

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



22 AUG 18 P5:00

SENATE
S. No. 1205

RECEIVED BY:

Introduced by SENATOR RAMON BONG REVILLA, JR.

THE MAGNA CARTA FOR DAY CARE WORKERS

EXPLANATORY NOTE

No less than UNICEF recognizes that the “brain develops at its most rapid pace in the first few years of life.¹” It further emphasizes that there are at least five (5) reasons why children must attend preschool². These are: (1) it encourages brain development; (2) it develops and expands social skills; (3) it becomes the basis for lifelong learning; (4) it trains children for formal school; and (5) it aids in ending the cycle of poverty for underprivileged children.

In the Philippines, day care centers are institutionalized through Republic Act No. 6972, also known as the *Barangay-Level Total Development and Protection of Children Act*, and Republic Act No. 8980, otherwise known as the Early Childhood Care and Development (ECCD) Act. Both measures promote and defend the rights of children, protect them against all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development. The measures accord special protection to children with full recognition of the nature of childhood and their special needs.

¹ 2018, June 27. The benefits of preschool for young children. Downloaded from <https://medium.com/@unicefphils/the-benefits-of-preschool-for-young-children-f666041bfd9d>

² *Ibid.*

Day care workers cater to millions of children as well as to the children's families. For underprivileged Filipino families, having the option of government day care centers, which require little contribution, is a big help. Day care workers tend to the needs of children, while their parents are able to attend to other equally important chores.

In spite the immensity of their work, they are receiving a measly Five Hundred Pesos (PhP500.00) per month, an amount not even sufficient for their everyday needs. However, their willingness to work as volunteers should not be abused. It is not by choice but by necessity, and at times desperation, that they are forced to accept the work in exchange of an amount not even enough for their subsistence.

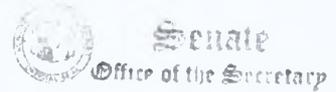
The government, in light of the institutionalization of the ECCD, should finally make day care workers regular government employees.

By guaranteeing the rights of the day care workers to security of tenure, humane working conditions and a living wage, the State would be contributing to the improvement of the quality of early childhood care and education, thereby upholding its mandate to defend and protect children's rights as well as guaranteeing the rights of all its workers.

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

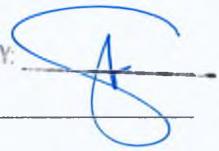

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THE MAGNA CARTA FOR DAY CARE WORKERS

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 Day*
2 *Care Workers."*

3 *Sec. 2. Declaration of Policy. - It is the State's responsibility to defend the right*
4 *of children to assistance, including proper care and nutrition, and special protection*
5 *from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial*
6 *to their development. It is also the State's concern and responsibility to provide*
7 *adequate remuneration for day care workers to enhance their general welfare with*
8 *the end in view of fulfilling the state policy of defending the rights of children.*

9 *Sec. 3. Coverage. - This Act shall cover all persons providing Early Childhood*
10 *Care and Development in all government-run day care centers and non-stock, non-*
11 *profit day care centers run by volunteers, people's organizations, associations and*
12 *non-government organizations.*

13 *Sec. 4. Definition. - For the purpose of this Act, the following terms shall mean:*

14 *Early Childhood Care and Development (ECCD) – the full range of health,*
15 *nutrition, early education and social services programs that provide for basic holistic*
16 *needs of young children from birth to age six (6), to promote their optimum growth*
17 *and development through home-based and center-based program;*

18 *Day care centers – public, private or non-profit centers providing ECCD service*
19 *pursuant to Republic Act No. 8980 or the ECCD Act.*

1 *Sec. 5. Qualifications. - A day care worker must be of legal age and have*
2 *received adequate training in Early Childhood Care and Development from the*
3 *Department of Social Welfare and Development or its accredited organizations and*
4 *institutions. Under no circumstances may a day care worker applicant be discriminated*
5 *against on the basis of gender, religion, age, status, ethnic groups, educational*
6 *attainment or political affiliation.*

7 *Sec. 6. Security of Tenure. - Stability on employment and security of tenure*
8 *shall be assured to the daycare workers as provided under existing laws.*

9 *Incumbent day care workers not meeting requirements, specifically training in*
10 *ECCD, shall not be disqualified but will be required to finish a day care worker training*
11 *course to be administered by the Department of Social Welfare and Development*
12 *within one (1) year from the effectivity of this Act.*

13 *Regular day care workers can only be terminated for cause provided by law*
14 *and after due process:*

15 *Provided, that if a day care worker is found by the Civil Service Commission to*
16 *be unjustly dismissed from work, the day care worker shall be entitled to reinstatement*
17 *without loss of seniority rights. Back wages with twelve percent (12%) interest*
18 *computed from the time compensation was withheld from the time of reinstatement*
19 *shall also be awarded.*

