

**SENATE**

S. No. 960 13

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Introduced by Senator Manuel "Lito" M. Lapid

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**EXPLANATORY NOTE**

The Gale Encyclopedia of Childhood and Adolescence defines "caregiver" as the person who has the responsibility for meeting the physical and psychological needs of an infant, child or dependent adult. The term generally refers to anyone who provides assistance to someone else who is in some degree incapacitated and needs help.

The caregiving profession is a huge industry especially in the U.S. Recently, it was found out that the total amount spent on formal caregiving provision reached to about US\$115 billion dollars. Data indicate that the demand for caregiving services in the U.S. would continue to rise in the coming years. Increase in demand is expected not only in the traditional markets of USA and Canada but also in other developed and rich countries of Europe and even Asian economies such as Japan and Korea. The increasing need for caregivers is accounted on the large aging population of these nations.

Our POEA data indicate that the bulk of the job orders for caregivers of licensed placement and recruitment agencies are in Israel, Taiwan, Bahrain and the United States. Market for caregivers is also growing in Spain and Saudi Arabia as reported out in our major dailies. The Department of Labor and Employment (DOLE) indicated that other emerging host destinations of Filipino caregivers for the year 2005 included Albania, Australia, the Bahamas, Bermuda, the Cayman Island Cyprus, Hongkong, India, Ireland, Italy, Kuwait, Mexico, Saipan, Saudi Arabia, Spain, Tajikistan, Tinian and the United Arab Emirates. The Filipino caregivers continue to be sought-after in Taiwan, Israel, Canada, and the United Kingdom because of their skills and values.

A total of 13,855 caregivers, comprising 68.3 percent of total global deployment, were hired or rehired in Taiwan alone. The DOLE indicated that Taiwan alone accounted for approximately eighty percent (80%) of the total number of caregivers deployed during the five-year period from 1998 to 2004.

With the emergence of the Philippines as a major source for caregivers in hospitals, hospices and old-age homes in developed countries, the current demand has increased. Indeed, the realities of global demographic transitions have given rise to economic opportunities for our young and skilled Filipino caregivers in the health care sector here and abroad.

However, the data from the Department of Labor and Employment (DOLE) indicate that notwithstanding the percentage increase in the deployment of Filipino caregivers abroad, the DOLE cautioned recruiters against giving would-be overseas Filipino caregivers false hopes on non-existent job openings in still inactive overseas

markets.

Moreover, there is now a proliferation of "fly-by-night" training centers for caregivers which are not accredited by our government causing serious problems and are destroying the reputation of legitimate training centers for caregiving. Being bogus training centers, graduates from these unauthorized training centers lack the proper training, competence and knowledge that would empower our caregivers to work effectively in highly sophisticated hospitals, hospices, retirement and nursery homes abroad.

As such, there is an urgent need to provide enabling mechanisms for our government to closely monitor these caregiving centers in order to curb out the apparent proliferation of unauthorized training institutions.

Under this proposed measure, the TESDA is tasked to formulate the necessary rules and regulations in the formulation of standard setting, registration of training centers, assessment, certification and regulation, as well as the conduct of monitoring and continuous evaluation for training centers. The TESDA, through its offices nationwide, is tasked to ensure that no caregiving training programs without appropriate registration are operating within the country. It is hoped that through these efforts, the public would be protected from unscrupulous and fly-by-night training centers.

Moreover, the TESDA is tasked to formulate necessary guidelines in the conduct of an annual National Caregiver Examination to ensure the technical competence and skills capabilities of our graduate in the caregiving profession.

Furthermore, the Department of Labor and Employment (DOLE), in coordination with the Land Bank of the Philippines (LBP) is tasked to formulate an appropriate credit assistance scheme that will assist our professional caregivers seeking employment abroad in the payment of their placement fees. Said credit assistance scheme shall be deductible to the salary of the caregiver upon gainful employment abroad.

Finally, the DOLE is further tasked to formulate a strategic marketing plan which will highlight the marketing strategies and operational plan that will be adopted by our government so that our professional caregiver graduates will find placement and employment in the global market for caregivers.

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



**MANUEL "LITO" M. LAPID**  
Senator

**SENATE**

S. No. 960

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**AN ACT**  
**PROVIDING THE ENABLING MECHANISMS TO ENSURE THE**  
**REGULATION AND MONITORING OF CAREGIVER TRAINING CENTERS**  
**IN THE COUNTRY AND THE PROVISION OF QUALITY EDUCATION IN**  
**THE CAREGIVING PROFESSION AND FOR OTHER PURPOSES**

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

**SECTION 1. Short Title.** - This Act shall be known as the "**Caregiver Act of 2010**".

**SEC. 2. Declaration of Policy.**- It is hereby declared the policy of the State to ensure the provision of quality education in the caregiving profession and enable our caregivers to be globally competitive in the provision of health services to the patients.

Towards this end, the State shall endeavor to improve the quality of the caregiving profession through a comprehensive training program that will prepare and provide Filipino workers with the skills and knowledge and develop in them the correct attitude about the caregiving profession. Moreover, the State shall enhance the technical capabilities of Filipino caregivers and inculcate in them the necessary knowledge, skills, training and attitudes to become effective in the practice of their caregiving profession.

