

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

EIGHTEENTH (18th) CONGRESS
1st Regular Session

HOUSE BILL NO. 3027



Introduced by **Hon. WILTER "SHARKY" WEE PALMA II**

EXPLANATORY NOTE

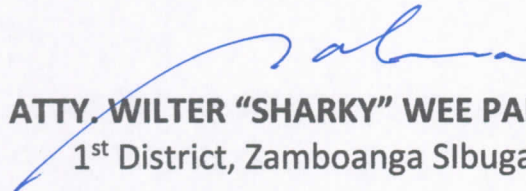
With the particular rise of mothers who are engaged in the workforce, most of the children above the ages of three (3) now attend a day care facility on a daily basis. In fact, studies show that day care have become a critical part of early child development due to its influence on a child's overall intellectual and social development.

Moreover, these institutions also serve as an avenue to foster the necessary skills that the children would need in order to find success in and out of the classroom. In fact, further studies show that these day care centers helps promote good social, emotional, and communication skills as well as a firm grasp on pre-literacy and environmental awareness which would aid them towards becoming the leaders of the future that we hold dear. With this, a child should be given the ample opportunity to develop at an early age.

However, in the case of the Philippines, despite the presence of 50,909 day-care workers, there has been the lack of appropriate salary and other benefits which greatly affected the overall performance of said workers. In light of this, day care workers should also be given proper compensation in order to open up ample opportunities for self-care and improvement.

Because in reality, these day care workers play an important role on the early stages of our youth's development, and it is but just and right that we take care of these day care workers as well.

In consideration thereof, early approval of this bill is highly recommended.



ATTY. WILTER "SHARKY" WEE PALMA II
1st District, Zamboanga Sibugay

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EIGHTEENTH (18th) CONGRESS
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HOUSE BILL NO. 3027

Introduced By **HON. WILTER “SHARKY” WEE PALMA II**

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:

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

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

9 **SEC 3. Coverage.** – This Act covers all day care workers, also referred to as
10 child development workers in Republic Act No. 10410, otherwise known as the
11 “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 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 a Salary grade 6, must possess the following qualifications:

(1) Must be legal age;

(2) Must have completed at least 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 five (5) years of working experience and at least twelve (12) hours of relevant training.

Qualifications and exceptions 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 (4) 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 situation such as natural and man-made calamities.

72 **SEC. 9. Code of Conduct of Day Care Workers.** – Within six (6) months upon
73 the approval of this Act, the Early Childhood Care and Development Council
74 (ECCDC), in consultation with a national organization of day care workers, shall
75 formulate a Code of Conduct for Day Care Workers. Each day care worker shall be
76 provided with a copy of the Code at the expense of the government.

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

80 (a) Overtime pay – for services rendered beyond the required working
81 hours as prescribed in Section 8 hereof:

82 (b) Hazard allowance – for being exposed to situations, conditions, or
83 factors in the workplace which endanger the workers' health or life, or increase
84 the danger or risk thereto. Such risk or danger shall be determined by the local
85 Sangguniang Barangay concerned; and

86 (c) Subsistence allowance – for meals taken in the course of their duty
87 within the premises of isolated day care centers, the amount of which shall be
88 computed in accordance with prevailing circumstances as determined by the local
89 Sangguniang Barangay concerned.

90 **SEC. 11. Other Benefits and Privileges.** – Day care workers shall be entitled
91 to the following additional benefits and privileges:

92 (a) Married Day Care Workers. – Whenever possible, married couples who
93 are both day care workers shall be assigned in the same municipality or city.

94 (b) Free Legal Services. – The Public Attorney's Office (PAO) shall represent
95 day care workers in cases filed against them in connection with the performance
96 of their duties.

97 (c) Free Medical Examination and Treatment. – Annual medical
98 examinations shall be provided by government hospitals, free of charge, to all day
99 care workers. Day care workers suffering from work-related ailments shall be
100 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 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 experiences and prior learning of day care workers as formal academic or training units.

SEC. 13. Support from Nongovernment 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. 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 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.

132 **SEC. 15. *Implementing Rules and Regulations.*** – The DSWD, ECCDC, and
133 Department of the Interior and Local Government (DILG), in consultation with the
134 CSC and a national organization of day care workers, shall formulate the rules and
135 regulations necessary to implement the provisions of this ACT within six (6)
136 months from its effectivity.

137 **SEC. 16. *Separability Clause.*** – If any provision of this Act or any part hereof
138 is declared unconstitutional, the same shall not affect the validity and effectivity
139 of the other provisions.

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

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

146 ***Approved,***