

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 2084

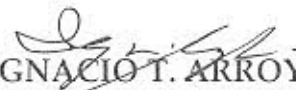
Introduced by Representative IGNACIO T. ARROYO

EXPLANATORY NOTE

We believe that a major contributing factor to our poor quality education is the lack of preparation for our schooling. Thus, a child should be given the opportunity to develop his or her cognitive, personal, social and language skills at an early age. 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. Hence, the passage of Republic Act No. 6972 known as the "Baranggay-Level Total Development & Protection of Children Act" that provided among others the establishment of a day care center in every barangay throughout the country. It is of paramount importance however that we put people who can help and guide our children in preparation for big school.

Hence, this bill seeks to protect, promote and improve the economic and social welfare of day care workers. Considering the vital role they play in molding the character and personality of the children entrusted to them, Day Care Workers should be properly compensated for the work they perform and opportunities for self-development should be made available to them.

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


IGNACIO T. ARROYO
Representatives

5th District, Negros Occidental

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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 the 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”.

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 Childhood 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 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 unavoidable danger or risk exist which adversely endanger his/her health or life and/or increase the risk of producing adverse effect on 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;
- 4.) Special Training programs and 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.
- 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 of Day Care Workers. As such, all Day Care Workers 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 Interior and Local Government (DILG) and the Department of Social Welfare and Development (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 from its effectivity.

SEC. 14. *Appropriations.* – Salaries and benefits of Day Care Workers shall be charged to the local government units concerned. Training needs 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 two (2) months but not more than one (1) month, 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.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,