

NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

)
)
)



'22 AUG -8 P 1 :36

SENATE

RECEIVED BY:

S. No. 1086

Introduced by Senator Jinggoy Ejercito Estrada

**AN ACT
PROVIDING A MAGNA CARTA FOR CHILD DEVELOPMENT WORKERS**

EXPLANATORY NOTE

Article II, Section 13 of the 1987 Constitution provides that, "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".

Early childhood, which spans birth to age eight (8) is critical for the cognitive, social, emotional, and physical development of children. For their optimal brain development, a stimulating environment, adequate nutrients, and social interaction with attentive caregivers are necessary¹. More importantly, children who are healthy, stimulated, and well-nurtured during early childhood tend to perform better at school and have a better chance of developing skills needed to contribute to social and economic development. Furthermore, the Asian Development Bank has reported that targeted interventions integrating health, nutrition, education, and care for young children are shown to offset the effects of poverty and reduce public expenditures on health, education, and social welfare.²

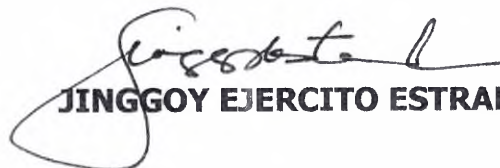
¹ UNICEF (2019) <https://data.unicef.org/wp-content/uploads/2019/09/Formative-Years-ECD-Brochure-EN.pdf>

² Asian Development Bank. *Promoting Early Child Development in the Philippines*. <https://www.adb.org/sites/default/files/publication/28590/phi-proj-brief-eed.pdf>

This bill aims to give recognition to the invaluable role of Child Development Workers (CDWs) in caring for the youth by proposing having a CDW I with Salary Grade 6 and CDW II with Salary Grade 8 in all Day Care Centers and Child Development Centers throughout the country. CDWs shall enjoy security of tenure and will have access to continuing education and skills training and knowledge enhancement programs. Furthermore, the bill provides for the normal working hours of CDWs and guarantees that CDWs are given benefits such as overtime pay, hazard and subsistence allowance, medical examination and treatment, and access to livelihood, loans, grants, and skills enhancement services.

Given the immense and indispensable capacity Child Development Workers have in assisting children in their development they must be accorded the benefits, security of tenure, and professional development other government employees are entitled to.

In consideration thereof, early approval of this bill is highly recommended.

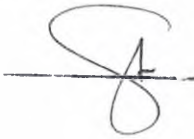


JINGGOY EJERCITO ESTRADA

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

'22 AUG -8 P1 :36

SENATE
S. No. 1086

RECEIVED BY: 

Introduced by Senator Jinggoy Ejercito Estrada

**AN ACT
PROVIDING A MAGNA CARTA FOR CHILD DEVELOPMENT WORKERS**

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

1 Section 1. *Short Title.* This Act shall be known as the "*Magna Carta for Child*
2 *Development Workers*".

3 Sec. 2. *Declaration of Policy.* – The State recognizes the vital role of children
4 and youth in nation-building and shall promote and protect their physical, moral,
5 spiritual, intellectual, and social well-being. Towards this end, the State shall adopt
6 policies that will improve the social and economic welfare of Child Development
7 Workers who provide preschool education and social development services to
8 children.

9 Sec. 3. *Coverage.* – This Act covers all Child Development Workers (CDWs),
10 defined as persons primarily engaged in the provision of early child development
11 services and programs such as care, social development, education, protection, and
12 other needs of children aged four (4) years old and below in all government-
13 sponsored Day Care Centers and Child Development Centers.

14 Sec. 4. *Plantilla Positions and Security of Tenure in Day Care Centers and*
15 *Child Development Centers.* – At least one (1) Child Development Worker I and one
16 (1) Child Development Worker II plantilla positions shall be created in all day care
17 centers and Child Development Centers nationwide. As plantilla position holders,
18 CDWs shall be appointed under permanent status and shall be protected and

1 governed by civil service rules and regulations. No CDW shall be removed or
2 transferred from office without just cause, due process, or prior consultation with
3 the concerned CDW.

4 *Sec. 5. Creation of Special Personnel Selection Board.* – A Special Personnel
5 Selection Board (SPSB) for CDW positions shall be created to screen candidates and
6 create a pool of ten (10) qualified applicants for possible appointment to the subject
7 positions. The SPSB shall be composed of the local social welfare and development
8 officer as chairperson, and the *Punong Barangay*, local health officer, human
9 resource management officer, and local government unit (LGU) first level employees’
10 representative as members.

