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2018-07-11

SENATE

Senate Bill No. 649

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The quality of citizen of any country depends largely on the kind of care and attention they receive during childhood. Studies show that the first six (6) years of childhood will determine what he will be as a youth and as an adult. For this reason, a child should be given the opportunity to develop his or her cognitive, personal, social and language skills at an early age.

The passage of Republic Act No. 6972 known as the "*Barangay-Level Total Development and Protection Act*," provided, among others, the establishment of a Day Care Center in every barangay. However, with the advent of devolution, not all barangay have day care centers.

Adversely affected, more than the day care workers, themselves, are the children who are recipients of day care service. As such, day care workers should also be given compensation commensurate to their expertise and workload. Opportunities for self-development should be made available to them.

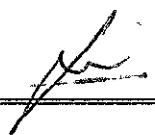
Needless to say, we must not leave the future of our children to chance. Let us secure their bright future by safeguarding the economic and social development of our day care workers.

In consideration thereof, early approval of this bill is highly recommended.


JINGGOY EJERCITO ESTRADA
Senator

19 JUL -7 11:38

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Senate Bill No. 649

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AN ACT
PROVIDING A MAGNA CARTA FOR DAY CARE WORKERS

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

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

SEC. 2. Declaration of Policy. It is hereby declared to be the policy of the State to promote and improve the social and economic status of day care workers. Towards this end, the state shall adopt policies that will protect the rights of the day care workers and promote their welfare.

SEC. 3. Coverage. This Act shall cover all persons engaged in providing early childhood development in government-sponsored day care centers. The day care workers' primary responsibility is to assist in the care of the children and provide consultative services for social, education and other needs of the children.

Chapter 2
RECRUITMENT AND QUALIFICATION

SEC. 4. Qualifications. A day care worker must be of legal age, must possess a career sub-professional eligibility and must have sufficient training in early childhood care and development. Provided, however, that an incumbent day care worker who has been serving for the last five (5) years upon approval of this Act does not meet the prescribed educational qualification shall be required to undergo the day care worker training course provided by the Department of Social Welfare and Development (DSWD) within one (1) year after the effectivity of this Act.

SEC. 5. Recruitment. A qualified day care worker shall file his/her application with the local government unit concerned. Under no circumstances shall a day worker be discriminated against on the basis of gender, religion, age, status, race and/or political affiliation.

Chapter 3
REMUNERATION AND WORKING CONDITIONS

SEC. 6. Salary. A day care worker shall receive a salary based on the following guidelines:

Level 1. – From High School Level to below Second Year College and length of service of at least five (5) years shall receive a salary equivalent to grade 10;

Level 2. – From Second Year College level shall receive a salary equivalent to grade 8; and

Level 3. – College Graduate level shall receive salary equivalent to Grade 10;

SEC. 7. *Working Hours.* A day care worker is required to render eight (8) working hours of work a day or forty (40) hours a week; *Provided*, that the municipal social worker officer may require a day care worker to render services beyond his/ her required working hours.

SEC. 8. *Additional Compensation and Allowances.* Day care workers shall be provided with additional compensation for services rendered beyond the required working hours per day or a total of 40 hours per week.

SEC. 9. *Special Hardship Allowance.* At such rates as may be determined by the local government unit concerned, day care workers shall be entitled to a special hardship allowance depending on the hazards / risks faced at the place of assignment.

SEC. 10. *Married Day Care Workers.* Whenever possible, married couples who are both day care workers shall be assigned in the same municipality or city.

SEC. 11. *Transfer and tenure of office.* No day care worker shall be transferred from one center to another without his / her prior knowledge and consent.

As provided under existing law, no day care worker shall be terminated from work without due cause.

Chapter 4 OTHER BENEFITS

SEC. 12. *Leave and Benefits.* As provided under the existing laws, a day care worker is entitled to maternity and/or paternity, sick and vacation leave.

Day care workers with outstanding performance rating may avail of study leave.

SEC. 13. *Free Medical Examination and Treatment.* Pre-employment and annual medical examination shall be provided by the government hospitals free of charge, to all day care workers. Day care workers suffering from work-related ailments shall be treated free of charge in government hospitals.

SEC. 14. *Insurance and retirement benefits.* Qualified care workers shall automatically become members of the Government Service Insurance System (GSIS).

Day care workers who have rendered the age service requirement of the applicable retirement laws, shall be given a one-step salary grade upon retirement which shall be the basis of the computation for retirement pay and benefits.

Chapter 5 ORGANIZATION OF DAY CARE WORKERS

SEC. 15. *Freedom to Organize.* – Day care workers shall have the freedom to organize themselves without prior consultation with the local government units to which they are assigned.

The different organizations of day care workers shall be consulted in the formulation of national policies and programs that will affect them.

Under no circumstances shall any day care worker be dismissed on the basis of his/her membership in any organization of day care workers.

Chapter 6 FINAL PROVISIONS

SEC. 16. *Code of Conduct for Day Care Worker.* - Within six (6) months upon the approval of this Act, the DSWD in consultation with the National Organization of Day Care Workers, shall formulate a code of conduct for day care workers. Each day care worker shall be provided with a copy of the code.

SEC. 17. *Support from Non-Governmental Organizations.* - Non-government organization or private volunteer organizations are hereby encouraged to assist the government in the implementation of programs and projects of day care workers.

SEC. 18. *Rules and Regulations.* - The Department of Interior and Local Government (DILG), the DSWD, in consultation with the Civil Service Commission (CSC), and the National Organization of Day Care Workers, shall formulate the rules and regulations necessary to implement the provisions of this Act within six (6) months after the effectivity of this Act.

SEC 19. *Appropriations.* - Salaries and other benefits for day care workers shall be charged to the local government unit concerned. Training needs of day care workers shall be charged to the annual appropriations of the DSWD.

SEC. 20. *Penal Provisions.* - Any person who violates this Act shall be punished with a fine of not less than Five Thousand (Php5,000.00) and/or imprisonment of not less that two (2) months but not more than one (1) year, or both, at the discretion of the court.

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

SEC 21. *Separability Clause.* - If any provision of this Act shall be held unconstitutional, or invalid, the other parts or provisions thereof, which are not affected thereby, shall continue to be in full force effect.

SEC. 22. *Repealing Clause.* - All laws, executive orders, rules and regulations inconsistent with or contrary to this Act are hereby repealed or modified accordingly.

SEC. 23. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publications in any two (2) newspapers of general circulation.

Approved,