

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 440

HOUSE OF REPRESENTATIVES

RECEIVED

DATE: 30 JUN 2016

TIME: 5:40 PM

BY: [Signature]

REGISTRATION UNIT
BILLS AND INDEX SERVICE

Introduced by **HONORABLE ROMERO "MIRO" S. QUIMBO**

EXPLANATORY NOTE

In accordance with the mandate of the Constitution for the State to recognize the vital role of children and youth in nation-building and promote and protect their physical and moral, spiritual, intellectual and social well-being, our government has adopted the early childhood development approach and the barangay-level total development strategy.

Under these approaches, Day Care Centers and Early Childhood Development Centers are to be established in all barangays to provide children aged up to six (6) years old the adequate care, nurturing and protection. At the forefront of these efforts are the Day Care Workers.

It is unfortunate that despite the critical role played by Day Care Workers, there is little protection afforded to them by our existing laws. The economic well-being and professional development of Day Care Centers are also afforded little to nil attention.

This bill seeks to promote and improve the well-being and economic welfare of Day Care Workers who provide early education and social development services to our nation's children. It also opens up greater opportunities for professional development. The bill also insulates Day Care Workers from unnecessary political interferences and abuses by ensuring that Day Care Workers enjoy security of tenure.

In return for ensuring that our nation's children are provided the best services, we must also ensure that our Day Care Workers are provided sufficient compensation and accorded avenues for professionalization.

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



ROMERO "MIRO" S. QUIMBO
Representative
Second District Marikina City

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Introduced by **HONORABLE ROMERO "MIRO" S. QUIMBO**

AN ACT
ESTABLISHING A MAGNA CARTA FOR DAY CARE WORKERS,
PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. 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 and moral, spiritual, intellectual and social well-being. Day care workers are at the forefront of the State’s effort in ensuring that our nation’s children are provided adequate care, protection and education. It is therefore the declared policy to promote and improve the social well-being and economic welfare of day care workers who provide early education and social development services to children. Towards this end, the State shall adopt policies that will protect the rights and enhance the dignity of day care workers.

SECTION 3. Coverage. – This Act shall cover all persons directly and primarily engaged in providing Early Childhood Care and Development Services in government-owned or controlled day care centers. Covered persons must directly assist in the care of children in said centers and provide social development, education and other related needs of the children in their respective centers.

SECTION 4. Qualification. – A Day Care worker must possess the following qualifications:

- a. Must be of legal age;

- b. Must be certified by the DSWD or DWSD-deputized entities as having received adequate training in early childhood care and development;
- c. Must have no pending case in court involving violations of Republic Act No. 7610;
- d. Must not have been convicted of any crime; and
- e. Must at least have a civil service sub-professional eligibility or possesses a ground for exemption from taking the civil service examination, including but not limited to passing a professional licensure examination.

All day care workers rendering service as such at the time this Act was passed shall be given up to eighteen months to comply with requirements "b" and "e".

Day care workers who have served at least five (5) years as day care workers prior to the passage of this Act shall be exempted from requirement "e" pertaining to the requisite civil service eligibility.

Day care workers legitimately serving as such upon the passage of this Act who are aged above seventeen (17) years old but below eighteen (18) years old may continue serving as such and qualified to be covered under this Act, PROVIDED that they will turn eighteen (18) years old within one year from the passage of this Act and there is a recommendation from the direct supervisor of the minor-aged day care worker that said day care worker should be retained.

SECTION 5. Recruitment. - A qualified person shall file the application to be a Day Care Worker with the appropriate local government unit or agency operating the day care center. Discrimination against any applicant due to the applicant's sex, religion, economic status, race or political affiliation is prohibited.

SECTION 6. Salary. - Day care workers covered by this Act shall receive a salary equivalent to Salary Grade 10 of the civil service.

SECTION 7. Working Hours. - The regular working hours of Day Care Workers shall not be more than eight hours a day or a total of forty (40) hours a week. Day Care Workers may be required to render overtime services during emergency situations.

