



Seventeenth Congress
First Regular Session

HOUSE BILL NO. 3530

Introduced by Honorable Peter M. "Sr. Pedro" Unabia

EXPLANATORY NOTE

This bill seeks to institute the magna carta of day care workers.

The crucial role of day care workers as volunteer frontline workers in the barangays cannot be overemphasized. Under a non-regular employment, they render volunteer services to help implement the social and mental development programs and projects for young children in the barangays. Several laws have been passed to recognize the important service that day care workers perform in the accredited day care centers where they are assigned.

Presidential Decree (PD) No. 1567 also known as the "*Barangay Day Care Center Law of 1978*" provides for the establishment of a day care center in every barangay. The day care center is staffed with at least one (1) female day care nursery worker of good physical health to provide substitute parental care and services for the young children's social and mental development.

In 1990, PD 1567 was amended by Republic Act (RA) No. 6972, otherwise known as the "*Barangay-Level Total Development and Protection of Children Act*," which strengthened the capabilities of day care centers. It provided for the total development and protection of children up to six years old and granted monthly allowance of at least Five Hundred Pesos (P500.00) for day care workers, among others.

In 2013, RA 10410 or the "*Early Years Act (EYA) of 2013*" was approved. It recognized the various professionals, paraprofessionals and volunteer caregivers, including day care workers, as Early Childhood Care and Development (ECCD) service providers who are directly responsible for the

care and education of young children from age zero to four years through the various centers and home-based programs.

Day care workers are hired under a non-regular employment subject to the discretion of the local chief executive where the day care center is located. The compensation of a Day Care Worker I and a Day Care Worker II in the barangay is equivalent to Salary Grades 6 and 8, respectively, provided under Republic Act No. 6758, as amended, otherwise known as the "*Compensation and Position Classification Act of 1989.*" Despite the non-regular employment, modest allowance and benefits that day care workers receive, they still continue to perform their tasks and remain to be dedicated public servants who strive for the optimal growth and development of the country's young children.

This proposed measure aims to promote efficiency, integrity and responsiveness of day care workers in the provision of early childhood development services and programs by providing them security of tenure and prescribing work standards and qualifications.

To ensure that young children, aged four years and below, receive high-quality early education and social development services in their formative years from a qualified, well-compensated, appropriately educated, and competent day care worker, approval of this bill is earnestly sought.



PETER M. "SR. PEDRO" UNABIA

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1 **AN ACT**

2 **INSTITUTING THE MAGNA CARTA OF DAY CARE WORKERS AND**
3 **PROVIDING FUNDS THEREFOR**

4
5 *Be it enacted by the Senate and House of Representatives of the Philippines in*
6 *Congress assembled:*

7
8 SECTION 1. **Short Title.** – This Act shall be known as the “*Magna*
9 *Carta of Day Care Workers.*”

10 SEC. 2. **Declaration of State Policy.** – It is hereby declared the policy
11 of the State to protect and advance the interests of day care workers by
12 improving their social and economic well-being including their terms of
13 employment. It shall also develop the specialized skills and capabilities of day
14 care workers consistent with national efforts to the realization of a high-quality
15 early education and social development services to young children. Towards this
16 end, the State shall provide security of tenure for day care workers, prescribe
17 work standards, qualifications, relevant work experience and training in order to
18 promote efficiency, integrity and responsiveness of those engaged in the

1 provision of early child development services and programs.

2 SEC. 3. **Coverage.** – This Act covers all day care workers, also
3 referred to as Early Childhood Care and Development (ECCD) service
4 providers in Republic Act (RA) No. 10410, otherwise known as the “*Early*
5 *Years Act (EYA) of 2013*,” who are directly and primarily engaged in providing
6 early childhood development services and programs such as care, social
7 development, education, protection, and other needs of children aged four (4)
8 years old and below in all barangay day care centers.

9 SEC. 4. **Plantilla Positions, Qualifications and Salary Grade.** – At
10 least one (1) Day Care Worker I and one (1) Day Care Worker II plantilla
11 positions entitled to compensation equivalent to Salary Grade Six (6) and Salary
12 Grade Eight (8), respectively, under Republic Act No. 6758, as amended,
13 otherwise known as the “*Compensation and Position Classification Act of*
14 *1989*,” shall be created in each barangay day care center nationwide.

