30 per cent was for export. It marketed its products both wholesale and retail.

Its employees totaled 249; 16 per cent or a monthly average of 41 were apprentices, 5 probationary, 3 contractual and 200 were permanent employees. The number of apprentices ranged from 20 to 50 monthly. Twenty-five per cent of the employees belonged to the 18 to 20 years age group, 50 per cent to the 21 to 30 bracket, and 25 per cent were 30 years old and over. The females comprised 70 per cent and the males 30 per cent. The employees were from all over the country, 30 per cent came from Luzon, 30 per cent from Visayas and 30 per cent from Mindanao, another 10 per cent were Chinese.

It recruited its apprentices by advertisement and company-employee referrals. Its basis for choosing would-be apprentices was their willingness to work.

Its apprentices received social security insurance, medicare, sick leave, maternity leave, hospitalization privilege, 13-month pay, worker's injury compensation and a cost of living allowance of ₱48 monthly.

b. Firm 2 (ISIC Code 3220)

It manufactured knitted woolen garments and had been in operation for two years. The percentage shares of production going to the domestic and foreign markets were still undetermined. It only engaged in wholesale marketing and averaged a monthly sale of ₱149,000.

Its employees totaled 263, their ages ranged from 18 to 27 years of whom are female. They came from all over the Philippines. The 237 apprentices comprised 69 per cent of the total number of employees or three times that of the permanent which numbered 51. The rest were probationary (12) and contractual (10).

It recruited its apprentices through advertisement, company-employee referral and walk-in application. It required would-be apprentices to pass a medical/physical examination, be high school or vocational graduates and be females. The production operation considered apprenticeable were that of knitting machine operation and cloth mending. The apprentices received a daily wage of ₦13 and were paid weekly. The apprenticeship was usually from 3 to 6 months after which an apprentice may be considered for permanent employment based on a satisfactory performance rating by a supervisor.

The employee benefits enjoyed by the apprentices were social security insurance, medicare, sick leave, hospitalization privilege, a 13-month pay, worker's injury compensation, an emergency monthly allowance and a cost of living allowance.

c. Firm 3 (ISIC Code 3300)

It manufactured wood products and was established in February 1979. Its production was exclusively for export and had a monthly sales of ₦1 million.

Data on the number of its employees were not given although information on their age distribution was provided. Only 5 per cent were of ages 16 to 18 years, 70 per cent were 18 to 24, 20 per cent belonged to the 24 to 30 year-old bracket, and 5 per cent were 31 to 40 years old. Over half (55 per cent) of its employees were females.

The qualification for would-be apprentices emphasized by the firm was absence of a family, i.e., bachelorhood, and openness to discipline. It paid the apprentices weekly but did not indicate the wage rate. Apprentices were made permanent if they were self-disciplined and recommended by a supervisor.

The firm gave its apprentices social security insurance, medicare, a 13-month pay, and a cost of living allowance of ₦78 per month.

d. Firm 4 (ISIC Code 3320)

It manufactured rattan furniture and had been in operation for two years. It marketed its product both wholesale and retail.

Apprentices were recruited from walk-in applicants. The firm required them to be high school graduates. The following types of work were apprenticeable: carpentry, framing, varnishing and scraping.

Their payment was daily by piece. Permanent employment status was granted to apprentices whose performances were satisfactory.

This was the only firm which allowed a visit to its production site. The place was well-lighted and well-ventilated. The different work stages were well distributed among the workers. There was one comfort room for men in the production site. Since the women were confined to clerical work and stayed in air-conditioned rooms, they had a separate toilet in their office.

Most of the workers lived in the factory compound.

e. Firm 5 (ISIC Code 3320)

It manufactured rattan furniture and had been in operation for one year. All of its production were for the export market and it only engaged in wholesale marketing.

It had a total employment of 137 employees whose ages ranged from 16 to 48 years. Almost all (96 per cent) were males. Its employees came from the Ilocos, Pampanga, Bicol and the Visayas.

