

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

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **1650**



Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

EXPLANATORY NOTE

As care takers of children in the absence of their parents who work during the day or even beyond the call of duty, day care workers deserve only the best treatment by the State. In their hands are the future leaders and foremost personalities in Philippine politics, economy and culture. Day care workers must effectivity discharge their duties and responsibilities. These can only be achieved if the State equips them with the appropriate incentives and logistics in addition to the training that they have to undergo.

Presently, however, the 50,909 or so strong day care workers across the country are bereft of the appropriate salary and other appurtenant benefits, making them less efficient in performing their functions. This proposed bill seeks to address this issue.

During the 15th Congress, bills on this subject was studied by the House Committee on the Welfare of Children. Due to time constraints, however, no further action was taken. This bill is filed for the consideration of the 16th Congress.

Support for the enactment of this measure is earnestly requested.


REP. LINABELLE RUTH R. VILLARICA

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GRANTING THE MAGNA CARTA FOR DAY CARE WORKERS, PROVIDING FUNDS
THEREFOR AND FOR OTHER PURPOSES

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 the “*Magna Carta for Day Care Workers*” of 2013.

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, 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 promote the welfare of day care workers.

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

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

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

Provided, That day care workers with at least two (2) years of college education, a civil service sub-professional eligibility or possess a ground for exemption from taking the civil service examination, and more than twelve (12) hours of relevant training shall be entitled to the position of Day Care Worker – II.

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

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

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

SEC. 6. *Application and Hiring.* - A qualified day care worker shall file an 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.

SEC. 7. *Salary.* - A day care worker shall receive a salary equivalent to :

- a.) Salary Grade Six (6) for Day Care Worker – I
- b.) Salary Grade Eight (8) for Day Care Worker – II

SEC. 8. *Additional Compensation and Allowances.* - A day care worker shall be provided with the following additional compensation whenever applicable:

- a. *Overtime pay* – for services rendered beyond the required working hours;
- b. *Hazard Allowance.* - for being exposed to situations, conditions or factors in the workplace which adversely endanger the workers' health or life and or increase the danger of such risks in the exercise of their duties, to be validated by the local *Sangguniang Barangay* concerned; and
- c. *Subsistence Allowance* – services rendered within the premises of isolated *barangay* day care centers 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. *Other Benefits and Privileges due to Day Care Workers.* - The following are additional entitlements of day care workers:

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

b. *Right to join an Organization.* - Day care workers shall have the freedom to organize themselves and under no circumstances may be dismissed from work on the basis of such membership;

c. *Free Legal Services* – Legal representation and consultation services for barangay day care workers shall be immediately provided by the Public Attorney's Office (PAO) in all cases filed by or against barangay day care workers arising out of or in connection with the performance of their duties;

d. *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 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 mechanisms 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; and

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 the Department of Education, 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 workers are allowed to accept any assistance or support coming from the NGOs.

SEC. 12. *Code of Conduct of 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 at the expense of the government.

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

SEC. 14. *Implementing Rules and Regulations.* - The DSWD and the Department of the Interior and Local Government (DILG), in consultation with the 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. 15. *Appropriations.* - Salaries and benefits of day care workers shall be charged from 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 General Appropriations Act.

SEC. 16. *Penal Provisions.* - Any person who violates the provisions of this Act shall be punished with a fine of not less than Five Thousand Pesos (Php 5,000.00) and/or imprisonment of not less than one month but not more than two months, at the discretion of the court.

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

SEC. 17. *Separability Clause.* - If any provision of this Act or any part thereof, is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions.

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

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

Approved,