

HOUSE OF REPRESENTATIVES

House Bill No. 1707

Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

Child care or day care is care of a child during the day by a person other than the child's parents or legal guardians, which typically, is someone outside the child's immediate family. It is usually an ongoing care for enrolled children during specific periods, i.e. parents' working hours. Child care or day care may also take on a more formal structure, i.e. with education, child development, discipline and even preschool education.

In the Philippines, the vast majority of child care is still performed by the parents and in-house nannies or "*yayas*", or through the help of relatives (i.e. grandparents), neighbors or friends.

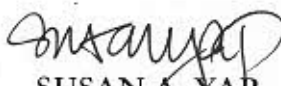
With the emergence of career-oriented parents (both parents are working), for-profit child care or day care centers have mushroomed in highly-urbanized and/or urbanized cities and/or municipalities. These care centers have also invaded shopping malls and commercial establishments, catering to working parents or those parents that leave their children in child care while they attend to adult matters like grocery shopping or watching movies.

In order to promote the best interest of the child, this bill proposes to regulate child care or day care centers through licensing and certification, and providing for penalties and remedial measures in cases of violations. This is consistent with State's inherent duty to act as *parens patriae* (father of his country) where minors are involved.

This proposed legislation finds support in the Philippine Constitution, which recognizes that "the Filipino family as the foundation of the nation and as such, requires the government to strengthen the family's solidarity and actively promote its total development." Thus, the State is required to uphold the "[t]he right of children to assistance, *including proper care and nutrition*, and *special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development*."

Thus, this bill, in regulating and licensing child care or day centers, ensures the protection and promotion of the best interest and paramount welfare of children under the guidance and care of these centers.

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


SUSAN A. YAP
Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. 1707

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AN ACT REGULATING CHILD CARE CENTERS

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Child Care Center Act of
2 2010."

3
4 **SECTION 2. Declaration of Policy.** - It is hereby declared the policy of the State to
5 recognize the vital role of the youth in nation-building and to promote and protect their
6 physical, moral, spiritual, intellectual, and social well-being. The State shall defend the right of
7 children to assistance, including proper care and nutrition, and special protection from all
8 forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their
9 environment.

10
11 The State also recognizes the natural and preliminary right and duty of parents in the
12 rearing of the youth for efficiency and development of moral character. However, parents who
13 work outside the home are compelled to entrust the care and supervision of their children to
14 child care centers during part of the day or for longer periods. Such child care centers shall be
15 regulated by the State to promote the welfare of children under their care.

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17 **SECTION 3. Definitions.** - In this Act, the term-

- 18
19 (a) "Child care center" means any premises at which five (5) or more children who are
20 under the age of seven (7) years are habitually received for the purpose of care and
21 supervision during part of the day or for longer periods;
22 (b) "Secretary" means the Secretary of Social and Welfare and Development, and
23 includes any person who is authorized by him to perform any of the duties or
24 exercise any of the powers of the Secretary under this Act or any regulations made
25 pursuant to this Act;
26 (c) "License" means a license issued under this Act in respect of a child care center,
27 and "licensed" and "licensee" have corresponding meanings; and
28 (d) "Premises" includes any building, enclosure, ground, or open air space.

29
30 **SECTION 4. License.**- (a) No person shall operate or take part in the management of a
31 child care center except under the authority of and in accordance with the terms and
32 conditions of a license issued by the Secretary.

- 33
34 (b) If a child care center is not licensed or is used otherwise than in accordance with
35 the terms and condition its license, any person who operates or takes part in the
36 management of the child care center shall be guilty of an offense and shall be liable on
37 conviction to a fine not exceeding twenty thousand pesos (20,000.00) or to
38 imprisonment for a term not exceeding two years (2) years or both, at the discretion of
39 the court.
40

1 **SECTION 5. *Application for a License.*** – (a) An application for the issuance of license
2 shall be in such forms as may be prescribed.

