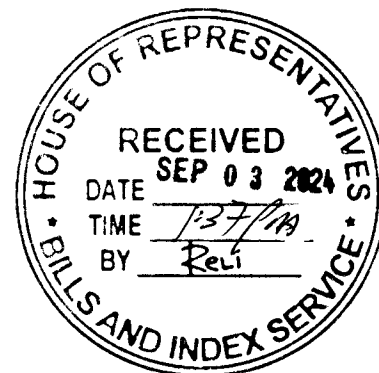




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10854



Introduced by **HON. ATTY. GERVILLE “JINKY BITRICS” R. LUISTRO**

**AN ACT ESTABLISHING A MAGNA CARTA FOR DAYCARE WORKERS,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Early Childhood Care and Education (ECCE) is a vital foundation for every child’s lifelong development. From birth to eight years old, children acquire literacy, numeracy, and socio-emotional skills, that serve as bedrock for future success.¹ Despite the critical importance of this period, an estimated sixty-four percent (64%) of children in low to middle-income countries reach the age of ten (10) unable to read and comprehend simple stories.²

Although many countries including the Philippines call for a higher quality of ECCE, there has been inadequate attention on improving working conditions and career prospects for Day Care Workers.³ This is apparent in Republic Act No. 10410 otherwise known as the “Early Years Act of 2013” which focuses on establishing and enhancing the ECCE conditions in the country but did not directly address the salaries, employment rights, and working conditions of Day Care Workers.

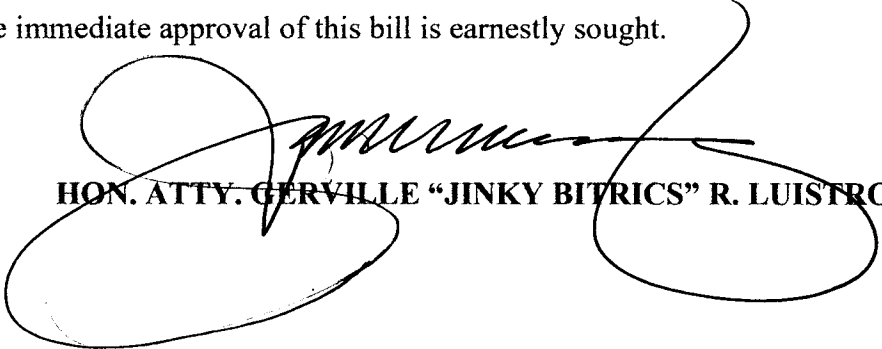
¹ United Nations Educational, Scientific, and Cultural Organization, “Why early childhood care and education matters,” *UNESCO*, April 20, 2023, Accessed on [Why early childhood care and education matters | UNESCO](#).

² Ibid.

³ Ibid.

In this light, this bill aims to supplement the abovementioned law by providing a mechanism to enhance the working conditions and welfare of Day Care Workers. This will be achieved by providing them with structured salaries, benefits, medical care, and legal assistance. Further, provisions for family considerations and continued education are stipulated under this bill to elevate not just their economic status, but also to maintain their social relations that will eventually reflect their well-being.

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



HON. ATTY. GERVILLE "JINKY BITRICS" R. LUISTRO



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Be it enacted by the Senate and the 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, 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 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 Service of children in governed-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 11.

SECTION 7. *Working Hours.* – Day Care Workers shall render eight (8) working hours a day or 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 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. Day Care 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 Corporate (PhilHealth).
- (e) Training and Education Programs – A system of continuing education and training programs through the Technical Education and Skills Development Authority (TESDA), Commission of 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.
- (g) Mental Health Support – Free access to counseling services and stress management.

SECTION 13. *Supply of Materials and Educational Paraphernalia.* – Day Care Workers shall be supplied with necessary learning materials, including but not limited to flashcards, educational games, and teaching aids. This is to ensure that Day Care Workers do not use personal funds for work materials.

SECTION 14. *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 circumstances shall any Day Care Worker be dismissed based on membership in any Day Care Workers' organization.

SECTION 15. *Code of Conduct for Day Care Workers.* – Within six (6) months from the approval of this Act, the DSWD in consultation with the National 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 16. *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 17. *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 18. *Implementing Rules and Regulations.* – The Department of Interior and Local Government (DILG) and the 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 19. *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 20. *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 21. *Effectivity.* – This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in two (2) newspapers or general circulation.

Approved,