



HOUSE OF REPRESENTATIVES

H. No. 6550

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AN ACT INSTITUTING THE MAGNA CARTA OF DAY CARE WORKERS AND PROVIDING FUNDS THEREFOR

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
2 “Magna Carta of Day Care Workers”.

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

8 SEC. 3. *Coverage.* – This Act covers all day care workers,
9 also referred to as child development workers in Republic Act No.
10 10410, otherwise known as the “Early Years Act (EYA) of 2013”,
11 herein defined as persons primarily engaged in the provision of
12 early child development services and programs such as care, social
13 development, education, protection, and other needs of children
14 aged four (4) years old and below in all government-sponsored day
15 care centers.

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

25 SEC. 5. *Creation of Special Personnel Selection Board.* –
26 A Special Personnel Selection Board (SPSB) for day care worker
27 positions shall be created to screen candidates and create a pool of

1 ten (10) qualified applicants for possible appointment to the subject
2 positions. The SPSB shall be composed of the local social welfare
3 and development officer as chairperson, and the punong barangay,
4 local health officer, human resource management officer, and local
5 government unit (LGU) first level employees' representative as
6 members.

7 SEC. 6. *Recruitment and Selection.* – Upon publication and
8 posting by the local Human Resource Management Office (HRMO)
9 of vacant permanent day care worker positions in particular day
10 care centers, all qualified applicants shall submit their application
11 together with complete requirements to the Punong Barangay
12 who shall forthwith transmit the same to the HRMO for
13 preliminary evaluation: *Provided*, That all qualified incumbent
14 day care workers hired under casual, contractual, and job order
15 employment status shall automatically be considered candidates
16 and given priority for appointment to permanent day care worker
17 positions.

18 The local chief executive, as the appointing authority,
19 shall exercise sound discretion in appointing, from the
20 SPSB-recommended pool, a day care worker in a
21 particular day care center.

22 SEC. 7. *Qualifications, Positions and Salary Grade.* – A day
23 care worker possessing the following qualifications shall be hired
24 to the position of:

25 (a) Day Care Worker I, with Salary Grade 6, must possess
26 the following qualifications:

27 (1) Must be of legal age;

1 (2) Must have completed at least two (2) years of college
2 education;

3 (3) Must be certified by the Department of Social Welfare
4 and Development (DSWD) or DSWD-deputized entities to have
5 complied with existing requisites and trainings in early childhood
6 care and development;

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

9 (5) Must not have a pending case in relation to Republic Act
10 No. 7610, otherwise known as the "Special Protection of Children
11 Against Child Abuse, Exploitation and Discrimination Act".

12 Day care workers legitimately serving as such upon the
13 passage of this Act who are above seventeen (17) years old but
14 below eighteen (18) years old, shall continue to serve as such and
15 are qualified to be covered under this Act: *Provided*, That their
16 retention had been recommended by their direct supervisor.

17 Day care workers who have no college education upon the
18 effectivity of this Act shall be given two (2) years within which to
19 complete equivalent training to be able to continue in the service, in
20 accordance with Section 12 of this Act. The necessary training
21 courses shall be prescribed by the DSWD.

22 (b) A Day Care Worker II, with Salary Grade 8, must
23 possess the same qualifications mentioned in paragraph (a)
24 of this section including five (5) years of working experience and
25 at least twelve (12) hours of relevant training.

1 Qualifications and exceptions applicable to this section
2 shall be subject to conditions imposed by the Civil Service
3 Commission (CSC).

4 SEC. 8. *Working Hours.* – A day care worker is required
5 to render eight (8) working hours a day or a total of forty (40)
6 working hours a week: *Provided,* That the local social welfare and
7 development officer (LSWDO) may require day care workers to
8 render services beyond their required working hours during
9 emergency situations such as natural and man-made calamities.

10 SEC. 9. *Code of Conduct of Day Care Workers.* – Within
11 six (6) months upon approval of this Act, the Early Childhood
12 Care and Development Council (ECCDC), in consultation with a
13 national organization of day care workers, shall formulate a Code
14 of Conduct for Day Care Workers. Each day care worker shall be
15 provided with a copy of the Code at the expense of the government.

