

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2904



Introduced by Representative **LEILA M. DE LIMA**

AN ACT
INSTITUTING THE MAGNA CARTA FOR DAY CARE WORKERS
AND PROVIDING FUNDS THEREFOR

EXPLANATORY NOTE

Article II, Section 13 of the 1987 Constitution declares that "[t]he 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."

Article XV, Section 3 (2) mandates the State 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.

Guided by the dictates of the Constitution, Congress legislated Republic Act (RA) No. 6972, also known as the "Barangay-level Total Development and Protection of Children Act", which establishes a day care center in every barangay to provide a total development and protection program for children up to six (6) years old.

Likewise, RA 8980 or the "Early Childhood Care and Development (ECCD) Act", institutionalizes a comprehensive, integrative and sustainable National System for ECCD that involves a multi-sectoral and inter-agency collaboration at the national and local levels among government, service providers, families and communities, private sectors, nongovernment organizations (NGOs), professional associations, and academic institutions.

Moreover, RA 10410 or the "Early Years Act of 2013", further strengthened the government's program for children, recognizing ages zero (0) to eight (8) as the most formative and crucial stage of educational development and giving the ECCD Council the mandate to develop programs for those aged zero (0) to four (4) and the Department of Education (DepEd) for those from age five (5) to eight (8).

Despite these legislations, according to a study of the Philippine Institute for Development Studies (PIDS), only 20% of children aged 3 to 4 were enrolled in pre-kindergarten in 2022, and merely 23% are benefitting from feeding programs. The country also faces a supply side shortfall of around 33,000 day care centers, far below the estimated 96,000 needed, and three times lacking of the current stock of child development workers.¹

To address these alarming gaps, RA 12199 or the “Early Childhood Care and Development (ECCD) System Act” was enacted repealing RA 10410. This law aims to close long-standing gaps in care, nutrition, and education for children from birth to age five.²

Day care workers, who exercise special parental authority over our children, play a crucial role in their personal growth and academic development. The government should empower them to effectively fulfill their crucial role in molding our children.

But unfortunately, for many years, the economic well-being and professional development of day care workers have been neglected.

According to a survey by the United Nations Children's Fund and the ECCD Council released in 2024, only 22% of child development workers had permanent posts and lacked job security. The average salary for non-permanent child development workers was around P5,000, but informal surveys by UNICEF revealed that in disadvantaged areas, some day care workers received an honorarium of as low as P1,000 a month.³ The compensation system for day care workers varies widely across local governments, and more legislative support is needed to establish minimum salaries and other non-wage benefits.⁴

Day care workers need commensurate compensation with respect to their workload and expertise, and opportunities for career development. This bill enacts a Magna Carta for Day Care Workers, securing their tenure, and providing the compensation and benefits that they justly deserve. It creates a Special Personnel Selection Board to ensure that the right people are in our day care centers and mandates the formulation of a Code of Conduct to guide these workers.

The passage of this measure is long overdue. This proposed legislation was filed as early as the 10th Congress and refiled by several lawmakers. The House of

¹ Philippine Institute for Development Studies. (25 May 2025). PIDS research propels law revamping early childhood care and development. Retrieved from <https://www.pids.gov.ph/details/news/press-releases/pids-research-propels-law-revamping-early-childhood-care-and-development>.

² Ibid.

³ UNICEF. (24 January 2024). Investing in day care workers is an investment in the future. Retrieved from <https://www.unicef.org/philippines/press-releases/investing-day-care-workers-investment-future-unicef>.

⁴ Ulep, Valerie Gilbert, *et al.* (May 2024). Behind the Slow Start: An Assessment of Early Childhood Care and Development in the Philippines. Philippine Institute for Development Studies. Retrieved from <https://pidswebs.pids.gov.ph/CDN/document/pidsdps2404.pdf>.

Representatives approved versions of this bill on 3rd and final reading during the 16th and 17th Congresses, but were not passed into a law. As a former Senator, this Representation also filed the same measure during the 18th Congress.

With millions of our children dependent on day care workers, it is high time for the government to recognize their important role in society and grant them as much support as possible to ensure that they are cared for the way they care for the young.

Clearly, “investing in day care workers is an investment in the future.”⁵

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


LEILA M. DE LIMA

⁵ UNICEF. (24 January 2024).

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2904

Introduced by Representative **LEILA M. DE LIMA**

AN ACT
INSTITUTING THE MAGNA CARTA FOR DAY CARE WORKERS
AND PROVIDING FUNDS THEREFOR

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “Magna Carta for Day
2 **Care Workers”**

3
4 **SEC. 2. *Declaration of Policy.*** – The State recognizes the vital role of children
5 and youth in nation-building and shall promote and protect their physical, moral,
6 spiritual, intellectual, and social well-being. Towards this end, the State shall adopt
7 policies that will improve the social and economic welfare of day care workers who
8 provide pre-school education and social development services to children.

