

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



SENATE

'18 NOV 29 A10 :51

COMMITTEE REPORT NO. 523

RECEIVED

Submitted by the Committees on Social Justice, Welfare and Rural Development; Civil Service, Government Reorganization and Professional Regulation; and Finance on NOV 29 2018

Re: Senate Bill No. 2118

Recommending its approval in substitution of Senate Bill Nos. 1115, 1894 and 1926, taking into consideration House Bill No. 6550.

Sponsor: Senator Leila M. de Lima

MR. PRESIDENT:

The Committees on Social Justice, Welfare and Rural Development; Civil Service, Government Reorganization and Professional Regulation; and Finance to which were referred **Senate Bill No. 1115**, introduced by Senator Cynthia A. Villar and Senator Joseph Victor G. Ejercito, entitled:

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

Senate Bill No. 1894, introduced by Senator Leila M. de Lima, entitled:

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

Senate Bill No. 1926, introduced by Senator Maria Lourdes Nancy S. Binay, entitled:

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

taking into consideration **House Bill No. 6550**, introduced by Representatives Romero Quimbo, Emmeline Aglipay-Villar, Linabelle Ruth R. Villarica, Rosenda Ann Ocampo, et. Al, entitled :

**“AN ACT
INSTITUTING THE MAGNA CARTA OF DAY CARE
WORKERS AND PROVIDING FUNDS THEREFOR”**


have considered the same and have the honor to report it back to the Senate with recommendation that the attached Senate Bill No. ²¹¹⁸_____ prepared by the Committee, entitled:

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


be approved in substitution of Senate Bill Nos. 1115, 1894 and 1926, taking into consideration House Bill No. 6550 with Senators Villar, Ejercito, De Lima and Binay as authors thereof.

RESPECTFULLY SUBMITTED:

Chairpersons

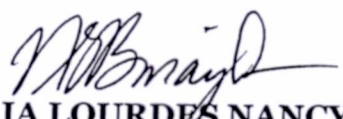

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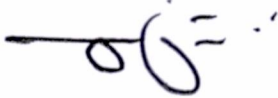

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~~Committee~~ - *careful*
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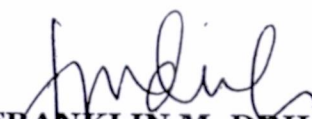
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Minority Leader


RALPH G. RECTO
President Pro-Tempore



SENATE

*18 NOV 29 A10 :51

S. NO. 2118

(In substitution of Senate Bill Nos. 1115, 1894 and 1926, taking into consideration House Bill No. 6550)

Prepared by the Committees on Social Justice, Welfare and Rural Development; Civil Service, Government Reorganization and Professional Regulation; and Finance with Senators Villar, Ejercito, De Lima and Binay as authors

**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
2 Child Development Workers.”

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 care centers.

14 **Sec. 4. Plantilla Positions and Security of Tenure in Child Development**
15 **Centers.** – At least one (1) Child Development Worker I and one (1) Child

1 Development Worker II plantilla positions shall be created in all child development
2 centers nationwide. The duly appointed child development workers shall enjoy
3 security of tenure and shall be protected and governed by civil service rules and
4 regulations. No child development worker shall be removed or transferred from office
5 without just cause, due process, or prior consultation with the concerned child
6 development worker.

7 **Sec. 5. *Creation of Special Personnel Selection Board.*** – A Special Personnel
8 Selection Board (SPSB) for child development worker positions shall be created to
9 screen candidates and create a pool of at least three (3) qualified applicants for
10 possible appointment to the subject positions. The SPSB shall be composed of the local
11 social welfare and development officer (LSDWO) as chairperson, and the local health
12 officer, human resource management officer, and local government unit (LGU) first
13 level employees' representative as members.

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

22 The local chief executive, as the appointing authority, shall exercise sound
23 discretion in appointing, from the SPSB-recommended pool pursuant to Sec. 5 of this
24 Act, a child development worker in a particular child development center. Under no
25 circumstances shall an applicant be discriminated against on the basis of gender,
26 religion, age, status, race, or political affiliation.

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

- 29 a. Child Development Worker I, with Salary Grade 6, must possess the
30 following qualifications:
31 1. Must be of legal age;

- 1 2. Must have completed at least the K-12 Program or two (2) years of
2 college education or its equivalent;
- 3 3. Must be certified by either the ECCDC council or the deputized local
4 Social Welfare and Development Office (LSWDO) to have complied with
5 existing requisites and trainings in early childhood care and
6 development;
- 7 4. Must not have been convicted by final judgment of any crime; and,
- 8 5. Must not have a pending case in relation to Republic Act No. 7610,
9 otherwise known as the "Special Protection of Children Against Abuse,
10 Exploitation and Discrimination Act" and other similar laws protecting
11 children.

