

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
First Regular Session

H. Bill No. 3706

Introduced by Representative Estrellita "Ging" B. Suansing

EXPLANATORY NOTE

The first five years of a child's life is critical to their development, success and performance throughout life. That's why this phase is called the formative years. This is said to be the best window of opportunity that we need to seize or forever lose the potential innate in each child.


The role of women has significantly changed over the years. Women are now as equally educated as men, and are contributing to the family's finances. Traditionally, women in the Philippines are homemakers, and one of their primary responsibilities is to look after their children. Nowadays, more and more mothers become part of our labor force as they help augment their family's financial situation.

Thus, these working mothers' children are left to the guidance and supervision of the Day Care Workers. These noble workers play a crucial role in the character molding and personality development of the children entrusted to their care. In spite of the dedication these courageous individuals have shown, they receive a measly monthly allowance of five hundred pesos (P 500) as provided for by Republic Act No. 6972, which is not enough to compensate for their hardships.

Aside from their meager salary, these noble heroes do not have security of tenure, overtime pay, leave and other benefits that they duly deserve.

This proposed measure seeks to improve the general welfare of our unsung day care workers by providing them the compensation and benefits they earnestly deserve.

In view of the forgoing, urgent passage of this bill is earnestly sought.


Rep. ESTRELLITA "GING" B. SUANSING
1st District, Nueva Ecija

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AN ACT
PROVIDING A MAGNA CARTA FOR DAY CARE WORKERS AND PROVIDING FUNDS
THEREFOR

Be it enacted by the Senate and the 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. The State acknowledges the vital role of children and youth in nation-building. It is hereby declared policy of the State to promote and enhance the social and economic status of day care workers. Towards the end, the State will fulfill its mandate to uphold and defend the rights of the children and workers.

SEC. 3. Coverage. This Act shall cover all persons engaged in providing Early Childhood Care and Development in all government-run day care centers and non-stock, non-profit day care centers run by volunteers, people's organizations, associations and non-government associations.

SEC. 4. Definition of Terms. For the purpose of this Act, the following terms shall mean:

Day Care Centers – public, private or non-profit centers providing Early Childhood Care and Development (ECCD) service to Republic Act No. 8980 or The ECCD Act;

Department – pertains to the Department of Social Welfare and Development.

Early Childhood Care and Development (ECCD) – the full range of health, nutrition, early education and social services programs that provide for basic holistic needs of young children from birth to age six (6), to promote their optimum growth and development through home-based and center-based program;

SEC. 5. 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, who does not meet the prescribed educational qualification shall be required to undergo the day care worker training course provided by the Department within one (1) year after the effectivity of this Act.

SEC. 6. Recruitment. A qualified day care worker shall file the application with the local government unit concerned. Under no circumstances shall a day care worker be discriminated on the basis of gender, religion, age, status, race or political affiliation.

SEC 7. Security of Tenure. A day care worker shall be assured of security of tenure and stability on employment as provided under existing laws.

Incumbent day care workers not meeting the requirements, specifically the training in ECCD, shall not be disqualified but will be required to finish the day care training course, to be administered by the Department within one (1) year from the effectivity of this Act.

Day care workers shall not be terminated for cause provided by law and after due process:

Provided, that if a day care worker is found by the Civil Service Commission (CSC) to be unjustly dismissed from work, the day care worker shall be entitled to reinstatement without loss of seniority rights. Back wages with twelve (12%) interest computed from the time of reinstatement shall also be awarded.

SEC. 8. Transfer of Office. No day care worker shall be transferred from one center to another without the day care worker's knowledge and consent.

SEC. 9. Salary. A day care worker shall receive salary based on their educational qualifications:

Level 1. – 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 and above with no length of service shall receive a salary equivalent to Grade 8; and

Level 3 – College Graduate with no length of service shall receive a salary equivalent to Grade 10.

SEC. 10. Working Hours. A day care worker is required to render eight (8) working hours a day or forty (40) hours a week; Provided, that the municipal social work officer may require a day care worker to render services beyond the required working hours.

