

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **8830**



Introduced by HON. PHILIP CONRAD "DOK BONG" M. ACOP

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

EXPLANATORY NOTE

The proposed bill represents a landmark legislative effort to professionalize and protect the frontline defenders of early childhood development in the Philippines.

For decades, day care workers, now more accurately termed "Child Development Workers", have operated on the fringes of the formal labor sector, often enduring low wages, lack of benefits, and political instability despite their critical role in nurturing the nation's youngest citizens.

Scientific research consistently shows that the first five years of life are the most critical for brain development. By professionalizing the workforce responsible for this period, the Philippines ensures that its future workforce is more intelligent, socially adjusted, and physically healthy.

The necessity of this bill stems from a long-standing systemic irony: while the State declares children to be its most precious asset, the individuals tasked with their foundational education have historically been treated as mere volunteers or "job order" employees.

Currently, many day care workers lack security of tenure. Instead, they are often subject to the "spoils system," where their employment may depend on the whims of local political leaders. By mandating relevant plantilla positions, the bill transitions these workers from precarious informal labor to permanent civil service status.

By removing day care workers from the cycle of political patronage, the bill also ensures continuity of service. Children benefit from stable relationships with their teachers, which is vital for emotional development.

Permanent status means that years of experience and specialized training remain within the community rather than being lost every election cycle.

The bill also establishes clear educational and training benchmarks. Specifically, by requiring college credits and DSWD certification, it ensures that the care they provide is scientific, pedagogical, and safe, rather than merely custodial.

By assigning specific salary grades and providing for hazard pay, overtime, and social security benefits (GSIS, PhilHealth, Pag-IBIG), the bill addresses the “living wage” gap. It recognizes that a worker who is financially secure is better equipped to provide a high-quality learning environment for children.

Moreover, the majority of day care workers are women, with this line of work historically undervalued and underpaid. This proposed bill acts as a tool for gender justice, formalizing a female-dominated sector and providing women with legal protections, such as free legal services and right to self-organization.

Once enacted, the Magna Carta for Day Care Workers will trigger a ripple effect across Philippine society, through poverty alleviation, improved educational outcomes, and institutional accountability.

The Magna Carta for Day Care Workers is a long-overdue acknowledgment that the people who shape the minds of our children deserve the protection of the State. It transforms the role of a day care worker from a precarious vocation into a respected profession. In doing so, it secures not only the livelihood of the workers but also the future of the Filipino child.

The passage of this bill is not merely an act of labor reform; it is a strategic investment in the country’s human capital and social fabric.



DR. PHILIP CONRAD “DOK BONG” M. ACOP

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

SEC. 1. *Short Title.* - This Act shall be known as the "Magna Carta for Day Care 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 day care workers who provide pre-school education and social development services to children.

SEC. 3. *Coverage.* - This Act covers all day care workers, also referred to as "Child Development Workers" in Republic Act No. 12199, otherwise known as the "Early Childhood Care and Development System Act", 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 five (5) years old and below in all government-sponsored day care 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, day care workers shall be appointed under permanent status and shall be protected and governed by civil service rules and regulations. No day care worker shall be removed or transferred from office without just cause, due process, or prior consultation with the concerned day care worker.

SEC. 5. *Creation of Special Personnel Selection Board.* - A Special Personnel Selection Board (SPSB) for day care 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 (LSWDO) as chairperson, and the Punong Barangay, 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 day care worker positions in particular day care 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 day care workers hired under casual, contractual, and job order employment status shall automatically be considered candidates and given priority for appointment to permanent day care worker positions.

The local chief executive, as the appointing authority, shall exercise sound discretion in appointing, from the SPSB-recommended pool pursuant to Section 5 of this Act, a day care worker in a particular day care 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 day care worker possessing the following qualifications shall be hired to the position of:

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

1. Must be of legal age;
2. Must have completed at least two (2) years of 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 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 Act No. 7610, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" and other similar laws protecting children.

Day care workers legitimately serving as such upon the passage of this Act who are above seventeen (17) years old but below eighteen (18) years old and do not possess any of the above-stated disqualifications, 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.

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.

SEC. 11. *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. 12. *Other Benefits and Privileges.* - Day care workers shall be entitled to the following additional benefits and privileges:

- a) *Married Day Care Workers* - Whenever possible, married couples who are both day care workers shall be assigned in the same municipality or city;
- b) *Free Legal Services* - Legal representation and consultation services for day care workers shall be immediately provided by the Public Attorney's Office in civil and criminal cases filed by or against day care 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 day care workers. Day care 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 day care workers with a mechanism for accessing livelihood, loans, grants, and skills enhancement services.
- e) *Other benefits* - All day care workers shall automatically become members of the Government Service Insurance System (GSIS), Pag-IBIG, and PhilHealth, subject to the premium payments by both employer and employee, and shall be entitled to maternity/paternity, sick, and vacation leaves as provided for by existing laws.

SEC. 13. *Training, Education and Skills Enhancement.* - The ECCDC, in coordination with the DSWD, DepEd, 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 day care 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 day care workers as formal or academic training units.

SEC. 14. *Support from Non-government Organizations (NGOs), Private Volunteer Organizations and Other Private Institutions.* - Non-government organizations or private volunteer organizations, and other

private institutions shall be encouraged to assist or support the government in the implementation of programs and projects for day care workers. Pursuant thereto, all day care centers may accept such assistance or support from NGOs.

SEC. 15. Appropriations. - The amount necessary to cover the salaries and benefits of day care workers shall be charged from the Internal Revenue Allotment (IRA) and Special Education Fund (SEF) of LGUs concerned; Provided, That the national government shall provide subsidy for at least one (1) day care 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 be set aside for the purpose.

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

SEC. 17. Penal Provisions. - It shall be unlawful to violate the right of any day care 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 Fifty Thousand Pesos (P50,000.00) or imprisonment of not less than two (2) months but not more than one (1) year, or both at the discretion of the Court.

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

SEC. 18. 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. 19. 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 instruction, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,