

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

House Bill No. 982

HOUSE OF REPRESENTATIVES	
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Introduced by **Rep. LAWRENCE LEMUEL H. FORTUN**

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### EXPLANATORY NOTE

This bill seeks to set the fundamental rights and privileges of day care workers in the country.

Day care workers are tasked in providing quality early education and opportunities for social development among our children. In recognition of the role played by our day care workers, this bill provides for a framework of their rights and privileges. This bill provides for provisions of security of tenure to day care workers, humane working conditions and a living wage. With the protection of the rights of the day care workers, the State would be contributing to the enhancement of the quality of early childhood care and education, thereby upholding its mandate to defend and protect children's rights as well as ensuring the rights of all its workers.

The Bill provides for the creation of plantilla positions as well as overtime pay, hazard and subsistence allowance to qualified day care workers. It likewise provides for the right to self organization, legal and medical assistance and other forms of benefits to them. The bill also provides for training and professional development opportunities for the day care workers in order to enhance their skills.

This bill has been filed in the 16<sup>th</sup> Congress and has seen its success short of passage into a law. It is, therefore, hoped that in the 17<sup>th</sup> Congress, the bill will finally become a law.

  
**LAWRENCE LEMUEL H. FORTUN**  
1<sup>st</sup> District Agusan del Norte

SEVENTEENTH CONGRESS  
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Introduced by Rep. LAWRENCE LEMUEL H. FORTUN

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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 the House of Representatives of the Philippines in Congress assembled:*

1 *Section 1. Title.* - This Act shall be known as the “*Magna Carta of Day Care Workers*”.

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

8  
9 *Section 3. Coverage.* - This Act covers all day care workers, also referred to as  
10 Child Development Workers in Republic Act No. 10410, otherwise known as *The Early*  
11 *Years Act (EYA)*, herein defined as persons primarily engaged in the provision of early  
12 child development services and programs such as care, social development, education.  
13 Protection, and other needs of children aged four (4) years old and below in all  
14 government-sponsored day care centers.

15  
16 *Section 4. Plantilla Positions and Security of Tenure in Day Care Centers.* - At  
17 least one (1) Day Care Worker I and one (1) Day Care Worker II plantilla positions shall  
18 be created in all day care centers nationwide. As plantilla position holders, day care  
19 workers shall be appointed under permanent status and shall be protected and governed  
20 by Civil Service rules and regulations. No day care worker removed or transferred from  
21 office without just cause, due process, or prior consultation with the concerned day care  
22 worker.

23  
24 *Section 5. Recruitment and Selection/Creation of Special Selection Board.* -  
25 Upon position and posting by the local Human Resource Management Office (HMRO) of  
26 vacant permanent day care worker positions in particular day care centers, all qualified  
27 applicants shall submit their application together with complete requirement to the  
28 *Punong Barangay* who shall forthwith transmit the same to the HMRO for preliminary  
29 evaluation: *Provided*, That all qualified incumbent day care workers hired under casual,  
30 contractual, and job order employment status shall automatically be considered  
31 candidates and given priority for appointment to permanent day care worker positions.

32  
33 A Special Personnel Selection Board (SPSB) for day care worker positions shall  
34 be created to screen candidates and created a pool of ten (10) qualified applicants for  
35 possible appointment to the subject positions. The SPSB shall be composed of the Local

36 Social Welfare and Development Officer as chair, the *Punong Barangay*, Local Health  
37 Officer, Human Resource Management Officer, and local government unit (LGU) first  
38 level employees' representative as members.

39  
40 The Local Chief Executive, as the appointing authority, shall exercise sound  
41 discretion in selecting from the SPSB-recommended pool the most qualified for  
42 appointment to the day care worker position in a particular day care center.

43  
44 **Section 6. Qualifications, Positions and Salary Grade.** - A day care worker  
45 possessing the following qualifications shall be hired to the position of Day Care Worker  
46 I, and entitled to Salary Grade Six (6):

- 47  
48 1) Must be legal age: *Provided, That* day care workers legitimately serving as  
49 such upon the passage of this Act who are about seventeen (17) years old but  
50 below eighteen (18) years old, shall continue to serve as such and are qualified  
51 to be covered under this Act; *Provided further, That* their retention had been  
52 recommended by their direct supervisor.  
53 2) Must have completed at least two (2) years of college education: *Provided,*  
54 *That* day care workers who have no college education upon the effectivity of  
55 this Act shall be given two (2) years within which to complete equivalent  
56 training to be able to continue in the service, in accordance with Sec. 9 of this  
57 Act. The necessary training courses shall be prescribed by the Department of  
58 Social Welfare and Development (DSWD).  
59 3) Must be certified by the DSWD or DSWD-deputized entities to have  
60 complied with existing requisites and trainings in early childhood care and  
61 development;  
62 4) Must not have been convicted by final judgment of any crime; and  
63 5) Must not have a pending case in relation to *Republic Act No. 7610*, otherwise  
64 known as *Special Protection on Children Against Child Abuse*.

65  
66 A daycare worker who possesses all the above qualifications, has at least five (5)  
67 years of working experience as such, and has completed more than twelve (12) hours of  
68 relevant training, shall be hired as Day Care Worker II, and entitled to Salary Grade Eight  
69 (8).

70 Qualifications and exceptions applicable to this Section shall be subject to  
71 conditions imposed by the Civil Service Commission (CSC).

