

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

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S E N A T E

RECEIVED BY: 

Senate Bill No. 1573

Introduced by Senator Rodolfo G. Biazon

EXPLANATORY NOTE

It is the responsibility of parents to mold their children into responsible and productive individuals. It is also their responsibility to promote the total development of their children.

In the absence of parents, however, the state must provide sufficient and effective parenting. One such measure provided by the state is the Day Care Service.

A big load of responsibility in childhood development falls on the shoulders of Day Care Workers, the moment parents leave their children to them. Hence, we consider them "partners" of many parents in providing early education to our children. And though Day Care Workers are among the most hardworking and committed service providers to our pre-school children, they are not given the security of tenure, the salary and compensation due the service that they rendered.

There is no law that protects the interest of one of our most important service providers. Until now Day Care Workers are only receiving a meager monthly allowance of P500 as provided for by Republic Act 6972 or the Day Care Law, a measure that rationalized the establishment of Day Care Centers in every barangay.

Aside from the economic conditions that they are subjected to, Day Care Workers have no security of tenure and their appointments are in many cases subject to the whims of politicians. Putting them in such employment conditions have an adverse negative effect on the quality of service that they give to our children. This is why the state should guarantee the security of tenure for these workers. They should as well be given compensation or salaries equivalent to their expertise and workload.

The proposed measure seeks to promote, protect and improve the social and economic welfare of Day Care Workers. It also aims to professionalize the sector that provides substitute parenting to our children. Securing the welfare of our Day Care Workers means ensuring the quality of service that they render to our children.

For this reason, the approval of this bill is sought.


RODOLFO G. BIAZON
Senator

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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”.

SEC. 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.

SEC. 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.

SEC. 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 of effectivity of the Act.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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.

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

SEC. 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.

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

Day care workers with outstanding work performance based on evaluation may avail of study leave.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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 of its effectivity.

SEC. 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.

SEC. 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, he/she shall, in addition to the penalties stated above, be dismissed from government service.

SEC. 20. Separability Clause. – Should any provision of this Act be found unconstitutional by a court of law, such provision shall be severed from this Act.

SEC. 21. Repealing Clause. – All laws, decrees, executive orders, and rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 22. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved.