

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2604



Introduced by **HON. TEDDY BRAWNER BAGUILAT**

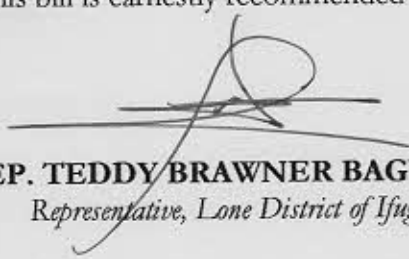
AN ACT
PROVIDING FOR QUALIFICATIONS, SALARIES AND OTHER BENEFITS OF DAY
CARE WORKERS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

This bill seeks to guarantee, enhance and protect the economic and social welfare of day care workers.

It is the duty of the state to recognize the crucial role of the day care workers in the nurturing of the pre-school children of the country. Republic Act No.6972 or the Day Care Law provides for a monthly allowance of five hundred pesos (Php 500.00) which is very hardly sufficient for any service provider at the present times. It does not add to motivation for any worker nor does it contribute to a decent standard of living for their families. Considering that the responsibilities of these front liners in all the day care centers in our country includes not only the fostering but also ensure the personal safety and health of the children in their care, it is imperative that the State provides a measure that compensate for these valuable services. Moreover, as these day care workers protect our pre- school children during the day, they should also be protected or secured from an unstable political and economic environment. At present, the day care workers secure their appointments from the elected politicians in their jurisdiction thus are vulnerable to political changes and they certainly do not enjoy security of tenure.

Due to the important role they perform and to be able to attract the most efficient and competent day care workers for the next generation, the State therefore has to provide for a salary that corresponds to the service that they provide and must pledge that they enjoy security of tenure.

In view of aforementioned premises, the approval of this bill is earnestly recommended


REP. TEDDY BRAWNER BAGUILAT
Representative, Lone District of Ifugao

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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 “*Day Care Workers Act*”.

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 and 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 a 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 childhood 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 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 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 worker 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 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* – 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 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.** A day care worker 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 worker shall be immediately provided by the Public Attorneys' 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 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.

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 government's expense.

SEC. 13. *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/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 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. The Priority Development Assistance Fund may also be utilized to fund the implementation of this 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 (P5, 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.

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*. Should any provision herein be declared unconstitutional or invalid, the same shall not affect the validity or legality of the other provisions.

SEC. 18. *Repealing Clause*. Republic Act No. 6972 otherwise known as *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,