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SENATE
Senate Bill No. 2336

Introduced by SENATOR CYNTHIA A. VILLAR

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

EXPLANATORY NOTE

Section 3 (2), Article XV of the 1987 Philippine Constitution states that:

“The State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.”

Likewise, in recognizing the role of the youth in nation-building, the State has declared it its policy to promote and protect their physical, moral, spiritual, intellectual, and social well-being.¹ It is with this mindset that Republic Act No. 6972, otherwise known as the “Barangay - Level Total Development and Protection of Children Act” and Republic Act No. 8980, otherwise known as “Early Childhood Care and Development (ECCD) Act” were promulgated.

R.A. No. 6972 concretized the State's recognition of the important role played by Day Care Centers in the development of the country's pre-school children while R.A. No. 8980 enhances this policy even further by institutionalizing a National System for Early Childhood Care and Development (ECCD) that is comprehensive, integrative and sustainable, that involves multi-sectoral and inter-agency collaboration at the national and local levels among government; among service providers, families and communities; and among the public and private sectors, nongovernment organizations, professional associations, and academic institutions.

Relative to these, considering the role that those at the Day Care Centers, the day care workers, play in molding the character and personality of the children entrusted to them, there is thus a need to address their welfare and the conditions of work provided them.

This bill thus guarantees to them security of tenure and provide them with the proper compensation befitting the status and role they perform. As they are charged with the responsibility of providing our children not only with pre-school training but a second family environment, our Day Care Workers should be supported in the best way the State could.

In view of the above premises, approval of this bill is earnestly sought.


CYNTHIA A. VILLAR

¹ Section 13, Article II of the 1987 Philippine Constitution

14 AUG -4 A11 306

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1 AN ACT
2 GRANTING THE MAGNA CARTA FOR DAY CARE WORKERS, PROVIDING FUNDS
3 THEREFOR AND FOR OTHER PURPOSES

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

6 **SECTION 1. Title.** – This Act shall be known as the "Magna Carta for Day Care
7 Workers".

8 **SEC. 2. Declaration of State Policy.** – The State recognizes the vital role of
9 children and the youth in nation-building and shall promote and protect their physical,
10 moral, spiritual, intellectual, and social well-being. Towards this end, it is the State's
11 policy to promote and improve the social well-being and economic welfare of day care
12 workers who provide pre-school education and social development service to the
13 children. The State shall likewise adopt policies that will protect the rights and enhance
14 the dignity of day care workers.

15 **SEC. 3. Coverage.** – This Act shall cover all persons engaged in the provision of
16 Early Child Development in government-sponsored day care centers whose primary
17 function is to assist in the provision of care, social development, education and other
18 needs of the children

19 **SEC. 4. Qualification.** – A Day Care Worker must be of legal age, possesses at
20 least a career sub-profession eligibility and must have training in Early Childhood Care
21 and Development, *Provided*, however, that an incumbent day care worker who has
22 been serving for the last five (5) years upon approval of this Act and who does not meet
23 the prescribed educational qualification standard shall not be disqualified, *Provided*,
24 *further*, that such day care worker shall complete the Day Care Worker training course
25 provided by Department of Social Welfare and Development (DSWD) within one (1)
26 year from the effectivity of this Act

27 **SEC. 5. Recruitment.** – A qualified Day Care Worker shall file his/her application
28 with the local government unit concerned. Under no circumstances shall an applicant for
29 the position of Day Care Worker be discriminated against on the basis of gender,
30 religion, age, status, race or political affiliation.

31 **SEC. 6. Salary.** – A qualified Day Care Worker shall receive a salary equivalent
32 to:

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

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

1 Level 3 – College graduate level shall receive salary equivalent to
2 salary grade 10.

3 **SEC. 7. Working Hours.** – A qualified Day Care Worker is required to render
4 eight (8) working hours a day or a total of forty (40) working hours a week, *Provided*,
5 that the municipal social welfare officer may require a Day Care Worker to render
6 services beyond his/her required working hours during emergency situations such as
7 natural and manmade calamities.

8 **SEC. 8. Additional Compensation and Allowances.** – Qualified Day Care Workers
9 shall be provided additional compensation for services rendered beyond the required
10 working hours.

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

12 **SEC. 9. Married Day Care Workers.** - Whenever possible, married couples who
13 are both Day Care Workers shall be assigned in the same municipality or city.

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

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

21 **SEC. 12. Free Medical Examination and Treatment.** – Pre-employment and
22 annual medical examinations shall be provided by government hospitals, free of charge,
23 to all Day Care Workers. Day Care Workers suffering from work-related ailments shall
24 be treated free of charge in government hospitals.

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

30 **SEC. 14. Freedom to Organize.** – Day Care Workers shall have the freedom to
31 organize themselves without prior communications with the local government units to
32 which they are assigned. Organizations of Day Care Workers shall be consulted in the
33 formulation of national policies and programs that will benefit the sector. Under no
34 circumstance shall any Day Care Worker be dismissed on the basis of his/her
35 membership in any organization of Day Care Workers.

36 **SEC. 15. Code of Conduct for Day Care Workers.** – Within six (6) months upon
37 approval of this Act, the Department of Social Welfare and Development (DSWD), in
38 consultation with the national organization of Day Care Workers, shall formulate a Code
39 of Conduct for Day Care Workers. Each Day Care Worker shall be provided a copy of
40 the Code.

41 **SEC. 16. Support from Non-Government Organizations.** – Non-government
42 organizations or private volunteer organizations are hereby encouraged to assist the
43 government in the implementation of programs and projects for Day Care Workers.

44 **SEC. 17. Implementing Rules and Regulations.** – The Department of Interior and
45 Local Government (DILG) and DSWD, in consultation with the Civil Service Commission
46 (CSC) and the national organization of Day Care Workers shall formulate the rules and

1 regulations necessary to implement the provisions of this Act within six (6) months from
2 its effectivity.

3 **SEC. 18. Appropriations.** – Salaries and benefits of Day Care Workers shall be
4 charged to the local government units concerned. Training needs of Day Care Workers
5 shall be charged to the annual appropriations of the DSWD.

6 **SEC. 19. Penal Provisions.** – Any person who violates the provisions of this Act
7 shall be punished with a fine of not less than Five Thousand Pesos (P5,000.00) and/or
8 imprisonment of not less than two (2) months but not more than one (1) month, or both
9 at the discretion of the Court.

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

12 **SEC. 20. Separability Clause.** – If any provision or part hereof, is held invalid or
13 unconstitutional, the remainder of the law or the provision not otherwise affected shall
14 remain valid and subsisting.

15 **SEC. 21. Repealing Clause.** – All laws, decrees, executive orders, and rules and
16 regulations inconsistent with this Act are hereby repealed or modified accordingly

17 **SEC. 22. Effectivity.** – This Act shall take effect fifteen (15) days after its
18 publication in the Official Gazette or in any newspaper of general circulation.

19 *Approved,*