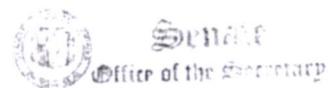


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

19 JUL -2 P1:34

S. No. 184

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Introduced by SENATOR LEILA M. DE LIMA

**AN ACT
INSTITUTING THE MAGNA CARTA FOR CHILD DAY CARE WORKERS
AND PROVIDING FUNDS THEREFOR**

EXPLANATORY NOTE

Article II, Section 13 of the 1987 Constitution declares that “[t]he State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being.” Furthermore, Article XV, Section 3 (2) requires the State to defend the right of children to assistance, including proper care and nutrition.

Guided by the dictates of the Constitution, Congress legislated Republic Act No. 6972, also known as the Barangay-level Total Development and Protection of Children Act, which establishes a day care center in every barangay to provide a total development and protection program for children up to six (6) years old.

Likewise, Republic Act No. 8980, or the Early Childhood Care and Development (ECCD) Act, institutionalizes a comprehensive, integrative and sustainable National System for ECCD that involves a multi-sectoral and inter-agency collaboration among government, service providers, families and communities at the national and local levels.

More recently, Republic Act No. 10410, or the Early Years Act, further strengthened the government’s program for our toddlers, recognizing ages zero (0) to eight (8) as the most formative and crucial stage of educational development and giving the ECCD Council the mandate to develop programs for those aged zero (0) to four (4) and the Department of Education for those from age five (5) to eight (8).

Under this law, Day Care Centers are henceforth called Child Development Centers (CDC).

As of 2016, data from the Department of Social Welfare and Development (DSWD) revealed that there were roughly 7,000 out of 41,000 barangays or 16.9% barangays that do not have CDCs. DSWD also recorded 49,568 day care workers nationwide catering services to 1.765 Million three-year-old children and above. Of this total, only 42.29% are accredited. The rest have expired accreditation or no accreditation at all.

For many years, the economic well-being, and professional development of day care workers have been neglected by government.

2019 data of DSWD showed that of 33,304 employed day care workers deployed nationwide --- 12.21 % are permanent, 35.26 % are contractual, 28.76% are casual and 23.45% are employed through a Memorandum of Agreement. Monthly honoraria of day care workers range from less than P1,000 per month as in the case in ARMM and CARAGA, to P15,000 per month in Region XI and NCR, depending on their employment status and their barangay's financial capacity. Majority of these day care workers have high educational attainment and have been in service for many years, yet they receive such measly salaries and they don't enjoy the security of tenure and other benefits.¹

These day care workers, who exercise special parental authority over our children, play a crucial role in the development of the minds of these children. As such, they require commensurate compensation with respect to their workload and expertise, and opportunities for career development.

This bill enacts a Magna Carta for Child Day Care Workers, securing their tenure, and providing the compensation and benefits that they justly deserve. It creates a Special Personnel Selection Board to ensure that the right people are in our CDCs and mandates the formulation of a Code of Conduct to guide these workers.

¹ Sunstar.com.ph. "PSWDO calls for regularization of daycare workers". Retrieved from <https://www.sunstar.com.ph/article/1747274>.

With millions of our children dependent on them, it is high time for government to recognize their important role in society and grant them as much support as possible to ensure that they are cared for the way they care for our young.

This bill was originally filed during the 16th Congress.

Leila M. de Lima
LEILA M. DE LIMA

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Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
INSTITUTING THE MAGNA CARTA FOR CHILD 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 for Child*
2 *Day Care Workers Act of 2019.*”

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

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

13 Sec. 4. *Plantilla Positions and Security of Tenure in Child Development*
14 *Centers.* – At least one (1) Child Day Care Worker I and one (1) Child Day Care
15 Workers II plantilla positions shall be created in all child development centers
16 nationwide. The duly appointed child day care workers shall enjoy security of tenure
17 and shall be protected and governed by civil service rules and regulations. No child
18 day care worker shall be removed or transferred from office without just cause, due
19 process, or prior consultation with the concerned child day care worker.

1 Sec. 5. *Creation of Special Personnel Selection Board.* – A Special Personnel
2 Selection Board (SPSB) for child day care worker positions shall be created to screen
3 candidates and create a pool of at least three (3) qualified applicants for possible
4 appointment to the subject positions. The SPSB shall be composed of the local social
5 welfare and development officer (LSDWO) as chairperson, and the local health officer,
6 human resource management officer, and local government unit (LGU) first level
7 employees' representative as members.