9
10 **SEC. 3. *Coverage.*** – This Act covers all day care workers, also referred to as
11 “child development workers” in Republic Act No. 12199, otherwise known as the “Early
12 Childhood Care and Development System Act”, herein defined as persons primarily
13 engaged in the provision of early child development services and programs such as
14 care, social development, education, protection, and other needs of children aged five
15 (5) years old and below in all government-sponsored day care centers.

16
17 **SEC. 4. *Plantilla Positions and Security of Tenure in Day Care Centers.*** – At
18 least one (1) Day Care Worker I and one (1) Day Care Worker II plantilla positions
19 shall be created in all day care centers nationwide. As plantilla position holders, day
20 care workers shall be appointed under permanent status and shall be protected and
21 governed by civil service rules and regulations. No day care worker shall be removed
22 or transferred from office without just cause, due process, or prior consultation with
23 the concerned day care worker.

24
25 **SEC. 5. *Creation of Special Personnel Selection Board.*** – A Special Personnel
26 Selection Board (SPSB) for day care worker positions shall be created to screen

1 candidates and create a pool of ten (10) qualified applicants for possible appointment
2 to the subject positions. The SPSB shall be composed of the local social welfare and
3 development officer (LSWDO) as chairperson, and the *Punong Barangay*, local health
4 officer, human resource management officer, and local government unit (LGU) first
5 level employees' representative as members.

6
7 SEC. 6. *Recruitment and Selection.* – Upon publication and posting by the local
8 Human Resource Management Office (HRMO) of vacant permanent day care worker
9 positions in particular day care centers, all qualified applicants shall submit their
10 application, together with complete requirements, to the *Punong Barangay* who shall
11 forthwith transmit the same to the HRMO for preliminary evaluation; *Provided*, That all
12 qualified incumbent day care workers hired under casual, contractual, and job order
13 employment status shall automatically be considered candidates and given priority for
14 appointment to permanent day care worker positions.

15
16 The local chief executive, as the appointing authority, shall exercise sound
17 discretion in appointing, from the SPSB-recommended pool pursuant to Section 5 of
18 this Act, a day care worker in a particular day care center. Under no circumstances
19 shall an applicant be discriminated against on the basis of gender, religion, age, status,
20 race, or political affiliation.

21
22 SEC. 7. *Qualifications, Positions and Salary Grade.* – A day care worker
23 possessing the following qualifications shall be hired to the position of:

24
25 a. Day Care Worker I, with Salary Grade 6, must possess the following
26 qualifications:

27
28 1. Must be of legal age;

29
30 2. Must have completed at least two (2) years of college education;

31
32 3. Must be certified by the Department of Social Welfare and Development
33 (DSWD) or DSWD-deputized entities to have complied with existing requisites and
34 trainings in early childhood care and development;

35
36 4. Must not have been convicted by final judgment of any crime; and

37
38 5. Must not have a pending case in relation to Republic Act No. 7610, otherwise
39 known as the "Special Protection of Children Against Abuse, Exploitation and
40 Discrimination Act" and other similar laws protecting children.

41
42 Day care workers legitimately serving as such upon the passage of this Act who
43 are above seventeen (17) years old but below eighteen (18) years old and do not
44 possess any of the above-stated disqualifications, shall continue to serve as such and
45 are qualified to be covered under this Act; *Provided*, That their retention had been
46 recommended by their direct supervisor.

Day care workers who have no college education upon the effectivity 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 DSWD.

b. Day Care Worker II, with Salary Grade 8, must possess the same qualifications mentioned in paragraph (a) of this section including 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. *Working Hours.* – A day care worker is required to render eight (8) working hours a day or a total of forty (40) hours a week; *Provided*, that the LSWDO may require day care workers to render services beyond their required working hours during emergency situations such as natural and man-made calamities. *Provided further*, that working hours during emergency situations should be conducted in child-friendly spaces.

SEC. 9. *Code of Conduct of Child Day Care 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 day care workers, shall formulate a Code of Conduct for Day Care Workers in line with the CSC rules and regulations and adhering to the principles of the United Nation Convention on the Rights of the Child.

Each day care worker shall be provided with a copy of the Code at the expense of the government.

SEC. 10. *Additional Compensation and Allowances.* – Day care 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 - day care 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 effects 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 LSWDO of the local government unit concerned;

c. Subsistence Allowance - day care workers who render service within the premises of an isolated day care centers 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.

