

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

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 8430



**Introduced by Representatives LORDAN G. SUAN, CHRISTIAN S. UNABIA,
and BAMBI B. EMANO**

EXPLANATORY NOTE

The state recognizes the importance of investing in early childhood education as one of the intervention programs to promote the physical and psychosocial development of Filipino children. Such investment is critical in nurturing generations of children to become responsible and productive citizens someday. Evidence also shows that government expenditures in the areas of health, education, and social welfare are significantly reduced when needed early childhood interventions have been undertaken.

At the forefront of these efforts to develop healthy, confident, driven, and well-nurtured children are the Day Care Workers or the Child Development Workers. As of 2021, there are about 79,451 Day Care Workers in the country. Despite their critical role in our children's future, they serve without standard salaries and benefits. The DSWD reported that of the 79,451 Daycare Workers, 17,479 occupy casual positions, 23,835 serve in contractual positions, 5,561 are in job order status, 15,890 are under a Memorandum of Agreement and only 8,739 enjoy permanent positions. Further, the DSWD disclosed that 14,725 Day Care Workers are receiving below Php1,000 monthly honorarium.

This bill aims to restore the dignity of these heroes by institutionalizing their profession, standardizing their wages, giving them the security of tenure, and providing them with the benefits they rightfully deserve. This is not only in recognition of their sacrifices and the nature of their responsibility but also in adherence to the principle of social justice enshrined in our Constitution.

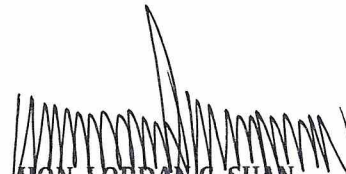
Lastly, let us all be reminded that the plight of the Day Care Workers has not been addressed for a long time. In fact, according to the Federation of Day Care Workers, they have been lobbying for this for the past 27 years.

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



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HON. LORDAN G. SUAN
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Cagayan de Oro City

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**Introduced by Representatives LORDAN G. SUAN, CHRISTIAN S. UNABIA,
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**AN ACT ESTABLISHING A MAGNA CARTA FOR DAYCARE WORKERS,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

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.* The State recognizes the vital role of children and youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall 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. Towards this end, the state shall promote and improve the social well-being and economic welfare of the Daycare Workers who are given the important responsibility of providing care, protection, and early education to Filipino children.

Further, it is declared a policy of the state to promote social justice in all phases of national development. Therefore, it guarantees the rights of Day Care Workers to self-organization, security of tenure, humane conditions of work, and a living wage.

SECTION 3. *Coverage.* This Act covers all persons primarily engaged in the Early Childhood Care and Development Services of children in government-owned and controlled daycare centers.

SECTION 4. *Qualification.* A Day Care Worker must have the following qualifications:

- a.) Must be of legal age;
- b.) Must have undergone adequate training in Early Childhood Care and Development;
- c.) At least, must have a civil service sub-professional eligibility;
- d.) Must not have been convicted for the crime of subversion, insurrection, rebellion, or a crime involving moral turpitude; and
- e.) Must have no pending case in court involving violations of Republic Act No. 7610.

All Day Care Workers rendering service at the time of the passage of this Act shall be given one (1) year to comply with the requirements provided herein.

Day Care Workers who have been serving for at least five (5) years prior to the passage of this Act and who do not have the required civil service eligibility shall be exempted from such requirement.

SECTION 5. *Recruitment.* A qualified applicant for a Day Care Worker shall file an application with the local government unit or government agency concerned. Discrimination against any applicant based on gender, religion, race, status, or political affiliation is prohibited.

SECTION 6. *Salary.* A qualified Day Care Worker shall receive a salary equivalent to:

- a.) Level I – High School Graduate Level and below shall receive a salary equivalent to Salary Grade Level 7.
- b.) Level II – College Undergraduate Level shall receive a salary equivalent to Salary Grade 8.
- c.) Level III – College Graduate Level shall receive a salary equivalent to Salary Grade Level 10.

SECTION 7. *Working Hours.* A Day Care Worker shall render eight (8) working hours a day or a total of forty (40) working hours a week. Provided, during emergency situations or calamities, a Day Care Worker may be required to render services beyond working hours.

SECTION 8. *Additional Compensation and Allowances.* Day Care Workers are entitled to the following compensation and allowances:

- a.) Overtime Pay – for services rendered beyond the required working hours
- b.) Hazard Pay – for being exposed to situations that have potential risks to life, health, and well-being
- c.) Subsistence Allowance – for being assigned to isolated Barangays that require long travel

SECTION 9. *Married Day Care Workers.* Married couples who are Day Care Workers shall be assigned to the same city or municipality, preferably, in adjoining Barangays.

SECTION 10. *Tenure.* No Day Care Worker shall be terminated without just cause and due process.

SECTION 11. *Transfer.* No Day Care Worker shall be transferred to another Day Care Center without just cause and prior knowledge through written notice. The effectivity of the transfer shall not be less than one (1) month upon receipt of the notice.

SECTION 12. *Benefits and Privileges.* Day Care Workers shall receive the following benefits and privileges:

- a.) Leave Benefits – leave benefits granted to government employees including but not limited to maternity leave, paternity leave, sick leave, vacation leave, and solo parent leave. Daycare Workers who render outstanding performance based on evaluation by the competent authority may be granted study leave.
- b.) Free Medical Examinations and Treatment – Free medical examinations and treatments in government hospitals.

- c.) Free Legal Assistance – Free legal assistance through the Public Attorney’s Office (PAO) for cases in connection with the performance of duties.
- d.) Insurance and Retirement Benefits – enrollment as members of the Government Service and Insurance System (GSIS), Pag-IBIG, and Philippine Health Insurance Corporation (PhilHealth).
- e.) Training and Education Programs – a system of continuing education and training programs through the Technical Education and Skills Development Authority (TESDA), Commission on Higher Education (CHED), and other national government agencies.
- f.) Access to Livelihood Programs and Loans – the DSWD and the Local Government Units (LGUs) shall provide mechanisms for Day Care Workers to access livelihood programs and loan services.

SECTION 13. *Freedom to Organize.* Day Care Workers shall have the freedom to organize themselves without prior communications with the local government to which they are assigned. Under no circumstance shall any Day Care Worker be dismissed based on membership in any Day Care Worker’s organization.

SECTION 14. *Code of Conduct for Day Care Workers.* Within six (6) months from the approval of this Act, the DSWD in consultation with the national organization of Day Care Workers shall formulate the Code of Conduct for Day Care Workers. A copy of the Code shall be provided to each Day Care Worker, free of charge.

SECTION 15. *Support from Non-government Organizations.* Non-government organizations and private organizations shall be encouraged to support and assist the government in the implementation of the programs and projects for Day Care Workers.

SECTION 16. *Appropriations.* Salaries and benefits of Day Care Workers shall be charged to the local government units concerned. Training needs shall be charged to the annual appropriations of the DSWD.

SECTION 17. *Implementing Rules and Regulations.* The Department of Interior and Local Government (DILG) and DSWD, in consultation with the Civil Service Commission (CSC) and the national organization of Day Care Workers, shall formulate the necessary rules and regulations for the effective implementation of this Act, within ninety (90) days from the date of its effectivity.

SECTION 18. *Separability Clause.* If any provision of this Act is declared invalid or unconstitutional, the provisions not hereby affected shall remain in full force and effect.

Section 19. *Repealing Clause.* All laws, decrees, orders, rules, and regulations or parts thereof, inconsistent with or contrary to the provisions of this Act are repealed, amended, or modified, accordingly.

Section 20. *Effectivity.* This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,