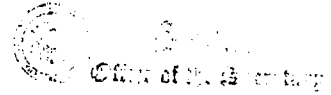


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

'18 JUL 30 A10 :55

S. NO. 1894

RECEIVED

Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
INSTITUTING THE MAGNA CARTA FOR CHILD DEVELOPMENT
WORKERS AND PROVIDING FUNDS THEREFOR

EXPLANATORY NOTE

Article II, section 13 of the 1987 Constitution declares that “the State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being.” Furthermore, Article XV, section 3 (2) requires the State to defend the right of children to assistance, including proper care and nutrition.

Guided by these dictates of the Constitution, Congress legislated Republic Act No. 6972, also known as the *Barangay-level Total Development and Protection of Children Act*, establishing a day care center in every barangay to provide a total development and protection program for children up to six (6) years old.

Likewise, Republic Act No. 8980, or the *Early Childhood Care and Development (ECCD) Act*, was enacted into law institutionalizing a comprehensive, integrative and sustainable National System for ECCD that involves a multi-sectoral and inter-agency collaboration among government, service providers, families and communities at the national and local levels.

More recently, Republic Act No. 10410, otherwise known as the *Early Years Act*, further strengthened the government’s program for our toddlers, recognizing age zero (0) to eight (8) as the first crucial stage of educational development and giving the ECCD Council the mandate to develop programs for those aged zero (0) to four (4)

and the Department of Education for those from age five (5) to eight (8). Under this law, Day Care Centers are henceforth called Child Development Centers (CDC) and its workers referred to as Child Development Workers.

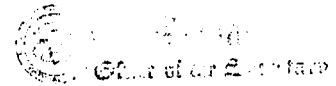
As of end-2016, data from the Department of Social Welfare and Development reveals that there were roughly 7,000 out of 41,000 barangays without CDCs and 49,568 child development workers catering to about 1.7 million young children. These workers, exercising special parental authority over children under their care, play a crucial role in the development of the minds of these children thereby requiring a commensurate response from government in ensuring that their work conditions are ideal and their needs are met.

Thus, this bill enacts a Magna Carta for Child Development Workers, securing their tenure, and providing the compensation and benefits that they justly deserve. It creates a Special Personnel Selection Board to ensure that the right people are in our CDCs and mandates the formulation of a Code of Conduct to guide these workers.

With millions of our youth dependent on them, it is high time for government to recognize their important role in society and grant them as much support as possible to ensure that they are cared for the way they care for our young.

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


LEILA M. DE LIMA



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AN ACT
INSTITUTING THE MAGNA CARTA FOR CHILD DEVELOPMENT
WORKERS AND PROVIDING FUNDS THEREFOR

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

1 Section 1. *Short Title.* – This Act shall be known as the “Magna Carta for Child
2 Development Workers Act of 2018.”

3 Sec. 2. *Declaration of Policy.* – The State recognizes the vital role of children
4 and youth in nation-building and shall promote and protect their physical, moral,
5 spiritual, intellectual, and social well-being. Towards this end, the State shall adopt
6 policies that will improve the social and economic welfare of child development
7 workers who provide pre-school education and social development services to
8 children.

9 Sec. 3. *Coverage.* – This Act covers all child development workers in Republic
10 Act No. 10410, otherwise known as the “Early Years Act of 2013”, herein defined as
11 persons primarily engaged in the provision of early child development services and
12 programs such as care, social development, education, protection, and other needs of
13 children aged four (4) years old and below in all government-sponsored child
14 development centers.

15 Sec. 4. *Plantilla Positions and Security of Tenure in Child Development*
16 *Centers.* – At least one (1) Child Development Worker I and one (1) Child
17 Development Worker II plantilla positions shall be created in all child development
18 centers nationwide. As plantilla position holders, child development workers duly

1 appointed shall be protected and governed by civil service rules and regulations. No
2 child development worker shall be removed or transferred from office without just
3 cause, due process, or prior consultation with the concerned child development
4 worker.