16 SEC. 10. *Additional Compensation and Allowances.* – Day
17 care workers shall be provided with the following additional
18 compensation, whenever applicable:

19 (a) Overtime pay – for services rendered beyond the
20 required working hours as prescribed in Section 8 hereof;

21 (b) Hazard allowance – for being exposed to situations,
22 conditions, or factors in the workplace which endanger the workers'
23 health or life, or increase the danger or risk thereto. Such risk or
24 danger shall be determined by the local Sangguniang Barangay
25 concerned; and

26 (c) Subsistence allowance – for meals taken in the course
27 of their duty within the premises of isolated day care centers, the

1 amount of which shall be computed in accordance with prevailing
2 circumstances as determined by the local Sangguniang Barangay
3 concerned.

4 SEC. 11. *Other Benefits and Privileges.* – Day care workers
5 shall be entitled to the following additional benefits and privileges:

6 (a) Married Day Care Workers. – Whenever possible,
7 married couples who are both day care workers shall be assigned in
8 the same municipality or city.

9 (b) Free Legal Services. – The Public Attorney's Office (PAO)
10 shall represent day care workers in cases filed against them in
11 connection with the performance of their duties.

12 (c) Free Medical Examination and Treatment. – Annual
13 medical examinations shall be provided by government hospitals,
14 free of charge, to all day care workers. Day care workers suffering
15 from work-related ailments shall be treated without cost in
16 government hospitals.

17 (d) Access to Livelihood, Loans, Grants, and Skills
18 Enhancement. – The DSWD and the LGUs, in coordination with
19 other concerned government agencies, shall provide organized day
20 care workers with a mechanism for accessing livelihood, loans,
21 grants, and skills enhancement services.

22 (e) Other Benefits. – All day care workers shall
23 automatically become members of the Government Service
24 Insurance System (GSIS), Pag-IBIG, and PhilHealth, subject to
25 premium payments by both employers and employees, and shall be
26 entitled to maternity/paternity, sick, and vacation leaves as
27 provided for by existing laws.

1 SEC. 12. *Training, Education and Skills Enhancement.* –

2 The DSWD, in coordination with the Department of Education
3 (DepED), Commission on Higher Education (CHED), and Technical
4 Education and Skills Development Authority (TESDA), shall
5 provide for a system of continuing education and skills training and
6 knowledge enhancement programs for day care workers.

7 The DepED, CHED, and TESDA shall adopt an equivalency
8 system of education that shall recognize and duly credit the actual
9 work experiences and prior learning of day care workers as formal
10 academic or training units.

11 SEC. 13. *Support from Nongovernment Organizations*
12 (*NGOs*). – Nongovernment organizations or private volunteer
13 organizations are hereby encouraged to assist or support the
14 government in the implementation of programs and projects for day
15 care workers. Pursuant thereto, all day care centers may accept
16 such assistance or support from NGOs.

17 SEC. 14. *Appropriations.* – The amount necessary to cover
18 the salaries and benefits of day care workers shall be charged from
19 the Internal Revenue Allotment (IRA) and the Special Education
20 Fund of LGUs concerned: *Provided*, That the national government
21 shall provide subsidy for at least one (1) day care worker per center
22 in the fourth, fifth, and sixth class municipalities. A portion of the
23 contribution of the Philippine Amusement and Gaming Corporation
24 (PAGCOR) as provided under Republic Act No. 10410, as well as
25 additional funds generated from donations, fees, and contributions
26 collected by the ECCDC from whatever source shall also be set aside
27 for the purpose.

1 SEC. 15. *Implementing Rules and Regulations.* – The DSWD,
2 ECCDC, and Department of the Interior and Local Government
3 (DILG), in consultation with the CSC and a national organization of
4 day care workers, shall formulate the rules and regulations
5 necessary to implement the provisions of this Act within six (6)
6 months from its effectivity.

7 SEC. 16. *Separability Clause.* – If any provision of this Act
8 or any part hereof is declared unconstitutional, the same shall not
9 affect the validity and effectivity of the other provisions.

10 SEC. 17. *Repealing Clause.* – Republic Act No. 6972,
11 otherwise known as the "Barangay-level Total Development and
12 Protection of Children Act" and all laws, decrees, rules and
13 regulations, and executive orders contrary to or inconsistent with
14 this Act are hereby repealed or modified accordingly.

15 SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15)
16 days after its publication in the *Official Gazette* or in a newspaper
17 of general circulation.

Approved,

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