**SEC. 3. Policy Objectives.** - The objectives of this Act include the following:

(1.) To ensure that the regulatory agencies of our government, including the TESDA, shall formulate the necessary rules, regulations and safeguards to provide

quality caregiving education, and ensure the appropriate licensing of professional caregivers for them to attain gainful employment.

(2.) To ensure that the TESDA shall regulate, accredit and closely monitor the operation of Caregiving Training Centers in order to prevent the proliferation of fly-by-night training institutions;

(3.) To provide the enabling framework to ensure that only accredited training institutions provide training programs for our students in the caregiving profession to ensure quality education.

**SEC. 4. Accreditation of Caregiver Training Centers.** - Within sixty (60) days from the date of effectivity of this Act, the TESDA shall promulgate the necessary implementing rules and regulations in the annual accreditation, regulation and monitoring of all caregiver training centers in the country in order to stop the proliferation of "fly-by-night" training centers that operate even without TESDA's accreditation. The TESDA through its offices nationwide shall ensure that no caregiving training centers, without appropriate registration, are operating in the country.

Furthermore, the TESDA is hereby mandated to determine the occupational requirements, curriculum and adopt training regulations for the provision of quality caregiving education in the country.

**SEC. 5. Professional Requirements for Caregiver Faculty.** - Given that the six (6) month caregiver training course is a hands-on training program, training instructors play an important role in ensuring that students are given the proper skill training and technical preparations in order for them to become effective health providers. Towards this end, the TESDA, in coordination with the Commission on Higher Education (CHED), shall formulate the necessary rules and regulations to determine the appropriate professional qualifications of caregiving training instructors and teachers in order to ensure the provision of quality education in the caregiving profession.

**SEC. 6. Language Proficiency Training and Tests.** - The TESDA shall be the lead implementing agency in providing the necessary guidelines to ensure that students of caregiving course are provided the necessary language training curriculum to ensure the language proficiency of our caregiver graduates.

Furthermore, the TESDA is hereby tasked to monitor and certify the operation of language training centers for caregivers bound for abroad to ensure that our caregivers are given the necessary orientation on the language, culture and norms of their country of destination.

**SEC. 7. National Examination and Certification of Professional Caregivers.** – Within sixty (60) days from the date of effectivity of this Act, the TESDA shall formulate the necessary rules and regulations in the conduct of an annual National Caregiver Certificate Examination to ensure the technical competence and skills capabilities of our graduates in the caregiving profession.

**SEC. 8. Land Bank Credit Assistance Scheme.** - Within ninety (90) days from the date of effectivity of this Act, the Department of Labor and Employment (DOLE), in coordination with the Land Bank of the Philippines (LBP) shall formulate the appropriate credit assistance schemes that will assist our professional caregivers seeking employment abroad in the payment of their placement fees. Said credit assistance schemes shall be deductible to the salary of the caregiver upon gainful employment abroad.

**SEC. 9. Marketing of our Graduates.** - Within sixty (60) days from the date of effectivity of this Act, the Department of Labor and Employment (DOLE) is hereby tasked to formulate a strategic marketing plan which highlight the marketing strategies and operational plan that will be adopted by our government so that our professional caregiver graduates will find placement and gainful employment in the global market for caregivers.

**SEC. 10. Monitoring the State of our Professional Caregivers.** - The Department of Labor and Employment (DOLE), in coordination with TESDA and POEA, is hereby tasked to conduct a comprehensive study on the state of our professional caregivers, particularly those caregivers who participated in the live-in caregiving program from other countries, taking into consideration the quality of their working conditions and employment status. The comprehensive study on the state of the caregiving supply and demand in the country, shall include the following variables:

- (1) The trends in the enrollment of students in our accredited caregiving training centers;
- (2) The socio-economic and demographic characteristics of students taking up caregiving courses;
- (3) The total number of recent graduates in the caregiving course and the need for caregivers based on medium-term and long-term projections;
- (4) The extent to which graduates of our caregiving training centers are satisfied with their educational and training preparations;
- (5) A market demand analysis on the general skills required by host countries for our caregiver professional; and
- (6) The status of the working conditions, salaries and benefit schemes and

renumerations of our professional caregivers who have been employed abroad through the various live-in caregiving programs.

Within two (2) years from the date of effectivity of this Act, the Department of Labor and Employment (DOLE) shall make a report to both Houses of Congress on the results of the study conducted by the Department for policy implication, *in aid of legislation*, in order to promote the welfare and well-being of our professional caregivers.

**SEC. 11. *Implementing Rules and Regulations (IRR).*** - Within six (6) months from the date of effectivity of this Act, the TESDA shall promulgate necessary *implementing rules and regulations* to implement the provisions of this Act.

**SEC. 12. *Repealing Clause.*** - All Laws, decrees, executive orders, rules and regulations or parts thereof not consistent with the provisions of this Act are hereby repealed or modified accordingly.

**SEC. 13. *Separability Clause.*** - If any provision or part of this Act, or the application thereof to any person or circumstance, is held unconstitutional or invalid, the remainder of this Act shall not be affected thereby.

**SEC. 14. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days from the date of its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

***Approved,***