

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1236



Introduced by Honorable Pedro B. Acharon, Jr.

EXPLANATORY NOTE

This bill seeks to enshrine the fundamental rights of daycare workers by instituting a magna carta for day care workers.

Day care workers (teachers and nannies) serve as parents to our children when the latter are entrusted to their care. They greatly assist the parents in molding the minds and hearts of young and vulnerable children. They are therefore in the frontline in the character formation of our youth.

Being therefore entrusted with the care and protection of our small children, day care workers should be granted the protection and benefits that they sorely need. Thus, this bill provides for the upgrading of salaries of day-care workers, grants civil service eligibility, and free legal service, as well as preferential access to loans.

This bill likewise recognizes the right of day care worker to join or form lawful organizations and prohibits termination by reason of their joining said organizations.

In view of the foregoing considerations, approval of this bill is earnestly recommended.


PEDRO B. ACHARON, JR.

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AN ACT
PROVIDING FOR QUALIFICATIONS, SALARIES AND OTHER BENEFITS OF
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:

1 SECTION. 1. *Title.* – This Act shall be known as the “*Day Care Workers Act*”.

2 SEC. 2. *Declaration of State Policy.* - The State recognizes the vital role of children
3 and youth in nation-building and shall promote and protect their physical and moral, spiritual,
4 intellectual and social well-being. It shall then be its declared policy to promote and improve
5 the social well-being and economic welfare of day care workers who provide pre-school
6 education and social development service to the children. Towards this end, the State shall
7 adopt policies that will protect the rights and promote the welfare of day care workers.

8 SEC. 3. *Coverage.* - This Act covers all day care workers herein defined as persons
9 primarily engaged in the provision of early child development services and programs such as
10 care, social development, education, protection and other needs of the children aged 5 years
11 and below in all government-sponsored day care centers.

12 SEC. 4. *Qualifications and Positions.* – Minimum requirements for all day care
13 workers (Day Care Worker I) are the following:

- 1 a. Must be of legal age;
- 2 b. Must be at least a high school graduate;
- 3 c. Must be certified by the Department of Social Welfare and Development (DSWD)
- 4 or DSWD-deputized entities as having received at least four (4) hours of training in early
- 5 childhood care and development; and
- 6 d. Must not have been convicted by final judgment of any crime.

7 *Provided, That* day care workers with at least two years of college education, a civil
8 service sub-professional eligibility or possess a ground for exemption from taking the civil
9 service examination, and more than 12 hours of relevant training shall be entitled to the
10 position of Day Care Worker II.

11 Day care workers legitimately serving as such upon the passage of this Act who are
12 aged above seventeen (17) years old but below eighteen (18) years old may continue serving
13 as such and qualified to be covered under this Act. *Provided, That* the direct supervisor of
14 the minor-aged day care worker recommends that said day care worker should be retained.

15 Qualifications and exceptions applying to this section shall be subject to conditions
16 imposed by the Civil Service Commission (CSC).

17 SEC. 5 . *Tenure and Transfer* – No day care worker shall be removed from office
18 without just cause or without prior consultation with and prior knowledge of the concerned
19 day care worker.

20 SEC. 6. *Application and Hiring*. – A qualified day care worker shall file application
21 with the *Punong Barangay* of the barangay where the applicant intends to serve who shall
22 evaluate and forward the same with recommendation to the appropriate office of the local
23 government unit concerned for approval or proper disposition.

24 SEC. 7. *Salary*. – A day care worker shall receive a salary equivalent to: a)
25 Salary Grade Six (6)- for Day Care Worker I

1 b) Salary Grade Eight (8) – for Day Care Worker II

2 SEC. 8. Additional Compensation and Allowances. – Day care workers shall be
3 provided the following additional compensation whenever applicable:

4 a. Overtime pay - for services rendered beyond the required working hours;

5 b. Hazard Allowance – for being exposed to situations, conditions or factors in the
6 workplace which adversely endanger the workers' health or life and or increase the danger
7 of such risks in the exercise of their duties, to be validated by the local *Sangguniang*
8 *Barangay* concerned; and

9 c. Subsistence Allowance –services rendered within the premises of isolated
10 *barangay* day care centers equivalent to the meals they take in the course of their duty,
11 which shall be computed in accordance with prevailing circumstances as determined by the
12 local *Sangguniang Barangay* concerned.

