



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
First Regular Session

HOUSE BILL NO. **2230**



Introduced by **Hon. Charisse Anne C. Hernandez**

EXPLANATORY NOTE

In November 1990, Republic Act No. 6972 or the Barangay - Level Total Development and Protection of Children Act" was enacted, establishing a day care center in every barangay with a total development and protection of children program.

After a decade, Republic Act No. 8980, also known as the ECCD Act, was passed in December 2000. This legislation strives to establish an all-encompassing strategy and nationwide framework for Early Childhood Care and Development.

These laws acknowledge the crucial developmental phase of childhood, which spans from birth up to six (6) years of age, thus they promote and protect the rights of children against all forms of neglect, abuse, cruelty, and other unfavorable conditions that will impede their development.

Millions of Filipino children are being attended to by our day care workers, by tending to their physical and mental wellbeing, overseeing cleanliness, and guaranteeing that youngsters are gaining knowledge and engaging in social interactions, allowing parents to focus on their work or chores. Daycare workers have a crucial role in the development of children as they not only guarantee a safe and sanitary environment but also foster their growth and progress.

For Filipino families who are economically disadvantaged, having access to government-operated day care centers that demand minimal fees is a significant aid.

Section 12, Article II of the Constitution provides that the State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and development of moral character shall receive the support of the Government.

Section 18, Article II of the Constitution provides that the State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

This bill aims to recognize the indispensable contribution of Child Development Workers (CDW) by proposing to have a CDW I with Salary Grade 6 and CDW II with Salary Grade 8 in all Child Development Centers and Day Care Centers nationwide. They shall be entitled to security of tenure and have access to continuing education and skills training and knowledge enhancement programs. Benefits such as overtime pay, hazard and subsistence allowance, medical examination and treatment, and access to livelihood, loans, grants, and skills enhancement services, shall also be guaranteed to child development workers.

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


CHARISSE ANNE C. HERNANDEZ
Representative
Lone District, Calamba City



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AN ACT
INSTITUTING THE MAGNA CARTA FOR CHILD DEVELOPMENT WORKERS AND
PROVIDING FUNDS THEREFOR

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 Child Development Workers."

SEC. 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. Towards this end, the State shall adopt policies that will improve the social and economic welfare of child development workers who provide pre-school education and social development services to children.

SEC. 3. Coverage. - This Act shall cover all child development workers under Republic Act No. 10410, otherwise known as the "Early Years Act of 2013", herein defined as persons primarily engaged in the provision of early child development services and programs such as care, social development, education, protection, and other needs of children aged four (4) years old and below in all government-sponsored care centers.

SEC. 4. Plantilla Positions and Security of Tenure in Child Development Centers. - At least one (1) Child Development Worker I and one (1) Child Development Worker II plantilla positions shall be created in all child development centers nationwide. The duly appointed child development workers shall enjoy security of tenure and shall be protected and governed by civil service rules and regulations. No child development worker shall be removed or transferred from office without just cause, due process, or prior consultation with 8 the concerned child development worker.

SEC. 5. Creation of Special Personnel Selection Board. - A Special Personnel Selection Board (SPSB) for child development worker positions shall be created to screen candidates and create a pool of at least five (5) qualified applicants for possible appointment to the subject positions. The SPSB shall be composed of the local social welfare and development officer (LSDWO) as chairperson, and the local health officer, human resource management officer, and local government unit (LGU) first level employees' representative as members.

SEC. 6. Recruitment and Selection. - Upon publication and posting by the local Human Resource Management Office (HRMO) of vacant permanent child development worker positions in particular child development centers, all qualified applicants shall submit their application, together with complete requirements, to the HRMO for preliminary evaluation; Provided, That all qualified incumbent child development workers hired under casual, contractual, and job order employment status shall automatically be considered candidates and given priority for appointment to permanent child development worker positions.

The local chief executive, as the appointing authority, shall exercise sound discretion in appointing, from the SPSB-recommended pool pursuant to Sec. 5 of 30 this Act, a child development worker in particular child development center. Under no circumstances shall an

applicant be discriminated against on the basis of gender, religion, age, status, race, or political affiliation.

SEC. 7. *Qualifications, Positions and Salary Grade.* - A child development worker possessing the following qualifications shall be hired to the position of:

(a) Child Development Worker I, with Salary Grade 6, must possess the following qualifications:

(1) Must be of legal age;

(2) Must have completed at least the K-12 Program or two (2) years of college education or its equivalent;

(3) Must be certified by either the ECCDC council or the deputized local Social Welfare and Development Office (LSWDO) to have complied with existing requisites and trainings in early childhood care and development;

(4) Must not have been convicted by final judgment of any crime; and

(5) Must not have a pending case in relation to Republic 19 Act No. 7610, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" and other similar laws protecting children.

Child development workers legitimately serving as such upon the approval of this Act who are above seventeen (17) years old but below eighteen (18) years old and does not possess any of the above-stated disqualifications, shall continue in service to serve as such and are considered qualified to be covered under this Act; Provided, That their retentions had been recommended by their direct supervisor on the basis of their performance.

Child development workers who have not completed the K-12 Program and have no college education upon the approval of this Act shall be given two (2) years within which to complete equivalent training to be able to continue in the service, in accordance with Section 12 of this Act. The necessary training courses shall be prescribed by the ECCDC Council.

(b) Child Development Worker II, with Salary Grade 8, must possess the same qualifications mentioned in paragraph (a) of this section and must have five (5) years of work experience and at least twelve (12) hours of relevant training.

Qualifications and exceptions applicable to this section shall be subject to conditions imposed by the Civil Service Commission (CSC).