5 *Sec. 5. Creation of Special Personnel Selection Board.* – A Special Personnel
6 Selection Board (SPSB) for child development worker positions shall be created to
7 screen candidates and create a pool of ten (10) qualified applicants for possible
8 appointment to the subject positions. The SPSB shall be composed of the local social
9 welfare and development officer (LSDWO) as chairperson, and the local health officer,
10 human resource management officer, and local government unit (LGU) first level
11 employees' representative as members.

12 *Sec. 6. Recruitment and Selection.* – Upon publication and posting by the local
13 Human Resource Management Office (HRMO) of vacant permanent child
14 development worker positions in particular child development centers, all qualified
15 applicants shall submit their application, together with complete requirements, to the
16 HRMO for preliminary evaluation; *Provided*, That all qualified incumbent child
17 development workers hired under casual, contractual, and job order employment
18 status shall automatically be considered candidates and given priority for
19 appointment to permanent child development worker positions.

20
21 The local chief executive, as the appointing authority, shall exercise sound
22 discretion in appointing, from the SPSB-recommended pool, a child development
23 worker in a particular child development center. Under no circumstances shall an
24 applicant be discriminated against on the basis of gender, religion, age, status, race,
25 or political affiliation.

26 *Sec. 7. Qualifications, Positions and Salary Grade.* – A child development
27 worker possessing the following qualifications shall be hired to the position of:

28 (a) Child Development Worker I, with Salary Grade 6:

- 29 1) Must be of legal age;
30 2) Must have completed at least two (2) years of college education or its
31 equivalent;

- 1 3) Must be certified by the Department of Social Welfare and
2 Development (DSWD) or DSWD-deputized entities to have complied
3 with existing requisites and trainings in early childhood care and
4 development;
5 4) Must not have been convicted by final judgment of any crime; and,
6 5) Must not have a pending case in relation to Republic Act No. 7610,
7 otherwise known as the "Special Protection of Children Against
8 Abuse, Exploitation and Discrimination Act".

9 Child development workers legitimately serving as such upon the
10 approval of this Act who are above seventeen (17) years old but below
11 eighteen (18) years old and do not possess any of the above-stated
12 disqualifications, shall continue in service and are considered qualified
13 to be covered under this Act; *Provided*, That their retention is
14 recommended by their direct superviso on the basis of their
15 performance

16 Child development workers who have no college education upon the
17 approval of this Act shall be given two (2) years within which to complete
18 equivalent training to be able to continue in the service, in accordance
19 with Section 12 of this Act. The necessary training courses shall be
20 prescribed by the DSWD.

- 21 (b) Child Development Worker II, with Salary Grade 8, must possess the same
22 qualifications mentioned in paragraph (a) of this section and must have five
23 (5) years of work experience and at least twelve (12) hours of relevant
24 training.

25 Qualifications and exceptions applicable to this section shall be subject to
26 conditions imposed by the Civil Service Commission (CSC).

27 Sec. 8. *Normal Working Hours.* – The normal hours of work of any child
28 development worker shall not exceed eight (8) hours a day or forty (40) hours a week;
29 *Provided*, That the LSWDO may require child development workers to render services
30 beyond their required working hours during emergency situations such as natural and
31 man-made calamities.

1 *Sec. 9. Code of Conduct of Child Development Workers.* – Within six (6)
2 months from the approval of this Act, the Early Childhood Care and Development
3 Council (ECCDC), in consultation with a national organization of child development
4 workers, shall formulate a Code of Conduct for Child Development Workers. Each
5 child development worker shall be provided with a copy of the Code at the expense of
6 the government.

