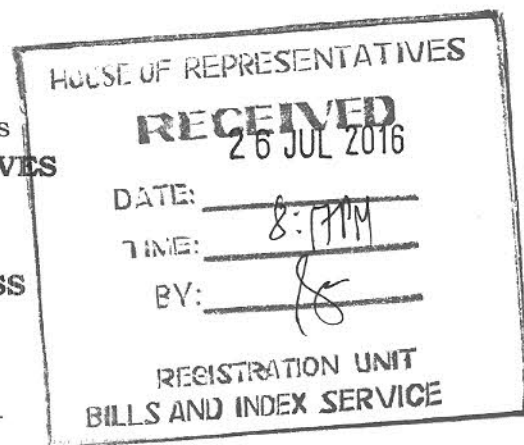


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 1971



Introduced by Representatives
Estrellita B. Suansing and Horacio P. Suansing, Jr.

EXPLANATORY NOTE

The first five years of a child's life is critical to their development, success and performance throughout life. That is why this phase is called the formative years. This is said to be the best window of opportunity that we need to seize or forever lose the potential innate in each child.

The role of women has significantly changed over the years. Women are now as equally educated as men and are contributing to the family's finances. Traditionally, women in the Philippines are homemakers, and one of their primary responsibilities is to look after their children. Nowadays, more and more mothers become part of our labor force as they help augment their family's financial situation.


Thus, these working mothers' children are left to the guidance and supervision of the day care workers. These noble workers play a crucial role in the character molding and personality development of the children entrusted to their care. In spite of the dedication these courageous individuals have shown, they receive a measly monthly allowance of five hundred pesos (P500.00) as provided for by Republic Act No. 6972, which is not enough to compensate for their hardships.

Aside from their meager salary, these noble heroes do not have security of tenure, overtime pay, leave and other benefits that they duly deserve.

This proposed measure, a re-file of House Bill No. 6410 during the 16th Congress and approved on Third Reading on May 23, 2016, seeks to improve the general welfare of our unsung day care workers by providing them the compensation and benefits they earnestly warrant.

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


ESTRELLITA B. SUANSING
1st District, Nueva Ecija


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2nd District, Sultan Kudarat

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AN ACT
INSTITUTING THE MAGNA CARTA FOR DAY CARE WORKERS

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
2 Day Care Workers.”

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

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

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

21 **SECTION 5. Recruitment and Selection/Creation of Special Selection**
22 **Board.** – Upon publication and posting by the local Human Resource Management
23 Office (HRMO) of vacant permanent day care worker positions in particular day care
24 centers, all qualified applicants shall submit their application together with complete
25 requirements to the Punong Barangay who shall forthwith submit the same to the
26 HRMO for preliminary evaluation: *Provided, That* all qualified incumbent day care
27 workers hired under casual, contractual, and job order employment status shall

1 automatically be considered candidates and given priority for appointment to
2 permanent day care worker positions.

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

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

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

- 15 a. Must be of legal age: *Provided*, That day care workers legitimately
16 serving as such upon the passage of this Act who are above seventeen
17 (17) years old but below eighteen (18) years old, shall continue to serve
18 as such and are qualified to be covered under this Act: *Provided*,
19 *further*, That their retention had been recommended by their direct
20 supervisor;
- 21 b. Must have completed at least two (2) years of college education:
22 *Provided*, That day care workers who have no college education upon
23 the effectivity of this Act shall be given two (2) years within which to
24 complete equivalent training to be able to continue in the service, in
25 accordance with Section 9 of this Act. The necessary training courses
26 shall be prescribed by the Department of Social Welfare and
27 Development (DSWD);
- 28 c. Must be certified by the DSWD or DSWD-deputized entities to have
29 complied with existing requisites and trainings in early childhood care
30 and development;
- 31 d. Must not have been convicted by final judgment of any crime; and
- 32 e. Must not have a pending case in relation to Republic Act No. 7160,
33 otherwise known as the "Special Protection of Children Against Child
34 Abuse, Exploitation and Discrimination Act".

