

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH (17th) CONGRESS
First Regular Session

House Bill No. **3968**



Introduced by Rep. Bernadette Herrera-Dy

EXPLANATORY NOTE

The 1987 Constitution, in Section 13 of its State Policies, recognizes the vital role of youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. As such, the care and welfare promotion of children should start at the earliest age possible. Day care workers play a significant role in the preparation of children for formal education.

Day care workers provide children with education, care, social development training and other needs of children before they are sent to regular schools. The government has sponsored day care institutions throughout the country and has in its employ workers whose welfare should be looked into if we are to realize the nation's goal of developing a more mature, responsive and socially conscious individuals. The preparation for this undertaking should best start in pre-school where children are in their formative years and may effectively be molded.

The proposed measure provides for qualifications for employment in government-sponsored day cares with the involvement of different government agencies tasked for the purpose. This bill also provides day care workers with the benefits due them. Being state workers, they are considered civil servants with qualifications specified by law and commensurate to their duties and responsibilities. They are likewise extended protection from arbitrary termination once qualified.

With the author's desire to uplift the interests and welfare of ordinary government employees, the approval of this bill is earnestly sought.


BERNADETTE R. HERRERA-DY

1 **Republic of the Philippines**
2 **HOUSE OF REPRESENTATIVES**
3 **Quezon City**

4
5 **SEVENTEENTH CONGRESS**
6 *First Regular Session*
7

8 House Bill No. **3968**
9

10
11
12 Introduced by REP. BERNADETTE R. HERRERA-DY
13

14
15 **AN ACT PROVIDING FOR THE MAGNA CARTA FOR DAY CARE**
16 **WORKERS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER**
17 **PURPOSES**
18

19
20 *Be it enacted in the Senate and House of Representatives of the Philippines in the*
21 *Congress assembled:*

22
23 **Section 1.** Title – This act shall be known as the “Magna Carta for Day Care
24 Workers (Teachers/Nanny)”

25 **Section 2. Declaration of State Policy** – The State recognizes the role of children
26 and youth in nation- building and shall promote and protect their physical and moral,
27 spiritual, intellectual and social well-being. It shall then be its declared policy to promote
28 and improve the social well-being and economic welfare of day care workers who
29 provide pre-school education and social development service to the children. Towards
30 this end, the State shall adopt policies that will protect the rights and enhance the rights of
31 day care workers.

32 **Section 3. Coverage** – This act shall cover all persons engaged in the provision of
33 Early Child Development in government-sponsored day care centers whose primary
34 function is to assist in the provision of care, social development, education and other
35 needs of the children.

36 **Section 4. Qualification** – A Day Care Worker must be of legal age, possesses at
37 least, as career sub-profession eligibility and must have training in Early Childhood Care
38 and Development. Provided, that, an incumbent day care worker who has been serving
39 for the last five (5) years upon approval of this Act and does not meet the prescribed
40 educational qualification standard shall not be disqualified; Provided, further, that such
41 Day Care Worker shall complete the Day Care Worker training course provided by the
42 Department of Social Welfare and Development (DSWD) within one (1) year of
43 effectivity of this act.

1 **Section 5. Recruitment** – A qualified Day Care Worker shall file his/her application
2 with the local government unit concerned. Under no circumstances shall an applicant for
3 the position of Day Care Worker be discriminated against on the basis of gender, religion,
4 age, status, race or political affiliation.
5

6 **Section 6. Salary** – A Day Care Worker shall receive a salary equivalent to:
7

8 **Level 1** – High School graduate level below second year college and
9 length of service of at least five (5) years shall receive the salary
10 equivalent to salary grade 6.
11

12 **Level 2** – Second year college level shall receive a salary equivalent to grade 8;
13 and

14 **Level 3** – College graduate level shall receive salary equivalent to salary grade
15 10.

16 **Section 7. Working Hours** – A Day Care Worker is required to render eight (8)
17 working hours a day or a total of forty (40) working hours a week; Provided, that, the
18 municipal/city social welfare officer may require a day care worker to render services
19 beyond his/her required working hours during emergency situations such as natural and
20 man-made calamities.

21 **Section 8. Additional Compensation and Allowances** – Day Care Workers shall be
22 provided the following additional compensation whenever applicable;

- 23 a) Overtime pay for services beyond the required working hours;
- 24 b) Hazard Allowance – Barangay Day Care Workers in urban and rural areas,
25 exposed in situations, conditions or factors in the work environment or place
26 where foreseeable but unavoidable danger or risks exist which adversely
27 endanger his/her health or life and or increase the risk of producing adverse
28 effect on his/her person in the exercise of his/her duties, to be validated by
29 proper authorities, shall be entitled to hazard allowance to be determined by
30 the local Sangguniang Barangay concerned; and
- 31 c) Subsistence Allowance – Barangay Day Care Workers who renders service
32 within the premises of isolated Barangay Day Care Centers in order to make
33 their services available at any and all times, shall be entitled to subsistence
34 allowance equivalent to the meals they take in the course of their duty, which
35 shall be computed in accordance with prevailing circumstances as determined
36 by the local Sangguniang Barangay concerned.