7 *Sec. 10. Additional Compensation and Allowances.* – Child development
8 workers shall be provided with the following additional compensation, whenever
9 applicable:

- 10 a) Overtime Pay – for services rendered beyond the required working hours as
11 prescribed in Section 8 hereof;
- 12 b) Hazard Allowance – child development workers in rural and urban areas,
13 exposed to situations, conditions, or factors in the work environment or
14 place where foreseeable but unavoidable danger or risks exist which
15 adversely endanger their health or life and/or increase the risk of producing
16 adverse effect on their person in the exercise of their duties, to be validated
17 by the proper authorities, shall be entitled to hazard allowance in an amount
18 to be determined by the LSDWO of the local government unit concerned;
- 19 c) Subsistence Allowance – Child development workers who render service
20 within the premises of an isolated Child Development Center shall be
21 entitled to subsistence allowance equivalent to the meals they take in the
22 course of their duty, which shall be computed in accordance with prevailing
23 circumstances as determined by the local government unit concerned.

24 *Sec. 11. Other Benefits and Privileges.* – Child development workers shall be
25 entitled to the following additional benefits and privileges:

- 26 a) Married Child Development Workers – Whenever possible, married
27 couples who are both child development workers shall be assigned in the
28 same municipality or city;
- 29 b) Free Legal Services – Legal representation and consultation services for
30 child development workers shall be immediately provided by the Public
31 Attorney's Office in civil and criminal cases filed by or against child

1 development workers arising out of or in connection with the performance
2 of their duties as such;

3 c) Free Medical Examination and Treatment – Annual medical examinations
4 shall be provided by government hospitals, free of charge, to all child
5 development workers. Child development workers suffering from work-
6 related ailments shall be treated without cost in government hospitals;

7 d) Access to Livelihood, Loans, Grants, and Skills Enhancement – The DSWD
8 and the LGUs, in coordination with other concerned government agencies,
9 shall provide organized child development workers with a mechanism for
10 accessing livelihood, loans, grants, and skills enhancement services.

11 *Sec. 12. Training, Education and Skills Enhancement.* – The ECCDC, in
12 coordination with the Commission on Higher Education (CHED) and the Technical
13 Education and Skills Development Authority (TESDA), shall provide for a system of
14 continuing education, skills training, and knowledge enhancement programs for child
15 development workers.

16 The CHED and TESDA shall adopt an equivalency system of education that
17 shall recognize and duly credit the actual work experiences and prior learning of child
18 development workers as formal or academic training units.

19 *Sec. 13. Support from Non-governmental Organizations (NGOs).* – Non-
20 governmental organizations or private volunteer organizations are hereby encouraged
21 to assist or support the government in the implementation of programs and projects
22 for child development workers. Pursuant thereto, all Child Development Centers may
23 accept such assistance or support from NGOs.

24 *Sec. 14. Appropriations.* – The amount necessary to cover the salaries and
25 benefits of child development workers shall be charged from the Internal Revenue
26 Allotment (IRA) and the Special Education Fund (SEF) of LGUs concerned; *Provided,*
27 That the national government shall provide subsidy for at least one (1) child
28 development worker per center in the fourth, fifth, and sixth class municipalities.

29 *Sec. 15. Implementing Rules and Regulations.* – Within six (6) months from
30 the approval of this Act, the DSWD, ECCDC, and the Department of Interior and Local
31 Government, in consultation with the CSC and a national organization of child

1 development workers, shall promulgate the necessary rules and regulations to
2 implement the provisions of this Act.

3 Sec. 16. *Separability Clause.* – If any provision of this Act is declared
4 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall
5 continue to be in full force and effect.

6 Sec. 17. *Repealing Clause.* – Section 6 of Republic Act No. 6972, otherwise
7 known as the “Barangay-level Total Development and Protection of Children Act” and
8 all laws, executive orders, presidential decrees, presidential proclamations, letters of
9 instruction, rules and regulations or parts thereof which are inconsistent with the
10 provisions of this Act are hereby repealed or modified accordingly.

11 Sec. 18. *Effectivity.* – This Act shall take effect fifteen (15) days following its
12 publication in the Official Gazette or in two (2) newspapers of general circulation in
13 the Philippines.

Approved,