72  
73 **Section 7. Additional Compensation and Allowances.** - Day care workers shall  
74 be provided with the following additional compensation , whenever applicable:

- 75  
76 a. Overtime pay – for services rendered beyond the required working  
77 hours as prescribed in Section 12 hereof;  
78 b. Hazard Allowance – for being exposed to situations, conditions, or  
79 factors in the workplace which adversely endanger the workers' health  
80 or life, or increase the danger or risk in the exercise of their duties.  
81 Such risk or danger shall be determined by the local *Sangguinang*  
82 *Barangay* concerned; and  
83 c. Subsistence Allowance - for services rendered within the premises of  
84 isolated day care centers equivalent to the meals they take in the course  
85 of their duty, which shall be computed in accordance with prevailing  
86 circumstances as determined by the local *Sangguinang Barangay*  
87 concerned.

88  
89 **Section 8. Other Benefits and Privileges.** – Day care workers shall be entitled to  
90 the following additional benefits and privileges:  
91

- 92 a. Married Day Care Workers. - Whenever possible, married couples who are  
93 both day care workers shall be assigned in the same municipality or city.  
94 b. Right to Self-Organization. - Day care workers shall have the freedom to  
95 organize themselves and under no circumstances may be dismissed from work  
96 on the basis of membership in such organization.  
97 c. Free Legal Services. - The Public Attorney's Office (PAO) shall represent  
98 day care workers in cases filed against them in connection with the  
99 performance of their duties.  
100 d. Free Medical Examination and Treatment. - Annual medical examination  
101 shall be provided by government hospitals, free of charge, to all day care  
102 workers. Day care workers suffering from work-related ailments shall be  
103 treated without cost in government hospitals.  
104 e. Preferential Access to Livelihood, Loans, Grants, and Skills Enhancement. -  
105 The DSWD and the LGUs, in coordination with other concerned government  
106 agencies shall provide organized day care workers with a mechanism for  
107 accessing livelihood, loans, grants, and skills enhancement services.  
108 f. Other Benefits - All day care workers shall automatically become members of  
109 the Government Service Insurance System (GSIS), PAG-IBIG, and  
110 PHILHEALTH, subject to premium payments by both employers and  
111 employees, and shall be entitled to maternity/paternity, sick, and vacation  
112 leaves as provided for by existing laws.  
113

114 **Section 9. Training, Education and Skills Enhancement.** - The DSWD, in  
115 coordination with the Department of Education (DepEd), Commission on Higher  
116 Education (CHED) and the Technical Education and Skills Development Authority  
117 (TESDA), shall provide for a system to continuing education and skills training and  
118 knowledge enhancement programs for day care workers.  
119

120 An equivalency system of education, which shall provide for the recognition of  
121 the actual work experiences and prior learning of day care workers, shall be adopted by  
122 the DepEd, CHED, and TESDA for possible accreditation into formal academic or  
123 training units.  
124

125 **Section 10. Support from Non-Government Organizations (NGOs)** - Non-  
126 government organizations or private volunteer organizations area hereby encouraged to  
127 assist or support the government in the implementation of programs and projects for day  
128 care workers. As such, all day care centers are allowed to accept or support from NGOs.  
129

130 **Section 11. Code of Conduct of Day Care Workers.** - Within six (6) months  
131 upon approval of this Act, the Early Childhood Care and Development Council  
132 (ECCDC), in consultation with a national organization of day care workers, shall  
133 formulate a Code of Conduct for Day Care Workers. Each day care worker shall be  
134 provided with a copy of the Code at the expense of government.  
135

136 **Section 12. Working Hours.**- A day care worker is required to render eight (8)  
137 working hours a day or a total of forty (40) working hours a week; *Provided, That* the  
138 local social welfare officer may require day care workers to render services beyond their  
139 required working hours during emergency situations such as natural and man-made  
140 calamities.  
141

142 **Section 13. Implementing Rules and Regulations.** - The DSWD, ECCDC, and  
143 Department of their Interior and Local Government (DILG), in consultation with the CSC  
144 and a national organization of day care workers, shall formulate the rules and regulations  
145 necessary to implement the provisions of this Act within six (6) months from its  
146 effectivity.  
147

148       **Section 14. Appropriations.** The amount necessary to cover the salaries and  
149 benefits of day care workers shall be charged from the Internal Revenue Allotment (IRA)  
150 and the Special Education Fund of LGUs concerned. *Provided, That* the national  
151 government shall provide subsidy for at least one (1) daycare worker per center in the  
152 fourth, fifth and sixth class municipalities. A portion of the contribution of Philippine  
153 Amusement and Gaming Corporation (PAGCOR) as provided under *R.A. No. 10410* as  
154 well as additional funds generated from donations, fees, and contributions collected by  
155 the ECCDC from whatever source shall be set aside for the purpose.  
156

157       **Section 15. Penal Provision.** – Any person who violates any provision of this  
158 Act shall be punished with a fine of not less than Five thousand pesos (P5,000.00) or  
159 imprisonment of not less than one (1) month but not more than two (2) months, or both  
160 at the discretion of the court.  
161

162       If the offender is a public official, the offender shall, in addition to the penalties  
163 stated above, be dismissed from government service and shall be perpetually disqualified  
164 from assuming any public office.  
165

166       **Section 16. Separability Clause.** – If any provision of this Act or any part  
167 thereof, is declared unconstitutional, the same shall not affect the validity and effectivity  
168 of the other provisions.  
169

170       **Section 17. Repealing Clause.** - *Republic Act No. 6972*, otherwise known as  
171 *Barangay-Level Total Development and Protection of Children* and all laws, decrees,  
172 rules and regulations, and executive orders contrary to or inconsistent with this Act, are  
173 hereby repealed or modified accordingly.  
174

175       **Section 18. Effectivity.** – This Act shall take effect fifteen (15) days after its  
176 publication in the *Official Gazette* or in a newspaper of general circulation.  
177

178       Approved,  
179