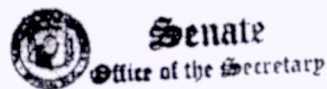


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'19 AUG 19 P 3 58

SENATE

S. No. 924

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 It is with this mindset that Republic Act No. 6972, otherwise known as the "Barangay-Level Total Development and Protection of Children Act" and Republic Act No. 8980, otherwise known as "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, that involves multi-sectoral and inter-agency collaboration at the national and local levels among government; among service

¹ Section 13, Article II of the 1987 Philippine Constitution

providers, families and communities; and among the public and private sectors, nongovernment organizations, professional associations, and academic institutions.

Relative to these, considering the role that those at the Day Care Centers, the day care workers, play in molding the character and personality of the children entrusted to them, there is thus a need to address their welfare and the conditions of work provided them.

This bill thus guarantees to them security of tenure and provide them with the proper compensation befitting the status and role they perform. As they are charged with the responsibility of providing our 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 above premises, approval of this bill is earnestly sought.


A handwritten signature in black ink, appearing to read 'Cynthia Villar', with a long horizontal flourish extending to the right.

CYNTHIA A. VILLAR

SENATE

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S. No. 924

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 Day
2 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
5 physical, moral, spiritual, intellectual, and social well-being. Towards this end, it is
6 the State's policy to promote and improve the social well-being and economic
7 welfare of day care workers who provide pre-school education and social
8 development service to the children. The State shall likewise adopt policies that will
9 protect the rights and 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 at
15 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

1 has been serving for the last five (5) years upon approval of this Act and who does
2 not meet the prescribed educational qualification standard shall not be disqualified,
3 *Provided, further,* that such day care worker shall complete the Day Care Worker
4 training course provided by Department of Social Welfare and Development (DSWD)
5 within one (1) year from the effectivity of this Act.

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

10 *Sec. 6. Salary.* – A qualified Day Care Worker shall receive a salary equivalent
11 to:

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

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

17 Level 3 – College graduate level shall receive salary equivalent to
18 salary grade 10.

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

24 *Sec. 8. Additional Compensation and Allowances.* – Qualified Day Care
25 Workers shall be provided additional compensation for services rendered beyond the
26 required working hours.

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

28 *Sec. 9. Married Day Care Workers.* – Whenever possible, married couples
29 who are both Day Care Workers shall be assigned in the same municipality or city.

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

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

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

13 Sec. 13. *Insurance and Retirement Benefits.* – Qualified Day Care Workers
14 shall automatically become members of the Government Service Insurance System
15 (GSIS). Day Care Workers, having fulfilled service requirements of the applicable
16 retirement laws, shall be given a one-step salary grade increase upon retirement
17 which shall be the basis of computation of retirement pay and other retirement
18 benefits.

19 Sec. 14. *Freedom to Organize.* – Day Care Workers shall have the freedom to
20 organize themselves without prior communications with the local government units
21 to which they are assigned. Organizations of Day Care Workers shall be consulted in
22 the formulation of national policies and programs that will benefit the sector. Under
23 no circumstance shall any Day Care Worker be dismissed on the basis of his/her
24 membership in any organization of Day Care Workers.

25 Sec. 15. *Code of Conduct for Day Care Workers.* – Within six (6) months upon
26 approval of this Act, the Department of Social Welfare and Development (DSWD), in
27 consultation with the national organization of Day Care Workers, shall formulate a
28 Code of Conduct for Day Care Workers. Each Day Care Worker shall be provided a
29 copy of the Code.

1 Sec. 16. *Support from Non-Government Organizations.* – Non-government
2 organizations or private volunteer organizations are hereby encouraged to assist the
3 government in the implementation of programs and projects for Day Care Workers.

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

9 Sec. 18. *Appropriations.* – Salaries and benefits of Day Care Workers shall be
10 charged to the local government units concerned. Training needs of Day Care
11 Workers shall be charged to the annual appropriations of the DSWD.

12 Sec. 19. *Penal Provisions.* – Any person who violates the provisions of this Act
13 shall be punished with a fine of not less than Fifty Thousand Pesos (P50,000.00)
14 and/or imprisonment of not less than six (6) months but not more than one (1)
15 month, or both at the discretion of the Court.

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

18 Sec. 20. *Separability Clause.* – If any portion or provision of this Act is
19 declared unconstitutional or invalid, the remainder of this Act or any provisions
20 hereof not affected thereby shall continue to be in force and effect.

21 Sec. 21. *Repealing Clause.* – Any law, presidential decree or issuance,
22 executive order, letter of instruction, rule or regulation inconsistent or contrary to
23 the provisions of this Act is hereby repealed or modified accordingly.

24 Sec. 22. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
25 following its complete publication in the Official Gazette or a newspaper of general
26 circulation.

27 *Approved,*