

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 5768



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Introduced by **HON. JOY MYRA S. TAMBUNTING**

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#### **EXPLANATORY NOTE**

Day care workers play an important role in the growth and development of a child. They are responsible for the care and education of young children from age zero to four years. These years are crucial since these form part of the child's formative years. It is at this stage wherein a child's cognitive, social, emotional and physical development is at a boost.

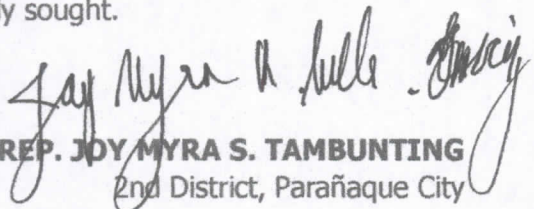
Despite this vital role of day care workers in the growth and development of the children, day care workers remain to be undercompensated and unable to enjoy benefits of regular employees. A huge number of day care workers are working on either a job order status or a voluntary basis.

This current employment status of most day care workers abuses the willingness of day care workers to work voluntarily and blatantly ignores their social and economic well-being. Moreover, the State's seeming neglect of the day care workers' welfare, hinders their professional development which is otherwise provided to their counterparts in higher learning institutions.

In cognizance of the importance of the work of day care workers and their right to humane working conditions and a living wage, this proposed measure seeks to improve their social and economic well-being by mandating the grant tenure, benefits and other privileges as enjoyed by other civil servants. This proposed measure shall mandate the creation of plantilla positions in all day care centers nationwide.

This bill is based upon House Bill No. 6550 which was a product of concerted efforts of representatives from the 17<sup>th</sup> Congress

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.

  
**REP. JOY MYRA S. TAMBUNTING**  
2nd District, Parañaque City

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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:*

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

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

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

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

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



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

The local chief executive as the appointing authority, shall exercise sound discretion in appointing, from the SPSB-recommended pool, a day 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 of 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 judgement 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 college 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 Act. The necessary training courses shall be prescribed by the DSWD.

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

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

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

**SEC. 9. Code of Conduct of Day Care Workers.** – Within six (6) months upon approval of this Act, the Early Childhood Care and Development Council (ECCDC), in consultation with a



national organization of day care workers, shall formulate a Code of Conduct for Day Care Workers. Each day care worker shall be provided with a copy of the Code at the expense of the government.

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

- (a) Overtime pay – for services rendered beyond the required working 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 program 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 Nongovernment Organizations (NGOs).*** – Nongovernment organizational 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. 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.

**SEC. 16. 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 Act within six (6) months from its effectivity.

**SEC. 16. Separability Clause.** – If any provision of this Act or any part 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 (16) days after its publication in the Official Gazette or in a newspaper of general circulation.