

SENATE
S.B. No. **3525**

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution provides:

Article 2, Section 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government.

Article 2, Section 13. The 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. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Art 15, Section 3. The State shall defend:

(2) 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;

Child care or day care is caring for a child during the day by a person other than the child's legal guardians. Day care is usually an ongoing service during specific periods, such as the parents' time at work.

Day care first appeared in France in 1840. In 1869, the Société des Crèches was recognized by the French government. Day cares were established in the United States by private charities in the 1850s. The first American day care was the New York Day Nursery, which was established in 1854.

In the Philippines, the vast majority of childcare is still performed by the parents, a nanny, or through informal arrangements with relatives, neighbors, or friends. However, private child cares centers have sprouted in cities to cater to working parents.

This Bill regulates private child care centers to protect and promote the welfare of children under their care.

ac *Miriam Defensor Santiago*
MIRIAM DEFENSOR SANTIAGO

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1 AN ACT REGULATING CHILD CARE CENTERS

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

2 SECTION 1. *Short Title.* – This Act shall be known as the “Child Care Center Act of
3 2009.”

4 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
5 recognize the vital role of the youth in nation-building, and to promote and protect their physical,
6 moral, spiritual, intellectual, and social well-being. The State shall defend the right of children
7 to assistance, including proper care and nutrition, and special protection from all forms of
8 neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

9 The State also recognizes the natural and primary right and duty of parents in the rearing
10 of the youth for civic efficiency and the development of moral character. However, parents who
11 work outside the home are compelled to entrust the care and supervision of their children to child
12 care centers during part of the day or for longer periods. Such child care centers shall be
13 regulated by the State to protect and promote the welfare of children under their care.

14 SECTION 3. *Definitions.* – In this Act, the term –

15 (a) “Child care center” means any premises at which five (5) or more children who
16 are under the age of seven (7) years are habitually received for the purposes of care and
17 supervision during part of the day or for longer periods;

1 (b) "Secretary" means the Secretary of Social Welfare and Development, and
2 includes any person who is authorized by him or her to perform any of the duties or exercise any
3 of the powers of the Secretary under this Act or any regulations made pursuant to this Act;

4 (c) "License" means a license issued under this Act in respect of a child care center,
5 and "licensed" and "licensee" have corresponding meanings; and

6 (d) "Premises" includes any building, enclosure, ground, or open air space.

7 SECTION 4. *License.* – (a) No person shall operate or take part in the management of a
8 child care center except under the authority of and in accordance with the terms and conditions
9 of a license issued by the Secretary.

10 (b) If a child care center is not licensed or is used otherwise than in accordance with
11 the terms and conditions of its license, any person who operates or takes part in the management
12 of the child care center shall be guilty of an offense and shall be liable on conviction to a fine not
13 exceeding twenty thousand pesos (P20,000.00) or to imprisonment for a term not exceeding two
14 (2) years or to both.

15 SECTION 5. *Application for License.* – (a) An application for the issue of a license shall
16 be in such form as may be prescribed.

17 (b) On receipt of an application, the Secretary may in his or her discretion issue a
18 license subject to such terms and conditions as he or she may think fit to impose.

19 (c) The Secretary may refuse to issue a license if—

20 (1) the Secretary is not satisfied as to the character or fitness of the applicant to be the
21 licensee of a child care center or, where the applicant is a body corporate, as to the
22 character or fitness of the members of the board of directors or committee or
23 board of trustees or other governing body of the body corporate;

24 (2) for reasons connected with the situation, construction, accommodation, staffing,
25 or equipment, the premises to be used for the child care center are not fit to be
26 used for the purposes of a child care center;

1 (3) the premises to be used as a child care center do not comply with any
2 requirements relating to the structure, fire precautions, health, sanitation, and
3 safety set out in the law, rules, and regulations; or

4 (4) the child care center would not be under the continuous personal management and
5 supervision of a person of sufficient qualifications and experience to ensure the
6 satisfactory operation of the child care center.

7 (d) Where the Secretary refuses to issue a license, he or she shall, if requested to do
8 so by the applicant, state in writing the reasons for his or her refusal.

9 SECTION 6. *Duration of License.* – (a) On the issue of a license, the licensee shall pay a
10 fee of such amount as may be prescribed.

11 (b) A license shall continue in force for a period of two (2) years from the date of its
12 issue or such shorter period as may be specified in the license unless it has been previously
13 revoked but may be renewed by the issue of a new license.

14 SECTION 7. *Revocation and Suspension of License.* – (a) The Secretary may revoke or
15 suspend the license of a person in respect of a child care center—

16 (1) on any ground specified in section 5 (c) which would have entitled the Secretary
17 to refuse an application for a license in respect of that child care center;

18 (2) if the licensee fails to comply with any direction given by the Secretary under this
19 Act;

20 (3) if the child care center has ceased to be operated as such or to exist;

21 (4) if the licensee has been convicted of an offense under this Act; or

22 (5) on the ground that any term or condition specified in the license has not been or is
23 not being complied with.

24 (b) Before revoking or suspending a license, the Secretary shall give notice to the
25 licensee of the ground on which it is proposed to revoke or suspend the license and shall afford
26 the licensee an opportunity of showing cause why the license should not be revoked or
27 suspended.

