

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4738



Introduced by

REPS. ARLENE D. BROSAS and EMMI A. DE JESUS (Gabriela Women's Party)
CARLOS ISAGANI T. ZARATE (Bayan Muna), ANTONIO L. TINIO and FRANCE L. CASTRO (ACT Teachers Partylist), ARIEL B. CASILAO (Anakpawis Partylist), and SARAH JANE I. ELAGO (Kabataan Partylist)

EXPLANATORY NOTE

The youth is our nation's future. A crucial period in their development is from birth to age six. It is during this time that it is important that they are given proper care and nutrition.

To address this, the Early Childhood Care and Development (ECCD) Act Was passed into law as Republic Act No. 8980. Recognizing the need to support parents in their role as primary caregivers and their children's first teachers, the ECCD Act institutionalized a full range of health, nutrition and educational programs that help provide for the basic needs of young children.

At the forefront of the ECCD are our day care workers, most of which are deprived of just compensation and benefits. Under Republic Act No. 6972 which established a day care center in every barangay, the government is mandated to give them a mere monthly allowance of not less than Five Hundred Pesos (P500) from the annual appropriation of the Department of Social Welfare and Development (DSWD). This is amid the fact that most of them are doing work comparable to their private school counterparts.

Besides being overworked and underpaid, a lot of them are also subject to politically-motivated termination because they do not have security of tenure.

According to Akap Bata, a group pushing for the protection of children's rights, there are now around 50,000 day care workers under the DSWD. These day care workers cater to millions of children and their families. For poor Filipino families, having their children in government day care centers which require little contribution is a big help. Parents are able to earn a living for their family while dedicated day care workers tend to the needs of their children.

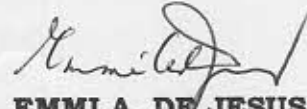
For most day care workers, caring for the children of the poor has become a vocation. But the government should not abuse their willingness to work as volunteers. It is not by choice but by necessity, and at times, desperation that they are forced to accept the work in exchange of an amount not even enough for their subsistence.

The government, in light of the institutionalization of the ECCD, should finally make day care workers regular government employees.

By guaranteeing the rights of day care workers to security of tenure, humane working conditions and a living wage, the State would be contributing to the improvement of the quality of early childhood care and education, thereby upholding its mandate to defend and protect children's rights as well as guaranteeing the rights of all its workers.

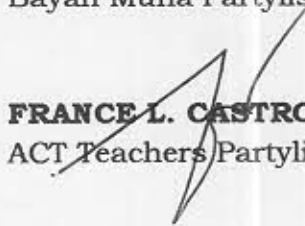
In view of the foregoing, the immediate passage of this bill is earnestly sought.


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AN ACT
PROVIDING FOR SECURITY OF TENURE, STANDARDIZED SALARY AND OTHER
BENEFITS FOR DAY CARE WORKERS

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

Section 1. Short title.—This Act shall be known as the “Magna Carta for Day Care Workers”.

Section 2. Declaration of Policy. It is the State’s responsibility to defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development. It is also the State’s concern and responsibility to provide adequate remuneration for day care workers to enhance their general welfare with the end view of fulfilling the state policy of defending the rights of children.

Section 3. Coverage. This Act shall cover all persons providing Early Childhood Care and Development in all government-run day care centers and non-stock, non-profit day care centers run by volunteers, people’s organizations, associations and non-government organizations.

Section 4. Definition. For the purpose of this Act, the following terms shall mean:

- a. *Early Childhood Care and Development (ECCD)* – the full range of health, nutrition, early education and social services programs that provide for basic holistic needs of young children from birth to age six (6), to promote their optimum growth and development through home-based and center-based programs;
- b. *Day care centers* – public, private or non-profit centers providing ECCD services pursuant to Republic Act No. 8980 or The ECCD Act;

Section 5. Security of Tenure. Qualified day care workers are hereby granted tenure in the city or municipality they are serving. Incumbent day care workers not meeting the requirements, specifically training in ECCD, shall not be disqualified but will be

required to finish a day care worker training course provided by the DSWD within one (1) year from the effectivity of this Act.

Regular day care workers shall not be terminated except for cause provided by law and after due process:

Provided, that if a day care worker is found by the Civil Service Commission to be unjustly dismissed from work, the day care worker shall be entitled to reinstatement without loss of seniority rights. Backwages with twelve percent (12%) interest computed from the time compensation was withheld from the time of reinstatement shall also be awarded.

Section 7. Salary. A day care worker shall receive a salary equivalent to Salary Grade 8, subject to step increments or salary increases within the salary grade based on length of service pursuant to existing laws.

In the case of government-run but corporate-sponsored day care centers, as well as non-stock, non-profit day care centers run by volunteers, people's organizations, associations, non-government organizations, the government will augment the salaries of day care teachers as needed.

Section 8. 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 municipality/city social welfare officer may require a day care worker to render services beyond working hours during emergency situations such as calamities.

Section 9. Benefits. Day care workers shall be provided with the following benefits:

- a. Philhealth – All day care workers shall be enrolled in the National Health Insurance Program to be able to access personal health services;
- b. Social Security – All day care workers shall be enrolled in the Government Service Insurance System or the Social Security System, whichever is applicable, to be able to avail of retirement, disability, funeral and other benefits;
- c. Hazard allowance – Day care workers both in urban and rural places, exposed to situations and conditions with foreseeable but unavoidable danger or risks such as strife-torn areas and areas under a state of calamity shall be compensated with hazard allowance to be determined by the local government unit;
- d. Overtime work – Where the exigencies of the service so require, any public health worker may be required to render service beyond the normal eight (8) hours a day. In such case, the workers shall be paid an additional compensation in accordance with existing laws and prevailing practices;
- e. Retirement benefits – All day care workers will receive retirement benefits once they have reached the age and fulfilled service requirements under existing laws;

- f. Free legal assistance – In case of politically-motivated or work-related harassment, the government will provide free legal assistance to day care workers to uphold and protect their rights.

Section 10. Right to Self-Organization. Day Care workers shall have the right to freely form, join or assist organizations or unions in order to defend and protect their mutual interests and to obtain redress of their grievances.

Section 11. Married Day Care Workers. Whenever possible, the proper authorities shall take steps to enable married couples, both of whom are day care workers, to be employed or assigned in the same municipality.

Section 12. Participation Fee. Day care workers shall in no way be required to shell out their own money to spend for electricity and rent of their center. If the participation fee set by the local government is inadequate, it is the LGUs responsibility to pay for necessary utilities required to operate the day care center.

Section 13. Training, Education and Career Enhancement. The DSWD, in coordination with the Department of Education and other concerned government agencies and non-government organizations, shall organize training and educational programs as well as provide opportunities for scholarship and continuing education.

Section 14. Implementing Rules and Regulations. The Department of Social Welfare and Development (DSWD), in consultation with the Department of Budget and Management, shall promulgate the necessary rules and regulations to implement this Act.

Section 15. Appropriations. The budget needed to implement this Act shall be included in the annual General Appropriations Act. Training costs shall be appropriated under the DSWD.

Section 16. Penal Provisions. Any person shall willfully interfere with, restrain or coerce any day care worker in the exercise of his/her rights or shall in any manner violate any provision of this Act, upon conviction, shall be punished by a fine of not less than Twenty thousand pesos (P20,000.00) or imprisonment of not more than one (1) year or both at the discretion of the court.

Section 17. Constitutionality. All laws, decrees, letters of instructions, resolutions, orders, ordinances or parts thereof which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

Section 19. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,