



Republic of the Philippines
House of Representatives
Constitution Hills, Quezon City

Fifteenth Congress
Second Regular Session

House Bill No. 5929

Introduced by **HON. ROMEO M. ACOP**

EXPLANATORY NOTE

Children and the youth constitute our greatest human resource for in their hands lies the future of our nation. In recognition of this vital role of the youth in nation-building, the Constitution mandates the State to promote and protect their physical, moral, spiritual, intellectual and social well-being. The education of our children must begin at the earliest possible age. The first opportunity, outside of the family, occurs when pre-school children are left to the care and custody of day care workers in day care centers.

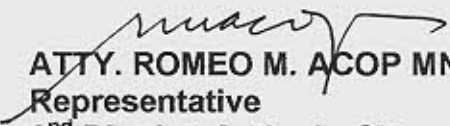
Thus, day care workers are in the forefront of the education and character formation of our children. They provide our children not only substitute care while in their custody but as well as social development training and basic pre-school education. Discharging such important and delicate function, day care workers in turn deserve better government attention with respect to the protection and promotion of their rights and welfare. However, the current plight of day care workers indicates conditions of abject poverty and long years of government neglect. They do not enjoy security of tenure and are deprived of benefits enjoyed by other government employees mandated by law.

The proposed measure seeks, among other things, to upgrade the salaries of day care workers, provide them with benefits due them and to grant them with security of tenure. As public servants, they should be entitled to social benefits provided for under existing laws and to compensation commensurate to their duties and responsibilities.

Section 9 of Article II of the Constitution directs the State to 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.

This bill has been substantially and substantively inspired by House Bill No. 50 authored and filed by then Representative Rozzano Rufino Biazon of the Lone District of Muntlupa City during the Fourteenth (14th) Congress.

For the foregoing reasons, the immediate passage of the bill is earnestly requested.



ATTY. ROMEO M. ACOP MNSA
Representative
2nd District, Antipolo City



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AN ACT
GRANTING THE MAGNA CARTA FOR DAY CARE WORKERS
AND PROVIDING FUNDS THEREFOR

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 as the 'Magna Carta for Day Care Workers'.

SECTION 2. *Declaration of State Policy* - It is the declared policy of the State to promote and improve the social and economic status of day care workers who provide universal early childhood or pre-school education to children. Towards this end, the State shall adopt policies that will promote the welfare and protect the rights of day care workers.

SECTION 3. *Coverage* - This Act shall cover all day care workers engaged in the provision of Early Childhood Development services and programs in all government-sponsored day care centers.

SECTION 4. *Qualifications and Tenure* - All day care workers who possess the following qualifications and none of the disqualifications for public employees and officials as provided for by law, are hereby granted tenure in the city or municipality where they are serving :

- a) Must be of legal age;
- b) Must at least be a high school graduate;

- c) Possesses at least a sub-professional civil service eligibility;
- d) Must have undergone Early Childhood Care and Development Training as certified by the Department of Social Welfare and Development (DSWD);

Provided, that tenure shall be granted only after one (1) year of continuous service as a day care worker in the city or municipality where tenure is to be granted : *Provided further*, that an incumbent day care worker who has been serving as such for the last three (3) years prior to the approval of this Act and does not meet the requirement of paragraph (d) of this section shall not be disqualified, but such day care worker shall complete said training course provided by the DSWD within one (1) year from the effectivity of this Act: *Provided finally*, that no day care worker or an applicant therefor shall be discriminated against on the basis of gender, religion, age, status, race or political affiliation.

No day care worker shall be transferred from one center to another without his/her prior knowledge and consent. Nor shall any day care worker be terminated from work without cause and due process as provided under existing laws.

SECTION 5. *Application and Hiring* - A qualified day care worker shall file his/her application with the *Punong-Barangay* of the barangay where the applicant intends to serve who shall evaluate and forward the same with recommendation to the appropriate office of the local government unit concerned for approval or proper disposition.

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

- a) *Salary Grade Six (6)* – if the worker is at least a high school graduate;
- b) *Salary Grade Eight (8)* - if the worker possesses at least second year college qualification; and,
- c) *Salary Grade Ten (10)* – if the worker is at least a college graduate.

