

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

SENATE
OFFICE OF THE SECRETARY

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Estrada

SENATE

S.B. No. **1032**

Introduced by Senator Jinggoy Ejercito Estrada

EXPLANATORY NOTE

The quality of the city of any country depends largely on the kind of care and attention they receive during childhood. Studies show that the first six years of childhood will determine what he will be as a youth and as an adult. For this reason, a child should be given the opportunity to develop their cognitive, persona/social and language skills at an early age.

The passage of Republic Act No. 6972 known as the "*Barangay-Level Total Development & Protection of Children Act*" provides, among others for the establishment of a day care center in every barangay. However, with the advent of devolution not all barangays have day care centers.

Adversely affected, more than the day care workers, themselves are the children who are recipients of DCS. As such, day care workers should be provided with security of tenure by creating permanent plantilla positions in the local government units. Further, they should be given compensation commensurate to their expertise and workload. Opportunities for self-development should be made available top them.

Needless to say, we must not leave the future of our children to chance. Let use secure their bright by safeguarding the economic and social development of our day care workers.


JINGGOY EJERCITO ESTRADA
Senator

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**AN ACT
PROVIDING A MAGNA CARTA FOR DAY CARE WORKERS**

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

CHAPTER 1 – Basic Principles

SECTION 1. Title – This Act shall be known as the “*Magna Carta for Day Care Workers.*”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to promote and improve the social and economic status of day care workers. Towards this end, the state shall adopt policies that will protect the rights of the day care workers and promote their welfare:

SEC. 3. Coverage. – This Act shall cover all persons engaged in providing early Childhood Development in government sponsored day care centers. The day care worker’s primary function is to assist in the care of the children and provide consultative and provide consultative services for social, educational, and other of the children.

CHAPTER 2 – Recruitment and Qualification

SEC. 4. Qualifications – A day care workers must be legal age, must possess a career sub-professional eligibility and must have sufficient training in Early Childhood Care and Development. Provided, however, that an incumbent day care worker who has been serving for the last five (5) Years upon approval of this Act does not meet the prescribed education finish the day care worker training course provided by the Department of Social welfare and development (DSWD) within one (1) after the effectivity of this Act.

SEC. 5. Recruitment. – A qualified day care worker shall file his/her application with the local government unit concerned. under no circumstances shall a day care worker be discriminated on the basis of gender, religion, age, status, race or political affiliation.

CHAPTER 3 – Remuneration and Working Conditions

SEC. 6. Salary. – A day care worker shall receive a salary equivalent to:

Level 1 – High School Level to Below second year college and length of at least five (5) years shall receive salary grade;

Level 2 – Second Year College Level shall receive salary equivalent to salary grade 8; and

Level 3 – College Graduate Level shall receive salary equivalent to salary grade 10

SEC. 7. Working Hours. – A day care worker is required eight (8) working hours a day or forty (40) working hours a week; Provided, that, the municipal social worker officer may require a day care worker to render services beyond his/her required working hours.

SEC. 8. Additional Compensation and Allowances. – Day care workers shall provided with additional compensation for services rendered beyond the required working hours per day or a total of 40 hours per week.

SEC. 9. Special Hardship Allowance. – At such rates as may be determine by the local government unit concerned, day care workers shall be entitled to a special hardship allowance depending on the hazards/risks faced at the place of assignment.

SEC. 10. Married Day Care workers. – Whenever possible, married couples who are both day care workers shall be assigned in the same municipality or city.

SEC. 11. Transfer and Tenure of Office. – No day care worker shall be transferred from one center to another without his/her prior knowledge and/or consent.

As provided under existing laws, no day care worker shall be terminated from work without due cause.

CHAPTER 4 – Other Benefits

SEC. 12. *Leave and Benefits* – As provided under existing Laws, a day care worker is entitled to maternity and/or paternity, sick and vacation leave.

Day care workers with outstanding work performance based on evaluation may avail of study leave.

SEC. 13. *Free Medical Examination and Treatment.* – Pre-employment and annual medical examination shall be provided by the government Hospitals free of charge, to all day care workers. Day care workers suffering from work-related ailments shall be treated free of charge in government hospitals.

SEC. 14. *Insurance and Retirement Benefits.* – Qualified day care workers shall automatically become member of the Government Service Insurance (GSIS)

Day care workers, having fulfilled the age service requirements of the applicable retirement laws, shall be given a one-step salary grade upon retirement which shall be the basic of computation for retirement pay and retirement benefits.

CHAPTER 5 – Organization of Day Care Workers

SEC. 15. *Freedom to Organize.* – Day care worker shall have the freedom to organize themselves without prior consultation with the local government units to which they are assigned.

The different organization of day care workers shall be consulted in the formulation of national policies and programs that will benefit the sector.

Under no circumstances shall any care worker be dismissed on the basis of his/her membership in any organization of day care workers.

CHAPTER 6 – Final Provisions

SEC. 16. Code of Conduct for Day Care Worker. – Within six (6) months upon the approval of this Act, the DSWD, in consultation with national organization of the day care worker, shall formulate a code of conduct for day care workers. Each day care workers shall be provided with a copy of the code.

SEC. 17. Support from Non-Government Organizations. – None-Government Organizations or private volunteer organizations are hereby encourage to assist the government in the implementation of programs and project of day care workers.

SEC. 18. Rules and Regulations – The Department of Interior and Local Government (DILG) and the DSWD, in consultation with the Civil Service Commission (CSC), and the national organization for day care workers, shall formulate the rules and regulations necessary to implement the provisions of this Act within six (6) months after the effectivity of this Act.

SEC. 19. Appropriations – Salaries and other benefits for day care workers shall be charged to the local government unit concerned. Training needs of day care workers shall be charged to annual appropriations of the DSWD.

SEC. 20. Penal Provisions. – Any person who violates this Act shall be punished with a fine of not less that Five Thousand (Php5,000.00) and/or imprisonment of not less than two (2) months but not more that one (1) year at the court.

If the offender is a public officials, he/she shall, in additional to the penalties stated above, be dismissed from government service

SEC. 21. Separability Clause. – If any provision of this Act shall be held unconstitutional, or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force effect.

SEC. 22. Repealing Clause. – All laws, decrees, executive orders, and rules and regulations inconsistent with or contrary to this Act hereby repealed or modified accordingly.

SEC. 23. Effectivity. – This Act take effect fifteen (15) days after its publications in any two (2) newspaper of general circulation.

Approved,