

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 689



Introduced by **HONORABLE STELLA LUZ A. QUIMBO**

EXPLANATORY NOTE

In accordance with the mandate of the Constitution for the State to recognize the vital role of children and youth in nation-building and promote and protect their physical and moral, spiritual, intellectual and social well-being, our government has adopted the early childhood development approach and the barangay-level total development strategy.

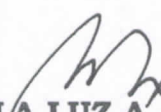
Under these approaches, Day Care Centers and Early Childhood Development Centers are to be established in all barangays to provide children aged up to six (6) years old the adequate care, nurturing and protection. At the forefront of these efforts are the Day Care Workers.

It is unfortunate that despite the critical role played by Day Care Workers, there is little protection afforded to them by our existing laws. The economic well-being and professional development of Day Care Centers are also afforded little to no attention.

The unjust situation faced by Day Care Workers was recognized by the 17th Congress as, after various consultations and extensive deliberation, it crafted and passed on Third Reading House Bill No. 6550. However, there was not enough time during the last Congress to have the measure passed in the Senate and into a law.

The present bill embodies the various consultations, extensive deliberation, and the hard work that has already been put into finally giving Day Care Workers the protection and compensation due to them. It promotes and improves the well-being and economic welfare of Day Care Workers, opens up greater opportunities for professional development, and insulates them from unnecessary political interferences and abuses.

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


STELLA LUZ A. QUIMBO
Representative
Second District Marikina City

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689
HOUSE BILL NO. _____

Introduced by **HONORABLE STELLA LUZ A. QUIMBO**

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. *Short Title.* – This Act shall be known as the “*Magna Carta of Day Care*
2 *Workers*”.

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

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

14 SEC. 4. *Plantilla Positions and Security of Tenure in Day Care Centers.* – At least one
15 (1) Day Care Worker I and one (1) Day Care Worker II plantilla positions shall be created in
16 all day care centers nationwide. As plantilla position holders, day care workers shall be

1 appointed under permanent status and shall be protected and governed by civil service rules
2 and regulations. No day care worker shall be removed or transferred from office without just
3 cause, due process, or prior consultation with the concerned day care worker.

4 SEC.5. *Creation of Special Personnel Selection Board.* –A Special Personnel Selection
5 Board (SPSB) for day care worker positions shall be created to screen candidates and create a
6 pool of ten (10) qualified applicants for possible appointment to the subject positions. The
7 SPSB shall be composed of the Local Social Welfare and Development Officer as chair, the
8 Punong Barangay, Local Health Officer, Human Resource Management Officer, and local
9 government unit (LGU) first level employees' representative as members.

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

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

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

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

25 (1) Must be of legal age;

26 (2) Must have completed at least two (2) years of college education;

(3) Must be certified by the 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 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 Department of Social Welfare and Development (DSWD);

(b) A Day Care Worker II, with Salary Grade 8, must possess the same qualifications mentioned in paragraph (a) of this section including five (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 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.

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

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

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

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

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

25 SEC. 15. *Implementing Rules and Regulations.* – The DSWD, the ECCDC, and the
26 Department of the Interior and Local Government (DILG), in consultation with the CSC and a

1 national organization of day care workers, shall formulate the rules and regulations necessary
2 to implement the provisions of this Act within six (6) months from its effectivity.

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

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

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

12 Approved,