

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 217

INTRODUCED BY HON. ROBERTO "ROBBIE" V. PUNO

EXPLANATORY NOTE

Article II, Section 13 of the 1987 Constitution recognizes the vital role of the youth in nation-building and mandates the State to promote and protect their physical, moral, spiritual, intellectual, and social well-being. Moreover, recognizing the importance of children's formative years in their development as productive members of society, both Republic Act No. 8980, or the Early Childhood Care and Development (ECCD) Act, and Republic Act No. 10410, or the Early Years Act (EYA) of 2013, declare the policy of the State to promote the rights of children to survival, development and special protection with full recognition of the nature of childhood and its special needs; and to support parents in their roles as primary caregivers and as their children's first teachers.

In this regard, day care workers play a critical role in early childhood care and education, particularly in supporting the holistic development of a child's social, emotional, cognitive and physical needs in order to build a solid and broad foundation for lifelong learning and well-being. It is therefore unfortunate that despite the crucial role of day care workers in the education and character formation of our children, they are afforded little protection by our existing laws.

This proposed measure seeks to remedy this seeming neglect by promoting and improving the overall welfare of day care workers by providing them, among other things, plantilla positions and security of tenure, and upgrading their salaries and providing them with the benefits rightly due them.

During the 17th Congress, a substitute bill on this subject was approved on Third and Final Reading by the House Plenary and transmitted to the Senate.

However, due to time constraints, the Senate counterpart bill failed to hurdle the Second Reading. This bill is filed of the 18th Congress.

In view of the foregoing, passage of this bill is earnestly sought.



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AN ACT INSTITUTING THE MAGNA CARTA OF DAY CARE
WORKERS AND PROVIDING FUNDS THEREFOR

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

1 SECTION 1. Short Title. - This Act shall be known as the "Magna Carta
2 of Day Care Workers".
3

4 SEC.2. Declaration of State Policy. - The State recognizes the vital role
5 of children and youth in nation-building and shall promote and protect their
6 physical, moral, spiritual, intellectual, and social well-being. Towards this end,
7 the State shall adopt policies that will improve the social and economic welfare
8 of day care workers who provide preschool education and social development
9 services to children.
10

11 SEC. 2. Declaration of Policy. - It is the policy of the State to protect
12 and promote the right to health of the people and instill health consciousness
13 among them. Moreover, the State shall promote physical education to foster
14 self-discipline, teamwork and excellence for the development of a healthy and
15 alert citizenry. Further, the State recognizes the vital role of the youth in nation-
16 building and shall promote and protect their physical, moral, spiritual,
17 intellectual and social well-being.
18

19 SEC. 3. Coverage. - This Act covers all day care workers, also referred
20 to as child development workers in Republic Act No. 10410, otherwise known
21 as the "The Early Years Act (EYA) of 2013", herein defined as persons
22 primarily engaged in the provision of early child development services and
23 programs such as care, social development, education, protection, and other

1 needs of children aged four (4) years old and below in all government-
2 sponsored day care centers.

3
4 **SEC. 4. Plantilla Positions and Security of Tenure in Day Care**
5 **Centers.** – At least one (1) Day Care Worker I and one (1) Day Care Worker II
6 plantilla positions shall be created in all day care centers nationwide. As
7 plantilla position holders, day care workers shall be appointed under permanent
8 status and shall be protected and governed by civil service rules and regulations.
9 No day care workers shall be removed or transferred from office without just
10 cause, due process, or prior consultation with the concerned day care worker.

11
12 **SEC. 5. Creation of Special Personnel; Selection Board.** – A Special
13 Personnel Selection Board (SPSB) for day care worker positions shall be
14 created to screen candidates and create a pool of ten (10) qualified applicants for
15 possible appointment to the subject positions. The SPSB shall be composed of
16 the local social welfare and development officer as chairperson, and the punong
17 barangay, local health officer, human resource management officer, and local
18 government unit (LGU) first level employees' representative as members.

19
20 **SEC. 6. Recruitment and Selection.** – Upon publication and posting by
21 the local Human Resource Management Office (HRMO) of vacant permanent
22 day care worker positions in particular day care centers, all qualified applicants
23 shall submit their application together with complete requirements to the
24 Punong Barangay who shall forthwith transmit the same to the HRMO for
25 preliminary evaluation: Provided, That all qualified incumbent day care workers
26 hired under casual, contractual, and job order employment status shall
27 automatically be considered candidates and given priority for appointment to
28 permanent day care worker positions.

29
30 The local chief executive as the appointing authority, shall exercise sound
31 discretion in appointing, from the SPSB-recommended pool, a day care worker
32 in a particular day care center.

33
34 **SEC. 7. Qualifications, Positions and Salary Grade.** – A day care
35 worker possessing the following qualifications shall be hired to the position of:

36 (a) Day Care Worker I, with Salary Grade 6, must possess the following
37 qualifications:

- 38 (1) Must be of legal age;
39 (2) Must have completed at least two (2) years of college education;
40 (3) Must be certified by the Department of Social Welfare and
41 Development (DSWD) or DSWD-deputized entities to have complied

1 with existing requisites and trainings in early childhood care and
2 development;

3 (4) Must not have been convicted by final judgment of any crime; and

4 (5) Must not have a pending case in relation to Republic Act no. 7610,
5 otherwise known as the "Special Protection of Children Against Child
6 Abuse, Exploitation and Discrimination Act".
7

8 Day care workers legitimately serving as such upon the passage of
9 this Act who are above seventeen (17) years old but below eighteen (18)
10 years old, shall continue to serve as such and are qualified to be covered
11 under this Act; Provided, That their retention had been recommended by
12 their direct supervisor. Day care workers who have no college education
13 upon the effectivity of this Act shall be given two (2) years within which
14 to complete equivalent training to be able to continue in the service, in
15 accordance with Section 12 of this Act. The necessary training courses
16 shall be prescribed by the DSWD.
17

