

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



Thirteenth Congress
First Regular Session

House Bill No. 4887

Introduced by Representative Imee R. Marcos

EXPLANATORY NOTE

The development and protection of children has continuously been given primary consideration by the State in all aspects. The 1987 Philippine Constitution itself gives priority for the needs of children, among others (*Sec. 11, Article XIII*). Hence, measures to enforce this mandate of the Constitution are constantly and persistently enacted by the Legislature, to ensure the total growth of children into productive individuals and their protection against abuse, cruelty and exploitation.

Indispensable to the development and protection of children are the Barangay Day Care Centers and the Barangay Day Care workers who render services for the children and who are considered "partners" of many parents in providing early education to the youth. It is unfortunate, however, that despite the key role of the barangay day care workers in the growth and education of the youth, they enjoy the least benefits and incentives among government employees. There is no law that protects the interest of these valuable service providers. They do not enjoy security of tenure and are rendered vulnerable to the inclination of politicians.

Thus, this proposed measure seeks to professionalize the Barangay Day Care Centers workers by providing legal standards to enhance their functional efficiency. A notable component of this measure is the augmentation of the emoluments of the day care workers to those received by the Punong Barangay and other barangay officials, including a provision on free medical assistance in case of sickness suffered by reason of their work. They will also enjoy free legal assistance from government lawyers for criminal and civil cases filed against them in the performance of their duties, preference in the availment of and/or membership in barangay livelihood and development projects and insurance coverage. They will also be required to attend periodic training in Early Childhood Care and Development.

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

Imee R. Marcos
IMEE R. MARCOS
Representative
2nd District, Ilocos Norte

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AN ACT
PROFESSIONALIZING THE BARANGAY DAY CARE CENTER WORKERS BY
UPGRADING THEIR BENEFITS AND INCENTIVES AND MANDATING TERMS TO
ENHANCE THEIR FUNCTIONAL EFFICIENCY

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

SECTION 1. *Declaration of Policy.* The State recognizes the Barangay Day Care Center, duly created under the provisions of the Local Government Code and Republic Act No. 6972, otherwise known as the Barangay-Level Total Development Protection of Children Act, as an indispensable instrument in the discharge of the functions and responsibilities of national agencies and offices devolved to local government units, especially the provision of social welfare and child care and development services.

SECTION 2. *Selection and Qualification.* A Barangay Day Care worker shall be selected, qualified and trained in accordance with the criteria formulated by the Department of Social Welfare and Development as mandated by Republic Act No. 6972; Provided that no person shall be appointed Barangay Day Care worker unless he/she possess the following minimum qualifications:

1. At least eighteen (18) years of age;
2. A citizen of the Philippines;
3. Of good moral character;
4. Not suffering from any mental illness or physical disabilities which would otherwise restrict his means of action and communication with other people;
5. Has completed at least elementary education,

SECTION 3. *Disqualifications.* No person shall be appointed Barangay Day Care worker if he/she is concurrently holding an appointive or elective position in the government.

SECTION 4. *Remunerations.* Every Barangay Day Care worker shall be entitled to the following remunerations:

- (a) A minimum of Five Hundred Pesos (P500.00) monthly allowance to be charged to Local Government Units concerned;
- (b) Maternity and paternity, sick and vacation leaves as provided for in existing laws;
- (c) Free Annual Medical Examination in government hospitals and free treatment for work-related ailments suffered by such worker;
- (d) Free legal services from government lawyers, including the payment of docket and other court fees, for criminal and civil cases filed against him or her arising from lawful acts committed in the performance of his or her duties,

even if such legal services continue after the term of the Barangay Day Care worker concerned. Provided, that the Barangay Day Care worker shall reimburse such amount if his/her culpability has been determined in the suit, or, in case of a wrongful suit, he/she has been awarded damages;

- (e) Insurance coverage, during their incumbency, which shall include but shall not be limited to temporary and permanent disability, double indemnity, accident insurance, death and burial benefits, and medical hospitalization/ services for any disease, illness or injury contracted in the performance of their official function, in accordance with Republic Act No. 6942, entitled "An Act Increasing the Insurance Benefits of Local Government Officials and Providing Funds Therefor" or the amount provided under Section 393 (d) of the Local Government Code, whichever is higher;

A Barangay Day Care worker who has not yet completed the required minimum one (1) year continuous service shall receive the benefits and privileges in accordance with the Local Government Code.

SECTION 5. *Security of Tenure.* A Barangay Day Care worker once appointed shall not be removed without due process of law. In the event a Barangay Day Care worker is found to be unjustly suspended or terminated, he or she shall be entitled to reinstatement, without loss of benefits and privileges accruing during such suspension or termination. Provided, that if reinstatement is no longer viable, he or she shall receive all emoluments and benefits due him.

SECTION 6. *Suspension, Removal Penalties.* Any appointed Barangay Day Care worker who does not comply with the rules and regulations issued by their respective barangay government and the Department of Social Welfare and Development and/or found by the said offices to be remiss of his or her duties and functions set forth by this Act shall be dealt with in accordance with the implementing Rules and Regulations to be implemented by the Department of Social Welfare and Development for this purpose.

SECTION 7. *Duties and functions.* All Barangay Day Care worker shall have the following duties and functions:

- (a) Enforce all laws and ordinances relative to the development and protection of the rights of children to assistance, including proper care and nutrition and protection against all forms of neglect, abuse, cruelty and exploitation;
- (b) Coordinate with the Department of Health on the proper care and treatment for children suffering malnutrition and infectious diseases;
- (c) Report to, assist or coordinate with the concerned barangay officials and the Department of Social Welfare and Development on the neglect, abuse or exploitation of children who are residents of the barangay where these workers are assigned, upon complaint or *motu proprio*;
- (d) Perform such other functions as may be provided by law or ordinance.

SECTION 8. *Training and Coordination with the Department of Social Welfare and Development.* A Barangay Day Care worker shall periodically undertake basic training in Early Childhood Care and Development as part of the continuing efforts to enhance his or her capabilities and ensure responsiveness and efficiency in the discharge of his or her duties.

SECTION 9. *Appropriation.* Salaries and benefits of Barangay 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.

SECTION 10. *Implementing Rules and Regulations.* Within six (6) months from promulgation of this Act, the Department of Social Welfare and Development shall issue the necessary rules and regulations to make this Act operative.

SECTION 11. *Separability Clause.* If any provision of this Act is held invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 12. *Repealing Clause.* Any law, presidential decree or issuance, executive order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 13. *Effectivity.* This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,