

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



23 JAN 23 P 3 :38

SENATE
S. No. 1730

RECEIVED BY: _____

Introduced by Senator MARK A. VILLAR

AN ACT
INSTITUTING THE MAGNA CARTA FOR DAY CARE WORKERS, PROVIDING
FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

During their early education, children begin learning fundamental abilities, social and emotional skills, develop their interests, and establish relationships with their parents, peers, and teachers.

UNESCO said that early childhood care and education (ECCE) encompasses more than just primary school readiness. In order to lay a strong and wide-ranging foundation for lifetime learning and wellbeing, ECCE contributes to the development of a child's social, emotional, cognitive, and physical requirements holistically. ECCE has the potential to develop future citizens who are capable, caring, and responsible.¹

Day care workers are regarded as frontliners for these early childhood interventions and education. These workers contribute whole-heartedly in nurturing children in their most formative years. Daycare providers do their jobs professionally, patiently, and sincerely in order to teach these young children the basic life skills and other activities that will develop their physical, intellectual, and social growth in a safe environment.

However, the Department of Social Welfare and Development reported that 67,733 Child Development Workers (CDWs) or daycare workers, in both tenured and

¹ *Early childhood care and education*. (2022, January 1). Early Childhood Care and Education | UNESCO. Retrieved November 25, 2022, from <https://www.unesco.org/en/education/early-childhood>

non-tenured posts do not receive standard wages or benefits. Out of the total CDWs nationwide, about 9.3 percent, or 6,307, are volunteers.

Considering the contribution of the day care workers in molding the character and personality of the children, it is the role of the State to prioritize the welfare and work conditions of these daycare workers

Thus, this bill seeks to guarantee the security of tenure of the day care workers and to provide them with proper compensation and benefits. This can be the best way to show support, gratitude, and appreciation to day care workers.

In light of the foregoing, the approval of this bill is earnestly sought.



MARK A. VILLAR

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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.* – The State recognizes the vital role of children
4 and the youth in nation-building and shall promote and protect their physical, moral,
5 spiritual, intellectual, and social well-being. Towards this end, it is the State’s policy to
6 promote and improve the social well-being and economic welfare of day care workers
7 who provide pre-school education and social development service to the children. The
8 State shall likewise adopt policies that will protect the rights and enhance the dignity
9 of day care workers.

10 Sec. 3. *Coverage.* – This Act shall cover all persons engaged in Early Child
11 Development in government-sponsored day care centers whose primary function is to
12 assist in the provision of care, social development, education and other needs of the
13 children.

14 Sec. 4. *Qualification.* – A Day Care Worker must be of legal age, possesses at
15 least a career sub-profession eligibility and must have training in Early Childhood Care
16 and Development; *Provided, however,* that an incumbent day care worker who has

1 been serving for the last five (5) years upon approval of this Act and who does not
2 meet the prescribed educational qualification standard shall not be disqualified,
3 *Provided, further,* that such day care worker shall complete the Day Care Worker
4 training course provided by Department of Social Welfare and Development (DSWD)
5 within one (1) year from the effectivity of this Act.

6 *Sec. 5. Recruitment.* – A qualified Day Care Worker shall file his/her application
7 with the local government unit concerned.

8 *Sec. 6. Salary.* – A qualified Day Care Worker shall receive a salary equivalent
9 to:

10 Level 1 – High School graduate level to below second year college and
11 length of service of at least five (5) years shall receive the salary equivalent to
12 salary grade 6;

13 Level 2 – Second year college level shall receive salary equivalent to
14 salary grade 8; and

15 Level 3 – College graduate level shall receive salary equivalent to salary
16 grade 10.

17 *Sec. 7. Working Hours.* – A qualified Day Care Worker is required to
18 render eight (8) working hours a day or a total of forty (4) working hours a
19 week, *Provided,* that the municipal social welfare officer may require a Day
20 Care Worker to render services beyond his/her required working hours during
21 emergency situations such as calamities.

