

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress

First Regular Session

40



Introduced by Honorable Pedro B. Acharon, Jr.

EXPLANATORY NOTE

This bill seeks to enshrine the fundamental rights of daycare workers by instituting a magna carta for day care workers.

Day care workers (teachers and nannies) serve as parents to our children when the latter are entrusted to their care. They greatly assist the parents in molding the minds and hearts of young and vulnerable children. They are therefore in the frontline in the character formation of our youth.

Being therefore entrusted with the care and protection of our small children, day care workers should be granted the protection and benefits that they sorely need. Thus, this bill provides for the upgrading of salaries of day-care worker, grants civil service eligibility, and free legal service, as well as preferential access to loans.

This bill likewise recognizes the right of day care worker to join or form lawful organizations and prohibits termination by reason of their joining said organizations.

In view of the foregoing considerations, approval of this bill is earnestly recommended.


PEDRO B. ACHARON, JR.

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. _____ 40



Introduced by Rep. Pedro B. Acharon, Jr.

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:

1 **SECTION 1. Title.** – This Act shall be known as the “**Magna Carta for Day**
2 **Care Workers (Teachers/Nanny)**”.

3 **SEC. 2. Declaration of State Policy.** - The State recognizes the vital role of
4 children and youth in nation-building and shall promote and protect their physical and
5 moral, spiritual, intellectual and social well-being. It shall then be its declared policy
6 to promote and improve the social well-being and economic welfare of day care
7 workers who provide pre-school education and social development service to the
8 children. Towards this end, the State shall adopt policies that will protect the rights
9 and enhance the dignity of day care workers.

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

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

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

13 **SEC. 6. *Salary.*** – A Day Care Worker shall receive a salary equivalent to:

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

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

18 Level 3 – College graduate level shall receive salary equivalent to salary grade
19 10.

20 **SEC. 7. *Working Hours.*** – A Day Care Worker is required to render eight (8)
21 working hours a day or a total of forty (40) working hours a week: Provided, That the
22 municipal/city social welfare officer may require a day care worker to render services
23 beyond his/her required working hours during emergency situations such as natural
24 and man-made calamities.

1 **SEC. 8. *Additional Compensation and Allowances.*** – Day Care Workers shall
2 be provided the following additional compensation whenever applicable:

- 3 a) Overtime pay for services rendered beyond the required working hours;
- 4 b) Hazard Allowance – Barangay Day Care Workers in urban and rural areas,
5 exposed to situations, conditions or factors in the work environment or
6 place where foreseeable but unavoidable danger or risks exist which
7 adversely endanger his/her health or life and or increase the risk of
8 producing adverse effect on his/her person in the exercise of his/her duties,
9 to be validated by proper authorities shall be entitled to hazard allowance
10 to be determined by the local Sangguniang Barangay concerned; and
- 11 c) Subsistence Allowance – Barangay Day Care Workers who render service
12 within the premises of isolated Barangay Day Care Centers in order to
13 make their services available at any and all times, shall be entitled to
14 subsistence allowance equivalent to the meals they take in the course of
15 their duty, which shall be computed in accordance with prevailing
16 circumstances as determined by the local Sangguniang Barangay
17 concerned.

18 **SEC 9. *Training, Education and Career Enrichment Programs*** – The
19 Department of Social Welfare and Development, in coordination with the Department
20 of Education and other concerned government agencies and non-government
21 organizations, shall provide opportunities for the following:

- 22 1) Educational Programs which shall recognize years of day care service
23 as credits to higher education in institutions with step-ladder curricula that will
24 entitle Barangay Day Care workers to upgrade their skills and knowledge for
25 community work;
- 26 2) Continuing education, study and exposure tours, training grants, field
27 immersion, scholarships, etc.;

- 1 3) Scholarship benefits in the form of tuition fees in state colleges, to be
2 granted to one child of Barangay Day Care Worker who will not be able to
3 take advantage of the programs under paragraphs (1) and (2); and
4 4) Special Training programs that address emergent community health
5 problems and issues

6 **SEC. 10. *Other Benefits and Privileges due to Day Care Workers.*** Apart from
7 the abovementioned benefits, the following are additional entitlements of Day Care
8 Workers:

