

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 982

| | |
|--|--------------------|
| HOUSE OF REPRESENTATIVES | |
| RECEIVED | |
| DATE: | <u>04 JUL 2016</u> |
| TIME: | <u>6:04 pm</u> |
| BY: | <u>[Signature]</u> |
| REGISTRATION UNIT BILLS AND INDEX SERVICE | |

Introduced by Rep. LAWRENCE LEMUEL H. FORTUN

EXPLANATORY NOTE

This bill seeks to set the fundamental rights and privileges of day care workers in the country.

Day care workers are tasked in providing quality early education and opportunities for social development among our children. In recognition of the role played by our day care workers, this bill provides for a framework of their rights and privileges. This bill provides for provisions of security of tenure to day care workers, humane working conditions and a living wage. With the protection of the rights of the day care workers, the State would be contributing to the enhancement of the quality of early childhood care and education, thereby upholding its mandate to defend and protect children's rights as well as ensuring the rights of all its workers.

The Bill provides for the creation of plantilla positions as well as overtime pay, hazard and subsistence allowance to qualified day care workers. It likewise provides for the right to self organization, legal and medical assistance and other forms of benefits to them. The bill also provides for training and professional development opportunities for the day care workers in order to enhance their skills.

This bill has been filed in the 16th Congress and has seen its success short of passage into a law. It is, therefore, hoped that in the 17th Congress, the bill will finally become a law.


LAWRENCE LEMUEL H. FORTUN
1st District Agusan del Norte

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 982

Introduced by Rep. LAWRENCE LEMUEL H. FORTUN

AN ACT
INSTITUTING THE MAGNA CARTA OF DAY CARE 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. Title.* - This Act shall be known as the "*Magna Carta of Day Care Workers*".
2

3 *Section 2. Declaration of State Policy.* - The State recognizes the vital role of
4 children 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 day care workers who
7 provide pre-school education and social development services to children.
8

9 *Section 3. Coverage.* - This Act covers all day care workers, also referred to as
10 Child Development Workers in Republic Act No. 10410, otherwise known as *The Early*
11 *Years Act (EYA)*, herein defined as persons primarily engaged in the provision of early
12 child development services and programs such as care, social development, education,
13 Protection, and other needs of children aged four (4) years old and below in all
14 government-sponsored day care centers.
15

16 *Section 4. Plantilla Positions and Security of Tenure in Day Care Centers.* - At
17 least one (1) Day Care Worker I and one (1) Day Care Worker II plantilla positions shall
18 be created in all day care centers nationwide. As plantilla position holders, day care
19 workers shall be appointed under permanent status and shall be protected and governed
20 by Civil Service rules and regulations. No day care worker removed or transferred from
21 office without just cause, due process, or prior consultation with the concerned day care
22 worker.
23

24 *Section 5. Recruitment and Selection/Creation of Special Selection Board.* -
25 Upon position and posting by the local Human Resource Management Office (HMRO) of
26 vacant permanent day care worker positions in particular day care centers, all qualified
27 applicants shall submit their application together with complete requirement to the
28 *Punong Barangay* who shall forthwith transmit the same to the HMRO for preliminary
29 evaluation: *Provided*, That all qualified incumbent day care workers hired under casual,
30 contractual, and job order employment status shall automatically be considered
31 candidates and given priority for appointment to permanent day care worker positions.
32

33 A Special Personnel Selection Board (SPSB) for day care worker positions shall
34 be created to screen candidates and created a pool of ten (10) qualified applicants for
35 possible appointment to the subject positions. The SPSB shall be composed of the Local

36 Social Welfare and Development Officer as chair, the *Punong Barangay*, Local Health
37 Officer, Human Resource Management Officer, and local government unit (LGU) first
38 level employees' representative as members.

39
40 The Local Chief Executive, as the appointing authority, shall exercise sound
41 discretion in selecting from the SPSB-recommended pool the most qualified for
42 appointment to the day care worker position in a particular day care center.

43
44 **Section 6. Qualifications, Positions and Salary Grade.** - A day care worker
45 possessing the following qualifications shall be hired to the position of Day Care Worker
46 I, and entitled to Salary Grade Six (6):

- 47
48 1) Must be legal age: *Provided, That* day care workers legitimately serving as
49 such upon the passage of this Act who are about seventeen (17) years old but
50 below eighteen (18) years old, shall continue to serve as such and are qualified
51 to be covered under this Act; *Provided further, That* their retention had been
52 recommended by their direct supervisor.
- 53 2) Must have completed at least two (2) years of college education: *Provided,*
54 *That* day care workers who have no college education upon the effectivity of
55 this Act shall be given two (2) years within which to complete equivalent
56 training to be able to continue in the service, in accordance with Sec. 9 of this
57 Act. The necessary training courses shall be prescribed by the Department of
58 Social Welfare and Development (DSWD).
- 59 3) Must be certified by the DSWD or DSWD-deputized entities to have
60 complied with existing requisites and trainings in early childhood care and
61 development;
- 62 4) Must not have been convicted by final judgment of any crime; and
- 63 5) Must not have a pending case in relation to *Republic Act No. 7610*, otherwise
64 known as *Special Protection on Children Against Child Abuse*.

65
66 A daycare worker who possesses all the above qualifications, has at least five (5)
67 years of working experience as such, and has completed more than twelve (12) hours of
68 relevant training, shall be hired as Day Care Worker II, and entitled to Salary Grade Eight
69 (8).

70 Qualifications and exceptions applicable to this Section shall be subject to
71 conditions imposed by the Civil Service Commission (CSC).

72
73 **Section 7. Additional Compensation and Allowances.** - Day care workers shall
74 be provided with the following additional compensation , whenever applicable:

- 75
76 a. Overtime pay – for services rendered beyond the required working
77 hours as prescribed in Section 12 hereof;
- 78 b. Hazard Allowance – for being exposed to situations, conditions, or
79 factors in the workplace which adversely endanger the workers' health
80 or life, or increase the danger or risk in the exercise of their duties.
81 Such risk or danger shall be determined by the local *Sangguniang*
82 *Barangay* concerned; and
- 83 c. Subsistence Allowance - for services rendered within the premises of
84 isolated day care centers equivalent to the meals they take in the course
85 of their duty, which shall be computed in accordance with prevailing
86 circumstances as determined by the local *Sangguniang Barangay*
87 concerned.

88
89 **Section 8. Other Benefits and Privileges.** – Day care workers shall be entitled to
90 the following additional benefits and privileges:

91