1 SECTION 8. *Appeal.* – Any person aggrieved by any decision of the Secretary under
2 section 5 or 7 may, within fifteen (15) days after receipt of the notice of the decision, appeal to
3 the Office of the President whose decision shall be final.

4 SECTION 9. *Display of License.* – (a) Every licensee shall cause the license to be
5 permanently displayed in some conspicuous place where it can readily be seen by all persons
6 having access to the child care center to which the license relates.

7 (b) Every licensee who contravenes or fails to comply with subsection (a) shall be
8 guilty of an offense and shall be liable on conviction to a fine not exceeding ten thousand pesos
9 (P10,000.00) and to a further fine not exceeding one thousand pesos (P1,000.00) for every day
10 during which the offense continues after conviction.

11 SECTION 10. *Registers.* – (a) The Secretary shall cause to be kept and maintained a
12 register of all licensed child care centers.

13 (b) The Secretary may require every licensee to keep and maintain such register of
14 children and staff as the Secretary considers necessary for carrying out the purposes of this Act.

15 SECTION 11. *Inspection of Child Care Centers.* – (a) The Secretary and any officer
16 authorized by him or her may—

17 (1) at all reasonable times enter and inspect any child care center or any premises
18 which he or she has reason to suspect are used for the purposes of a child care
19 center;

20 (2) require any person taking part in the operation or management of a child care
21 center to produce any book, document, or other article relating to the management
22 of that child care center or to any other activity in respect of the child care center,
23 or to furnish any information relating to such management or activity; and

24 (3) do such other things as are necessary for the inspection of a child care center.

25 (b) Any person who prevents or obstructs the Secretary or any officer authorized by
26 the Secretary in the execution of his or her powers, or refuses to produce any book, document, or

1 other article upon being required under subsection (a) shall be guilty of an offense and shall be
2 liable on conviction to a fine not exceeding fifteen thousand pesos (P15,000.00) or to
3 imprisonment for a term not exceeding one (1) year or to both.

4 SECTION 12. *Remedial Measures.* – (a) The Secretary may, in respect of any licensed
5 child care center, by notice in writing, give such directions as he or she thinks necessary to
6 ensure that—

- 7 (1) it is operated and managed satisfactorily;
8 (2) the welfare of the children attending it is promoted in a proper manner; and
9 (3) the provisions of this Act are complied with.

10 (b) A notice under subsection (a) shall—

- 11 (1) be served upon the person licensed in respect of the child care center; and
12 (2) specify a period of time within which the directions shall be complied with.

13 SECTION 13. *Offenses by Bodies Corporate.* – Where an offense under this Act
14 committed by a body corporate is proved to have been committed with the consent or connivance
15 of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other
16 similar officer of the body corporate, or any person who purported to act in any such capacity, he
17 or she as well as the body corporate shall be guilty of that offense and shall be liable to be
18 proceeded against and punished accordingly.

19 SECTION 14. *Exemption.* – This Act shall not apply to any child care center maintained
20 and controlled by the Government, or to any school which is registered under the Department of
21 Education.

22 SECTION 15. *Regulations.* – (a) The Secretary shall promulgate the necessary rules and
23 regulations to carry out the objectives of this Act.

1 (b) Without prejudice to the generality of subsection (a), the Secretary shall make
2 regulations providing in relation to a licensed child care center for all or any of the following
3 matters:

4 (1) the forms, fees, and registers for the purposes of this Act;

5 (2) the operation, management, and supervision thereof;

6 (3) the classes or types thereof;

7 (4) the duties and responsibilities of persons licensed in respect thereof;

8 (5) the qualifications, experience, appointment, duties, responsibilities, and discipline
9 of persons for the purposes of the operation, management, and supervision
10 thereof;

11 (6) the admission of children thereto and the minimum or maximum age of children
12 who may be admitted to any class or type thereof;

13 (7) the medical examination of the children cared for and the persons employed
14 therein;

15 (8) measures to preserve the health and well-being of children or employees;

16 (9) the control and supervision of activities therein;

17 (10) the adequacy, suitability, and use of equipment therein;

18 (11) the keeping, in respect thereof, of records, time-tables, menus, and books of
19 account;

20 (12) the reports and information to be supplied to the Secretary in respect thereof;

21 (13) the structure, hygiene, and sanitation thereof;

22 (14) the precautions to be taken against fire or other peril likely to endanger the lives
23 or health of children cared for therein;

24 (15) the amount of fees and other charges that may be charged or imposed in respect of
25 the services provided therein or otherwise on account of the attendance of
26 children thereat and the restriction or prohibition of any further fees and charges
27 or of any specified fees and charges; and

28 (16) the methods of payment or collection of fees and charges and the restriction or
29 prohibition of collections or subscriptions of moneys.

1 SECTION 16. *Separability Clause.* – If any provision, or part hereof is held invalid or
2 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
3 valid and subsisting.

4 SECTION 17. *Repealing Clause.* – Any law, presidential decree or issuance, executive
5 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
6 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

7 SECTION 18. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
8 publication in at least two (2) newspapers of general circulation.

Approved,

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