

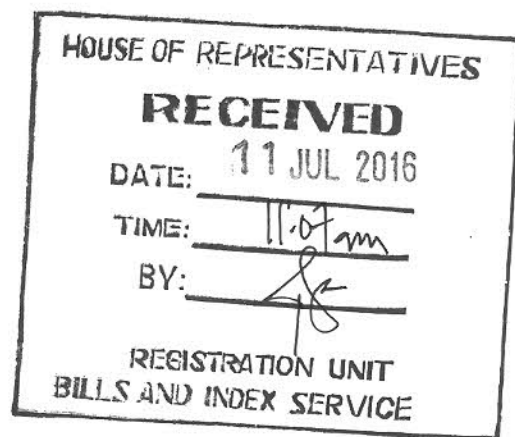


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Seventeenth Congress

First Regular Session

House Bill No. 1345



Introduced by HON. ROMEO M. ACOP

EXPLANATORY NOTE

Children and the youth constitute our greatest human resource for in their hands lies the future of our nation. In recognition of this vital role of the youth in nation-building, the Constitution mandates the State to promote and protect their physical, moral, spiritual, intellectual and social well-being. The education of our children must begin at the earliest possible age. The first opportunity, outside of the family, occurs when pre-school children are left to the care and custody of day care workers in day care centers.

Thus, day care workers are in the forefront of the education and character formation of our children. They provide our children not only substitute care while in their custody, but as well as social development training and basic pre-school education. Discharging such important and delicate function, day care workers in return deserve better government attention with respect to the protection and promotion of their rights and welfare. However, the current plight of day care workers indicates conditions of abject poverty and long years of government neglect. They do not enjoy security of tenure and are deprived of benefits enjoyed by other government employees mandated by law.


Section 9 of Article II of the Constitution directs the State to promote a just and dynamic social order that will free the people from poverty

through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.

This proposed measure seeks, among other things, to upgrade the salaries of day care workers, provide them with benefits due them and to grant them with security of tenure. As public servants, they should be entitled to social benefits provided for under existing laws and to compensation commensurate to their duties and responsibilities.

This bill has been passed on Third Reading by the House of Representative and was transmitted to the Senate for its concurrence during the 16th Congress. However, due to lack of material time, the measure was not finally enacted into law.

For the foregoing reasons, the immediate passage of the bill is earnestly urged.


ATTY. ROMEO M. ACOP MNSA
Representative
2nd District, Antipolo 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 the House of Representatives of the Republic of the Philippines in Congress assembled :

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

SECTION 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.

SECTION 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)*, 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.

SECTION 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.

SECTION 5. *Recruitment and Selection/Creation of Special Selection Board.* – Upon publication and posting by the local Human Resource Management Office (HMRO) 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 HMRO 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.

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

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

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

- 1) Must be of legal age: *Provided*, That 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 further*, That their retention had been recommended by their direct supervisor.
- 2) Must have completed at least two (2) years of college education: *Provided*, That 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 9 of this Act. The necessary training courses shall be prescribed by the Department of Social Welfare and Development (DSWD).
- 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 *Special Protection on Children Against Child Abuse*.

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

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

SECTION 7. *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 12 hereof;
- b. *Hazard Allowance* – for being exposed to situations, conditions, or factors in the workplace which adversely endanger the workers' health or life, or increase the danger or risk in the exercise of their duties. Such risk or danger shall be determined by the local *Sangguniang Barangay* concerned; and,
- c. *Subsistence Allowance* – for services rendered within the premises of isolated day care centers equivalent to the meals they take in the course of their duty, which shall be computed in accordance with prevailing circumstances as determined by the local *Sangguniang Barangay* concerned.

SECTION 8. *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. *Right to Self-Organization.* –Day care workers shall have the freedom to organize themselves and under no circumstance may be dismissed from work on the basis of membership in such organization;
- c. *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.
- d. *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.

e. *Preferential 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.

f. *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.

SECTION 9. *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.

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

SECTION 10. *Support from Non-Government Organizations (NGOs).*
– Non-government 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. As such, all day care centers are allowed to accept any assistance or support from NGOs.

SECTION 11. *Code of Conduct of Day Care Workers.* – Within six (6) months upon approval of this Act, the Early Childhood 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 government.

SECTION 12. *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 may require day care workers to render services beyond their required working hours during emergency situations such as natural and man-made calamities.

SECTION 13. *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.

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 (SEF) 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 Philippine Amusement and Gaming Corporation (PAGCOR) as provided under *R.A. 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. *Penal Provisions.* – Any person who violates any provision of this Act shall be punished with a fine of not less than Five thousand pesos (P5,000.00) or imprisonment of not less than one (1) month but not more than two (2) months, or both, at the discretion of the court.

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

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 *Barangay-Level Total Development and Protection of Children* 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.