

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
NINETEENTH CONGRESS
First Regular Session
House Bill No. 3780



Introduced by
REPRESENTATIVE JASON P. ALMONTE

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

EXPLANATORY NOTE

Art. II, Sec. 13 of the Philippine Constitution provides,

"The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being."

Over the years, significant pieces of legislation were passed to uphold the mandate of the Constitution—

In 1990, RA 6972, An Act Establishing a Day Care Center in Every Barangay, Instituting Therein a Total Development and Protection of Children;

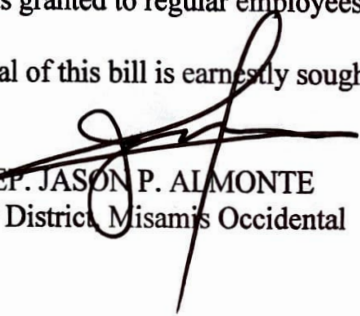
In 2000, RA 8980, An Act Promulgating a Comprehensive Policy and National System for Early Childhood Care and Development;

In 2013, RA 10410, An Act Recognizing the Age from 0 to 8yrs as the first crucial stage of Educational Development and Strengthening the ECDD System.

RA 10410 seeks to offer all-inclusive care and services for children, including early childhood education, health and sanitation, nutrition, child protection, and social services. It highlights the vital role of Day Care Workers as service providers who are responsible for the care and education of young children and aims to recognize and reward them for their contribution to the objective of the National ECCD System and to the State. However, the sad reality is that Day Care Workers especially in the provinces are overworked, underpaid and unappreciated despite the tremendous roles they play in taking care of children who are not their own flesh and blood.

This bill mandates the creation of plantilla positions for Day Care Workers and allowing them to enjoy security of tenure, protection and benefits granted to regular employees.

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


REP. JASON P. ALMONTE
1st District, Misamis Occidental

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

SECTION 1. Title. This Act shall be known as the "Magna Carta for Day Care Workers".

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 enhance the dignity of day care workers.

SEC. 3. Coverage. - This Act shall cover all persons engaged in the provision of Early Child Development in government-sponsored day care centers whose primary function is to assist in the provision of care, social development, education and other needs of the children.

SEC. 4. Qualifications. - A Day Care Worker must be of legal age, possesses at least, a career sub-profession eligibility and must have training in Early Childhood Care and Development, regardless of disability or membership in indigenous communities. Provided, however that an incumbent day care worker who has been serving for the last five (5) years upon approval of this Act and does not meet the prescribed educational qualification standard shall not be disqualified; Provided, further, that such Day Care Worker shall complete the Day Care Worker training course provided by the Department of Social Welfare and Development (DSWD) within one (1) year of effectivity of this Act.

SEC. 5. Plantilla Positions and Security of Tenure. – At least one (1) Day Care Worker I and one (1) Day Care Worker II plantilla positions shall be created in all day care centers nationwide. As plantilla position holders, Day Care Workers shall be appointed under permanent status and shall be protected and governed by Civil Service rules and regulations.

SEC. 6. Recruitment - A qualified Day Care Worker shall file his/her application with the local government unit concerned. Under no circumstances shall an applicant for the position of Day Care Worker be discriminated against on the basis of gender, religion, age, status, race or political affiliation.

SEC. 7. Salary. - A Day Care Worker shall receive a salary equivalent to:

Level 1 - High School graduate level to below second year college and length of service of at least five (5) years shall receive the salary equivalent to salary grade 6,

Level 2 - Second year college level shall receive salary equivalent to salary grade 8 ; and

Level 3 - College graduate level shall receive salary equivalent to salary grade 10

SEC. 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 municipal social welfare officer may require a day care worker to render services beyond his/her required working hours during emergency situations such as natural and manmade calamities.

8.1 A complete emergency response or survival kit shall be provided for when a Day Care Worker is required to render services beyond the required working hours especially during emergency situation.

8.2 Working hours during emergency situations should be conducted in child friendly d spaces.

SEC. 9. Additional Compensation and Allowances. - Day Care Workers shall be provided additional compensation for services rendered beyond the required working hours Day Care Workers assigned to hazardous places shall be given hazard pay.

SEC. 10. Married Day Care Workers. - Whenever possible, married couples who are both Day Care Workers shall be assigned in the same municipality or city.

SEC. 11. Transfer and Tenure of Office. - No Day Care Worker shall be transferred from one center to another without his/her prior knowledge and/or consent As provided under existing laws, no Day Care Worker shall be terminated from work without due cause.

SEC. 12. Leave Benefits. - As provided for in existing Laws, a Day Care Worker is entitled to maternity/paternity, sick and vacation eaves Day Care Workers with outstanding performance based on evaluation nay avail of study leave.

SEC. 13. 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 free of charge in government hospitals.

SEC. 14. Insurance and Retirement Benefits. - Qualified Day Care Workers shall automatically become members of the Government Service Insurance System (GSIS) Day Care Workers, having fulfilled the age and service requirements of the applicable retirement laws, shall be given a one-step salary grade increase upon retirement which shall be the basis of computation of retirement pay and other retirement benefits.

SEC. 15. Freedom to Organize. - Day Care Workers shall have the freedom to organize themselves without prior communications with the local government units to which they are assigned. Organizations of Day Care Workers shall be consulted in the formulation of national policies and programs that will benefit the sector. Under no circumstances shall any Day Care Worker be dismissed on the basis of his/her membership in any organization of Day Care Workers.

The Department of Social Welfare and Development (DSWD) shall encourage this organization and shall provide budget for the annual meeting of the national organization.

SEC. 16. Training, Education and Skill Enhancement. The Department of Social Welfare and Development, in coordination with the Department of Education and other concerned government agencies and non-government organizations, shall organize training and education programs as well as provide opportunities for scholarships and continuing education.

The continuous development of standards training module for the CDW's shall be provided by the Local Government Units (LGUs) through the Local Social Welfare and Development Office (LSWDO), pursuant to the devolution of Social Service as provided for by RA 7160 or the Local Government Code of 1991.

SEC. 17. Code of Conduct for Day Care Workers. -Within six (6) months upon approval of this Act, the Early Childhood Care and Development Council (ECCDC) in consultation with the national organization of Child Development Worker (CDW), shall formulate a Code of Conduct for CDWs in line with the Civil Service Commission (CSC) Rules and Regulations and adhere to the principles of the UN Convention on the Rights of the Child.

SEC. 18. Support from Non-Government Organizations. - Non- government organizations or private volunteer organizations are hereby encouraged to assist the government in the implementation of programs and projects for Day Care Workers.

SEC. 19. Implementing Rules and Regulations. - The Department of Interior and Local Government (DILG) and the Department of Social Welfare and Development (DSWD), in consultation with the Civil Service Commission (CSC) and the national organization of Day Care Workers shall formulate the rules and regulations necessary to implement the provisions off his Act within six (6) months of its effectivity.

SEC. 20. Appropriations. -- Salaries and benefits of Day Care Workers shall be charged to the local government units concerned Training needs of Day Care Workers shall be charged to the annual appropriations of the DSWD.

SEC. 21. 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 two (2) months but not more than one (1), or both at the discretion of the Court. If the offender is

a public official, he/she shall, in addition to the penalties stated above, be dismissed from government service.

SEC. 22. Separability Clause. - Should any provision of this Act be found unconstitutional by a court of law, such provision shall be severed from this Act.

SEC. 23. Repealing Clause - All laws, decrees, executive orders, and rules and regulations inconsistent with this Act are hereby repealed or modified accordingly

SEC. 24. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,