Its apprentices were recruited on the basis of referrals from company employees and walk-in applications. Would-be apprentices were required to be 16 years old or over, punctual and willing to work. All processes in rattan furniture making was open for apprenticeship. Apprentices were paid ₱9.75 daily and were given only a social security insurance. Apprenticeship was for one year. On the basis of a satisfactory performance and interest on the job, an apprentice may be taken in as a permanent employee.

f. Firm 6 (ISIC Code 3839)

It manufactured semi-conductor devices and electronic components and had been in operation for one year. It produced solely for the domestic market and engaged only in wholesale marketing. It averaged a monthly sale of ₱140,000.

The firm's employees averaged 485 monthly, 251 (or 52 per cent) of whom were apprentices, 6 probationary and 228 were permanent. It recruited its apprentices through advertisements, company-employee referral, government job placement services, and walk-in application. It required its applicants to be females of ages 15-20 years, with a 20-20 vision, of high school educational level and passed the firm's entrance examination.

Its production operation for apprenticeship was electronic welding which lasted for a six-month period. The apprentices were paid the apprentice rate daily or 75 per cent of the legal minimum of ₱13. A satisfactory performance after six months qualified the apprentice to become permanent in the company. The apprentices got the following benefits: social security insurance, medicare, 13-month pay, worker's injury compensation, and a cost of living allowance of ₱110 per month.

g. Firm 7 (ISIC Code 3852)

(This firm did not approve an interview nor did it fill out the firm questionnaire. It is included here because of the description of its work site which was viewed from the office of the manager.)

The place is small and crowded. The lighting was not good and there were only a number of electric fans to ease the hot temperature due to the closed windows. The place looked like a vocational school judging from the youthful appearances of the workers.

h. Firm 8 (ISIC Code 7132)

It was engaged in aircraft maintenance, specifically janitorial in nature, and had been in operation for eight years.

Of its 100 employees, 59 per cent were apprentices and 41 per cent were probationary. Their ages ranged from 17 to 50 years; 60 per cent were males and 40 per cent females. Majority of the employees came from the Tagalog provinces. Apprentices were recruited through company-employee referral and walk-in application. Would-be apprentices were chosen on the basis of good moral character and passing an I.Q. examination. The apprenticeable trade was janitorial cleaning, a trade which is not in the list of apprenticeable trades approved by the Ministry of Labor and Employment. The apprentices got ₱13 daily and were paid monthly. The training was for six months. A satisfactory performance and passing an I.Q. exam qualified the apprentice for permanent status. It did not give any fringe benefits to its apprentices.

Appendix C

LABOR DEPARTMENT ORDER NO. 4: HAZARDOUS OCCUPATIONS
TO YOUNG WORKERS
(JUNE 8, 1973)

A. Farming, Fishing, Hunting, Logging and Related Occupations

1. Fisherman (Deep Sea and Offshore)
2. Divers of Sponge, Pearl and Shell
3. Logging (as Cutter, Sawyer, Stripper, Cable Installer, Feller)
4. Charcoal Burner (Big Scale)

B. Mining, Quarrying and Related Occupations

1. Operators of Drilling and Blasting Machines, Stone Crushing Equipment, Conveyor, Compressor, Steam Boiler, Air Receiver, Gas Cylinder, Acetylene Generator
2. Firing with Fuse, Electricity
3. Stone Splitter
4. Underground Workers

C. Transport, Communication and Navigational Occupations

1. Firemen
2. Drivers or Operators of Bulldozer, Crane, Pile Driving Equipment, Trailer, Road, Tractor, Lifting Appliances, Scaffold Winch, Hoist, Excavator, Loading Machines, Trucks, Buses, Jeeps and Taxis
3. Oilers and Greasers of Heavy Machineries
4. Traffic Controller and Dispatchers

