

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 3041



Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
REQUIRING EMPLOYERS TO PROVIDE DAYCARE FACILITIES FOR THEIR
EMPLOYEES' CHILDREN AGED FIVE (5) YEARS OLD AND BELOW, AMENDING
FOR THE PURPOSE ARTICLE 157 OF THE LABOR CODE

EXPLANATORY NOTE

Section 1, Article XV of the 1987 Constitution states that: "*the State recognizes the Filipino family as the foundation of the nation.*" This is the reason why parents, who are at the forefront of ensuring that the family stays together, have the duty in strengthening its solidarity and actively promote its total development. Also, Section 12 of Article II of the same Constitution declares that the natural and primary right and duty of parents in rearing the youth for civic efficiency and development of moral character shall receive the support of the Government. This goes without saying, therefore, that the State has the responsibility to empower parents to provide for their families while at the same time ensuring them they will be able to guarantee the welfare and safety of their small children.

The rising cost of living in our country today has drastically changed the conventional roles of spouses in the rearing of their families. It has become more prevalent that women, who used to stay home as housewives, have now joined the male population in pursuing a career to be able to contribute and support the household. With both spouses working, this leaves caring for the children to a close relative, the house help or to anyone who happens to be available. Even though these assigned guardians succeed in looking after the children, there is still no substitute for parents personally to be able to take care of their children.

With all these to consider, the State must therefore fulfill its constitutional mandate to support parents in caring for the family. The bill seeks to do just that by making it compulsory for all employers in the country, except the government, to establish day care facilities if they have at least 150 employees. This enables parents to pursue their careers and at the same time, take care of their small children.

In view of the foregoing, immediate passage of this bill is earnestly requested.


DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur


GLORIA MACAPAGAL ARROYO
Second District, Pampanga

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. There shall be incorporated in Article 157 of the Labor Code of the Philippines, as amended, a new provision which shall read as follows:

"Article 157. [Emergency] [m] Medical, [and] dental, **AND DAY CARE** services. - It shall be the duty of every employer to furnish his employees in any locality with free medical and dental attendance consisting of:

xxx

MOREOVER, ALL EMPLOYERS, EXCEPT THE NATIONAL GOVERNMENT OR ANY OF ITS POLITICAL SUBDIVISIONS, GOVERNMENT OWNED AND/OR CONTROLLED CORPORATIONS AND CHARITABLE AND RELIGIOUS ORGANIZATIONS, WHERE THE NUMBER OF EMPLOYEES IS AT LEAST ONE HUNDRED FIFTY (150), SHALL ESTABLISH A DAYCARE FACILITY FOR CHILDREN OF REGULAR EMPLOYEES AGED FIVE (5) YEARS AND BELOW. THE FACILITY SHALL BE HANDLED BY QUALIFIED AND COMPETENT PERSONNEL WITH PROVEN EXPERIENCE IN CHILD CARE.

SECTION 2. The Department of Labor and Employment (DOLE) shall promulgate rules and regulations to implement the provision of this Act.

SECTION 3. *Repealing Clause.* All laws, decrees, order, rules and regulations, or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 4. *Separability Clause.* Should any part or provision of this Act be declared unconstitutional or invalid, other parts or provisions hereof not otherwise affected thereby shall remain in full force and effect.

SECTION 5. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,