

SENATE  
S. No. **1823**

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Introduced by Senator Miriam Defensor Santiago

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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.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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<sup>1</sup> Originally filed in the fourteenth congress.

Introduced by Senator Miriam Defensor Santiago

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

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

4             SECTION 1. Short Title. - This Act shall be known as the "Nanny Agency Licensure and  
5 Regulation Act."

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

9             SECTION 3. Definition of Terms. -For purposes of this Act, the term:

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

1 (B) "Nanny" mean any person who is placed by an agency or company in a private  
2 residence and who lives within or without the home, for the purposes of performing  
3 child care services and duties, in the capacity of a primary child care worker on a full  
4 time or regular basis.

5 SECTION 4. Licensure Process. - The Department of Labor and Employment is hereby  
6 authorized and directed to establish, implement, provide oversight to, and promulgate regulations  
7 for, a licensure and approval process for nanny placement or employment agencies.

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

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

16 SECTION 5. Standards and Criteria for Nannies. - The following standards and criteria  
17 shall be required of nannies, subject to conditions set forth in this section:

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

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

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

7 (D) Screening and background checks for criminal and juvenile conduct including  
8 psychological assessments, health and medical examinations, school records and  
9 attendance, which shall be provided by nannies or solicited by the employment or  
10 placement agencies through school records, references from counselors, teachers, or  
11 other school personnel, police authorities, driving records, or through other means  
12 available and as approved by the Secretary.

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

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

22 SECTION 6. Quarterly Reports. - Nanny placement and employment agencies, as defined  
23 in section 3 this act, shall be required to provide quarterly reports to the Office of Child Care  
24 Services which shall include:

25  
26 (A) Its location and address, as well as those of all its branches or offices;

27 (B) The total number of nannies placed within Philippines;

1 (C) Any change in placement or disrupted placement, or, removal of a nanny from a  
2 placement and the reasons for the change or removal; the new placement location, if  
3 applicable;

4 (D) The dates of placement for each nanny and the duration of the placement;

5 (E) The numbers of children and their ages in the care of each nanny;

6 (F) The number of hours required for each nanny to provide child care, on a weekly  
7 basis;

8 (G) A summary of the training and education and other requirements of each nanny  
9 placed, and the location and duration of the education and training or other  
10 requirement;

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

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

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

19 SECTION 7. Penalties. - Any act of canvassing, enlisting, contracting, transporting,  
20 utilizing, hiring or procuring workers, including referring, contracting services, promising or  
21 advertising for employment, qualified nannies without first obtaining a license to do so from the  
22 Department shall be punishable by a penalty of imprisonment of arrest<sup>0</sup> mayor, or a fine of not  
23 more than Fifty Thousand Pesos (P50,000.00), or both, at the discretion of the court, taking into  
24 consideration all attending circumstances.

25 The owner, proprietor, or operator of any nanny placement or employment agency found  
26 canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, including  
27 referring, contracting services, promising or advertising for employment, qualified nannies  
28 without first obtaining a license to do so from the Department shall be punished by a penalty of

1 imprisonment of *prision correccional*, or a fine of not more than One Hundred Thousand Pesos  
2 (P100,000.00), or both, at the discretion of the court, taking into consideration all attending  
3 circumstances. If the owner, proprietor or operator of the establishment above is a corporation,  
4 trust or firm, partnership, association or any other entity, the penalty of imprisonment shall be  
5 imposed on the entity's responsible officers, including, but not limited to, the president, vice-  
6 president, chief executive officer, general manager, managing director or partner directly  
7 responsible therefore.

8         The maximum penalty above shall be imposed if the nannies offered for hire do not meet  
9 the standards and criteria set forth in this act, as well as those approved by the Department, and  
10 all other statutory and regulatory obligations, as the case may be. The maximum penalty shall  
11 also be imposed if a person has been previously convicted of any violation of this act.

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

18         SECTION 9. Separability Clause. - If any provision or part hereof, is held invalid or  
19 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
20 valid and subsisting.

21         SECTION 10. Repealing Clause. - Any law, presidential decree or issuance, executive  
22 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
23 with the provisions of this act is hereby repealed, modified or amended accordingly.

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

Approved.