



HOUSE OF REPRESENTATIVES

H. No. 6410

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BY REPRESENTATIVES SINGSON (R.), DELA CRUZ, MERCADO-REVILLA, VILLARICA, ACOP, TEODORO, QUIMBO, BAGULAT, SUANSING, PIAMONTE, PICHAY, FORTUN, CERILLES, YAP (S.), DE JESUS, PADUANO, UNGAB, ALMARIO, ESCUDERO, PAQUIZ, ARENAS, ATIENZA, BELLO (S.), REVILLA, DEL ROSARIO (A.G.), ABUEG, MACROHON-NUÑO, ZAMORA (M.), MANALO, BATAOIL, ABAYON, CAGAS, ARAGONES, DE VENECIA, PANCHO, BELLO (W.), GUTIERREZ, AGARAO, CO, BATOCABE, VILLAR, UY (J.), FERRER (L.), BULUT-BEGTANG AND CALIXTO-RUBIANO, PER COMMITTEE REPORT NO. 988

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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. *Title.* – This Act shall be known as the “Magna Carta of  
2 Day Care Workers”.
- 3           SEC. 2. *Declaration of State Policy.* – The State recognizes the vital  
4 role of children and youth in nation-building and shall promote and protect  
5 their physical, moral, spiritual, intellectual, and social well-being. Towards  
6 this end, the State shall adopt policies that will improve the social and

1 economic welfare of day care workers who provide preschool education and  
2 social development services to children.

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

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

18       SEC. 5. *Recruitment and Selection/Creation of Special Personnel*  
19 *Selection Board.* – Upon publication and posting by the local Human Resource  
20 Management Office (HRMO) of vacant permanent day care worker positions  
21 in particular day care centers, all qualified applicants shall submit their  
22 application together with complete requirements to the Punong Barangay who  
23 shall forthwith transmit the same to the HRMO for preliminary evaluation:  
24 *Provided,* That all qualified incumbent day care workers hired under casual,  
25 contractual, and job order employment status shall automatically be considered  
26 candidates and given priority for appointment to permanent day care worker  
27 positions.

1           A Special Personnel Selection Board (SPSB) for day care worker  
2 positions shall be created to screen candidates and create a pool of ten (10)  
3 qualified applicants for possible appointment to the subject positions. The  
4 SPSB shall be composed of the Local Social Welfare and Development Officer  
5 (LSWDO) as chair, the Punong Barangay, Local Health Officer, Human  
6 Resource Management Officer, and local government unit (LGU) first level  
7 employees' representative as members.

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

12           SEC. 6. *Qualifications, Positions and Salary Grade.* – A day care  
13 worker possessing the following qualifications shall be hired to the position of  
14 Day Care Worker I, and entitled to Salary Grade Six (6):

15           (a) Must be of legal age: *Provided*, That day care workers  
16 legitimately serving as such upon the passage of this Act who are above  
17 seventeen (17) years old but below eighteen (18) years old, shall continue to  
18 serve as such and are qualified to be covered under this Act: *Provided*,  
19 *further*, That their retention had been recommended by their direct supervisor;

20           (b) Must have completed at least two (2) years of college education:  
21 *Provided*, That day care workers who have no college education upon the  
22 effectivity of this Act shall be given two (2) years within which to complete  
23 equivalent training to be able to continue in the service, in accordance with  
24 Section 9 of this Act. The necessary training courses shall be prescribed by the  
25 Department of Social Welfare and Development (DSWD);

26           (c) Must be certified by the DSWD or DSWD-deputized entities to  
27 have complied with existing requisites and trainings in early childhood care  
28 and development;

1 (d) Must not have been convicted by final judgment of any crime; and

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

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

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

11 *SEC. 7. Additional Compensation and Allowances.* – Day care workers  
12 shall be provided with the following additional compensation, whenever  
13 applicable:

14 (a) Overtime pay – for services rendered beyond the required working  
15 hours as prescribed in Section 12 hereof;

16 (b) Hazard allowance – for being exposed to situations, conditions, or  
17 factors in the workplace which adversely endanger the workers' health or life,  
18 or increase the danger or risk in the exercise of their duties. Such risk or danger  
19 shall be determined by the local Sangguniang Barangay concerned; and

20 (c) Subsistence allowance – for services rendered within the premises  
21 of isolated day care centers equivalent to the meals they take in the course of  
22 their duty, which shall be computed in accordance with prevailing  
23 circumstances as determined by the local Sangguniang Barangay concerned.

