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OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE CLERK

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SENATE
S. No. 1730

DECEMBER 13 2013

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Nannies or “*yayas*” play a very important role in the care and maintenance of children. Their basic job is to protect, love, play with, and teach the children in their care. Oftentimes, however, there are reports of nannies physically or verbally hurting their charges. In some instances, nannies are among the conspirators in kidnapping cases. Thus, it is very important that the nannies to whom parents entrust their children are trustworthy, able and qualified.

This bill seeks to protect children from unscrupulous and unqualified nannies by requiring such nannies to meet certain standards and criteria before they can render child care services. It also authorizes and directs the Department of Labor and Employment to regulate and license nanny placement or employment agencies in order to ensure that they hold out for hire only those nannies who meet certain standards and criteria.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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* This bill was originally filed during the Thirteenth Congress, Second Regular Session.

7 OCT 16

SENATE
S. No. 1730

SENATE OFFICE

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 PROVIDING FOR THE LICENSURE AND REGULATION
3 OF NANNY PLACEMENT OR EMPLOYMENT AGENCIES

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

6 SECTION 1. *Short Title.* – This Act shall be known as the “Nanny Agency Licensure and
7 Regulation Act of 2007.”

8 SECTION 2. *Declaration of Policy.* – It is a policy of the State to protect the physical,
9 moral and social well-being of children. Towards this end, the State shall exert efforts to ensure
10 that only able and qualified nannies shall be allowed to provide child care services for hire.

11 SECTION 3. *Definition of Terms.* – For purposes of this Act, the term:

12 (A) “Nanny placement or employment agency” means any educational or cultural
13 foundation, institution, agency, company or otherwise named, which for a fee or
14 other payment, procures, solicits, or attempts to procure or solicit, from outside or
15 within the Philippines, or to whom such persons seek application, for the purposes of
16 placement and/or employment in a private residence in the Philippines, to act in the
17 capacity of providing child care services as a nanny, either while living in the home
18 or by providing child care in the home and living without the home, on a full time or
19 regular basis.

20 (B) “Nanny” mean any person who is placed by an agency or company in a private
21 residence and who lives within or without the home, for the purposes of performing
22 child care services and duties, in the capacity of a primary child care worker on a full
23 time or regular basis.

1 SECTION 4. *Licensure Process.* – The Department of Labor and Employment is hereby
2 authorized and directed to establish, implement, provide oversight to, and promulgate regulations
3 for, a licensure and approval process for nanny placement or employment agencies.

4 Such agencies shall provide verification to the Department to the effect that each nanny,
5 prior to being placed in a private residence, and wherein stated during said placement, has met
6 the specific standards and criteria stated in this section, and shall develop forms and procedures
7 approved by the Department for such verification.

8 No nanny placement or employment agency, or any other placement or employment
9 agency, shall place or employ any nanny or any other person providing child care services unless
10 the standards set forth in this act, as well as those approved by the Department, and all other
11 statutory and regulatory obligations are fulfilled.

12 SECTION 5. *Standards and Criteria for Nannies.* – The following standards and criteria
13 shall be required of nannies, subject to conditions set forth in this section:

14 (A) Two (2) formal standard courses, or six semester hours, in early childhood education,
15 or a certificate or vocational program in early childhood education, or equivalent,
16 either during secondary educational coursework, or during post-secondary
17 coursework in a recognized college, university other educational institution in child
18 care training, child development, child welfare, or other appropriate coursework,
19 classes or training, including substitutions in educational courses and/or work
20 experience determined as acceptable by the Secretary;

21 (B) Participation in at least three (3) days in-service training and education in early
22 childhood education, child development and child welfare and safety, or other such
23 appropriate child care services training, either midway through the year of the
24 placement of the au air, or at intervals during the year of placement, as approved by
25 the Secretary, in conjunction with the employment or placement agency;

26 (C) Certification in CPR and Basic First Aid;

27 (D) Screening and background checks for criminal and juvenile conduct including
28 psychological assessments, health and medical examinations, school records and

1 attendance, which shall be provided by nannies or solicited by the employment or
2 placement agencies through school records, references from counselors, teachers, or
3 other school personnel, police authorities, driving records, or through other means
4 available and as approved by the Secretary.

