

**SEVENTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES**

Third Regular Session



Senate
Office of the Secretary

'18 AUG -9 A9:48

SENATE
S.B. NO. 1926

RECEIVED

Introduced by Senator Maria Lourdes Nancy S. Binay

**AN ACT
GRANTING THE MAGNA CARTA FOR DAY CARE WORKERS**

EXPLANATORY NOTE

Article II, Section 12 of the 1987 Philippine Constitution provides:

"The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and development of moral character shall receive the support of the Government."

Article II, Section 18 of the 1987 Philippine Constitution provides:

"The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."

In November 1990, Republic Act. No. 6972, otherwise known as the Barangay-level Total Development and Protection of Children Act was enacted. This law calls for the establishment of a day care center in every barangay and of the Total Development and Protection Program.

After 10 years, December 2000, Republic Act No. 8980, otherwise known as the Early Childhood Care and Development (ECCD) Act was legislated. This law seeks to promulgate a comprehensive policy and national system for Early Childhood Care and Development (ECCD).

These measures promote and safeguard the rights of children against all forms of neglect, abuse, cruelty, and other conditions prejudicial to their development. More importantly it recognizes the critical development stage of childhood from birth to six (6) years of age.

Daycare workers assist parents by tending to the needs of their children while they work by preparing meals for children, monitoring them for health, behavioral, and emotional concerns, maintaining their hygiene and ensuring that children are learning and socializing. They also ensure that the children are in a safe and clean environment. In this light daycare workers play a vital role in child development.

The proposed bill seeks to provide daycare workers security of tenure, appropriate living wage, and humane working conditions.

A handwritten signature in black ink, appearing to read 'ML Binay', is positioned above the printed name.

MARIA LOURDES NANCY S. BINAY
Senator



'18 AUG -9 A9 :48

SENATE
S.B. NO. 1926

RECEIVED

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT
GRANTING THE MAGNA CARTA FOR DAY CARE WORKERS

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

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

3
4 Sec. 2. *Declaration of Policy.* – It is the State's responsibility to defend the
5 right of children to assistance, including proper care and nutrition, and special
6 protection from all forms of neglect, abuse, cruelty, exploitation and other
7 conditions prejudicial to their development. It is also the State's concern and
8 responsibility to provide adequate remuneration for day care workers to enhance
9 their general welfare with the end in view of fulfilling the state policy of
10 defending the right of children.

11
12 Sec. 3. *Coverage.* – This Act shall cover all persons providing Early
13 Childhood Care and Development in all government-run day care centers and
14 non-stock, non-profit day care centers run by volunteers, people's organizations,
15 associations and non-government organizations.

16
17 Sec. 4. *Definition of Terms.* – For the purpose of this Act, the following
18 terms shall mean:

1 Early Childhood Care and Development (ECCD) – the full range of
2 health nutrition, early education and social service programs that
3 provide for basic holistic needs of young children from birth to age six
4 (6), to promote their optimum growth and development through
5 home-based and center-based program;

6
7 Day care centers – public, private or non-profit centers providing
8 ECCD service to Republic Act no. 8980 or The ECCD Act.

9
10 Sec. 5. *Qualifications.* – A day care worker must be of legal age and had
11 received adequate training in Early Childhood Care and Development from the
12 Department of Social Welfare and Development or its accredited organizations
13 and institutions. Under no circumstances may a day care worker applicant be
14 discriminated on the basis of gender, religion, age, status, ethnic groups,
15 educational attainment or political affiliation.

16
17 Sec. 6. *Security of Tenure.* – Stability on employment and security of
18 tenure shall be assured the daycare worker as provided under existing laws.

19
20 Incumbent day care workers not meeting requirements, specifically
21 training in ECCD, shall not be disqualified but will be required to finish a day care
22 worker training course to be administered by the Department of Social Welfare
23 and Development within one (1) year from the effectivity of this Act.