3
4 (b) On receipt of an application, the Secretary may, in his or her discretion, issue a
5 license subject to such terms and conditions as he or he may think fit to impose.

6
7 (c) The Secretary may refuse to issue a license if-

8
9 (1) the Secretary is not satisfied as to the character or fitness of the applicant to be the
10 licensee of a child care center or, where the applicant is a body corporate, as to the
11 character or fitness of the members of the board of directors or committee or
12 board of trustee or other governing body of the body corporate;

13 (2) for reasons connected with the situation, construction, accommodation, staffing,
14 or equipment, the premises to be used for the child center are not fit to be used for
15 the purposes of a child care center;

16 (3) The premises to be used as a child care center do not comply with any
17 requirements relating to the structure, fire precautions, health, sanitation, and safety
18 set out in law, rules, and regulations; or

19 (4) The child care center would not be under the continuous personal management
20 and supervision of a person of sufficient qualifications and experience to ensure the
21 satisfactory operations of the child care center.

22 (e) Where the Secretary refuses to issue a license, he or she shall, if requested to do so
23 by the applicant, state in writing the reasons for his or her refusal.

24
25 **SECTION 6. *Duration of License.*** – (a) For the issuance of a license, the applicant shall
26 pay a fee of such amount as may be prescribed.

27
28 (b) A license shall continue in force for a period of two (2) years from the date of its
29 issuance or such shorter period as may specified in the license unless it has been previously
30 revoked but may be renewed by the issuance of a new license.

31
32 **SECTION 7. *Revocation and Suspension of License.*** – (a) The Secretary may revoke or
33 suspend the license of a person in respect of a child care center-

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35 (1) on any ground specified in section 5 (c) which would have entitled the Secretary to
36 refuse an application for a license in respect of that child care center;

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38 (2) if the licensee fails to comply with any direction given by the Secretary under
39 this Act;

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41 (3) if the child care center has ceased to operate as such;

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43 (4) if the licensee has been convicted of an offense under this Act; or

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45 (5) on the ground that any term or condition specified in the license has not been or
46 is not being complied with

47
48 (b) Before revoking or suspending a license, the Secretary shall give notice to the
49 licensee of the ground on which it is proposed to revoke or suspend the license and shall
50 afford the licensee an opportunity to show cause why the license should not be revoked or
51 suspended.

1 **SECTION 8. *Appeal.*** – Any person aggrieved by any decision of the Secretary under
2 section 5 or 7 may, within fifteen (15) days after receipt of the noticed of the decision, appeal
3 to the Office of the President whose decision shall be final.
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5 **SECTION 9. *Display of License.*** – (a) Every licensee shall cause the license to be
6 permanently displayed in some conspicuous place where it can readily be seen by all persons
7 having access to the child care center to which the license relates.
8

9 (b) Every licensee who contravenes or fails to comply with subsection (a) shall be
10 guilty of an offense and shall be liable on conviction to a fine not exceeding ten thousand
11 pesos (10,000.00) and to a further fine not exceeding one thousand pesos (P1,000.00) for
12 every day during which the offense continues after conviction.
13

14 **SECTION 10. *Registers.*** – (a) The Secretary shall cause to be kept and maintained a
15 register of all licensed child care centers.

16 (b) The Secretary may require every licensee to keep and maintain such register of
17 children and staff as the Secretary considers necessary for carrying out the purposes of this
18 Act.
19

20 **SECTION 11. *Inspection of Child Care Centers.*** (a) The Secretary and any officer
21 authorized by him or her may-

22 (1) at all reasonable times enter and inspect any child care center or any premises which
23 he or she has reason to suspect are used for the purposes of a child care center;
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25 (2) require any person taking part in the operation or management of a child care
26 center to produce any book, document, or other article relating to the management of
27 the child care center or to any other activity in respect of the child care center, or to
28 finish any information relating to such management or activity; and
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30 (3) do such other things as are necessary for the inspection of a child care center.
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32 (b) Any person who prevents or obstruct the Secretary or any officer authorized by the
33 Secretary in the execution of his or her powers, or refuses to produce any book, document, or
34 other article upon being required under subsection (a) shall be guilty of an offense and shall be
35 liable on conviction to a fine not exceeding fifteen thousand pesos (15,000.00) or to
36 imprisonment for a term not exceeding one (1) year or both, at the discretion of the court.
37