D. Craftsman, Production Process and Related Occupations

1. Spinners and Winders (Textile)
2. Fiber and Plastic Preparers
3. Bleacher, Dyer and Finisher of Textiles Using Chemicals
4. Tool Maker, Machinist, Plumber, Welder, Flame Cutter and Plater
5. Electrical and Electronic Fitter
6. Installer and Repairer of Telephone and Telegraph
7. Lineman and Cable Joiner
8. Sawyer and Woodworking Machine Setter and Operator
9. Furnace and Oven Worker in Brick Making
10. Oven Fuel Feeder in Brick Making and Bakery
11. Furnace Man and Kilnman in the Manufacture of Glass and Ceramics

12. Brewer and Wine Maker
13. Distiller of Alcoholic Beverages
14. Tanner
15. Blacksmiths, Hammersmiths, Foregemen
16. Slaughtering and Killing Large Cattle, Carabao, Cow, and Horses
17. Extraction of Lard and Oil

E. Service, Sports, and Related Works

1. Firefighters and Guards
2. Ship Stewards
3. Airline Hostesses
4. Bartenders
5. Bus Conductors and Conductress
6. Massagist and Masseuse
7. Taxi Dancers
8. Entertainers (Stripteasers, Burlesque Dancers, and Bomba Performers)
9. Female Escort for Men
10. Janitors in Bawdy Houses
11. Female Bath House Attendants
12. Lifeguards in Swimming Pools and Resorts
13. Jockeys and Horse Trainers
14. Judo-Karate Experts
15. Embalmers and Undertakers
16. Dealers, Cruppiers, Bookers, and Bet Takers
17. Lifting, Carrying, Handling and Moving Heavy Loads

G. Professional, Technical and Related Works

1. Personal Service of Female in Bars, Cocktail Lounges, Motel, Hotel, Massage Clinic and Other Drinking Places

H. All Occupations in the Processing and Preparation of Drugs and Chemical Products Involving Exposure to Dangerous Chemicals

I. All Occupations in the Manufacturing, Handling and Transporting of Explosives, Toxic, Corrosive, Poisonous and Noxious Components and Flammable Liquids in Bulk

J. All Activities in Any Work-Room, Building, Premises or Any Place Where Radium is Stored, Kept or Used in the Manufacture of Self Luminous Compound or Other Radioactive Substances

Appendix D

PERTINENT PROVISIONS OF THE REVISED PENAL CODE OF THE PHILIPPINES
CONCERNING THE YOUTH
(REPUBLIC ACT NO. 3815, AS AMENDED IN 1932)

The Civil Code provides that every child is entitled to parental care, at least elementary education, moral and civic training by the parents or guardians and has every right to live in an atmosphere conducive to his physical, moral and intellectual development. 1/ At the same time, every child shall obey and honor his parents or guardians, respect his grandparents, old relatives and person holding substitute parental authority, exert his utmost for his education and training and cooperate with the family in all matters that make for the good of the same. 2/ The Code also provides for both parents, every person holding substitute parental authority and the government to promote the full growth of the faculties of every child. For the parents, this means that it is their duty to support the children, to have them in their company, to educate and instruct them in keeping with their means and the power to correct them and to punish them moderately. For the government, the Code provides that whenever possible, the government will establish schools in every barrio, municipality and city where optional religious instruction shall be taught part of the curriculum at the option of the parent or guardian, puericulture and similar centers, councils for the protection of children and juvenile courts.

1/ Chapter 6, Title XII, Article 356.

2/ Chapter 6, Title XII, Article 357.

Appendix E

PERTINENT PROVISIONS OF THE REVISED PENAL CODE
CONCERNING THE YOUTH
(REPUBLIC ACT NO. 3815, AS AMENDED IN 1932)

The Penal Code provides certain circumstances which exempt the person from criminal liability. In so far as minors are concerned, exempted from criminal liability are those under nine years of age and those over nine years of age and under fifteen, unless this latter group of minors acted with discernment, in which case when such minors are adjudged to be criminally irresponsible, the court shall commit them to the care and custody of their families who shall be charged with their surveillance and education; otherwise, they shall be committed to the care of some institutions or persons as authorized by law.^{1/} If the court should find the minor delinquent guilty, instead of pronouncing judgment of conviction, the court usually suspends the sentence. It then commits the minor delinquent to the custody or care of any training institution operated or recognized by the government, the Ministry of Social Services and Development to any other responsible person or agencies subject to the visitation and supervision by a representative the Ministry of Social Services and Development or any other representative the court may designate.^{2/}

