

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4006



Introduced by Representative **TYRONE D AGABAS**

EXPLANATORY NOTE

This bill seeks to create and establish a magna carta for child development workers (formerly day care workers) in the country. This bill has already been approved by the House of Representatives on its 3rd and final reading in the 17th Congress. It is now being filed to compensate at the very least their sacrifices and underpaid status.

This bill will indubitably protect and promote the welfare and economic well-being of child development workers who bear the task of educating our children ages 4 years and below before they formally enter pre-school education. For many years, child development workers were contended with the honoraria given by their respective barangay and municipal officials. Despite of the big discrepancy between their honoraria and the salaries given to public school teaching positions, the child development workers continue to perform and assume roles as teachers with commendable smiles lined in their faces.

It is high time to compensate the love and sacrifices of our child development workers. It is high time to recognize their immeasurable contributions to national development. It is high time to professionalize our child development workers with standards befitting them.

In view of the foregoing, the approval of this bill is earnestly urged.

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a horizontal line and a small vertical stroke.

TYRONE D. AGABAS
Representative
6th District, Pangasinan

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HOUSE OF REPRESENTATIVES
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HOUSE BILL NO. 4006

Introduced by Representative **TYRONE D. AGABAS**

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 of
2 Day Care Workers”.

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

9 SEC. 3. Coverage. – This Act covers all day care workers, also referred to
10 as child development workers in Republic Act. No. 10410, otherwise
11 known as the “Early Years Act (EYA) of 2013”, herein defined as persons
12 primarily engaged in the provision of early child development services and
13 programs such as care, social development, education, protection, and
14 other needs of children aged four (4) years old and below in all
15 government-sponsored day care centers.

16 *SEC. 4. Plantilla Positions and Security of Tenure in Day Care Centers. –*

17 At least one (1) Day Care Worker I and one (1) Day Care Worker II
18 plantilla positions shall be created in all day care centers nationwide. As
19 plantilla position holders, day care workers shall be appointed under
20 permanent status and shall be protected and governed by civil service
21 rules and regulations. No day care worker shall be removed or transferred
22 from office without just cause, due process, or prior consultation with the
23 concerned day care worker.

24 *SEC. 5. Creation of Special Personnel Selection Board.* A Special
25 Personnel Selection Board (SPSB) for day care worker Position shall be
26 created to screen candidates and create a pool of ten (10) qualified
27 applicants for appointment to the subject positions. The SPSB shall be
28 composed of the local social welfare and development officer as
29 chairpersons, and the punong barangay, local health officer, human
30 resource management officer, and local government unit (LGU) first level
31 employees' representative as members.

32 *SEC. 6. Recruitment and Selection. –* Upon publication and posting by the
33 local Human Resource Management Office (HRMO) of vacant permanent
34 day care worker positions in particular day care centers, all qualified
35 applicants shall submit their application together with complete
36 requirements to the Punong Barangay who shall forthwith transmit the
37 same to the HRMO for preliminary evaluation: Provided, that all qualified
38 incumbent day care workers hired under casual, contractual, and job order
39 employment status shall automatically be considered candidates and
40 given priority for appointment to permanent day care worker positions.

41 The local chief executive, as the appointing authority, shall exercise
42 sound discretion in appointing, from the SPSB-recommended pool, a day
43 care worker in a particular day care center.

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

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

- (1) Must be legal age;
- (2) Must have completed at least two (2) years of college education;
- (3) Must be certified by the Department of Social Welfare and Development (DSWD) or DSWD-deputized entities to have complied with existing requisites and trainings in early childhood care and development;
- (4) Must not have been convicted by final judgment of any crime; and
- (5) Must not have a pending case in relation to Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act".

Day care workers legitimately serving as such upon the passage of this Act who are above seventeen (17) years old but below eighteen (18) years old, shall continue to serve as such and are qualified to be covered under this Act: Provided, That their retention had been recommended by their direct supervisor.

Day care workers who have no collage education upon the effectivity of this Act shall be given two (2) years within which to complete equivalent training to be able to continue in the service, in accordance with Section 12 of this

71 Act. The necessary training courses shall be prescribed by
72 the DSWD.

- 73 (b) A Day Care Worker II, with Salary Grade 8, must possess the same
74 qualifications mentioned in paragraph (a) of this section including
75 five years of working experience and at least twelve (12) hours of
76 relevant training.

77 Qualifications and exceptions applicable to this section shall
78 be subject to conditions imposed by the Civil Service Commission
79 (CSC).

80 SEC. 8. *Working Hours.* – A day care worker is required to render eight (8)
81 working hours a day or a total of forty (40) working hours a week:
82 Provided, that the local social welfare and development officer (LSWDO)
83 may require day care workers to render services beyond their required
84 working hours during emergency situations such as natural and man-
85 made calamities.

86 SEC. 9. *Code of Conduct of Day Care Workers.* – Within six (6) months
87 upon approval of this Act, the Early Childhood Care and Development
88 Council (ECCDC), in consultation with a national organization of day care
89 workers, shall formulate a Code of Conduct for Day Care Workers. Each
90 day care worker shall be provided with a copy of the Code at the expense
91 of the government.

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

- 95 (a) Overtime pay – for services rendered beyond the required working
96 hours as prescribed in Section 8 hereof:

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

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

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

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

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

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

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

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

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

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

SEC. 13. *Support from Non-government Organizations (NGOs).* Nongovernment organizations or private volunteer organizations are hereby encouraged to assist or support the government in the implementation of programs and projects for day care workers. Pursuant thereto, all day care centers may accept such assistance or support from NGOs.

SEC.14. *Appropriation.* – The amount necessary to cover the salaries and benefits of day care workers shall be charged from the Internal Revenue Allotment (IRA) and the Special Education Fund of LGUs concerned: Provided, that the national government shall provide subsidy for at least one (1) day care worker per center in the fourth, fifth, and sixth class municipalities. A portion of the contribution of the Philippine Amusement and Gaming Corporation (PAGCOR) as provided under Republic Act.

10410, as well as additional funds generated from donations, fees, and contributions collected by the ECCDC from whatever source shall be set aside for the purpose.

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

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

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

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

Approved,