

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

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 1172

Introduced by Honorable EILEEN ERMITA – BUHAIN

EXPLANATORY NOTE

This bill seeks to enhance, protect and improve the economic and social welfare of Day Care Workers.

While Republic Act 6972 or the Day Care Law concretized the State's recognition of the important role played by Day Care Centers in the development of the country's pre-school children, it still has to seriously address the welfare and conditions of the very service providers in the frontline of these centers. Considering the critical role they play in molding the character and personality of the children entrusted to them, it is a sad fact that Day Care Workers are not properly compensated for the work they perform. The meager monthly allowance of five hundred pesos (P500) as provided for by Republic Act 6972 is not commensurate to the service rendered by and the skills of our Day Care Workers. They do not even enjoy security of tenure, as they have to secure their appointments from the politicians in whose jurisdiction they belong to. Enhancing their professionalism will be a difficult goal under these circumstances.

This measure then proposes that the State guarantee their tenure and provide them with the proper compensation befitting the status and role they perform. As they are charged with the responsibility of providing our children not only with pre-school training but a second family environment, our Day Care Workers should be supported in the best way the State could.

In view of the above premises, approval of this bill is earnestly sought.

EILEEN ERMITA – BUHAIN

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AN ACT
GRANTING THE MAGNA CARTA FOR DAY CARE WORKERS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title. – This Act shall be known as the **"Magna Carta for Day Care Workers".**

SEC. 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. It shall then be its declared policy to promote and improve the social well-being and economic welfare of day care workers who provide pre-school education and social development service to the children. Towards this end, the State shall adopt policies that will protect the rights and enhance the dignity of day care workers.

SEC. 3. Coverage. – This Act shall cover all persons engaged in the provision of Early Childhood Development in government-sponsored day care centers whose primary function is to assist in the provision of care, social development, education and other needs of the children.

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

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

SEC.6. Salary.- A Day Care Worker shall receive a salary equivalent to:

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

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

Level 3 – College graduate level shall receive salary equivalent to salary grade 10

SEC.7. 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 municipal social welfare officer may require a day care worker to render services beyond his/her required working hours during emergency situations such as natural and man-made calamities.

SEC. 8. Additional Compensation and Allowances. – Day Care Workers shall be provided additional compensation for services rendered beyond the required working hours. Day Care Workers assigned to hazardous places shall be given hazard pay.

SEC. 9. Married Day Care Workers .- Whenever possible, married couples who are both Day Care Workers shall be assigned in the same municipality or city.

SEC.10. Transfer and Tenure of Office.- No Day Care Worker shall be transferred from one center to another without his/her prior knowledge and/or consent.

As provided under existing laws, no Day Care Worker shall be terminated from work without due cause.

SEC. 11. Leave Benefits.- As provided for in existing laws, a day care worker is entitled to maternity/paternity, sick and vacation leaves.

Day Care Workers with outstanding performance based on evaluation may avail of study leave.

SEC. 12. Free Medical Examination and Treatment. – Pre-employment and 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 free of charge in government hospitals.

SEC. 13. Insurance and Retirement Benefits. – Qualified Day Care Workers shall automatically become members of the Government Service Insurance System (GSIS). Day Care Workers, having fulfilled the age service requirements of the applicable retirement laws, shall be given a one-step salary grade increase upon retirement which shall be the basis of computation of retirement pay and other retirement benefits.

SEC. 14. Freedom to Organize. - Day Care Workers shall have the freedom to organize themselves without prior communication with the local government units to which they are assigned . Organizations of Day Care Workers shall be consulted in the formulation of national policies and programs that will benefit the sector.

Under no circumstances shall any Day Care Worker be dismissed on the basis of his/her membership in any organization of Day Care Workers.

SEC. 15. Code of Conduct for Day Care.- Within six(6) months upon approval of this Act, the DSWD, in consultation with the national organization of Day Care Workers, shall formulate a Code of Conduct for Day Care Workers. Each Day Care Worker shall be provided a copy of the Code.

SEC. 16. Support from Non-Government Organizations. – Non-government organizations or private volunteer organizations are hereby encouraged to assist the government in the implementation of programs and projects for Day Care Workers.

SEC. 17. Rules and Regulations.- The Department of Interior and Local Government (DILG) and the DSWD, in consultation with the Civil Service Commission (CSC) and the national organization of Day Care Workers shall formulate the rules and regulations necessary to implement the provisions of this Act within six (6) months of its effectivity.

SEC. 18. Appropriation. – Salaries and benefits of Day Care Workers shall be charged to the local government units concerned. Training needs of Day Care Workers shall be charged to the annual appropriations of the DSWD.

SEC. 19. Penal Provision.- Any person who violates the provisions of this Act shall be punished with a fine of not less that Five Thousand Pesos (P5,000.00) and/or imprisonment of not less than two(2) months but not more than one(1) year, or both at the discretion of the court.

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

SEC. 20. Separability Clause. – Should any provision of this Act be found unconstitutional by a court of law, such provision shall be severed from this Act.

SEC. 21. Repealing Clause.- All laws, decrees, executive orders, and rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 21. Effectivity.- This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,