SEC. 11. Benefits. Day Care Workers shall be provided with the following benefits:

Overtime Pay – where the exigencies of the so require, a day care worker may be required to render services beyond the normal eight (8) hours a day. In such case, the worker shall be paid an additional compensation in accordance with existing laws and prevailing practices.

Hazard Pay – day care workers in both urban and rural places, exposed to situations and conditions with foreseeable but unavoidable danger or risks such as strife-torn areas, under state of calamity areas shall be compensated with hazard allowance to be determined by the local government unit.

Cost of Living Allowance (COLA) – the salary of day care workers shall, at the very least, keep pace with the rise in the cost of living by the payment of a cost of living allowance which shall automatically follow changes in the cost of living index. The Secretary of Social Welfare and Development shall, in consultation with the proper government entities, recommend to Congress, at least annually, the appropriation of the necessary funds for the cost of living allowances of day care workers.

Insurance – a day care worker shall be enrolled in the National Insurance Program of the Philippine Health Insurance Corporation (PhilHealth) for personal health services. All day care workers shall automatically become members of the Government Service Insurance System (GSIS) to be able to avail of maternity, paternity, disability, retirement, funeral and other benefits.

Retirement Benefits – a day care worker who have reached the age service requirement of the applicable retirement laws and fulfilled service requirements shall be given a one-step salary grade increase upon retirement which shall be the basis of the computation for retirement pay and benefits.

Free Medical Examination and Treatment – Government hospitals shall provide free pre-employment and annual medical examinations to all day care workers. Day care workers who are suffering from work-related ailments shall be treated free of charge in government hospitals.

Free Legal Assistance – day care workers experiencing politically-motivated or work-related harassment shall be provided with free legal assistance to uphold and defend their rights.

Leave – a day care worker is entitled to maternity, paternity, sick and vacation leave. Sabbatical or Study Leave can also be availed by day care workers with outstanding performance rating.

SEC. 12. Right to Self-Organization. Day care workers shall have the right to freely form, join or assist organizations or unions in order to defend and protect their mutual interests and to obtain redress of their grievances.

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

SEC. 13. Married Day Care Workers. Whenever possible, the proper authorities shall take steps to enable married couples, who are both day care workers, to be assigned or employed in the same city or municipality.

SEC. 14. Participation Fee. Day care workers shall be in no way required to shell out their own money to spend for electricity and rent of their day care center. If the participation fee set by the local government is inadequate, it is the Local Government Unit (LGU's) responsibility to pay for necessary utilities required to operate the day care center.

SEC. 15. Training, Education and Career Enhancement. The Department, in coordination with the Department of Education (DepEd) and other concerned government agencies and non-government organizations (NGOs), shall organize training and educational programs as well as provide opportunities for scholarships and continuing education.

SEC. 16. Support from Non-Government Organizations (NGOs). Non-government organizations or private volunteer organizations are hereby encouraged to assist the government in the implementation of programs and projects of day care workers.

SEC. 17. Appropriations. The budget needed to implement provisions of this Act shall be included in the General Appropriations Act (GAA). Salaries and other benefits for day care workers shall be charged to the local government unit concerned. Costs of trainings shall be appropriated under the Department.

SEC. 18. Implementing Rules and Regulations. The Department, in consultation with the Department of Budget and Management (DBM), Department of Education (DepEd), Civil Service Commission (CSC), and the National Organization of Day Care Workers, shall formulate the ruled and regulations necessary to implement the provisions of this Act.

SEC. 19. Penal Provisions. Any person who shall willfully interfere with, restrain, or coerce any day care worker in the exercise of the worker's rights or shall in any manner violate any provision of this Act, upon conviction, shall be punished by a fine of not less than twenty thousand (P 20,000) or imprisonment of not less than 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, in addition to the penalties stated above, will also be dismissed from government service.

SEC. 20. Separability Clause. If any provision of this Act shall be declared unconstitutional, or invalid, the other parts thereof, which are not affected thereby, shall continue to be in full force effect.

SEC. 21. Repealing Clause. All laws, decrees, letters of instructions, resolutions, orders, ordinances or parts thereof which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

SEC. 22. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in any two (2) newspapers of general circulation.

Approved,