24 *SEC. 8. Other Benefits and Privileges.* – Day care workers shall be  
25 entitled to the following additional benefits and privileges:

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

1 (b) Right to Self-Organization. – Day care workers shall have the  
2 freedom to organize themselves and under no circumstance may be dismissed  
3 from work on the basis of membership in such organization.

4 (c) Free Legal Services. – The Public Attorney's Office (PAO) shall  
5 represent day care workers in cases filed against them in connection with the  
6 performance of their duties.

7 (d) Free Medical Examination and Treatment. – Annual medical  
8 examinations shall be provided by government hospitals, free of charge, to all  
9 day care workers. Day care workers suffering from work-related ailments shall  
10 be treated without cost in government hospitals.

11 (e) Preferential Access to Livelihood, Loans, Grants, and Skills  
12 Enhancement. – The DSWD and the LGUs, in coordination with other  
13 concerned government agencies, shall provide organized day care workers with  
14 a mechanism for accessing livelihood, loans, grants, and skills enhancement  
15 services.

16 (f) Other Benefits. – All day care workers shall automatically become  
17 members of the Government Service Insurance System (GSIS), Pag-IBIG, and  
18 PhilHealth, subject to premium payments by both employers and employees,  
19 and shall be entitled to maternity/paternity, sick, and vacation leaves as  
20 provided for by existing laws.

21 *SEC. 9. Training, Education and Skills Enhancement.* – The DSWD,  
22 in coordination with the Department of Education (DepED), Commission on  
23 Higher Education (CHED) and the Technical Education and Skills  
24 Development Authority (TESDA), shall provide for a system of continuing  
25 education and skills training and knowledge enhancement programs for day  
26 care workers.

27 An equivalency system of education, which shall provide for the  
28 recognition of the actual work experiences and prior learning of day care

1 workers, shall be adopted by the DepED, CHED, and TESDA for possible  
2 accreditation into formal academic or training units.

3 **SEC. 10. *Support from Nongovernment Organizations (NGOs).***

4 – Nongovernment organizations or private volunteer organizations are hereby  
5 encouraged to assist or support the government in the implementation of  
6 programs and projects for day care workers. As such, all day care centers are  
7 allowed to accept any assistance or support from NGOs.

8 **SEC. 11. *Code of Conduct of Day Care Workers.*** – Within six (6)

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

14 **SEC. 12. *Working Hours.*** – A day care worker is required to render

15 eight (8) working hours a day or a total of forty (40) working hours a week:  
16 *Provided,* That the local social welfare officer may require day care workers to  
17 render services beyond their required working hours during emergency  
18 situations such as natural and man-made calamities.

19 **SEC. 13. *Implementing Rules and Regulations.*** – The DSWD, the

20 ECCDC, and the Department of the Interior and Local Government (DILG), in  
21 consultation with the CSC and a national organization of day care workers,  
22 shall formulate the rules and regulations necessary to implement the provisions  
23 of this Act within six (6) months from its effectivity.

24 **SEC. 14. *Appropriations.*** – The amount necessary to cover the salaries

25 and benefits of day care workers shall be charged from the Internal Revenue  
26 Allotment (IRA) and the Special Education Fund of LGUs concerned:  
27 *Provided,* That the national government shall provide subsidy for at least one  
28 (1) day care worker per center in the fourth, fifth, and sixth class

1 municipalities. A portion of the contribution of the Philippine Amusement and  
2 Gaming Corporation (PAGCOR) as provided under Republic Act No. 10410,  
3 as well as additional funds generated from donations, fees, and contributions  
4 collected by the ECCDC from whatever source shall also be set aside for the  
5 purpose.

6 SEC. 15. *Penal Provisions.* – Any person who violates any provision  
7 of this Act shall be punished with a fine of not less than five thousand pesos  
8 (P5,000.00) or imprisonment of not less than one (1) month but not more than  
9 two (2) months, or both, at the discretion of the court.

10 If the offender is a public official, the offender shall, in addition to the  
11 penalties stated above, be dismissed from government service and shall be  
12 perpetually disqualified from assuming any public office.

13 SEC. 16. *Separability Clause.* – If any provision of this Act or any  
14 part thereof is declared unconstitutional, the same shall not affect the validity  
15 and effectivity of the other provisions.

16 SEC. 17. *Repealing Clause.* – Republic Act No. 6972, otherwise  
17 known as the “Barangay-Level Total Development and Protection of Children  
18 Act” and all laws, decrees, rules and regulations, and executive orders contrary  
19 to or inconsistent with this Act are hereby repealed or modified accordingly.

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

Approved,

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