

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2792

Introduced by Representative Marlyn Primicias-Agabas

EXPLANATORY NOTE

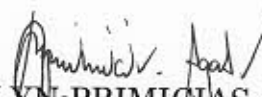
Article II, Section 9 of the 1987 Constitution provides that the State shall promote a just and dynamic social order that will free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.

However, the plight of our Day Care Workers (DCWs) seems to manifest a stark contradiction to the abovesited constitutional mandate. Many of our DCWs are living in abject poverty due to years of neglect, below standard salaries and lack of policies that would provide adequate social and economic protection. In fact, many DCWs are receiving a meager 500 pesos salary per month and are often neglected in many government programs. They do not enjoy security of tenure and do not have any incentives or benefits from the government that would protect them from the hazards of work.

How can we fully ensure that this country's early childhood education program will be carried out properly if the government continues to neglect the living condition of our DCWs?

This bill shall address the problems of low pay, lack of security of tenure and other benefits that the DCWs ought to receive for their services. It shall institutionalize policies that will protect our DCWs from the whims and caprices of some local officials and accord adequate legislative protection for them to be able to effectively contribute their share in building a better society

Hence, the immediate passage of this bill is earnestly sought.


MARLYN PRIMICIAS AGABAS
6th District, Pangasinan

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AN ACT
PROVIDING FOR TENURE, REASONABLE COMPENSATION AND
OTHER BENEFITS FOR DAY CARE WORKERS, AND APPROPRIATING
FUNDS THEREFOR

*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 “DAY CARE
WORKERS ACT OF 2010.”

SECTION 2. *Declaration of Policy.* – It is hereby declared a policy of
the state to promote and improve the economic status of day care workers all
throughout the country and thus contribute to the upliftment of the
standards of early childhood education program in the country.

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

SECTION 4. *Tenure.* – Subject to existing laws and regulations, all
day care workers who possess the qualifications and none of the
disqualifications provided for by law, are hereby granted tenure in the city or
municipality where they are currently serving, provided:

- a. He/she is of legal age and possesses at least a career sub-professional eligibility;
- b. Underwent required early childhood care and development training as certified by the Department of Social Welfare and Development (DSWD); and
- c. Must be at least a day care worker in the city or municipality where he/she is to be granted tenure for at least 2 years.

Provided further, 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 standards shall not be disqualified. However, such day care worker shall finish the day care worker training course provided by the Department of Social Welfare and Development within one (1) year from the effectivity of this Act.

SECTION 5. *Salary.* – A day care worker shall receive a salary equivalent to:

Salary Grade 6 – For day care workers who possess at least five (5) years of service and completed at least high school to below second year in college;

Salary Grade 8 – For day care workers possessing at least second year college qualification; and

Salary Grade 10 – For day care workers who are college graduates.

SECTION 6. *Additional Incentives and Benefits.* – As provided for by existing laws, all day care workers shall be entitled to appropriate additional honorarium for services rendered beyond normal working hours and leave benefits.

SECTION 7. *PHILHEALTH Compulsory Coverage.* – All day care workers shall be enrolled in the National Health Insurance Program to enable them to receive and avail of adequate package of personal health services including but not limited to in-patient hospital care, out-patient care, emergency and transfer services, and transfer services, and other supplementary health benefits as may be provided by the Philippine Health Insurance Corporation and the Local Government Unit where they render service.

SECTION 8. *GSIS Compulsory Coverage.* – All day care workers shall be enrolled in the Government Service Insurance System to enable them to receive and avail of the retirement, disability and funeral benefits.

SECTION 9. *Availment of Benefits.* – Upon the passage of this Act, the day care workers shall be automatically entitled to the full enjoyment and availment of the benefits and services as contained herein, in the National Health Insurance Act and in the Government Service Insurance System Act.

Day care workers shall not be required to pay monthly contributions and other fees or charges for them to be entitled to these benefits.

SECTION 10. *Rules and Regulations.* – The Department of Social Welfare and Development in coordination and consultation with the Department of Interior and Local Government, Philippine Health Insurance Corporation, Government Service Insurance System, and various day care workers associations shall formulate within one hundred twenty (120) days the implementing rules and regulation necessary for this Act.

SECTION 11. *Appropriations.* – Honorarium and other benefits of day care workers shall be included in the annual appropriations of local

government units concerned; provided the National Government shall provide subsidy for the program to fourth, fifth and sixth class municipalities; provided further that the National Government's subsidy shall not exceed fifty percent (50%) of the needed cost.

All expenses in the continuing training program of day care workers shall be charged to the annual appropriations of the Department of Social Welfare and Development.

SECTION 12. *Separability Clause.* – If any provision of this Act is declared invalid or unconstitutional, the remainder or any provision hereof not affected thereby shall remain in force and effect.

SECTION 13. *Repealing Clause.* – All laws, decrees, executive orders, presidential issuances and other administrative rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 14. *Effectivity.* - This Act shall take effect immediately after its publication in a newspaper of general circulation.

Approved,