



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Sixteenth Congress

First Regular Session

House Bill No. 2023



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 return 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.

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 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.

This bill is substantially and substantively the output of TWG meetings conducted by the Committee on the Welfare of Children on various measures dealing with the subject filed during the 15th Congress.

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


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



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

Be it enacted by the Senate and the House of Representatives of the Republic 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 - The State recognizes the vital role of children and youth in nation-building and shall promote and protect their physical and moral, spiritual, intellectual and social-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.

SECTION 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 in all government-sponsored day care centers.

SECTION 4. Qualifications and Positions - The minimum requirements for all day care workers shall be :

- a) Must be of legal age;
- b) Must be at least a high school graduate;
- c) Must be certified by the Department of Social Welfare and Development (DSWD) or DSWD-deputized entities as having completed at least four (4) hours of training in early childhood care and development; and,
- d) Must not have been convicted by final judgement 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 with 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 and who are of minority age upon the passage of this Act, 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 worker should be retained.

Qualifications and exceptions provided for in this section shall be subject to conditions that may be imposed by the Civil Service Commission (CSC).

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

SECTION 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.

SECTION 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

SECTION 8. Working Hours - A day care worker shall be required to render eight (8) working hours a day or a total of forty (40) working hours a week : *Provided*, that the municipal / 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.

SECTION 9. Additional Compensation and Allowances - Day care workers shall be provided 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 endanger the worker's 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* - for 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.

SECTION 10. Other Benefits and Privileges Due to Day Care Workers - All day care workers shall all also be entitled to the following :

- 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 Attorneys' Office (PAO) in all cases filed by or against them 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; and,

- e) *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.

SECTION 11. *Training, Education and Skills Enhancement* - The DSWD, in coordination with the Department of Education (DepEd), Commission on Higher Education (CHED) and the Technical Education and Skills Development (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.

SECTION 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 government's expense.

SECTION 13. *Penalties* - Any person found violating any of the provisions of this Act shall be punished with a fine of not less than Five thousand pesos (P 5,000.00) and/or imprisonment of not less than one (1) month but not more than two (2) months, at the discretion of the court.

SECTION 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, within six (6) months from the effectivity of this Act, formulate and promulgate the rules and regulations necessary for the implementation of this Act.

SECTION 15. *Appropriations* - Salaries and benefits of day care workers shall be charged against 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.

SECTION 16. *Separability Clause* - If, for any reason, any part of the provisions of this Act shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 17. *Repealing Clause* - Republic Act No. 6972, otherwise known as the 'Barangay-Level Total Development and Protection of Children Act' is hereby repealed, and all laws, presidential decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SECTION 18. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.