

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



Senate
Office of the Secretary

'13 JUL -8 A8:37

SENATE

S.B. No. 535

RECEIVED BY: *ju*

Introduced by Senator LOREN LEGARDA

EXPLANATORY NOTE

Section 1, Article XV of the 1987 Constitution provides that the State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development. Parents are essentially at the forefront of ensuring that the family stays together. In addition, Section 12 of Article II of the same Constitution declares that 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. In effect, it is the State's responsibility to enable parents to provide for their family while at the same time ensuring that parents will be able to ensure the welfare and safety of their small children.

Data from the National Statistical Coordination Board reveal that in 2009, Filipino families comprising of five members should have earned a monthly income of ₱4,869 to sustain their families' minimum basic food needs and ₱7,017 to make sure that they are out of poverty. Clearly, with the rising cost of living in our country today, the conventional roles that spouses play in a growing family has become an exception rather than the rule, as more and more women join the male population in taking jobs to support the family.

With these developments, the State must act to fulfill its constitutional mandate to support parents in caring for the family. This bill aims to do just that by making it compulsory for all employers in the country, except the government, to establish day care facilities for companies and establishments that have at least 150 employees. This way, parents will be able to pursue their careers that redound to the benefit of the family while being able to care for their small children.

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


LOREN LEGARDA
Senator

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AN ACT
TO REQUIRE EMPLOYERS TO PROVIDE DAYCARE FACILITIES FOR THEIR
EMPLOYEES' CHILDREN AGED FIVE (5) YEARS OLD AND BELOW,
AMENDING FOR THE PURPOSE ARTICLE 157 OF THE LABOR CODE

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

1 SECTION 1. There shall be incorporated in Article 157 of the Labor Code of
2 the Philippines, as amended, a new provision which shall read as follows:

3
4 "Article 157. [Emergency] [m] Medical, [and] dental, AND DAY
5 CARE services. - It shall be the duty of every employer to furnish his
6 employees in any locality with free medical and dental attendance
7 consisting of:

8 x x x

9 MOREOVER, ALL EMPLOYERS, EXCEPT THE NATIONAL
10 GOVERNMENT OR ANY OF ITS POLITICAL SUBDIVISIONS,
11 GOVERNMENT OWNED AND/OR CONTROLLED
12 CORPORATIONS AND CHARITABLE AND RELIGIOUS
13 ORGANIZATIONS, WHERE THE NUMBER OF EMPLOYEES IS
14 AT LEAST ONE HUNDRED FIFTY (150), SHALL ESTABLISH A
15 DAYCARE FACILITY FOR CHILDREN OF REGULAR
16 EMPLOYEES AGED FIVE (5) YEARS AND BELOW. THE FACILITY
17 SHALL BE HANDLED BY QUALIFIED AND COMPETENT
18 PERSONNEL WITH PROVEN EXPERIENCE IN CHILD CARE.
19

1 **SECTION 2.** The Department of Labor and Employment (DOLE) shall
2 promulgate rules and regulations to implement the provision of this Act.

3
4 **SECTION 3. *Repealing Clause.*** All laws, decrees, order, rules and
5 regulations, or portions thereof, inconsistent with this Act are hereby repealed or
6 modified accordingly.

7
8 **SECTION 4. *Separability Clause.*** Should any part or provision of this Act be
9 declared unconstitutional or invalid, other parts or provisions hereof not otherwise
10 affected thereby shall remain in full force and effect.

11
12 **SECTION 5. *Effectivity.*** This Act shall take effect fifteen (15) days after its
13 publication in at least two (2) newspapers of general circulation.

14
15 Approved,