The suspension of the sentence, in turn, is prescribed until such time the delinquent reaches the age of twenty one or for such less period as the court deems proper. The only authorized duly representatives or agents of the Ministry of Social Services and Development shall submit to the court as often as required in special cases written reports on the conduct of the minor delinquent. If the minor has behaved properly, he shall be returned to the court in order that he may be released. In case the minor fails to behave properly or to comply with the regulations of the institution to which he has been committed, he also shall be returned to the court in order that the latter may pass judgment corresponding to the crime committed by him. The expenses for the maintenance of a minor delinquent confined in the institutions to which he has been committed shall be borne totally or partially by his parents or relatives or those persons liable to support him, if they are able to do. If they are unable to do so, the municipality in which the offense was committed shall pay one-third of said expenses; the province to which the municipality belongs shall pay one-third and the remaining one-third shall be borne by the National Government. Chartered cities shall pay two thirds of the expenses.

^{1/} Chapter 2, Article 12, Nos. 2 and 3.

^{2/} Chapter 5, Section 1, Article 80.

Anyone who shall induce a minor to abandon the home of his parents or guardians or the persons entrusted with his custody is a crime against liberty.^{3/} It is also considered a crime to exploit child labor which in this Code means any person reimbursing himself of a debt incurred by someone entrusted with the custody of a minor, against the latter's will, retains him in his service.^{4/}

It is a crime against security to abandon helpless persons and exploit minors.^{5/}

It is also unlawful to seduce and corrupt minors. The abduction of a virgin over twelve years and under eighteen years of age, committed by any person in public authority, priest, house-servant, domestic, guardian, teacher or any person who, in any capacity has been entrusted with the education or custody of the woman reduced shall be punished by six months and one day to six years. This is defined as qualified abduction.^{6/} On the one hand, the abduction of a woman who is single or a widow of good reputation, over twelve but under eighteen years of age, committed by means of deceit shall be punished accordingly.^{7/} This is simple seduction. Finally, it is considered corruption of minors, any person who shall habitually or with abuse of authority or confidence, promote or facilitate the prostitution or corruption of person under age to satisfy the lust of another.^{8/}

The forcible abduction of any woman under twelve years of age or at any age for that matter shall be punished as well.^{9/} On the one hand, the abduction of a virgin over twelve and under eighteen years of age carried out even with her consent and with leud designs is also punishable by law.^{10/}

^{3/} Chapter 1, Section 2, Article 271.

^{4/} Chapter 1, Section 3, Article 273.

^{5/} Chapter 2, Section 1, Article 275 to Article 278.

^{6/} Title 11, Chapter 3, Article 337.

^{7/} Title 11, Chapter 3, Article 338.

^{8/} Title 11, Chapter 3, Article 340.

^{9/} Title 11, Chapter 4, Article 342.

^{10/} Title 11, Chapter 4, Article 343.

Presidential Decree No. 1179, 1977.

Republic Act No. 679, 1952.

Republic Act No. 1131, 1954.

Republic Act No. 2714, 1960.

Republic Act No. 6237, 1971.

Revised Penal Code of the Philippines, 1932.

4. Unpublished Theses

Castañeda, Leticia. "Women and Children in Industry in the Philippines." Unpublished B.S.B.A. thesis, University of the Philippines, 1953.

Flores, Federico. "Employment Status, Occupational Aspirations and Training Needs of Rural Out-of-School Youth in Southern Leyte." Unpublished M.A. (Agricultural Education) thesis, University of the Philippines, Los Baños, 1972.

Ruiz, Vicente y Bueno. "Status of Working Children in Manila, A Study of Work, Wages, Educational Achievement and Home Conditions of Working Children in Manila." Unpublished M.A. (Education) thesis, University of the Philippines, 1930.