SECTION 8. Additional Compensation and Allowances. - Day Care Workers shall be provided the following additional compensation subject to the guidelines provided:

- a. **Overtime Pay** - for work rendered beyond the regular working hours;

- b. **Hazard Pay** – for Day Care Workers whose place of assignment or conditions of work poses danger to the life or health of the Day Care Worker;
- c. **Subsistence Allowance** – for Day Care Workers whose place of assignment are in isolated barangays which require long periods of travel on the part of the Day Care Worker.

The DSWD shall provide the guidelines for the grant of the abovementioned additional compensation and allowances.

Nothing in this Act shall bar the grant of additional allowances and benefits to Day Care Workers.

SECTION 9. Married Day Care Workers. – Married couples who are both Day Care Workers shall, as a matter of policy, be assigned in the same city or municipality, preferably at adjoining barangays, as much as possible and practicable.

SECTION 10. Tenure and Transfer. – No Day Care Worker shall be removed from office without just cause and due process. No Day Care Worker shall be transferred without just cause and without consulting and giving prior knowledge to the concerned Day Care Worker.

SECTION 11. Leave Benefits. – Day Care Workers shall enjoy all leave benefits granted to government employees which shall include but shall not be limited to maternity leaves, paternity leaves, sick leaves, vacation leaves and solo parent leaves subject to existing laws, rules, regulations and guidelines.

SECTION 12. Free Medical Examination and Treatment. – Pre-employment and 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 free of charge in government hospitals.

SECTION 13. Insurance and Retirement Benefits. – Day Care Workers shall automatically become members of the Government Service Insurance System (GSIS). Day Care Workers shall also be immediately enrolled under the Philippine Health Insurance Program of the Philippine Health Insurance Corporation.

Day Care Workers, having fulfilled the age service requirements of the applicable retirement laws, shall be given a one-step salary grade increase upon retirement which shall be the basis of computation of retirement pay and other retirement benefits.

SECTION 14. Freedom to Organize. – Day Care Workers shall have the freedom to organize themselves without prior communications with the

local government units to which they are assigned. Organizations of Day Care Workers shall be consulted in the formulation of national policies and programs that concerns, affects or will benefit the sector. Under no circumstances shall any Day Care Worker be dismissed on the basis of his/her membership in any organization of Day Care Workers.

SECTION 15. Code of Conduct for Day Care Workers. - Within six (6) months upon approval of this Act, the DSWD, in consultation with the national organization of Day Care Workers, shall formulate a Code of Conduct for Day Care Workers. Each Day Care Worker shall be provided a copy of the Code at the government's expense.

SECTION 16. Training, Education and Skills Enhancement. - The DSWD, in coordination with the Department of Education (DepEd), Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA), shall provide for a system of continuing education and skills, training and knowledge enhancement programs for Day Care Workers.

A ladderized system of education which shall provide for the recognition of the actual work experiences of Day Care Workers and accrediting them into formal academic and/or training units shall be adopted by the DepEd, CHED and TESDA.

SECTION 17. Support from Non-Government Organizations. - Non-government organizations or private volunteer organizations are encouraged to assist the government in the implementation of programs and projects for Day Care Workers.

SECTION 18. Implementing Rules and Regulations. - The Department of Interior and Local Government (DILG) and the Department of Social Welfare and Development (DSWD), in consultation with the Civil Service Commission (CSC) and the national organization of Day Care Workers shall formulate the rules and regulations necessary to implement the provisions of this Act within six (6) months of its effectivity.

SECTION 19. Appropriations. - Salaries and benefits of Day Care Workers shall be charged to the local government units concerned. Training needs of Day Care Workers shall be charged to the annual appropriations of the DSWD.

SECTION 20. Penal Provisions. - Any person who violates the provisions of this Act shall be punished with a fine of not less than Five Thousand Pesos (P5,000.00) and/or imprisonment of not less than two (2) months but not more than one (1), or both at the discretion of the Court.

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

SECTION 21. Separability Clause. – Should any provision of this Act be found to be unconstitutional or invalid, the remaining provisions shall remain valid and subsisting.

SECTION 22. Repealing Clause. – All laws, decrees, executive orders, and rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 23. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,