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

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

1 **SECTION 7. Additional Compensation and Allowances.** – Day care
2 workers shall be provided with the following additional compensation, whenever
3 applicable:

- 4 a. Overtime pay – for services rendered beyond the required working
5 hours as prescribed in Section 12 hereof;
- 6 b. Hazard allowance – for being exposed to situations, conditions, or
7 factors in the workplace which adversely endanger the workers' health
8 or life, or increase the danger or risk in the exercise of their duties.
9 Such risk or danger shall be determined by the local Sangguniang
10 Barangay concerned; and
- 11 c. Subsistence allowance – for services rendered within the premises of
12 isolated day care centers equivalent to the meals they take in the
13 course of their duty, which shall be computed in accordance with
14 prevailing circumstances as determined by the local Sangguniang
15 Barangay concerned.

16 **SECTION 8. Other Benefits and Privileges.** – Day care workers shall be
17 entitled to the following additional benefits and privileges:

- 18 a. Married Day Care Workers. – Whenever possible, married couples who
19 are both day care workers shall be assigned in the same municipality
20 or city.
- 21 b. Right to Self-Organization. – Day care workers shall have the freedom
22 to organize themselves and under no circumstance may be dismissed
23 from work on the basis of membership in such organization.
- 24 c. Free Legal Services. – The Public Attorney's Office (PAO) shall represent
25 day care workers in cases filed against them in connection with the
26 performance of their duties.
- 27 d. Free Medical Examination and Treatment. – Annual medical
28 examinations shall be provided by government hospitals, free of charge,
29 to all day care workers. Day care workers suffering from work-related
30 ailments shall be treated without cost in government hospitals.
- 31 e. Preferential Access to Livelihood, Loans, Grants, and Skills
32 Enhancement. – The DSWD and the LGUs, in coordination with other
33 concerned government agencies, shall provide organized day care
34 workers with a mechanism for accessing livelihood, loans, grants, and
35 skills enhancement services.
- 36 f. Other Benefits. – All day care workers shall automatically become
37 members of the Government Service Insurance System (GSIS), Pag-
38 IBIG, and PhilHealth, subject to premium payments by both employers
39 and employees, and shall be entitled to maternity/paternity, sick, and
40 vacation leaves as provided for by existing laws.

1 **SECTION 9. *Training, Education and Skills Enhancement.*** – The
2 DSWD, in connection with the Department of Education (DepED), Commission on
3 Higher Education (CHED) and the Technical Education and Skills Development
4 Authority (TESDA), shall provide for a system of continuing education and skills
5 training and knowledge enhancement programs for day care workers.

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

10 **SECTION 10. *Support from Nongovernment Organizations (NGOs).*** –
11 Nongovernment organizations or private volunteer organizations are hereby
12 encouraged to assist or support the government in the implementation of programs
13 and projects for day care workers. As such, all day care centers are allowed to accept
14 any assistance or support from NGOs.

15 **SECTION 11. *Code of Conduct of Day Care Workers.*** – Within six (6)
16 months upon approval of this Act, the Early Childhood Care and Development
17 Council (ECCDC), in consultation with a national organization of day care workers,
18 shall formulate a Code of Conduct for Day Care Workers. Each day care worker shall
19 be provided with a copy of the Code at the expense of the government.

20 **SECTION 12. *Working Hours.*** – A day care worker is required to render
21 eight (8) working hours a day or a total of forty (40) working hours a week: *Provided,*
22 That the local social welfare officer may require day care workers to render services
23 beyond their required working hours during emergency situations such as natural
24 and man-made calamities.

25 **SECTION 13. *Implementing Rules and Regulations.*** – The DSWD,
26 ECCDC, and the Department of Interior and Local Government (DILG), in
27 consultation with the CSC and national organization of day care workers, shall
28 formulate the rules and regulations necessary to implement the provisions of this
29 Act within six (6) months from its effectivity.

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

39 **SECTION 15. *Penal Provisions.*** – Any person who violates any provision of
40 this Act shall be punished with a fine of not less than five thousand pesos
41 (P5,000.00) or imprisonment of not less than one (1) month but not more than two
42 (2) months, or both, at the discretion of the court.

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

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

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

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

13 Approved,