


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SENATE

Senate Bill No. 1115

RECEIVED BY: 

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 In keeping with this constitutional guarantee, Republic Act No. 6972 or the "*Barangay - Level Total Development and Protection of Children Act*" and Republic Act No. 8980 or the "*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, and directing the adoption of ECCD Curriculum that focuses on children's total development and promotes the delivery of complementary and integrative services for health care, nutrition, early childhood education, sanitation, and cultural activities.

Fulfilling the objectives embodied in those two (2) laws takes efforts, particularly for those in the forefront of service delivery in our Day Care Centers – the Day Care Workers. As they play an instrumental role in molding the character and personality of the children entrusted to them, there is a need to address their welfare

¹ Section 13, Article II of the 1987 Philippine Constitution

and the conditions of work provided them so that ultimately, they can perform their services well.

This bill guarantees security of tenure for the day care workers and provide them with the proper compensation befitting the status and role they perform. As they are charged with the responsibility of providing the 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 foregoing, I seek the approval of this bill.



CYNTHIA A. VILLAR



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Senate Bill No. 1115

RECEIVED BY: 

Introduced by **SENATOR CYNTHIA A. VILLAR**

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

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

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

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

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

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

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

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

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

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

8 Level 3 – College graduate level shall receive salary equivalent
9 to salary grade 10.

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

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

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

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

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

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

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

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

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

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

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

15 SEC. 17. *Implementing Rules and Regulations.* – The Department of Interior
16 and Local Government (DILG) and DSWD, in consultation with the Civil Service
17 Commission (CSC) and the national organization of Day Care Workers shall
18 formulate the rules and regulations necessary to implement the provisions of this Act
19 within six (6) months from its effectivity.

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

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

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

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

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

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

37 *Approved,*