

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

**FIFTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 1081**

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**Introduced by Rep. BERNADETTE HERRERA-DY**

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**EXPLANATORY NOTE**

The 1987 Constitution, in Section 13 of its State Policies, recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. As such, the care and welfare promotion of children should start at the earliest age possible. Day care workers play a significant role in the preparation of children for formal education.

Day care workers provide children with education, care, social development training and other needs of children before they are sent to regular schools. The government has sponsored day care institutions throughout the country and has in its employ workers whose welfare should be looked into if we are to realize the nation's goal of developing a more mature, responsive and socially conscious individuals. The preparation for this undertaking should best start in pre-school where children are in their formative years and may effectively be molded.

The proposed measure provides for qualifications for employment in government-sponsored day cares with the involvement of different government agencies tasked for the purpose. This bill also provides day care workers with the benefits due them. Being state workers, they are considered civil servants with qualifications specified by law and commensurate to their duties and responsibilities. They are likewise extended protection from arbitrary termination once qualified.

With the newly-installed popular regime of President Benigno S. Aquino III, having adopted the policy of providing jobs for Filipinos, and consistent with the Author's desire to uplift the interests and welfare of ordinary government employees, this bill is filed.

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

  
**BERNADETTE HERRERA-DY**

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**AN ACT**  
**PROVIDING FOR THE MAGNA CARTA FOR DAY CARE WORKERS, APPROPRIATING**  
**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 as the “**Magna Carta for Day Care Workers (Teachers/Nanny)**”.

**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 and 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 Child 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-profession eligibility and must have training in Early Childhood Care and Development. Provided, 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/city 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 the following additional compensation whenever applicable:

- a) Overtime pay for services rendered beyond the required working hours;
- b) Hazard Allowance – Barangay Day Care Workers in urban and rural areas, exposed to situations, conditions or factors in the work environment or place where foreseeable but un

avoidable danger or risks exist which adversely endanger his/her health or life and or increase the risk of producing adverse effect on his/her person in the exercise of his/her duties, to be validated by proper authorities shall be entitled to hazard allowance to be determined by the local Sangguniang Barangay concerned; and

- c) Subsistence Allowance – Barangay Day Care Workers who render service within the premises of isolated Barangay Day Care Centers in order to make their services available at any and all times, shall be entitled to subsistence allowance equivalent to the meals they take in the course of their duty, which shall be computed in accordance with prevailing circumstances as determined by the local Sangguniang Barangay concerned.

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

- 1) Educational Programs which shall recognize years of day care service as credits to higher education in institutions with step-ladder curricula that will entitle Barangay Day Care workers to upgrade their skills and knowledge for community work;
- 2) Continuing education, study and exposure tours, training grants, field immersion, scholarships, etc.;
- 3) Scholarship benefits in form of tuition fees in state colleges, to be granted to one child of Barangay Day Care Worker who will not be able to take advantage of the above programs; and
- 4) Special Training programs that address emergent community health problems and issues

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

- a. *Civil Service Eligibility* – Second grade eligibility shall be granted to Barangay Day Care Workers who have rendered five (5) years of continuous service. Provided, that, should the Barangay Day Care Worker become a regular employee of the government, the total number of years served as Barangay Day Care Worker shall be credited to his service in computing

retirement benefits.

- b. Transfer or Geographical Reassignment of Day Care Workers. – No Day Care Worker shall be transferred or reassigned from one center to another without his/her prior knowledge and/or consent.
- c. Married Day Care Workers. – Whenever possible, married couples who are both Day Care Workers shall be assigned in the same municipality or city.
- d. Free Legal Services - Legal representation and consultation services for Barangay Day Care Worker shall be immediately provided by the Public Attorneys Office in cases of coercion, interference, and in other civil and criminal cases filed by or against Barangay Day Care Workers arising out of or in connection with the performance of their duties of such.
- e. 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.
- f. Preferential Access to Loans – The Department of Social Welfare and Development in coordination with other concerned government agencies shall provide a mechanism for access to loan services by organized Day Care Workers. The agencies providing loan services will set aside One percent (1%) of their loanable funds for organized Day Care Workers groups that have community – based income generating projects in support of Day Care programs or activities.

As provided under existing laws, a Day Care Worker shall not be terminated from work without due cause; shall have the freedom to organize themselves and under no circumstances shall any Day Care Worker be dismissed on the basis of his/her membership in any organization of Day Care

Workers; shall automatically become members of the Government Service Insurance System (GSIS); and shall be entitled to maternity/paternity, sick and vacation leaves.

**SEC. 11.** Support from Non-Government Organizations. – Non-government organizations or private volunteer organizations are hereby encouraged to assist and/or support the government in the implementation of programs and projects for Day Care Workers. As such, all Day Care Centers are allowed to accept any assistance or support coming from the NGOs.

**SEC. 12.** 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 Workers. Each Day Care Worker shall be provided a copy of the Code.

**SEC. 13.** Implementing Rules and Regulations. – The Department of Social Welfare and Development (DSWD) and the Department of Interior and Local Government (DILG), 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. 14.** Appropriations. – 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. 15.** Penal Provisions. – Any person who violates the provisions of this Act shall be punished with a fine of not less than Five Thousand Pesos (P5,000.00) and/or imprisonment of not less than one (1) month but not more than two (2) months, 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. 16.** 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. 17.** Repealing Clause. – All laws, decrees, executive orders, and rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

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

Approved,