

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 2173



INTRODUCED BY HONORABLE BERNADETTE "BH" HERRERA-DY

EXPLANATORY NOTE

Republic Act No. 6972, also known as the Barangay-level Total Development and Protection of Children Act enacted in 1990. This law provides for the establishment of a day care center in every barangay and seeks to institute a Total Development and Protection of Children Program therein.

A decade after, Republic Act No. 8990, otherwise known as the Early Childhood Care and Development (ECCD) Act was legislated. This measure promulgates a comprehensive policy and national system for Early Childhood Care and Development.

Both measures promote and defend the rights of children, protect them against all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development. The measures accord special protection to children with full recognition of the nature of childhood and their special need.

More importantly, both measures recognize the stage of childhood, from birth to six (6) years of age, as critical to development. This is basically the essence of both laws. It is in this light that day care workers play a central role.

Day care workers cater to millions of children, and also their families. For underprivileged Filipino families, having the option of government day care centers, which require little contribution, is a big help. Day care workers tend to the needs of children, while their parents are able to attend to other equally important chores.

In spite the immensity of their work, they are receiving a measly Five Hundred Pesos (Php500) per month, an amount not even sufficient for their everyday needs. However, their willingness to work as volunteers should not be abused. It is not by choice but by necessity, and at times for their subsistence.

The government, in light of the institutionalization of the ECCD, should finally make day care workers regular government employees.

By guaranteeing the rights of the day care workers to security of tenure, humane working conditions and a living wage, the State would be contributing to the improvement of the

quality of early childhood care and education, thereby upholding its mandate to defend and protect children's rights as well as guaranteeing the rights of all its workers.

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



Hon. Bernadette Herrera-Dy

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

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

3
4 **SECTION 1. Short Title.** – This Act shall be known as the "Magna Carta of Day Care
5 Workers".

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

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

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

23 **SECTION 5. Creation of Special Personnel Selection Board.** – A Special Personnel
24 Selection Board (SPSB) for day care worker positions shall be created to screen candidate and
25 create a pool of ten (10) qualified applicants for possible appointment to the subject positions.

1 The SPSB shall be composed of the Local Social Welfare and Development Officer as chair, the
2 Punong Barangay, Local Health Officer, Human Resource Management Officer, and local
3 government unit (LGU) first level employees' representative as members.

4 **SECTION 6. Recruitment and Selection.** – Upon publication and posting by the Local
5 Human Resource Management Office (HRMO) of vacant permanent day care worker positions
6 in particular day care centers, all qualified applicants shall submit their application together with
7 complete requirements to the Punong Barangay who shall forthwith transmit the same to the
8 HRMO for preliminary evaluation: Provided, that all qualified incumbent day care workers hired
9 under casual contractual, and job order employment status shall automatically be considered
10 candidates and given priority for appointment to permanent day care worker positions.

11 The Local Chief Executive, as the appointing authority, shall exercise sound discretion in
12 appointing, from the SPSB-recommended pool, a day care worker position in a particular day
13 care center.

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

- 16 (a) Day Care Worker I, with Salary Grade Six (6) must possess the following
17 qualifications:
- 18 (1) Must be of legal age;
 - 19 (2) Must have completed at least two (2) years of college education;
 - 20 (3) Must be certified by the DSWD or DSWD-deputized entities to have complied
21 with existing requisites and trainings in early childhood care and
22 development;
 - 23 (4) Must not have been convicted by final judgment of any crime; and
 - 24 (5) Must not have a pending case in relation to Republic Act no. 7610, otherwise
25 known as the "Special Protection of Children Against Child Abuse,
26 Exploitation and Discrimination Act".

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

31 Day care workers who have no college education upon the effectivity of this Act
32 shall be given two (2) years within which to complete equivalent training to be able to
33 continue in the service, in accordance with Section 12 of this Act. The necessary training
34 courses shall be prescribed by the Department of Social Welfare and Development
35 (DSWD);

- 36 (b) A Day Care Worker II, with Salary Grade 8, must possess the same qualifications
37 mentioned in paragraph (a) of this section including five (5) years of working
38 experience and at least twelve (12) hours of relevant training.

39
40 Qualifications and exceptions applicable to this section shall be subject to conditions
41 imposed by Civil Service Commission (CSC).
42

1 **SECTION 8. Working Hours.** – A day care worker is required to render eight (8)
2 working hours a day or a total of forty (40) working hours a week: Provided that the local social
3 welfare officer (LSWDO) may require day care workers to render services beyond their required
4 working hours during emergency situations such as natural and man-made calamities.

5
6 **SECTION 9. Code of Conduct of Day Care Workers.** – Within six (6) months upon
7 approval of this Act, the Early Childhood Care and Development Council (ECCDC), in
8 consultation with a national organization of day care worker shall be provided with a copy of the
9 Code at the expense of the government.

10
11 **SECTION 10. Additional Compensation and Allowances.** – Day care workers shall be
12 provided with the following additional compensation, whenever applicable:

- 13
14 (a) **Overtime pay** – for services rendered beyond the required working hours as
15 prescribed in Section 8 hereof;
16 (b) **Hazard allowance** - for being exposed to situations, conditions, or factors in
17 the workplace which endanger the workers' health or life, or increase the
18 danger or risk thereto. Such risk or danger shall be determined by the local
19 Sangguniang Barangay concerned; and
20 (c) **Subsistence allowance** - for meals taken in the course of their duty within
21 the premises of isolated day care centers, the amount of which shall be
22 computed in accordance with prevailing circumstance as determined by the
23 local Sangguniang Barangay concerned.
24

25 **SECTION 11. Other Benefits and Privileges.** - Day care workers shall be entitled to
26 the following additional benefits and privileges:

- 27 (a) **Married Day Care Workers.** - Whenever possible, married couples who are
28 both day care workers shall be assigned in the same municipality or city.
29 (b) **Free Legal Services.** - The Public Attorney's Office (PAO) shall represent
30 day care workers in cases filed against them in connection with the
31 performance of their duties.
32 (c) **Free Medical Examination and Treatment.** – Annual medical examinations
33 shall be provided by government hospitals, free of charge, to all day care
34 workers. Day care workers suffering from work-related ailments shall be
35 treated without cost in government hospitals.
36 (d) **Access to Livelihood, Loans, Grants, and Skills Enhancement.** - The
37 DSWD and the LGU's, in coordination with other concerned government
38 agencies, shall provide organized day care workers with a mechanism for
39 accessing livelihood, loans, grants, and skills enhancement services.
40 (e) **Other Benefits.** – All day care workers shall automatically become members
41 of the Government Service Insurance System (GSIS), Pag-IBIG, and
42 PhilHealth, subject to premium payments by both employees, and shall be
43 entitled to maternity/paternity, sick, and vacation leaves as provided for by
44 existing laws.

SECTION 12. Training, Education and Skills Enhancement. – The DSWD, in coordination with Department of Education (DepEd), Commission on Higher Education (CHED) and the 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 experience and prior learning of day care workers as formal academic of training units.

SECTION 13. Support from Nongovernment Organizations (NGO's). – 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.

SECTION 14. Appropriations. – 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 No. 10410, as well as additional funds generated from donations, fees, and contributions collected by the ECCDC from whatever source shall also be set aside for the purpose.

SECTION 15. Implementing Rules and Regulations. – The DSWD, the ECCDC, and the 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 Act within six (6) months from its effectivity.

SECTION 16. Separability Clause. - If any provision of this Act or any part thereof is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions.

SECTION 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.

SECTION 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.