8 Sec. 6. *Recruitment and Selection.* – Upon publication and posting by the local
9 Human Resource Management Office (HRMO) of vacant permanent child day care
10 worker positions in particular child development centers, all qualified applicants shall
11 submit their application, together with complete requirements, to the HRMO for
12 preliminary evaluation; *Provided*, That all qualified incumbent child day care workers
13 hired under casual, contractual, and job order employment status shall automatically
14 be considered candidates and given priority for appointment to permanent child day
15 care worker positions.

16 The local chief executive, as the appointing authority, shall exercise sound
17 discretion in appointing, from the SPSB-recommended pool pursuant to Section 5 of
18 this Act, a child day care worker in a particular child development center. Under no
19 circumstances shall an applicant be discriminated against on the basis of gender,
20 religion, age, status, race, or political affiliation.

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

- 23 a. Child Day Care Worker I, with Salary Grade 6, must possess the following
24 qualifications:
25 1. Must be of legal age;
26 2. Must have completed at least the K-12 Program or two (2) years of
27 college education or its equivalent;
28 3. Must be accredited by either the Early Childhood Care and Development
29 Council (ECCDC) or the deputized local Social Welfare and
30 Development Office (LSWDO) to have complied with existing requisites
31 and trainings in early childhood care and development;
32 4. Must not have been convicted by final judgment of any crime; and,

- 1 5. Must not have a pending case in relation to Republic Act No. 7610,
2 otherwise known as the “Special Protection of Children Against Abuse,
3 Exploitation and Discrimination Act” and other similar laws protecting
4 children.

5 Child day care workers legitimately serving as such upon the effectivity of this
6 Act who are above seventeen (17) years old but below eighteen (18) years old and do
7 not possess any of the above-stated disqualifications, shall continue in service to serve
8 as such and are considered qualified to be covered under this Act; Provided, That their
9 retentions had been recommended by their direct supervisor on the basis of their
10 performance.

11 Child day care workers who have not completed the K-12 Program and have no
12 college education upon the approval of this Act shall be given two (2) years within
13 which to complete equivalent training to be able to continue in the service, in
14 accordance with Section 12 of this Act. The necessary training courses shall be
15 prescribed by the ECCDC.

- 16 b. Child Day Care Worker II, with Salary Grade 8, must possess the same
17 qualifications mentioned in paragraph (a) of this section and must have five
18 (5) years of work experience and at least twelve (12) hours of relevant
19 training.

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

22 *Sec. 8. Normal Working Hours.* – The normal hours of work of any child day
23 care worker shall not exceed eight (8) hours a day or forty (40) hours a week;
24 Provided, that the LSWDO may require child day care workers to render services
25 beyond their required working hours during emergency situations such as natural and
26 man-made calamities. *Provided further,* that working hours during emergency
27 situations should be conducted in child-friendly spaces.

28 *Sec. 9. Code of Conduct of Child Day Care Workers.* – Within six (6) months
29 from the approval of this Act, the ECCDC, in consultation with a national organization
30 of child day care workers, shall formulate a Code of Conduct for Child Day Care
31 Workers in line with the Civil Service Commission (CSC) rules and regulations and
32 adhering to the principles of the United Nation Convention on the Rights of the Child.

1 Each child day care worker shall be provided with a copy of the Code at the expense of
2 the government.

3 *Sec. 10. Additional Compensation and Allowances.* – Child day care workers
4 shall be provided with the following additional compensation, whenever applicable:

- 5 a. Overtime Pay – for services rendered beyond the required working hours as
6 prescribed in Section 8 hereof;
- 7 b. Hazard Allowance – child day care workers in rural and urban areas,
8 exposed to situations, conditions, or factors in the work environment or
9 place where foreseeable but unavoidable danger or risks exist which
10 adversely endanger their health or life and/or increase the risk of producing
11 adverse effects on their person in the exercise of their duties, to be validated
12 by the proper authorities, shall be entitled to hazard allowance in an amount
13 to be determined by the LSDWO of the local government unit concerned;
- 14 c. Subsistence Allowance – child day care workers who render service within
15 the premises of an isolated Child Development Center shall be entitled to
16 subsistence allowance equivalent to the meals they take in the course of
17 their duty, which shall be computed in accordance with prevailing
18 circumstances as determined by the local government unit concerned.