11 *Sec. 6. Recruitment and Selection.* – Upon publication and posting by the
12 local Human Resource Management Office (HRMO) of vacant permanent CDW
13 positions in particular Day Care Centers and Child Development Centers, all qualified
14 applicants shall submit their application together with complete requirements to the
15 *Punong Barangay* who shall forthwith transmit the same to the HRMO for preliminary
16 evaluation: *Provided*, That all qualified incumbent CDWs hired under casual,
17 contractual, and job order employment status shall automatically be considered
18 candidates and given priority for appointment to permanent CDW positions.

19 The local chief executive, as the appointing authority, shall exercise sound
20 discretion in appointing, from the SPSB-recommended pool, a CDW in a particular
21 day care center.

22 *Sec. 7. Qualifications, Positions and Salary Grade.* – A CDW possessing the
23 following qualifications shall be hired to the position of:

- 24 a. Child Development Worker I, with Salary Grade 6, must possess the
25 following qualifications:
- 26 1. Must be of legal age;
 - 27 2. Must have completed at least two (2) years of college education;
 - 28 3. Must be certified by the Department of Social Welfare and
29 Development (DWD) or DSWD-deputized entities to have complied
30 with existing requisites and trainings in early childhood care and
31 development;
 - 32 4. Must not have been convicted by final judgement of any crime; and

1 5. Must not have a pending case in relation to Republic Act No. 7610,
2 otherwise known as the "Special Protection of Children Against Child
3 Abuse, Exploitation and Discrimination Act".

4 Child Development Workers legitimately serving as such upon the passage
5 of this Act who are above seventeen (17) years old but below eighteen (18)
6 years old, shall continue to serve as such and are qualified to be covered
7 under this Act: *Provided*, That their retention had been recommended by their
8 direct supervisor.

9 Child Development Workers who have no college education upon the
10 effectivity of this Act shall be given two (2) years within which to complete
11 equivalent training to be able to continue in the service, in accordance with
12 Section 12 of this Act. The necessary training courses shall be prescribed by
13 the DSWD.

14 b. A Child Development Worker II, with Salary Grade 8, must possess the
15 same qualifications mentioned in paragraph (a) of this section, including
16 five (5) years of working experience and at least twelve (12) hours of
17 relevant training.

18 Qualifications and exceptions applicable to this section shall be subject to
19 conditions imposed by the Civil Service Commission (CSC).

20 *Sec. 8. Prohibition on Discrimination.* – A CDW shall have the right to be
21 protected from discrimination based on age, sexual orientation, gender identity,
22 ethnic grouping, civil status, disability, creed, religious or political affiliation. There
23 shall be no discrimination whatsoever in the entrance to the occupation, or during its
24 exercise, or in the termination of services based on any ground other than
25 professional consideration.

26 *Sec. 9. Working Hours.* – A CDW is required to render eight (8) working hours
27 a day or a total of forty (40) working hours a week: *Provided*, That the Local Social
28 Welfare and Development Officer (LSWDO) may require CDWs to render services
29 beyond their required working hours during emergency situations such as natural
30 and man-made calamities: *Provided*, That emergency response and survival kits shall
31 be provided and that working hours should be conducted in child-friendly spaces.

1 Sec. 10. *Code of Conduct of Child Development Workers.* – Within six (6)
2 months upon approval of this Act, the Early Childhood Care and Development
3 Council (ECCDC), in consultation with a national organization of Child Development
4 Workers, shall formulate a Code of Conduct for Child Development Workers in line
5 with the Civil Service Commission (CSC) Rules and Regulations and adhere to the
6 principles of the UN Convention on the Rights of the Child. Each CDW shall be
7 provided with a copy of the Code at the expense of the government.

8 Sec. 11. *Additional Compensation and Allowances.* – CDWs shall be provided
9 with the following additional compensation, whenever applicable:

- 10 a. Overtime pay – for services rendered beyond the required working hours
11 as prescribed in Section 8 hereof;
- 12 b. Hazard allowance – for being exposed to situations, conditions, or factors
13 in the workplace which endanger the workers' health or life, or increase
14 the danger or risk thereto. Such risk or danger shall be determined by the
15 local *Sangguniang Barangay* concerned; and
- 16 c. Subsistence Allowance – for meals taken in the course of their duty within
17 the premises of isolated Day Care Centers and Child Development Centers,
18 the amount of which shall be computed in accordance with prevailing
19 circumstances as determined by the local *Sangguniang Barangay*
20 concerned.

