

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

**THIRTEENTH CONGRESS  
Second Regular Session**

House Bill No. 5480



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Introduced by **HON. IGNACIO T. ARROYO**

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**EXPLANATORY NOTE**

We believe that a major contributing factor to our poor quality of education is the lack of preparation for our schooling. The gradual acceptance of pre-schools in the country today underscores the importance of pre-school education.

Child educators agree that starting education at pre-school age has substantial benefits to the learner and to society. By contributing to better academic performance, pre-schooling helps reduce the number of repeaters, hence we cut back on educational expenditure.

For this simple reason that the creation of day care centers through out the country is established.

However, day care center alone cannot help in molding our child's mind, hence, it is of paramount importance that we put people who can help and guide our child in preparation for big school. While we recognize the importance of day care center in our country, we failed to give credit to the people working in the said center.

Hence, this bill seeks to protect, promote and improve the social and economical status of day care workers. To this end, the State shall adopt policies that will protect the rights of day care workers, and promote and improve their welfare.

In view of this, the immediate approval of this bill is earnestly requested.

  
**IGNACIO T. ARROYO**

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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 House of Representatives of the Philippines in Congress assembled:*

**SECTION 1. Title.** – This Act shall be known and cited as the “Magna Carta for Day Care Workers”.

**SECTION 2. Declaration of Policy.** – It is hereby declared the policy of the State to protect, promote and improve the social and economic status of day care workers. To this end, the State shall adopt policies that will protect the rights of day care workers, and promote and improve their welfare.

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

**SECTION 4. Qualification.** – A day care worker must be of legal age, possesses a career sub-professional eligibility and must be trained in Early Childhood Care and Development. Provided, however, that the incumbent day care worker who has been serving for the last five (5) years upon approval of this Act and does not meet prescribed educational qualification standard shall not be disqualified; Provided, further, that such day care worker shall finish 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.

**SECTION 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.

**SECTION 6. Salary.** – A day care worker shall receive a salary equivalent to

Level 1 – High School level to below second year college and a length of service of at least five (5) years shall receive 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.

**SECTION 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 natural and man-made calamities.

**SECTION 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.

**SECTION 9. Married Day Care Workers.** – Whenever possible, married couples who are both day care workers shall be assigned in the same municipality or city.

**SECTION 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.

**SECTION 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 work performance based on evaluation may avail of study leave.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 15. Code of Conduct for Day Care Workers.** – 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 worker. Each day care worker shall be provided a copy of the code.

**SECTION 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.

**SECTION 17. Implementing 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.

**SECTION 18. Appropriations.** – Salaries and other 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.

**SECTION 19. Penal Provision.** – Any person who violates the provisions of this Act shall be punished with a fine of not less than Five Thousand Pesos (Php5,000.00) 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.

**SECTION 20. Separability Clause.** – If any provision of this Act is found to be unconstitutional, the remainder of this Act shall remain valid and subsisting.

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

**SECTION 22. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of General Circulation.

Approved,