

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

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SENATE

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S. B. NO. 71

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Introduced by SENATOR LUISA "LOI" P. EJERCITO ESTRADA

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EXPLANATORY NOTE

Day care service centers have proven to be an effective component of alternative childhood development program, designed to assist parents, who for economic reasons are compelled to abandon parenting to pursue pecuniary endeavors.

Unfortunately, despite the growing enormous significance of such centers, as dictated by ever changing perspectives on effective parenting, the government appears to be not fully supportive of the same, as manifested in its failure to look after the welfare and interest of hundreds of day care workers in the country.

In fact, many of these service providers merely receive a meager monthly allowance of P500, are often neglected in crucial programs for government employees and do not enjoy security of tenure. More often than not, their appointment is even left to the whims and caprice of elected public officials.

Radical change is needed.

If the country is to pursue effectively its institutionalized childhood development program, there is a need to improve the living conditions of our day care workers and to restore the dignity and nobility of their calling through conscious efforts to professionalize their service.

Hence, the proposed measure seeks to promote, protect and improve the social and economic welfare of day care workers, in order to ensure their rendering of high quality of service.

Immediate passage of this bill is earnestly sought.



**LUISA "LOI" P. EJERCITO ESTRADA**  
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC )  
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Introduced by **SENATOR LUISA "LOI" P. EJERCITO ESTRADA**

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**AN ACT**  
**GRANTING THE MAGNA CARTA FOR DAY CARE WORKERS, PROVIDING**  
**FUNDS THEREFOR AND FOR OTHER PURPOSES**

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

**SECTION 1. Title.** - This Act shall be known and cited as the "Magna Carta for Day Care Workers".

**SECTION 2. Declaration of Policy.** - It is hereby declared the policy of the State to promote and improve the social and economic status of day care workers. Toward this end, the State shall adopt policies that will protect the rights of day care workers and promote their welfare.

**SECTION 3. Coverage.** - This Act shall cover all persons engaged in providing Early Childhood Development in government sponsored day care centers whose primary function is to assist in the care of the children and provide social development, education, and other needs of the children.

**SECTION 4. Qualification.** - A day care worker must be of legal age, possesses a career sub-professional eligibility and must be trained in Early Childhood Care and Development. Provided, however, that the incumbent day care worker who has been serving for the last five (5) years upon approval of this Act and

does not meet prescribed educational qualification standard shall not be disqualified; Provided, further, that such day care worker shall finish the day care worker training course provided by the Department of Social Welfare and Development (DSWD) within one (1) year from effectivity of this Act.

**SECTION 5. Recruitment.** - A qualified day care worker shall file his/her application with the local government unit concerned. Under no circumstances shall an applicant for the position of day care worker be discriminated against on the basis of gender, religion, age, status, race, or political affiliation.

**SECTION 6. Salary.** - A day care worker shall receive a salary equivalent to:

- Level 1 - High School level to below second year college and a length of service of at least five (5) years shall receive salary equivalent to salary grade 6;
- Level 2 - Second year college level shall receive salary equivalent to salary grade 8; and
- Level 3 - College graduate level shall receive salary equivalent to salary grade 10.

**SECTION 7. Working Hours.** - A day care worker is required to render eight (8) working hours a day or a total of forty (40) working hours a week; Provided, that the municipal social welfare officer may require a day care worker to render services beyond his/her required working hours during emergency situations such as natural and man-made calamities.

**SECTION 8. Additional Compensation and Allowances.** - Day Care Workers shall be provided additional compensation for services rendered beyond the required working hours.

Day care workers assigned to hazardous places shall be given hazard pay.

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

**SECTION 10. Transfer and Tenure of Office.** - No day care worker shall be transferred from one center to another without his/her prior knowledge and/or consent.

As provided under existing laws, no day care worker shall be terminated from work without due cause.

**SECTION 11. Leave Benefits.** - As provided for in existing laws, a day care worker is entitled to maternity/paternity, sick and vacation leaves.

**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.** - Qualified day care workers shall automatically become members of the Government Service Insurance System (GSIS).

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 communication 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 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 worker. Each day care worker shall be provided a copy of the code.

**SECTION 16. Support from Non-government Organizations.** - Non-government organizations or private volunteer organizations are hereby encouraged to assist the government in the implementation of programs and projects for day care workers.

**SECTION 17. Rules and Regulation.** - The Department of Interior and Local Government (DILG) and the 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 from its effectivity.

**SECTION 18. Appropriation.** Salaries and other 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 19. Penal Provision** - 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) year, or both at the discretion of the court.

If the offender is a public official, the court, in addition to the penalties stated above, may impose the additional penalty of disqualification from government service.

**SECTION 20. Separability Clause.** - If any provision of this Act is declared unconstitutional or invalid, the provisions not affected thereby shall continue to be in full force and effect.

**SECTION 21. Repealing Clause.** - All laws, presidential decrees, executive orders, rules and regulations or any part thereof, which are inconsistent herewith are deemed repealed or modified accordingly.

**SECTION 22. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of national circulation.

*Approved,*