SECTION 7. *Additional Compensation and Allowances* - Day care workers shall be provided the following additional compensation and allowances :

- a) *Overtime pay* - for services rendered beyond the required working hours of eight (8) hours a day or a total of forty (40) working hours a week : *Provided*, that the city / municipal social welfare officer may require a day care worker to render services beyond the required working hours during emergency situations;
- b) *Hazard Allowance* – for day care workers exposed to conditions or factors in the work place which adversely endanger the workers' health or life, or increase the danger of such risks, in the exercise of their duties to be validated by the *Sangguniang Barangay* concerned; and,
- c) *Subsistence Allowance* - for day care workers who render service in isolated Barangay Day Care Centers equivalent to the meals they take in the course of their duty to be computed in accordance with prevailing circumstances as determined by the *Sangguniang Barangay* concerned.

SECTION 8. *Other Benefits and Privileges* – The following are additional entitlements of day care workers :

- a) *Right to form and join an association* - Day care workers shall have the right to organize themselves for purposes not contrary to law and under no circumstance may any day care worker be dismissed on the basis of such membership;

- b) *Free Legal Services* - Legal consultation and representation services for day care workers shall be provided by the Public Attorney's Office (PAO) free of charge in all cases filed against them arising out or in connection with the official performance of their duties;
- c) *Free Medical Examination and Treatment* - Pre-employment and annual medical examinations shall be provided to all day care workers by government hospitals free of charge, and shall likewise be afforded medical treatment by government hospitals in cases of work-related ailments and injuries without cost;
- d) *Married Day Care Workers* - As far as practicable, day care workers who are married couples shall be assigned in the same municipality or city;
- e) *PhilHealth Compulsory Coverage* - All day care workers and their dependents shall be enrolled in the National Health Insurance Program (NHIP) and shall be entitled to avail of health benefits as may be defined by the Philippine Health Insurance Corporation (PhilHealth) and the local government units (LGUs) where they serve. The required premium and monthly contributions shall be borne by the LGUs concerned : *Provided*, that the National Government shall provide subsidy for the program to fourth, fifth and sixth class municipalities: *Provided finally*, that the National Government's subsidy to qualified LGUs shall not exceed fifty percent (50%) of the required contributions.
- f) *Other Benefits* - All day care workers shall be entitled to maternity / paternity leave, as well as sick and vacation leaves as provided for in existing laws. They shall likewise automatically become members of the Government Service and Insurance System (GSIS). Day care workers who have fulfilled the age service requirement of applicable laws shall be given a one-step salary grade increase upon retirement which shall be the basis of computation of their retirement pay and other retirement benefits.

SECTION 9. *Penalties* - Any person who violates the provisions of this Act shall be punished with a fine of not less than Twenty Thousand Pesos (P 20,000.00) and/or an imprisonment of not less than one (1) year, or both, subject to the discretion of the court. If the offender is a public official, the offender shall be dismissed from government service and shall be perpetually disqualified from assuming any public office.

SECTION 10. *Implementing Rules and Regulations* - Within six (6) months from the effectivity of this Act, the Department of Social Welfare and Development (DSWD), the Department of Interior and Local Government (DILG), the Department of Health (DOH) and the Government Service and Insurance System (GSIS), in consultation with the Civil Service Commission (CSC) and the national organization of day care workers and the leagues of mayors and governors of the Philippines, shall formulate and promulgate the rules and regulations necessary for the effective implementation of this Act.

SECTION 11. *Appropriations* - The salaries and other benefits of day care workers provided for in this Act shall be included in the annual appropriations of the local government units concerned : *Provided*, that the National Government shall provide subsidy for the purpose to fourth, fifth and sixth class municipalities which shall not exceed fifty percent (50%) of the required appropriations, and which shall be included in the annual General Appropriations Act.

SECTION 12. *Separability Clause* - If any provision of this Act is declared unconstitutional, the remainder of this Act shall remain valid and subsisting.

SECTION 13. *Repealing Clause* - All laws, decrees, executive orders, and rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 14. *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.