

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 4901



Introduced by: **REPRESENTATIVE ERIC L. OLIVAREZ**

Daycare workers, or child development workers, serve as the backbone of the country's early childhood care and development (ECCD) system. They nurture children at their most formative years, ensuring their health, education, and social development needs are met, and in doing so, contribute significantly to nation-building.

Despite their vital role, many daycare workers face uncertainty in employment, low pay, and limited access to benefits and professional growth opportunities. Most are employed on a contractual or job-order basis, leaving them without the protection and privileges afforded to regular government personnel.

This bill seeks to institute the **Magna Carta of Daycare Workers** to provide security of tenure through the creation of plantilla positions, fair salaries, allowances, and benefits, as well as opportunities for training and skills enhancement. It also mandates the recognition of their rights, and ensures adequate access to government support as well as funding for their welfare.

By uplifting the status and working conditions of daycare workers, this measure aims not only to protect their dignity and well-being but also to strengthen the delivery of quality early childhood care and education for Filipino children.

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


ERIC L. OLIVAREZ

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AN ACT INSTITUTING THE MAGNA CARTA OF DAYCARE 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 of 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, moral, spiritual, intellectual, and social well-being. Towards this end, the State shall adopt policies that will improve the social and economic welfare of daycare workers who provide preschool education and social development services to children.

SEC 3. Coverage. – This Act covers all daycare workers, also referred to as child development workers in Republic Act No. 10410, otherwise known as the "Early Years Act (EYA) of 2013", herein defined as persons primarily engaged in the provision of early child development service 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 daycare centers.

SEC. 4. Plantilla Positions and Security of Tenure in Day Care Centers. – 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, daycare workers shall be appointed under permanent status and shall be protected and governed by civil service rules and regulations. No daycare worker shall be removed or transferred from the office without just cause, due process, or prior consultation with the concerned daycare worker.

SEC. 5. Creation of Special Personnel Selection Board. – A Special Personnel Selection Board (SPSB) for daycare worker positions shall be created to screen candidates and create a pool of ten (10) qualified applicants for possible appointment to the subject positions. The SPSB shall be composed of the local social welfare and development officer as chairperson, the punong barangay, the local health officer, the human resource management officer, and the 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 daycare worker positions, in particular, daycare centers, all qualified applicants shall submit their application together with complete requirements to the Punong Barangay who shall forthwith transmit the same to the HRMO for preliminary evaluation: Provided, That all qualified incumbent daycare workers hired under casual, contractual and job order employment status shall automatically be considered candidates and given priority for appointment to permanent daycare worker positions. The local chief executive as the appointing authority shall exercise sound discretion in appointing, from the SPSB-recommended pool, a daycare worker in a particular daycare center.

SEC. 7. Qualifications, Positions, and Salary Grade. – A daycare worker possessing the following qualifications shall be hired for the position of:

(a) Day Care Worker I, with a Salary of Grade 6, must possess the following qualifications:

- (1) Must be of legal age;
- (2) Must have completed at least two (2) years of a college education;
- (3) Must be certified by the Department of Social Welfare and Development (DSWD) or DSWD-deputized entities to have complied with existing requisites and training 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 for violation of Republic Act No. 7610, otherwise known as the "Special Protection of Children against Child Abuse, Exploitation, and Discrimination Act".

Daycare workers legitimately serving as such upon the passage of this Act who are above seventeen (17) years old but below eighteen (18) years old shall continue to serve as such and are qualified to be covered under this Act. Provided, That their retention had been recommended by their direct supervisor. Daycare 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, by Section 12 of this Act. The necessary training courses therefor shall be prescribed by the DSWD.

(b) A Day Care Worker II, with Salary Grade 8, must possess the same qualifications mentioned in paragraph (a) of this section including (5) years of working 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 daycare worker is required to render eight (8) working hours a day or a total of forty (40) working hours a week: Provided, That the local social welfare and development officer (LSWDO) may require daycare workers to render services beyond their required working hours during emergencies or whenever necessary. Any such overtime work shall be subject to applicable Civil Service rules and regulations.

SEC. 9. Code of Conduct of Day Care Workers. – Within six (6) months upon approval of this Act, the Early Childhood Care and Development Council (CDC), in consultation with a national organization of daycare workers, shall formulate a Code of Conduct for Day Care Workers. Each daycare worker shall be provided with a copy of the Code at the expense of the government.

SEC. 10. Additional Compensation and Allowances. – Daycare 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 – for being exposed to situations, conditions, or factors in the workplace which endanger the workers' health or life, or increase the danger or risk thereto. Such risk or danger shall be determined by the local Sangguniang Barangay concerned; and
- (c) Subsistence allowance – for meals taken in the course of their duty within the premises of isolated daycare centers, the amount of which shall be computed by prevailing circumstances as determined by the local Sangguniang Barangay concerned.

SEC. 11. Other Benefits and Privileges. – Daycare workers shall be entitled to the following additional benefits and privileges:

- (a) Married Day Care Workers. – Whenever possible, married couples who are both daycare workers shall be assigned in the same municipality or city.
- (b) Free Legal Services. –The Public Attorney's Office (PAO) shall represent daycare workers in cases filed against them in connection with the performance of their duties.
- (c) Free Medical Examination and Treatment. – Annual medical examinations shall be provided by government hospitals, free of charge, to all daycare workers. Daycare workers suffering from work-related ailments shall be treated without cost in government hospitals.
- (d) Access to Livelihood, Loans, Grants, and Skills Enhancement. – The DSWD and the LGUs, in coordination with other concerned government agencies, shall provide organized daycare workers with a mechanism for accessing livelihood, loans, grants, and skills enhancement services.
- (e) Other Benefits. – All daycare workers shall automatically become members of the Government Service insurance System (GSIS), Pag-IBIG, and 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 12. Training, Education and Skills Enhancement. – The DSWD, in

coordination with the Department of Education (DepED), Commission on Higher Education (CHED), and Technical Education and Skills Development Authority (TESDA), shall provide for a system of continuing education and skills training and knowledge enhancement program for daycare workers. The DepED, CHED, and TESDA shall adopt an equivalency system of education that shall recognize and duly credit the actual work experiences and prior learning of daycare workers as formal academic or training units.

SEC. 13. Support from Nongovernment Organizations (NGOs). – Nongovernment organizations or private volunteer organizations are hereby encouraged to assist or support the government in the implementation of programs and projects for daycare workers. Pursuant thereto, all daycare centers may accept such assistance or support from NGOs.

SEC. 14. Appropriations. – The amount necessary to cover the salaries and benefits of daycare workers shall be charged from the Internal Revenue Allotment (IRA) and the Special Education Fund of LGUs concerned: Provided, That the national government shall provide a subsidy for at least one (1) daycare worker per center in the fourth, fifth, and sixth class municipalities. Additional funds generated from donations, fees, and contributions collected by the ECCDC from whatever source shall also be set aside for the purpose.

SEC. 15. Implementing Rules and Regulations. – The DSWD, ECCDC, and Department of the Interior and Local Government (DILG), in consultation with the CSC and a national organization of daycare workers, shall formulate the rules and regulations necessary to implement the provisions of this Act within six (6) months from its effectivity.

SEC. 16. Separability Clause. – If any provision of this Act or any part hereof is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions.

SEC. 17. Repealing Clause. – Republic Act No. 6972, otherwise known as the “Barangay- level Total Development and Protection of Children Act” and all laws, decrees, rules, regulations, and executive orders contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 18. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or a newspaper of general circulation.

Approved,