5 The Secretary, in conjunction with the employment or placement agency, may exercise
6 discretion and flexibility in the evaluation and consideration of standards to be met and in
7 determinations of substitute or alternative criteria which would fulfill such requirements or their
8 equivalent. The Secretary may consider documented training or experience in a child care
9 program or school, a nursery, or other acceptable participation in coursework or experience
10 submitted by the nanny through the employment or placement agency as equivalent criteria
11 required to meet educational and training standards.

12 No nanny or person providing child care services shall be placed in a private residence to
13 more than two children who are each under the age of five years.

14 SECTION 6. *Quarterly Reports.* – Nanny placement and employment agencies, as
15 defined in section 3 this act, shall be required to provide quarterly reports to the Office of Child
16 Care Services which shall include:

- 17 (A) Its location and address, as well as those of all its branches or offices;
- 18 (B) The total number of nannies placed within Philippines;
- 19 (C) Any change in placement or disrupted placement, or, removal of a nanny from a
20 placement and the reasons for the change or removal; the new placement location, if
21 applicable;
- 22 (D) The dates of placement for each nanny and the duration of the placement;
- 23 (E) The numbers of children and their ages in the care of each nanny;
- 24 (F) The number of hours required for each nanny to provide child care, on a weekly
25 basis;
- 26 (G) A summary of the training and education and other requirements of each nanny
27 placed, and the location and duration of the education and training or other
28 requirement;

1 (H) The number of hours of in-service training to be required of each nanny, who will
2 provide the training and when it will occur during the placement.

3 The nanny placement and employment agency shall submit to the Office, prior to any
4 placement of a nanny, documentation of each requirement to be fulfilled by the nanny and by the
5 agency itself.

6 No nanny shall be placed in a private residence for the purposes of providing full time
7 child care or child care on a regular basis, without meeting all credentials and requirements set
8 forth in this Act.

9 SECTION 7. *Penalties.* – Any act of canvassing, enlisting, contracting, transporting,
10 utilizing, hiring or procuring workers, including referring, contracting services, promising or
11 advertising for employment, qualified nannies without first obtaining a license to do so from the
12 Department shall be punishable by a penalty of imprisonment of *arresto mayor*, or a fine of not
13 more than Fifty Thousand Pesos (P50,000.00), or both, at the discretion of the court, taking into
14 consideration all attending circumstances.

15 The owner, proprietor, or operator of any nanny placement or employment agency found
16 canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, including
17 referring, contracting services, promising or advertising for employment, qualified nannies
18 without first obtaining a license to do so from the Department shall be punished by a penalty of
19 imprisonment of *prision correccional*, or a fine of not more than One Hundred Thousand Pesos
20 (P100,000.00), or both, at the discretion of the court, taking into consideration all attending
21 circumstances. If the owner, proprietor or operator of the establishment above is a corporation,
22 trust or firm, partnership, association or any other entity, the penalty of imprisonment shall be
23 imposed on the entity's responsible officers, including, but not limited to, the president, vice-
24 president, chief executive officer, general manager, managing director or partner directly
25 responsible therefore.

26 The maximum penalty above shall be imposed if the nannies offered for hire do not meet
27 the standards and criteria set forth in this act, as well as those approved by the Department, and

1 all other statutory and regulatory obligations, as the case may be. The maximum penalty shall
2 also be imposed if a person has been previously convicted of any violation of this act.

3 SECTION 8. *Periodic Review.* – The Department of Labor and Employment shall review
4 all records and documents for meeting criteria and standards set forth in Section 5 of this act, at
5 the inception of the licensure and approval process, and thereafter on an annual basis, or more
6 frequently if deemed necessary by the Secretary of Labor and Employment, and shall ascertain
7 by a method developed by the Department that all requirements and credentials set forth in this
8 act have been fulfilled.

9 SECTION 9. *Separability Clause.* – If any provision or part hereof, is held invalid or
10 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
11 valid and subsisting.

12 SECTION 10. *Repealing Clause.* – Any law, presidential decree or issuance, executive
13 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with
14 the provisions of this act is hereby repealed, modified or amended accordingly.

15 SECTION 11. *Effectivity Clause.* – This act shall take effect fifteen (15) days after its
16 publication in at least two (2) newspapers of general circulation.

17 Approved,

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