19 *Sec. 11. Right to Self-Organization.* – Child day care workers shall have the
20 right to freely form, join or assist organizations in order to defend and protect their
21 mutual interests and to obtain redress of their grievances.

22 *Sec. 12. Other Benefits and Privileges.* -- Child day care workers shall be
23 entitled to the following additional benefits and privileges:

- 24 a. Married Child Day Care Workers – Whenever possible, married couples
25 who are both child day care workers shall be assigned in the same
26 municipality or city;
- 27 b. Free Legal Services – Legal representation and consultation services for
28 child day care workers shall be immediately provided by the Public
29 Attorney's Office in civil and criminal cases filed by or against child day care
30 workers arising out of or in connection with the performance of their duties
31 as such;

- 1 c. Free Medical Examination and Treatment – Annual medical examinations
2 shall be provided by government hospitals, free of charge, to all child day
3 care workers. Child day care workers suffering from work-related ailments
4 shall be treated without cost in government hospitals; and
5 d. Access to Livelihood, Loans, Grants, and Skills Enhancement – The DSWD
6 and the LGUs, in coordination with other concerned government agencies,
7 shall provide organized child day care workers with a mechanism for
8 accessing livelihood, loans, grants, and skills enhancement services.

9 Sec. 13. *Training, Education and Skills Enhancement.* – The ECCDC, in
10 coordination with the Commission on Higher Education (CHED) and the Technical
11 Education and Skills Development Authority (TESDA), shall provide for a system of
12 continuing education, skills training, and knowledge enhancement programs for child
13 day care workers.

14 The CHED and TESDA shall adopt an equivalency system of education that
15 shall recognize and duly credit the actual work experiences and prior learning of child
16 development workers as formal or academic training units.

17 Sec. 14. *Support from Non-governmental Organizations (NGOs), Private
18 Volunteer Organizations and Other Private Institutions.* – Non-governmental
19 organizations or private volunteer organizations, and other private institutions shall
20 be encouraged to assist or support the government in the implementation of programs
21 and projects for child day care workers. Pursuant thereto, all Child Development
22 Centers may accept such assistance or support from NGOs.

23 Sec. 15. *Appropriations.* – The amount necessary to cover the salaries and
24 benefits of child day care workers shall be charged from the Internal Revenue
25 Allotment (IRA), Special Education Fund (SEF) and Gender and Development (GAD)
26 Fund of LGUs concerned; Provided, That the national government shall provide
27 subsidy for at least one (1) child day care worker per center in the fourth, fifth, and
28 sixth class municipalities. A portion of the contribution of the Philippine Amusement
29 and Gaming Corporation (PAGCOR), as provided under Republic Act No. 10410, as
30 well as additional funds generated from donations, fees, and contributions collected
31 by the ECCDC from whatever source, shall be set aside for the purpose.

1 Sec. 16. *Implementing Rules and Regulations.* – Within six (6) months from
2 the approval of this Act, ECCDC, in consultation with DSWD and the DILG, shall
3 promulgate the necessary rules and regulations to implement the provisions of this
4 Act.

5 Sec. 17. *Penal Provisions.* – It shall be unlawful to violate the right of any child
6 day care worker to security of tenure, to deprive them of any rights as provided under
7 this law, or condition the same on political support for any public official. Any person
8 who violates the provisions of this Act shall be punished with a fine of not less than
9 Twenty Thousand Pesos (₱20,000.00) or imprisonment of not less than two (2)
10 months but not more than one (1) year, or both at the discretion of the Court.

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

13 Sec. 18. *Separability Clause.* – If any provision of this Act is declared
14 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall
15 continue to be in full force and effect.

16 Sec. 19. *Repealing Clause.* – Section 6 of Republic Act No. 6972, otherwise
17 known as the “Barangay-level Total Development and Protection of Children Act,” and
18 all laws, executive orders, presidential decrees, presidential proclamations, letters of
19 instruction, rules and regulations or parts thereof which are inconsistent with the
20 provisions of this Act are hereby repealed or modified accordingly.

21 Sec. 20. *Effectivity.* – This Act shall take effect fifteen (15) days following its
22 publication in the Official Gazette or in two (2) newspapers of general circulation in
23 the Philippines.

Approved,