1 SEC. 11. *Right to Self-Organization.* – Day care workers shall have the right to
2 freely form, join or assist organizations in order to defend and protect their mutual
3 interests and to obtain redress of their grievances.

4
5 SEC. 12. *Other Benefits and Privileges.* – Day care workers shall be entitled to
6 the following additional benefits and privileges:

7
8 a. **Married Day Care Workers** - Whenever possible, married couples who are
9 both day care workers shall be assigned in the same municipality or city;

10
11 b. **Free Legal Services** - Legal representation and consultation services for day
12 care workers shall be immediately provided by the Public Attorney's Office in civil and
13 criminal cases filed by or against day care workers arising out of or in connection with
14 the performance of their duties as such;

15
16 c. **Free Medical Examination and Treatment** - Annual medical examinations
17 shall be provided by government hospitals, free of charge, to all day care workers. Day
18 care workers suffering from work-related ailments shall be treated without cost in
19 government hospitals;

20
21 d. **Access to Livelihood, Loans, Grants, and Skills Enhancement** - The DSWD
22 and the LGUs, in coordination with other concerned government agencies, shall
23 provide organized day care workers with a mechanism for accessing livelihood, loans,
24 grants, and skills enhancement services.

25
26 e. **Other benefits** - All day care workers shall automatically become members
27 of the Government Service Insurance System (GSIS), Pag-IBIG, and PhilHealth,
28 subject to the premium payments by both employer and employee, and shall be
29 entitled to maternity/paternity, sick, and vacation leaves as provided for by existing
30 laws.

31
32 SEC. 13. *Training, Education and Skills Enhancement.* – The ECCDC, in
33 coordination with the DSWD, DepEd, Commission on Higher Education (CHED) and
34 the Technical Education and Skills Development Authority (TESDA), shall provide for
35 a system of continuing education, skills training, and knowledge enhancement
36 programs for day care workers.

37
38 The DepEd, CHED and TESDA shall adopt an equivalency system of education
39 that shall recognize and duly credit the actual work experiences and prior learning of
40 day care workers as formal or academic training units.

41
42 SEC. 14. *Support from Non-government Organizations (NGOs), Private*
43 *Volunteer Organizations and Other Private Institutions.* – Non-government
44 organizations or private volunteer organizations, and other private institutions shall be
45 encouraged to assist or support the government in the implementation of programs
46 and projects for day care workers. Pursuant thereto, all day care centers may accept
47 such assistance or support from NGOs.

1 SEC. 15. *Appropriations.* – The amount necessary to cover the salaries and
2 benefits of day care workers shall be charged from the Internal Revenue Allotment
3 (IRA) and Special Education Fund (SEF) of LGUs concerned; *Provided,* That the
4 national government shall provide subsidy for at least one (1) day care worker per
5 center in the fourth, fifth, and sixth class municipalities. Additional funds generated
6 from donations, fees, and contributions collected by the ECCDC from whatever source
7 shall be set aside for the purpose.

8
9 SEC. 16. *Implementing Rules and Regulations.* – Within six (6) months from
10 the approval of this Act, ECCDC, in consultation with the DSWD, Department of the
11 Interior and Local Government (DILG), CSC and a national organization of day care
12 workers shall promulgate the necessary rules and regulations to implement the
13 provisions of this Act.

14
15 SEC. 17. *Penal Provisions.* – It shall be unlawful to violate the right of any day
16 care worker to security of tenure, to deprive them of any rights as provided under this
17 law, or condition the same on political support for any public official. Any person who
18 violates the provisions of this Act shall be punished with a fine of not less than Fifty
19 Thousand Pesos (P50,000.00) or imprisonment of not less than two (2) months but
20 not more than one (1) year, or both at the discretion of the Court.

21
22 If the offender is a public official, he/she shall, in addition to the penalties stated
23 above, be dismissed from government service.

24
25 SEC. 18. *Separability Clause.* – If any provision of this Act is declared
26 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall
27 continue to be in full force and effect.

28
29 SEC. 19. *Repealing Clause.* – Section 6 of Republic Act No. 6972, otherwise
30 known as the “Barangay-level Total Development and Protection of Children Act,” and
31 all laws, executive orders, presidential decrees, presidential proclamations, letters of
32 instruction, rules and regulations or parts thereof which are inconsistent with the
33 provisions of this Act are hereby repealed or modified accordingly.

34
35 SEC. 20. *Effectivity.* – This Act shall take effect fifteen (15) days following its
36 publication in the Official Gazette or in two (2) newspapers of general circulation in the
37 Philippines.

Approved,