

**EIGHTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES**  
First Regular Session

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Senate  
Office of the Secretary

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SENATE  
S.B. NO. 120

RECEIVED

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Introduced by Senator Maria Lourdes Nancy S. Binay

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

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."

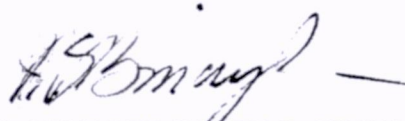
In November 1990, Republic Act No. 6972, otherwise known as the Barangay-level Total Development and Protection of Children Act was enacted. This law calls for the establishment of a day care center in every barangay and of the Total Development and Protection Program.

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.



MARIA LOURDES NANCY S. BINAY  
Senator

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*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 Child Development Workers."

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

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

17

1           Sec. 4. *Plantilla Positions and Security of Tenure in Child Development*  
2 *Centers.* – At least one (1) Child Development Worker I and one (1) Child  
3 Development Worker II plantilla positions shall be created in all child  
4 development centers nationwide. The duly appointed child development workers  
5 shall enjoy security of tenure and shall be protected and governed by civil service  
6 rules and regulations. No child development worker shall be removed or  
7 transferred from office without just cause, due process, or prior consultation with  
8 the concerned child development worker.

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

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

28           The local chief executive, as the appointing authority, shall exercise sound  
29 discretion in appointing, from the SPSB-recommended pool pursuant to Sec. 5 of  
30 this Act, a child development worker in particular child development center.

1 Under no circumstances shall an applicant be discriminated against on the basis  
2 of gender, religion, age, status, race, or political affiliation.

3  
4 *Sec. 7. Qualifications, Positions and Salary Grade.* – A child development  
5 worker possessing the following qualifications shall be hired to the position of:

6 (A) Child Development Worker I, with Salary Grade 6, must  
7 possess the following qualifications:

8 (1) Must be of legal age;

9 (2) Must have completed at least the K-12 Program or  
10 two (2) years of college education or its equivalent;

11 (3) Must be certified by either the ECCDC council or the  
12 deputized local Social Welfare and Development  
13 Office (LSWDO) to have complied with existing  
14 requisites and trainings in early childhood care and  
15 development;

16 (4) Must not have been convicted by final judgment of  
17 any crime; and

18 (5) Must not have a pending case in relation to Republic  
19 Act No. 7610, otherwise known as the "Special  
20 Protection of Children Against Abuse, Exploitation  
21 and Discrimination Act" and other similar laws  
22 protecting children.

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

29 Child development workers who have not completed the K-12 Program  
30 and have no college education upon the approval of this Act shall be given two

1 (2) years within which to complete equivalent training to be able to continue in  
2 the service, in accordance with Section 12 of this Act. The necessary training  
3 courses shall be prescribed by the ECCDC Council.

4 (B) Child Development Worker II, with Salary Grade 8, must  
5 possess the same qualifications mentioned in paragraph (A) of  
6 this section and must have five (5) years of work experience  
7 and at least twelve (12) hours of relevant training.

8 Qualifications and exceptions applicable to this section shall be subject to  
9 conditions imposed by the Civil Service Commission.

10  
11 *Sec. 8. Normal Working Hours.* – The normal hours of work of any child  
12 development worker shall not exceed eight (8) working hours a day or forty (40)  
13 working hours a week; *Provided,* that the LSWDO may require child development  
14 workers to render service beyond their working hours during emergency  
15 situations such as natural disasters and man-made calamities.

16  
17 *Sec. 9. Code of Conduct of Child Development Workers.* – Within six (6)  
18 months from the approval of this Act, the Early Childhood Care and Development  
19 Council (ECCDC), in consultation with a national organization of child  
20 development workers, shall formulate a Code of Conduct for Child Development  
21 Workers. Each child development worker shall be provided with a copy of the  
22 Code at the expense of the government.

23  
24 *Sec. 10. Additional Compensation and Allowances.* – Child development  
25 workers shall be provided with the following additional compensation, whenever  
26 applicable:

27 (A) Overtime Pay – for services rendered beyond the required  
28 working hours as prescribed in Section 8 hereof;

29 (B) Hazard Allowance – child development workers in rural and  
30 urban areas, exposed to situations, conditions, or factors in

1 the work environment or place where foreseeable but  
2 unavoidable danger or risks exist which adversely endanger  
3 their health or life and/or increase the risk of producing  
4 adverse effect on their person in the exercise of their duties,  
5 to be validated by the proper authorities, shall be entitled to  
6 hazard allowance in an amount to be determined by the  
7 LSDWO of the local government unit concerned; and

8 (C) Subsistence Allowance – Child development workers who  
9 render service within the premise of an isolated Child  
10 Development Center shall be entitled to subsistence allowance  
11 equivalent to the meals they take in the course of their duty,  
12 which shall be computed in accordance with prevailing  
13 circumstances as determined by the local government unit  
14 concerned.

15  
16 Sec. 11. *Right to Self-Organization.* – Day care workers shall have the  
17 right to freely form, join or assist organizations in order to defend and protect  
18 their mutual interests and to obtain redress of their grievances.

19  
20 Sec. 12. *Other Benefits and Privileges.* – Child development workers shall  
21 be entitled to the following additional benefits and privileges:

22 (A) Married Child Development Workers – Whenever possible,  
23 married couples who are both child development workers shall  
24 be assigned in the same municipality or city;

25 (B) Free Legal Services – Legal representation and consultation  
26 services for child development workers shall be immediately  
27 provided by the Public Attorney's Office in civil and criminal  
28 cases filed by or against child development workers arising out  
29 of or in connection with the performance of their duties as  
30 such;

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

6 (D) Access to Livelihood, Loans, Grants, and Skills Enhancement –  
7 The DSWD and the LGUs, in coordination with other  
8 concerned government agencies, shall provide organized child  
9 development workers with a mechanism for accessing  
10 livelihood, loans, grants, and skills enhancement services.  
11

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

17 The CHED and TESDA shall adopt an equivalency system of education that  
18 shall recognize and duly credit the actual work experiences and prior learning of  
19 child development workers as formal or academic training units.  
20

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

28 Sec. 15. *Appropriations.* – The amount necessary to cover the salaries and  
29 benefits of child development workers shall be charged from the Internal  
30 Revenue Allotment (IRA), Special education Fund (SEF), and Gender and



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

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

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

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

23  
24       *Sec. 18. Separability Clause.* – If any provision of this Act is declared  
25 unconstitutional or invalid, other parts or provisions hereof not affected thereby  
26 shall continue to be in full force and effect.

27  
28       *Sec. 19. Repealing Clause.* – Section 6 of Republic Act No. 6972, otherwise  
29 known as the “Barangay-level Total Development and Protection of Children Act”  
30 and all laws, executive orders, presidential decrees, presidential proclamations,

1 letters of instructions, rules and regulations or parts thereof which are  
2 inconsistent with the provisions of this Act are hereby repealed or modified  
3 accordingly.

4

5       *Sec. 20. Effectivity Clause.* – This Act shall take effect fifteen (15) days  
6 after its publication in the Official Gazette or in two (2) newspapers of general  
7 circulation.

Approved,