20 *Sec. 7. Criteria for Salaries. – Day care workers' salaries shall correspond to the*
21 *following criteria:*

22 *(a) they shall compare favorably with those paid in other occupations*
23 *requiring equivalent or similar qualifications, training and abilities; and*

24 *(b) they shall be such as to insure a reasonable standard of life for*
25 *themselves and their families*

26 *Sec. 8. Working Hours. - A day care worker is required to render eight (8)*
27 *working hours a day or a total of forty (40) working hours a week: Provided, that the*
28 *municipality/city social welfare officer may require a day care worker to render service*
29 *beyond working hours during emergency situations such as calamities.*

30 *Section 9. Benefits. - Day care workers shall be provided with the following*
31 *benefits:*

1 *Philhealth – all day care workers shall be enrolled in the National Health*
2 *Insurance Program to be able to access personal health services;*

3 *Social Security – all day care workers shall be enrolled in the Government*
4 *Service Insurance System or the Social Security System to be able to avail of*
5 *retirement, disability, funeral and other benefits;*

6 *Cost of Living Allowance. Daycare workers' salaries shall, at the very least, keep*
7 *pace with the rise in the cost of living by the payment of a cost-of-living allowance*
8 *which shall automatically follow changes in a cost-of-living index. The Secretary of*
9 *Social Welfare and Development shall, in consultation with the proper government*
10 *entities, recommend to Congress, at least annually, the appropriation of the necessary*
11 *funds for the cost-of-living allowances of the daycare workers.*

12 *Hazard allowance – day care workers in both urban and rural places, exposed*
13 *to situations and conditions with foreseeable but unavoidable danger or risks such as*
14 *strife-torn areas and areas under a state of calamity shall be compensated with hazard*
15 *allowance to be determined by the local government unit.*

16 *Over time work – where the exigencies of the so require, any public health*
17 *worker may be required to render service beyond the normal eight (8) hours a day.*
18 *In such a case, the workers shall be paid an additional compensation in accordance*
19 *with existing laws and prevailing practices.*

20 *Retirement benefits – all day care workers will receive retirement benefits once*
21 *they have reached the age and fulfilled service requirements under existing laws.*

22 *Free legal assistance – in case of politically-motivated or work-related*
23 *harassment, the government will provide free legal assistance to day care workers to*
24 *uphold and protect their rights.*

25 *Sec. 10. Right to Self-Organization. - Day care workers shall have the right to*
26 *freely form, join or assist organizations or unions in order to defend and protect their*
27 *mutual interests and to obtain redress of their grievances.*

28 *Sec. 11. Married Day care Workers. - Whenever possible, the proper authorities*
29 *shall take steps to enable married couples, both of whom are day care workers, to be*
30 *employed or assigned in the same municipality.*

31 *Sec. 12. Participation Fee. - Day care workers shall in no way be required to*
32 *shell out their own money to spend for electricity and rent of their center. If the*

1 participation fee set by the local government is inadequate, it is the LGUs responsibility
2 to pay for necessary utilities required to operate the day care center.

3 *Sec. 13. Training, Education and Career Enhancement.* - The Department of
4 Social Welfare and Development (DSWD), in coordination with the Department of
5 Education (DepEd) and other concerned government agencies and non-government
6 organizations, shall organize training and educational programs as well as provide
7 opportunities for scholarships and continuing education.

8 *Sec. 14. Implementing Rules and Regulations.* - The DSWD, in consultation
9 with the Department of Budget and Management and the DepEd, shall promulgate
10 the necessary rules and regulations to implement this Act.

11 *Sec. 15. Appropriations.* - The budget needed to implement provisions of this
12 Act shall be included in the annual General Appropriations Act. Training costs shall be
13 appropriated under the DSWD.

14 *Sec. 16. Penal Provision.* - Any person who shall willfully interfere with, restrain
15 or coerce any day care worker in the exercise of his/her rights or shall in any manner
16 violate any provision of this Act, upon conviction, shall be punished by a fine of less
17 than Twenty thousand pesos (P20,000.00) or imprisonment of not more than one (1)
18 year or both at the discretion of the court.

19 *Sec. 17. Separability Clause.* - Should any provision of this Act be declared
20 invalid or unconstitutional, the validity or constitutionality of the other provisions shall
21 not be affected thereby.

22 *Sec. 18. Repealing Clause.* - All laws, decrees, letters of instructions,
23 resolutions, orders, ordinances or parts thereof which are inconsistent with the
24 provisions of this Act, are hereby repealed, amended, or modified accordingly.

25 *Sec. 19. Effectivity.* - This Act shall take effect fifteen (15) days after its
26 publication in two (2) newspapers of general circulation.

Approved,