18 (b) A Day Care Worker II, with Salary Grade 8, must possess the same
19 qualifications mention in paragraph (a) of this section including five (5) years
20 working experience and at least twelve (12) hours of relevant training.
21 Qualifications and exceptions applicable to this section shall be subject to
22 conditions imposed by the Civil Service Commission (CSC).
23

24 **SEC. 8. Working Hours.** – A day care worker is required to render eight
25 (8) working hours a day or a total of forty (40) working hours a week; Provided,
26 That the local social welfare and development officer (LSWDO) may require
27 day care workers to render services beyond their required working hours during
28 emergency situations such as natural and man-made calamities.
29

30 **SEC. 9. Code of Conduct of Day Care Workers.** – Within six (6)
31 months upon approval of this Act, the Early Childhood Care and Development
32 Council (ECCDC), in consultation with a national organization of day care
33 workers, shall formulate a Code of Conduct for Day Care Workers. Each day
34 care worker shall be provided with a copy of the Code at the expense of the
35 government.
36

37 **SEC. 10. Additional Compensation and Allowances.** – Day care
38 workers shall be provided with the following additional compensation,
39 whenever applicable:

40 (a) Overtime pay – for services rendered beyond the required working
41 hours as prescribed in Section 8 hereof;

1 (b) Hazard allowance – for being exposed to situations, conditions, or
2 factors in the workplace which endanger the workers' health or life, or increase
3 the danger or risk thereto. Such risk or danger shall be determined by the local
4 Sangguniang Barangay concerned; and

5 (c) Subsistence allowance – for meals taken in the course of their duty
6 within the premises of isolated day care centers, the amount of which shall be
7 computed in accordance with prevailing circumstances as determined by the
8 local Sangguniang Barangay concerned.
9

10 **SEC. 11. Other Benefits and Privileges.** – Day care workers shall be
11 entitled to the following additional benefits and privileges:

12 (a) Married Day Care Workers. – Whenever possible, married couples
13 who are both day care workers shall be assigned in the same municipality or
14 city.

15 (b) Free Legal Services. – The Public Attorney's Office (PAO) shall
16 represent day care workers in cases filed against them in connection with the
17 performance of their duties.

18 (c) Free Medical Examination and Treatment. – Annual medical
19 examination shall be provided by government hospitals, free of charge, to all
20 day care workers. Day care workers suffering from work-related ailments shall
21 be treated without cost in government hospitals.

22 (d) Access to Livelihood, Loans, Grants, and Skills Enhancement. – The
23 DSWD and the LGUs, in coordination with other concerned government
24 agencies, shall provide organized day care workers with a mechanism for
25 accessing livelihood, loans, grants, and skills enhancement services.

26 (e) Other Benefits. – All day care workers shall automatically become
27 members of the Government Service Insurance System (GSIS), Pag-IBIG, and
28 PhilHEALTH, subject to premium payments by both employers and employees,
29 and shall be entitled to maternity/paternity, sick, and vacation leaves as
30 provided for by existing laws.
31

32 **SEC. 12. Training, Education and Skills Enhancement.** –The DSWD,
33 in coordination with the Department of Education (DepED), Commission on
34 Higher Education (CHED), and Technical Education and Skills Development
35 Authority (TESDA), shall provide for a system of continuing education and
36 skills training and knowledge enhancement programs for day care workers.

37 The DepED, CHED, and TESDA shall adopt an equivalency system of
38 education that shall recognize and duly credit the actual work experiences and
39 prior learning of day care workers as formal academic or training units.
40

41 **SEC. 13. Support from Non-government Organizations (NGOs).** –
42 Non-government organizations or private volunteer organizations are hereby

1 encouraged to assist or support the government in the implementation of
2 programs and projects for day care workers. Pursuant thereto, all day care
3 centers may accept such assistance or support from NGOs.
4

5 **SEC. 14. Appropriations.** – The amount necessary to cover the salaries
6 and benefits of day care workers shall be charged from the Internal Revenue
7 Allotment (IRA) and the Special Education Fund of LGUs concerned: Provided,
8 That the national government shall provide subsidy for at least one (1) day care
9 worker per center in the fourth, fifth, and sixth class municipalities. A portion of
10 the contribution of the Philippine Amusement and Gaming Corporation
11 (PAGCOR) as provided under Republic Act No. 10410, as well as additional
12 funds generated from donations, fees, and contributions collected by the
13 ECCDC from whatever source shall also be set aside for the purpose.
14

15 **SEC. 15. Implementing Rules and Regulations.** – The DSWD,
16 ECCDC, and Department of the Interior and Local Government (DILG), in
17 consultation with the CSC and a national organization of day care workers, shall
18 formulate the rules and regulations necessary to implement the provisions of
19 this Act within six (6) months from its effectivity.
20

21 **SEC. 16. Separability Clause.** – If any provision of this Act or any part
22 hereof is declared unconstitutional, the same shall not affect the validity and
23 effectivity of the other provisions.
24

25 **SEC. 17. Repealing Clause.** – Republic Act No. 6972, otherwise known
26 as the “Barangay-level Total Development and Protection of Children Act” and
27 all laws, decrees, rules and regulations, and executive orders contrary to or
28 inconsistent with this Act are hereby repealed or modified accordingly.
29

30 **SEC. 18. Effectivity.** – This Act shall take effect fifteen (15) days after
31 its publication in the Official Gazette or in a newspaper of general circulation
32

33 Approved,