13 SEC. 9. *Other Benefits and Privileges due to Day Care Workers.* The following are
14 additional entitlements of day care workers:

15 a. *Married Day Care Workers.* – Whenever possible, married couples who are both
16 day care workers shall be assigned in the same municipality or city.

17 b. *Right to Join an Organization.* A day care worker shall have the freedom to
18 organize themselves and under no circumstances may be dismissed from work on the basis
19 of such membership;

20 c. *Free Legal Services* - Legal representation and consultation services for barangay
21 day care worker shall be immediately provided by the Public Attorneys' Office (PAO) in all
22 cases filed by or against barangay day care workers arising out of or in connection with the
23 performance of their duties .

24 d. *Free Medical Examination and Treatment.* – Pre-employment and annual medical
25 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 without cost in government hospitals.

e. Preferential Access to Livelihood, Loans, Grants, and Skills Enhancement – The DSWD and the local government units, in coordination with other concerned government agencies shall provide a mechanism for access to livelihood, loans, grants and skills enhancement services by organized day care workers. 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.

f. Other Benefits. All day care workers shall automatically become members of the Government Service Insurance System (GSIS), PAG IBIG and Philhealth; and shall be entitled to maternity/paternity, sick and vacation leaves as provided by existing laws.

SEC. 10. Training, Education and Skills Enhancement - The DSWD, in coordination with Department of Education (DepEd), Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA), shall provide for a system of continuing education and skills, training and knowledge enhancement programs for day care workers.

A ladderized system of education which shall provide for the recognition of the actual work experiences of day care workers and accrediting them into formal academic and/or training units shall be adopted by the DepEd, CHED, and TESDA.

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 for day care workers. As such, all day care centers are allowed to accept any assistance or support coming from the NGOs.

1 SEC. 12. *Code of Conduct of Day Care Workers* - Within six (6) months upon
2 approval of this Act, the DSWD, in consultation with the national organization of day care
3 workers, shall formulate a *Code of Conduct for Day Care Workers*. Each day care worker
4 shall be provided a copy of the Code at the government's expense.

5 SEC. 13. *Working Hours*. – A day care worker is required to render eight (8) working
6 hours a day or a total of forty (40) working hours a week; *Provided, That* the municipal/city
7 social welfare officer may require day care workers to render services beyond their required
8 working hours during emergency situations such as natural and man-made calamities.

9 SEC. 14 *Implementing Rules and Regulations*. – The DSWD and the Department of
10 Interior and Local Government (DILG), in consultation with the CSC and the national
11 organization of day care workers, shall formulate the rules and regulations necessary to
12 implement the provisions of this Act within six (6) months from its effectivity.

13 SEC. 15. *Appropriations*. – Salaries and benefits of day care workers shall be charged
14 from the local government units concerned. *Provided, That* the national government shall
15 provide subsidy for the purpose to fourth, fifth and sixth class municipalities which shall not
16 exceed fifty percent (50%) of the required appropriations, and which shall be included in the
17 General Appropriations Act. The Priority Development Assistance Fund may also be utilized
18 to fund the implementation of this Act.

19 SEC. 16. *Penal Provisions*. – Any person who violates the provisions of this Act shall
20 be punished with a fine of not less than Five Thousand Pesos (P5,000.00) and/or
21 imprisonment of not less than one (1) month but not more than two (2) months, at the
22 discretion of the court.

23 If the offender is a public official, the offender shall, in addition to the penalties
24 stated above, be dismissed from government service and shall be perpetually disqualified
25 from assuming any public office.

1 SEC. 17. *Separability Clause.*

2 SEC. 18. *Repealing Clause.* Republic Act No. 6972 otherwise known as *Barangay-*
3 *Level Total Development and Protection of Children* and all laws, decrees, rules and
4 regulations, and executive orders contrary to or inconsistent with this Act are hereby repealed
5 or modified accordingly.

6 SEC. 19. *Effectivity.* This Act shall take effect upon its approval and completion of its
7 publication in at least two (2) national newspapers of general circulation.

Approved,