- 15 a) In order to qualify for the position of Day Care Worker I, a person:
- 16 1) Must be of legal age;
- 17 2) Must have completed at least two (2) years of college education;
- 18 3) Must be certified by the Department of Social and Welfare
19 Development (DSWD) to have complied with existing requisites and trainings
20 in early childhood care and development;
- 21 4) Must not have been convicted by final judgment of any crime; and
- 22 5) Must not have a pending case in relation to Republic Act No. 7610,

1 otherwise known as the “*Special Protection of Children Against Child Abuse.*”

2 b) A day care worker who possesses all the above qualifications who
3 has at least five (5) years working experience as day care worker in a barangay
4 day care center and completed at least twelve (12) hours of relevant training,
5 shall be hired as Day Care Worker II.

6 c) A day care worker who is only seventeen (17) years of age upon
7 the passage of this Act shall continue to serve as a day care worker under this
8 Act: *Provided*, That their retention had been recommended by their direct
9 supervisors.

10 d) Day care workers who have no college education upon the
11 effectivity of this Act are given two (2) years within which to complete the
12 equivalent training to be able to continue in the service.

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

15 SEC. 5. ***Incentives, Benefits and Security of Tenure.*** – In recognition
16 of their services, all day care workers who are actively and regularly performing
17 their duties and possess the qualifications provided under Section 4 of this Act
18 are entitled to the following incentives and benefits:

19 a) Overtime pay for services rendered beyond the required working
20 hours as prescribed in Section 6 hereof;

21 b) Hazard allowance for being exposed to situations, conditions, or
22 factors in the workplace which adversely endanger the health or life of the

1 worker, or increase the danger or risk in the exercise of their duties. Such risk or
2 danger shall be determined by the local sangguniang barangay concerned;

3 c) Subsistence allowance for services rendered within the premises of
4 remote day care centers equivalent to the meals they take in the course of their
5 duty which are computed in accordance with prevailing circumstances as
6 determined by the local sangguniang barangay;

7 d) Membership with the Government Service Insurance System,
8 Home Development Mutual Fund and Philippine Health Insurance Corporation,
9 subject to premium payments by both employers and employees;

10 e) Maternity or paternity leave, sick leave and vacation leave as
11 provided for by existing civil service rules and regulations; and

12 f) A second grade eligibility for those who have rendered at least five
13 (5) years continuous service.

14 Should the day care worker, thereafter, becomes a regular employee of
15 the government, the total number of years served as day care worker shall be
16 credited to the employee's service in computing the retirement benefits.

17 No person duly accredited as a day care worker under this Act shall be
18 removed from office except for valid cause as prescribed under existing civil
19 service rules and regulations and only after due notice and hearing.

20 SEC. 6. **Working Hours.** – A day care worker is required to render
21 eight (8) working hours a day or a total of forty (40) working hours a week:
22 *Provided*, That the local social welfare officer may require day care workers to

1 render services beyond their required working hours during emergency
2 situations including the occurrence of natural and man-made calamities.

3 SEC. 7. ***Penal Provision.*** – Any person who denies the grant of
4 incentives, benefits and security of tenure to a day care worker as provided
5 under Section 5 of this Act shall be punished with a fine of not less than
6 Twenty-five thousand pesos (P25,000.00) or imprisonment of not less than one
7 (1) month but not more than two (2) months, or both, at the discretion of the
8 court.

9 SEC. 8. ***Implementing Rules and Regulations.*** – Within six (6)
10 months from the approval of this Act, the Secretary of Social Welfare and
11 Development, the Chairperson of the Early Childhood Care and Development
12 (ECCD) Council and the Secretary of the Interior and Local Government, in
13 consultation with the Civil Service Commission and a national organization of
14 day care workers, shall formulate the necessary rules and regulations for the
15 effective implementation of the provisions of this Act.

16 SEC. 9. ***Funding Source.*** – The amount necessary to carry out the
17 provisions of this Act shall be charged from the internal revenue allotment and
18 the Special Education Fund of the local government unit concerned. The
19 Department of Social Welfare and Development shall provide subsidy to at least
20 one (1) day care worker per barangay day care center in fourth, fifth, and sixth
21 class municipalities. A portion of the contribution of the Philippine Amusement
22 and Gaming Corporation as provided under Republic Act No. 10410, as well as

1 additional funds generated from donations, fees and contributions collected by
2 the ECCD Council from whatever source shall also be set aside for the purpose.

3 SEC. 10. **Repealing Clause.** – All laws, decrees, orders, rules and
4 regulations, and other issuances, or parts thereof which are inconsistent with the
5 provisions of this Act are hereby repealed, amended or modified accordingly.

6 SEC. 11. **Effectivity.** – This Act shall take effect fifteen (15) days after
7 its publication in the *Official Gazette* or in a newspaper of general circulation.

8 Approved,