12 Child development workers legitimately serving as such upon the approval of
13 this Act who are above seventeen (17) years old but below eighteen (18) years old and
14 does not possess any of the above-stated disqualifications, shall continue in service to
15 serve as such and are considered qualified to be covered under this Act; Provided, That
16 their retentions had been recommended by their direct supervisor on the basis of their
17 performance.

18 Child development workers who have not completed the K-12 Program and
19 have no college education upon the approval of this Act shall be given two (2) years
20 within which to complete equivalent training to be able to continue in the service, in
21 accordance with Section 12 of this Act. The necessary training courses shall be
22 prescribed by the ECCDC Council.

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

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

29 **Sec. 8. Normal Working Hours.** – The normal hours of work of any child
30 development worker shall not exceed eight (8) hours a day or forty (40) hours a week;
31 Provided, that the LSWDO may require child development workers to render services

1 beyond their required working hours during emergency situations such as natural and
2 man-made calamities.

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

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

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

27 **Sec. 11. Right to Self-Organization.** – Day care workers shall have the right to
28 freely form, join or assist organizations in order to defend and protect their mutual
29 interests and to obtain redress of their grievances.

30 **Sec. 12. Other Benefits and Privileges.** – Child development workers shall be
31 entitled to the following additional benefits and privileges:

- 1 a. Married Child Development Workers – Whenever possible, married
2 couples who are both child development workers shall be assigned in the
3 same municipality or city;
- 4 b. Free Legal Services – Legal representation and consultation services for
5 child development workers shall be immediately provided by the Public
6 Attorney’s Office in civil and criminal cases filed by or against child
7 development workers arising out of or in connection with the performance
8 of their duties as such;
- 9 c. Free Medical Examination and Treatment – Annual medical examinations
10 shall be provided by government hospitals, free of charge, to all child
11 development workers. Child development workers suffering from work-
12 related ailments shall be treated without cost in government hospitals; and
- 13 d. Access to Livelihood, Loans, Grants, and Skills Enhancement – The DSWD
14 and the LGUs, in coordination with other concerned government agencies,
15 shall provide organized child development workers with a mechanism for
16 accessing livelihood, loans, grants, and skills enhancement services.

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

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

25 **Sec. 14. *Support from Non-governmental Organizations (NGOs), Private***
26 ***Volunteer Organizations and Other Private Institutions.*** – Non-governmental
27 organizations or private volunteer organizations, and other private institutions shall
28 be encouraged to assist or support the government in the implementation of programs
29 and projects for child development workers. Pursuant thereto, all Child Development
30 Centers may accept such assistance or support from NGOs.

31 **Sec. 15. *Appropriations.*** – The amount necessary to cover the salaries and
32 benefits of child development workers shall be charged from the Internal Revenue

1 Allotment (IRA), Special Education Fund (SEF) and Gender and Development (GAD)
2 Fund of LGUs concerned; Provided, That the national government shall provide
3 subsidy for at least one (1) child development worker per center in the fourth, fifth,
4 and sixth class municipalities. A portion of the contribution of the Philippine
5 Amusement and Gaming Corporation (PAGCOR), as provided under Republic Act no.
6 10410, as well as additional funds generated from donations, fees, and contributions
7 collected by the ECCDC from whatever source, shall be set aside for the purpose.

8 **Sec. 16. *Implementing Rules and Regulations.*** – Within six (6) months from
9 the approval of this Act, ECCDC, in consultation with DSWD, and the DILG, shall
10 promulgate the necessary rules and regulations to implement the provisions of this
11 Act.

12 **Sec. 17. *Penal Provisions.*** – It shall be unlawful to violate the right of any child
13 development worker to security of tenure, to deprive them of any rights as provided
14 under this law, or condition the same on political support for any public official. Any
15 person who violates the provisions of this Act shall be punished with a fine of not less
16 than Twenty Thousand Pesos (P20,000.00) or imprisonment of not less than two (2)
17 months but not more than one (1) year, or both at the discretion of the Court.

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

20 **Sec. 18. *Separability Clause.*** – If any provision of this Act is declared
21 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall
22 continue to be in full force and effect.

23 **Sec. 19. *Repealing Clause.*** – Section 6 of Republic Act No. 6972, otherwise
24 known as the “Barangay-level Total Development and Protection of Children Act” and
25 all laws, executive orders, presidential decrees, presidential proclamations, letters of
26 instruction, rules and regulations or parts thereof which are inconsistent with the
27 provisions of this Act are hereby repealed or modified accordingly.

28 **Sec. 20. *Effectivity.*** – This Act shall take effect fifteen (15) days following its
29 publication in the Official Gazette or in two (2) newspapers of general circulation in
30 the Philippines.

Approved,