24
25 Regular day care workers shall not be terminated for cause provided by
26 law and after due process:

27
28 Provided, that if a day care worker is found by the Civil Service
29 Commission to be unjustly dismissed from work, the day care worker shall be
30 entitled to reinstatement without loss of seniority rights. Back wages with twelve

1 percent (12%) interest computed from the time compensation was withheld from
2 the time of reinstatement shall also be awarded.
3

4 Sec. 7. *Criteria for Salaries.* – Daycare workers' salaries shall correspond
5 to the following criteria:
6

7 (a) they shall compare favorably with those paid in other
8 occupations requiring equivalent or similar qualifications,
9 trainings and abilities; and

10 (b) they shall be such as to insure teachers a reasonable standard
11 of life for themselves and their families.
12

13 Sec. 8. *Working Hours.* – A day care worker is required to render eight (8)
14 working hours a day or a total of forty (40) working hours a week; *Provided,* that
15 the municipality/city social welfare officer may require a day care worker to
16 render service beyond working hours during emergency situations such as
17 calamities.
18

19 Sec. 9. *Benefits.* – Day care workers shall be provided with the following
20 benefits:
21

22 *Philhealth* – all day care workers shall be enrolled in the National
23 Insurance Program to be able to access personal health services;
24

25 *Social Security* – all day care workers shall be enrolled in the
26 Government Service Insurance System or the Social Security
27 System to be able to avail of retirement, disability, funeral and
28 other benefits;
29

1 *Cost of Living Allowance* – Daycare workers' salaries shall, at the
2 very least, keep pace with the rise in the cost of living by the
3 payment of a cost-of-living allowance which shall automatically
4 follow changes in a cost-of-living index. The Secretary of Social
5 Welfare and Development shall, in consultation with the proper
6 government entities, recommend to Congress, at least annual, the
7 appropriation of necessary funds for the cost-of-living allowances of
8 the daycare workers.

9
10 *Hazard Allowance* – day care workers in both urban and rural
11 places, exposed to situations and conditions with foreseeable but
12 unavoidable danger or risks such as strife-torn areas and areas
13 under a state of calamity shall be compensated with hazard
14 allowance to be determined by the local government unit.

15
16 *Over time work* – where exigencies of the so require, any public
17 health worker may be required to render service beyond the normal
18 eight (8) hours a day. In such a case, the workers shall be paid an
19 additional compensation in accordance with existing laws and
20 prevailing practices.

21
22 *Retirement benefits* – all day care workers will receive retirement
23 benefits once they have reached the age and fulfilled service
24 requirements under existing laws.

25
26 *Free legal assistance* – in case of political-motivated or work-related
27 harassment, government will provide free legal assistance to day
28 care workers to uphold and protect their rights.

1 Sec. 10. *Right to Self-Organization.* – Day care workers shall have the
2 right to freely form, join or assist organizations or unions in order to defend and
3 protect their mutual interests and to obtain redress of their grievances.
4

5 Sec. 11. *Married Day Care Workers.* – Whenever possible the proper
6 authorities shall take steps to enable married couples, both of whom are day
7 care workers, to be employed or assigned in the same municipality.

8 Sec. 12. *Participation Fee.* – Day care workers shall in on way be required
9 to shell out their own money to spend for electricity and rent of their center. If
10 the participation fee set by the local government is inadequate, it is the LGUs
11 responsibility to pay for necessary utilities required to operate the day care
12 center.
13

14 Sec. 13. *Training, Education and Career Enhancement.* – The Department
15 of Social Welfare and Development, in coordination with the Department of
16 Education and other concerned government agencies and non-government
17 organizations, shall organize training and education programs as well as provide
18 opportunities for scholarships and continuing education.
19

20 Sec 14. *Implementing Rules and Regulations.* – The Department of Social
21 Welfare and Development (DSWD), in consultation with the Department of
22 Budget and Management (DBM) and the Department of Education (DepEd), shall
23 promulgate the necessary rules and regulations to implement this Act.
24

25 Sec. 15. *Appropriations.* – The budget needed to implement provisions of
26 this Act shall be included in the annual General Appropriations Act. Training costs
27 shall be appropriated under the DSWD.
28

29 Sec. 16. *Penal Provisions.* – Any person who shall willfully interfere with,
30 restrain or coerce any day care worker in the exercise of his/her rights or shall in

1 any manner violate any provision of this Act, upon conviction, shall be punished
2 by a fine of less than Twenty thousand pesos (P20,000.00) or imprisonment of
3 not more than one (1) year or both at the discretion of the court.

4
5 Sec. 17. *Constitutionality*. – Should any provision of this Act be declared
6 invalid or unconstitutional, the validity or constitutionality of the other provisions
7 shall not be affected thereby.

8 Sec. 18. *Repealing Clause*. – All laws, decrees, letters of instructions,
9 resolutions, orders, ordinances or parts thereof which are inconsistent with the
10 provisions of this Act, are hereby repealed, amended, or modified accordingly.

11
12 Sec. 19. *Effectivity Clause*. – This Act shall take effect fifteen (15) days
13 after its publication in two (2) newspapers of general circulation.

Approved,