SEC. 8. *Prohibition on Discrimination.* - A child development worker shall have the right to be protected from discrimination based on age, sexual orientation, gender identity, ethnic grouping, civil status, disability, creed, religious or political affiliation. There shall be no discrimination whatsoever in the entrance to the occupation, or during its exercise, or in the termination of services based on any ground other than professional consideration.

SEC. 9. *Working Hours.* - The normal hours of work of any child development worker shall not exceed eight (8) working hours a day or forty (40) working hours a week; Provided, that the LSWDO may require child development workers to render service beyond their working hours during emergency situations such as natural disasters and man-made calamities: Provided, That emergency response and survival kits shall be provided and that working hours should be conducted in child-friendly spaces.

SEC. 10. *Code of Conduct of Child Development Workers.* - Within six (6) months from the approval of this Act, the Early Childhood Care and Development Council (ECCDC), in consultation with a national organization of child development workers, shall formulate a Code of Conduct for Child Development Workers 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. Each child development worker shall be provided with a copy of the Code at the expense of the government.

SEC. 11. *Additional Compensation and Allowances.* - Child development workers shall be provided with the following additional compensation, whenever applicable:

(a) Overtime Pay - for services rendered beyond the required working hours as prescribed in Section 8 hereof;

(b) Hazard Allowance - child development workers in rural and urban areas, exposed to situations, conditions, or factors in the work environment or place where foreseeable but unavoidable danger or risks exist which adversely endanger their health or life and/or increase the risk of producing adverse effect on their person in the exercise of their duties, to be validated by the

proper authorities, shall be entitled to hazard allowance in an amount to be determined by the LSDWO of the local government unit concerned; and

(c) Subsistence Allowance - Child development workers who render service within the premise of an isolated Child Development Center shall be entitled to subsistence allowance equivalent to the meals they take in the course of their duty, which shall be computed in accordance with prevailing circumstances as determined by the local government unit concerned.

SEC. 12. *Right to Self-Organization.* - Day care workers shall have the right to freely form, join or assist organizations in order to defend and protect their mutual interests and to obtain redress of their grievances.

SEC. 13. *Other Benefits and Privileges.* - Child development workers shall be entitled to the following additional benefits and privileges:

(a) Married Child Development Workers - Whenever possible, married couples who are both child development workers shall be assigned in the same municipality or city;

(b) Free Legal Services - Legal representation and consultation services for child development workers shall be immediately provided by the Public Attorney's Office in civil and criminal cases filed by or against child development workers arising out of or in connection with the performance of their duties as such;

(c) Free Medical Examination and Treatment - Annual medical examinations shall be provided by government hospitals, free of charge, to all child development workers. Child development workers suffering from work related ailments shall be treated without cost in government hospitals; and

(d) Access to Livelihood, Loans, Grants, and Skills Enhancement - The DSWD and the LGUs, in coordination with other concerned government agencies, shall provide organized child development workers with a mechanism for accessing livelihood, loans, grants, and skills enhancement services.

(e) Other Benefits. - All CDWs shall automatically become members of the Government Service Insurance System (GSIS), the Home Development Mutual Fund (Pag-IBIG), and the Philippine Health Insurance Corporation (PhilHealth), subject to premium payments by both

employers and employees, and shall be entitled to maternity/paternity, sick, and vacation leaves as provided for by existing laws.

SEC. 14. *Training, Education and Skills Enhancement* - The ECCDC, in coordination with the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA), shall provide for a system of continuing education, skills training, and knowledge enhancement programs for child development workers. The CHED and TESDA shall adopt an equivalency system of education that shall recognize and duly credit the actual work experiences and prior learning of child development workers as formal or academic training units.

SEC. 15. *Support from Non-governmental Organizations (NGOs), Private Volunteer Organizations and Other Private Institutions*. - Non-governmental organizations or private volunteer organizations, and other private institutions are hereby encouraged to assist or support the government in the implementation of programs and projects for child development workers. Pursuant thereto, all Child Development Centers may accept such assistance or support from NGOs.

SEC. 16. *Appropriations*. - The amount necessary to cover the salaries and benefits of child development workers shall be charged from the Internal Revenue Allotment (IRA), Special education Fund (SEF), and Gender and Development (GAD) Fund of LCDs concerned; Provided, That the national government shall provide subsidy for at least one (1) child development worker per center in the fourth, fifth, and sixth class municipalities. A portion of the contribution from the Philippine Amusement and Gaming Corporation (PAGCOR), as provided under Republic Act no. 10410, as well as additional funds generated from donations, fees, and contributions collected by the ECCDC from whatever source, shall be set aside for the purpose.

SEC. 17. *Implementing Rules and Regulations*. - Within six (6) months from the approval of this Act, the ECCDC, DSWD, and DILG, in consultation with the CSC and national organization of CDWs, shall formulate the necessary rules and regulations to implement the provisions of this Act.

SEC. 18. *Penal Provisions.* - It shall be unlawful to violate the right of any child development worker to security of tenure, to deprive them of any rights as provided under this law, or condition the same on political support for any public official. Any person who violates the provisions of this Act shall be punished with a fine of not less than Twenty Thousand Pesos (P20,000.00) or imprisonment of not less than two (2) months but not more than one (1) year, or both at the discretion of the Court. In addition to the penalties stated above, the offender shall be dismissed from government service if the offender is a public official.

SEC. 19. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

SEC. 20. *Repealing Clause.* - Section 6 of Republic Act No. 6972, otherwise known as the "Barangay-level Total Development and Protection of Children Act" and all laws, executive orders, presidential decrees, presidential proclamations, letters of instructions, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 21. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,