

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

**FIFTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL No. 3922**

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**Introduced by: HON. LORETO LEO S. OCAMPOS**

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**EXPLANATORY NOTE**

Day Care Workers are unsung heroes of this modern day and age. They are tasked with the heavy burden of caring and nurturing children of tender age. They provide children activities to stimulate their physical, emotional, intellectual, and social growth. They slave the day away taking care of children not of their own blood.

However, despite the gargantuan tasks set before them, they are not properly compensated and protected. They receive meager income and do not have privileges or benefits.

This bill seeks to give Day Care Workers the proper compensation they deserve for their heroic deeds. It also seeks to uplift their morale and provide them with continuing opportunities for enhancement and growth.

The immediate passage of this bill is earnestly sought.



**LORETO LEO S. OCAMPOS**

*Representative*

2<sup>nd</sup> District, Misamis Occidental

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**AN ACT PROVIDING FOR THE MAGNA CARTA OF DAY CARE WORKERS**

*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”.

**Section 2. Declaration of Policy.** — It is hereby declared to be the policy of the State to enhance and promote the social and economic status of day care workers. The State shall protect the rights of a day care worker and promote their welfare.

**Section 3. Coverage.** — This Act shall cover all persons engaged in providing Early Childhood Development in government sponsored day care centers whose primary function is to assist in the care of the children and provide social development, education, and other needs of the children.

**SECTION 4. Qualifications.** — A day care worker must be of legal age, possesses a career sub-professional eligibility and must be trained in Early Childhood Care and Development. Provided, however, that the incumbent day care worker who has been serving for the last five (5) years upon approval of this Act and does not meet prescribed educational qualification standard shall not be disqualified; Provided, further, That such day care worker shall finish 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.

**SECTION 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.

**SECTION 6. Salary.** — A day care worker shall receive a salary equivalent to:

Level 1 — High School level to below second year college and a length of service of at least five (5) years shall receive 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.

**SECTION 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 natural and man-made calamities.

**SECTION 8. Additional Compensation and Allowances.** — Day care workers shall be provided additional compensation for services rendered beyond the required working hours. Day care workers assigned to hazardous places shall be given hazard pay.

**SECTION 9. Married Day Care Workers.** — Whenever possible, married couples who are both day care workers shall be assigned in the same municipality or city.

**SECTION 10. Transfer and Tenure of Office.** — No day care worker shall be transferred from one center to another without his/her prior knowledge and/or consent. As provided under existing laws, no day care worker shall be terminated from work without due cause.

**SECTION 11. Leave Benefits.** — As provided for in existing laws, a day care worker is entitled to maternity/paternity, sick and vacation leaves.

Day care workers with outstanding work performance based on evaluation may avail of study leave.

**SECTION 12. Seminars, Workshops and Trainings.** The Local Government shall endeavor to provide the day care workers free seminars, workshops and educational trainings to learn new strategies and techniques for efficient teaching and to sustain and increase student achievement.

**SECTION 13. 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 snaring from work-related ailments shall be treated free of charge in government hospitals.

**SECTION 14. Insurance and Retirement Benefits.** — Qualified day care workers shall automatically become members of the Government Service Insurance System (GSIS).

Day care workers, having fulfilled the age service requirements of the applicable retirement laws, shall be given a one-step salary grade increase upon retirement which shall be the basis of computation of retirement pay and other retirement benefits,

**SECTION 15. Freedom to Organize.** — Day care workers shall have the freedom to organize themselves without prior communication with the local government units to which they are assigned.

Organizations of day care workers shall be consulted in the formulation of national policies and programs that will benefit the sector.

Under no circumstances shall any day care worker be dismissed on the basis of his/her membership in any organization of day care workers.

**SECTION 16. 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 worker. Each day care worker shall be provided a copy of the code.

**SECTION 17. Support from Non-government Organizations.** — Non-government organizations or private volunteer organizations are hereby encouraged to assist the government in the implementation of programs and projects for day care workers.

**SECTION 18. Implementing Rules and Regulations.** — The Department of Interior and Local Government (DILG) and the 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 of its effectivity.

**SECTION 19. Appropriations.** — Salaries and other 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.

**SECTION 20. Penal Provision.** — 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) year, 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.

**SECTION 21. Separability Clause.** — If any provision of this Act is found to be unconstitutional, the remainder of this Act shall remain valid and subsisting.

**SECTION 22. Repealing Clause.** — All laws, decrees, executive orders, and rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

**SECTION 23. Effectivity.** — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

*Approved,*