- 9 a. *Civil Service Eligibility* – Second grade eligibility shall be granted to
10 Barangay Day Care Workers who have rendered five (5) years of
11 continuous service. Provided, that, should the Barangay Day Care Worker
12 become a regular employee of the government, the total number of years
13 served as Barangay Day Care Worker shall be credited to his/her service in
14 computing retirement benefits.
- 15 b. *Transfer or Geographical Reassignment of Day Care Workers.* – No Day
16 Care Worker shall be transferred or reassigned from one center to another
17 without his/her prior knowledge and/or consent.
- 18 c. *Married Day Care Workers.* – Whenever possible, married couples who
19 are both Day Care Workers shall be assigned in the same municipality or
20 city.
- 21 d. *Free Legal Services* - Legal representation and consultation services for
22 Barangay Day Care Worker shall be immediately provided by the Public
23 Attorneys Office in cases of coercion, interference, and in other civil and
24 criminal cases filed by or against Barangay Day Care Workers arising out
25 of or in connection with the performance of their duties.
- 26 e. *Free Medical Examination and Treatment.* – Pre-employment and annual
27 medical examinations shall be provided by government hospitals, free of

1 charge, to all Day Care Workers. Day Care Workers suffering from work-
2 related ailments shall be treated free of charge in government hospitals.

3 f. *Preferential Access to Loans* – The Department of Social Welfare and
4 Development in coordination with other concerned government agencies
5 shall provide a mechanism for access to loan services by organized Day
6 Care Workers. The agencies providing loan services will set aside One
7 percent (1%) of their loanable funds for organized Day Care Workers
8 groups that have community – based income generating projects in support
9 of Day Care programs or activities.

10 g. *Right to Due Process and to join an organization.* A Day Care
11 Worker shall not be terminated from work without due cause; shall have
12 the freedom to organize themselves and under no circumstances may any
13 Day Care Worker be dismissed on the basis of his/her membership in any
14 organization of Day Care Workers; and from membership in GSIS and
15 entitlement to benefits - shall automatically become members of the
16 Government Service Insurance System (GSIS); and shall be entitled to
17 maternity/paternity, sick and vacation leaves, and other benefits as
18 provided under existing laws.

19 **SEC. 11.** *Support from Non-Government Organizations.* – Non-government
20 organizations or private volunteer organizations are hereby encouraged to assist and
21 support the government in the implementation of programs and projects for Day Care
22 Workers. In relation thereto, all Day Care Centers are allowed to accept any
23 assistance or support coming from the NGOs.

24 **SEC. 12.** *Code of Conduct for Day Care Workers.* – Within six (6) months
25 from the approval of this Act, the DSWD, in consultation with the national

1 organization of Day Care Workers, shall formulate a Code of Conduct for Day Care
2 Workers. Each Day Care Worker shall be provided a copy of the Code.

3 **SEC. 13. *Implementing Rules and Regulations.*** – Within six (6) months from
4 the effectivity of this Act, the Department of Social Welfare and Development
5 (DSWD) and the Department of Interior and Local Government (DILG), shall, in
6 consultation with the Civil Service Commission (CSC) and the national organization
7 of Day Care Workers, promulgate the rules and regulations necessary to implement
8 the provisions of this Act.

9 **SEC. 14. *Appropriations.*** – Salaries and benefits of Day Care Workers shall
10 be included in the budget of the local government units concerned. Training needs of
11 Day Care Workers shall be included in the annual appropriations of the DSWD.

12 **SEC. 15. *Penal Provisions.*** – Any person who violates the provisions of this
13 Act shall be punished with a fine of not less than Five Thousand Pesos (P5,000.00) or
14 imprisonment of not less than one (1) month but not more than two (2) months, or
15 both at the discretion of the court.

16 If the offender is a public official, he/she shall, in addition to the penalties
17 provided herein, be dismissed from government service.

18 **SEC. 16. *Separability Clause.*** – Should any provision of this Act be declared
19 unconstitutional, any other provision not affected thereby shall remain in full force
20 and effect by a court of law.

21 **SEC. 17. *Repealing Clause.*** – All laws, decrees, executive orders, and rules
22 and regulations inconsistent with this Act are hereby repealed or modified
23 accordingly.

1 **SEC. 18.** *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
2 its publication in the Official Gazette or two (2) national newspaper of general
3 circulation.

4 Approved,