21 Sec. 12. *Other Benefits and Privileges.* – CDWs shall be entitled to the
22 following additional benefits and privileges:

- 23 a. Married Child Development Workers. – Whenever possible, married
24 couples who are both CDWs shall be assigned in the same municipality or
25 city.
- 26 b. Free Legal Services. – The Public Attorney's Office (PAO) shall represent
27 CDWs in cases filed against them in connection with the performance of
28 their duties.
- 29 c. Free Medical Examination and Treatment. – Annual medical examinations
30 shall be provided by government hospitals, free of charge, to all CDWs.
31 Those suffering from work-related ailments shall be treated without cost in
32 government hospitals.

1 d. Access to Livelihood, Loans, Grants, and Skills Enhancement. – The DSWD
2 and the LGUs, in coordination with other concerned government agencies,
3 shall provide organized CDWs with a mechanism for accessing livelihood,
4 loans, grants, and skills enhancement services.

5 e. Other Benefits. – All CDWs shall automatically become members of the
6 Government Service Insurance System (GSIS), the Home Development
7 Mutual Fund (Pag-IBIG), and the Philippine Health Insurance Corporation
8 (PhilHealth), subject to premium payments by both employers and
9 employees, and shall be entitled to maternity/paternity, sick, and vacation
10 leaves as provided for by existing laws.

11 Sec. 13. *Right to Self-Organization.* – CDWs shall have the right to freely
12 form, join, or assist organizations in order to defend and protect their mutual
13 interests and to obtain redress of their grievances.

14 Sec. 14. *Training, Education and Skills Enhancement.* – The DSWD, in
15 coordination with the Department of Education (DepEd), Commission on Higher
16 Education (CHED), and Technical Education and Skills Development Authority
17 (TESDA), shall provide for a system of continuing education and skills training and
18 knowledge enhancement programs for CDWs. The continuous development of
19 standards training module for the CDWs shall be provided by the LGUs through the
20 LSWDO.

21 The DepEd, CHED, and TESDA shall adopt an equivalency system of
22 education that shall recognize and duly credit the actual work experiences and prior
23 learning of CDWs as formal academic or training units.

24 Sec. 15. *Support from Nongovernment Organizations (NGOs).* –
25 Nongovernment organizations or private volunteer organizations are hereby
26 encouraged to assist or support the government in the implementation of programs
27 and projects for CDWs. Pursuant thereto, all Day Care Centers and Child
28 Development Centers may accept such assistance or support from NGOs.

29 Sec. 16. *Appropriations.* – The amount necessary to cover the salaries and
30 benefits of CDWs shall be charged from the National Tax Allotment (NTA) and the
31 Special Education Fund of LGUs concerned: *Provided,* That the national government
32 shall provide subsidy for at least one (1) CDW per center in the fourth, fifth, and

1 sixth class municipalities. A portion of the contribution of the Philippine Amusement
2 and Gaming Corporation (PAGCOR) as provided under the Republic Act No. 10410,
3 as well as additional funds generated from donations, fees, and contributions
4 collected by the ECCDC from whatever source shall also be set aside for the
5 purpose.

6 *Sec. 17. Implementing Rules and Regulations.* – The DSWD, ECCDC, and the
7 Department of the Interior and Local Government (DILG), in consultation with the
8 CSC and a national organization of CDWs, shall formulate the rules and regulations
9 necessary to implement the provisions of this Act within six (6) months from its
10 effectivity.

11 *Sec. 18. Separability Clause.* – If any provision of this Act or any part hereof is
12 declared unconstitutional, the same shall not affect the validity and effectivity of the
13 other provisions.

14 *Sec. 19. Repealing Clause.* – Republic Act No. 6972, otherwise known as the
15 “Barangay-Level Total Development and Protection of Children Act” and all laws,
16 decrees, rules and regulations, and executive orders contrary to or inconsistent with
17 this Act are hereby repealed or modified accordingly.

18 *Sec. 20. Effectivity.* – This Act shall take effect fifteen (15) days after its
19 publication in the *Official Gazette* or in at least two (2) newspapers of general
20 circulation.

Approved,