38 **SECTION 12. *Remedial Measures.*** – (a) The Secretary may, in respect of any licensed
39 child care center, by notice in writing, give such directions as he or she thinks necessary to
40 ensure that

41 (1) it is operated and managed satisfactorily;
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43 (2) the welfare of the children attending it is promoted in a proper manner; and
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45 (3) the provisions of this Act are complied with.
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47 (b) A notice under subsection (a) shall-

48 (1) be served upon the person licensed in respect of the child care center; and
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50 (2) specify a period of time within which the directions shall be complied with.
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1 **SECTION 13. *Offenses by Bodies Corporate.*** – Where an offense under this Act
2 committed by a body corporate is proved to have been committed with the consent or
3 connivance of, or to be attributable to any neglect on the part of, any director, manager,
4 secretary, or other similar officer of the body corporate, or any person who purported to act
5 in any such capacity, he or she as well as the body corporate shall be guilty of that offense and
6 shall be liable to be proceeded against and punished accordingly.

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8 **SECTION 14. *Exemption.***– This Act shall not apply to any child care center
9 maintained and controlled by the government, or to any school which is registered under the
10 Department of Education.

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12 **SECTION 15. *Regulations.*** (a) The Secretary shall promulgate the necessary rules and
13 regulations to carry out the objectives of this Act.

14 (b) Without prejudice to the generality of subsection (a) the Secretary shall make
15 regulations providing in relation to a licensed child care center for all or any of the following
16 matters:

- 17 (1) the forms, fees, and registers for the purposes of this Act;
- 18
- 19 (2) the operation, management, and supervision thereof;
- 20
- 21 (3) the classes or types thereof;
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- 23 (4) the duties and responsibilities of persons licensed in respect thereof;
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- 25 (5) the qualifications, experience, appointment, duties, responsibilities, and discipline
26 of persons for the purpose of the operation, management, and supervision thereof;
- 27
- 28 (6) the admission of children thereto and the minimum or maximum age of children
29 who may be admitted to any class or type thereof;
- 30
- 31 (7) the medical examination of the children cared for and the persons employed
32 therein;
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- 34 (8) measures to preserve the health and well-being of children or employees;
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- 36 (9) the control and supervision of activities therein;
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- 38 (10) the adequacy, sustainability, and use of equipment therein;
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- 40 (11) the keeping, in respect thereof, of record, time tables, menus, and books of
41 account;
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- 43 (12) the reports and information to be supplied to the Secretary in respect thereof;
- 44
- 45 (13) the structure, hygiene and sanitation therein;
- 46
- 47 (14) the precautions to be taken against fire or other peril likely to endanger the lives
48 or health of children cared therein;
- 49
- 50 (15) the amount of fees and other charges that may be charged or imposed in respect
51 of the services provided therein or otherwise on account of the attendance of children thereat
52 and the restriction or prohibition of any further fees and charges or of any specified fees and
53 charges; and

1
2 (16) the methods of payment or collection of fees and the charges and the restriction
3 or prohibition of collections or subscription of money.
4

5 **SECTION 16. *Separability Clause.*** - If any provision, or part hereof is held invalid or
6 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
7 valid and subsisting.
8

9 **SECTION 17. *Repealing Clause*** - Any law, presidential decree or issuance, executive order,
10 letter of instruction, administrative order, rule or regulation contrary to or inconsistent with,
11 the provisions of this Act is hereby repealed, modified or amended accordingly.
12

13 **SECTION 18. *Effectivity Clause.*** - This act shall take effect fifteen (15) days after its
14 publication in at least two (2) national newspapers of general circulation.

Approved,