22 *Sec. 8. Additional Compensation and Allowances.* – Qualified Day Care Workers
23 shall be provided with additional compensation for services rendered beyond the
24 required working hours.

25 Day Care Workers assigned to hazardous places shall be given hazard pay.

26 *Sec. 9. Married Day Care Workers.* – Whenever possible, married couples who
27 are both Day Care Workers shall be assigned in the same municipality or city.

1 Sec. 10. *Transfer and Tenure of Office.* – No Day Care Worker shall be
2 transferred from one center to another without his/her prior knowledge and/ or
3 consent. As provided under existing laws, no Day Care Worker shall be terminated
4 from work without due cause.

5 Sec. 11. *Leave Benefits.* – As provided for in existing laws, a Day Care Worker
6 is entitled to maternity/paternity, sick, and vacation leaves. Day Care Workers with
7 outstanding performance based on evaluation may avail study leave.

8 Sec. 12. *Free Medical Examination and Treatment.* – Pre-employment and
9 annual medical examinations shall be provided by government hospitals, free of
10 charge, to all Day Care Workers. Day Care Workers suffering from work-related
11 ailments shall be treated free of charge in government hospitals.

12 Sec. 13. *Insurance and Retirement Benefits.* – Qualified Day Care Workers shall
13 automatically become members of the Government Service and Insurance System
14 (GSIS). Day Care Workers, having fulfilled service requirements of the applicable
15 retirement laws, shall be given a one-step salary grade increase upon retirement which
16 shall be the basis of computation of retirement pay and other retirement benefits.

17 Sec. 14. *Freedom to Organize.* – Day Care Workers shall have the freedom to
18 organize themselves without prior communications with the local government units to
19 which they are assigned. Organizations of Day Care Workers shall be consulted in the
20 formulation of national policies and programs that will benefit the sector. Under no
21 circumstance shall any Day Care Worker be dismissed on the basis of his/her
22 membership in any organization of Day Care Workers.

23 Sec. 15. *Code of Conduct for Day Care Workers.* – Within six (6) months upon
24 approval of this Act, the Department of Social Welfare and Development (DSWD), in
25 consultation with the national organization of Day Care Workers, shall formulate a
26 Code of Conduct for Day Care Workers. Each Day Care Worker shall be provided a
27 copy of the Code.

28 Sec. 16. *Support from Non-Government Organizations.* – Non-government
29 organizations or private volunteer organizations are hereby encouraged to assist the
30 government in the implementation of programs and projects for Day Care Workers.

1 Sec. 17. *Implementing Rules and Regulations.* – The Department of Interior
2 and Local Government and DSWD, in consultation with the Civil Service Commission
3 and the national organization of Day Care Workers shall formulate the rules and
4 regulations necessary to implement the provisions of this Act within six (6) months
5 from its effectivity.

6 Sec. 18. *Appropriations.* – Salaries and benefits of Day Care Workers shall be
7 charged to the local government units concerned. Training needs of Day Care Workers
8 shall be charged to the annual appropriations of the DSWD.

9 Sec. 19. *Penal Provisions.* – Any person who violates the provision of this Act
10 shall be punished with a fine not less than Fifty Thousand Pesos (P50,000.00) and/or
11 imprisonment of not less than six (6) months but not more than one (1) month, or
12 both at the discretion of the Court.

13 If the offender is a public official, he/she shall, in addition to the penalties stated
14 above, be dismissed from government service.

15 Sec. 20. *Separability Clause.* – If any portion or provision of this Act is declared
16 unconstitutional or invalid, the remainder of this Act or any provisions hereof not
17 affected thereby shall continue to be in force and effect.

18 Sec. 21. *Repealing Clause.* –Any law, presidential decree or issuance, executive
19 order, letter of instruction, rule or regulation inconsistent or contrary to the provision
20 of this Act is hereby repealed or modified accordingly.

21 Sec. 22. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
22 following its publication in the Official Gazette or a newspaper of general circulation.

Approved,