37

38 **Section 9. Training, Education and Career Enrichment Programs** – The
39 Department of Social Welfare and Development, in coordination with the Department of
40 Education and other concerned government agencies and non-government organizations,
41 shall provide opportunities for the following:

1. Educational Programs which shall recognize years of day care service as credits to higher education in institutions with step ladder curricula that will entitle Barangay Day Care workers to upgrade their skills and knowledge for community work;
2. Continuing education, study and exposure tours, training grants, field immersion, scholarships, etc.;
3. Scholarship benefits in form of tuition in state colleges, to be granted to one child of Barangay Day Care Worker who will be able to take advantage of the above programs; and
4. Special Training Programs that address emergent community health problems and issues.

Section 10. Other Benefits and Privileges Due to Day Care Workers – Apart from the abovementioned benefits, the following are additional entitlements of Day Care Workers:

- a.) **Civil Service Eligibility** – Second grade eligibility shall be granted to Barangay Day Care Workers who have rendered five (5) years of continuous service. Provided, that, should the Barangay Day Care Worker become a regular employee of the government, the total number of years served as Barangay Day Care Worker shall be credited to his service in computing retirement benefits.
- b.) **Transfer or Geographical Reassignment of Day Care Workers** – No Day Care Worker shall be transferred or reassigned from one center to another without his/her prior knowledge and/or consent.
- c.) **Married Day Care Workers** – Whenever possible, married couples who are both Day Care Workers shall be assigned in the same municipality or city.
- d.) **Free Legal Services** – Legal representation and consultation services for Barangay Day Care Worker shall be immediately provided by the Public Attorney's Office in cases of coercion, interference, and in other civil and criminal cases filed by or against Barangay Day Care Workers arising out of or in connection with the performance of their duties of such.
- e.) **Free Medical Examination** – Pre-employment and annual medical examinations shall be provided by government hospitals, free of charge, to all Day Care Workers suffering from work-related ailments, shall be treated free of charge in government hospitals.
- f.) **Preferential Access to Loans** – The Department of Social Welfare and Development in coordination with other concerned government agencies shall provide a mechanism for access to loan services by organized Day Care Workers. The agencies providing loan services will set aside One Percent (1%) of their loanable funds for organized Day Care Workers groups that have community-based income generating projects in support of Day Care program or activities.

1 As provided under existing laws, a Day Care Worker shall not be terminated from
2 work without due cause; shall have the freedom to organize themselves and under no
3 circumstances shall any Day Care Worker be dismissed on the basis of his/her
4 membership in any organization of Day Care Workers; shall automatically become
5 members of the Government Service Insurance System (GSIS); and shall be entitled to
6 maternity/paternity, sick, and vacation leaves.

7
8 **Section 11. Support from Non-government Organization** – Non-government
9 organizations or private volunteer organizations are hereby encouraged to assist and/or
10 support the government in the implementation of programs and projects for Day Care
11 Workers. As such, all Day Care Centers are allowed to accept any assistance or support
12 coming from the NGO's.

13
14 **Section 12. Code of Conduct for Day Care Workers** – Within six (6) months
15 upon approval of this Act, the DSWD, in consultation with the national organization of
16 Day Care Workers, shall formulate a Code of Conduct for Day Care Workers. Each Day
17 Care Worker shall be provided a copy of the Code.

18
19 **Section 13. Implementing Rules and Regulations** - The Department of Social
20 Welfare and Development (DSWD) and the Department of Interior and Local
21 Government (DILG) in consultation with the Civil Service Commission (CSC) and the
22 national organization of Day Care Workers, shall formulate the rules and regulations
23 necessary to the implement the provisions of this Act within six (6) months of its
24 effectivity.

25
26 **Section 14. Appropriations** – Salaries and benefits of Day Care Workers shall be
27 charged to the local government units concerned. Training needs of Day Care Workers
28 shall be charged to the annual appropriations of the DSWD.

29
30 **Section 15. Penal Provisions** – Any person who violates the provisions of this act
31 shall be punished with a fine of not less than Five Thousand (Php5,000.00) and/or
32 imprisonment of not less than one (1) month but not more than two (2) months, or both at
33 the discretion of the court.

34 If the offender is a public official, he/she shall, in addition to the penalties stated
35 above, be dismissed from government service.

36
37 **Section 16. Separability Clause.** – In the event that any provision of this Act is
38 declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of
39 the remainder of the provisions of this Act shall not be affected thereby.
40

1 **Section 17. Repealing Clause.** - All laws, presidential decrees, letters of
2 instructions, executive orders, administrative orders, rules, regulations, and other
3 issuances or parts thereof which are contrary to or inconsistent with the provisions of
4 this Act are hereby revoked, repealed or modified accordingly.

5 **Section 18. Effectivity.** – This Act shall take effect fifteen (15) days following
6 the completion of its publication in the Official Gazette or in at least two (2) newspapers
7 of general circulation.

8
9 *Approved,*