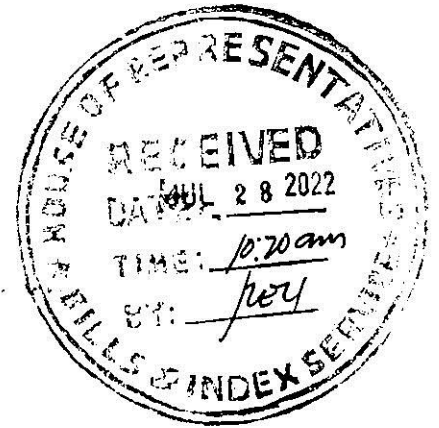


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

NINETEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. **2644**



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Introduced by HON. LINABELLE RUTH R. VILLARICA  
4<sup>TH</sup> DISTRICT, BULACAN

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EXPLANATORY NOTE

As caretakers of children in the absence of their parents who work during the day or even beyond the call of duty, day care workers deserve only the best treatment by the State. In their hands may be the future leaders and foremost personalities in Philippine politics, business and industry, science and technology, culture and the arts. Day care workers must effectively discharge their duties and responsibilities. The State must ensure that these are achieved by providing them with the needed benefits and incentives in addition to the training that they have to undergo.

Presently, however, as provided for under R.A. No. 6972, otherwise known as the Barangay-level total Development and Protection of Children (1990), day care workers merely receive a monthly allowance of not less than Php500.00 from the annual appropriation of the Department of Social Welfare and Development (DSWD). They would be content with the honoraria that they would receive from their respective barangay and municipal officials. They are also vulnerable to politically motivated termination from work because they do not have security of tenure.

This proposed bill seeks to improve the quality of early childhood care and development programs and services to children ages zero (0) to four (4) and education, provide for humane working conditions for day care workers and enable them to earn a decent living wage. This will guarantee their rights and capacitate them to protect and defend children's rights.

To realize these objectives, the bill provides for at least one (1) Child Development Worker I or one (1) Child Development Worker II. As such they can be appointed under permanent status with protection of Civil Service rules and regulations. The creation of a Special Personnel Selection Board (SPSB) will screen candidates for the positions of Child Development Worker I and II to organize a pool of ten (10) qualified applicants for possible appointment to these positions. The bill mandates for additional compensation and allowance for Child Development Workers such as overtime pay, hazard allowance, and subsistence allowance. Other benefits and privileges are for married child development workers, free legal services, free medical examination and treatment, access to livelihood, loans, grants and skills enhancement, membership in the Government Service Insurance System (GSIS), Pag-IBIG, and PhilHealth.

When this bill was filed during the 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> Congresses it was in the advanced process of legislation but no further action was taken on it due to time constraints. This bill is re-filed for the consideration of the 19<sup>th</sup> Congress.

Support for the enactment of this measure is earnestly requested.

A handwritten signature in cursive script, appearing to read 'L. Villarica'.

REP. LINABELLE RUTH R. VILLARICA

Republic of the Philippines  
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HOUSE BILL NO. **2644**

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Introduced by HON. LINABELLE RUTH R. VILLARICA  
4<sup>TH</sup> DISTRICT, BULACAN

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AN ACT  
INSTITUTING THE MAGNA CARTA OF CHILD DEVELOPMENT 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 of Child Development Workers”.

SEC. 2. *Declaration of State Policy.* – The State recognizes the vital role of children in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. Towards this end, the State shall adopt policies that will improve the social and economic welfare of child development workers who provide Early Childhood Care and Development (ECCD) programs and services to children ages zero (0) to four (4).

SEC. 3. *Coverage.* – This Act covers all child development workers, formerly known as day care workers, referred to as Republic Act No. 10410, otherwise known as “The Early Years Act (EYA)”, herein referred as service providers primarily engaged in the delivery of early childhood care and development services and programs such as care, social development, education, protection, and other needs of children aged zero (0) to four (4) years in all government-sponsored Child Development Centers (CDCs).

SEC. 4. *Plantilla Positions and Security of Tenure in Child Development Centers and National Child Development Centers.* – At least one (1) Child Development Worker I or one (1) Child Development Worker II, plantilla position shall be created in all CDCs nationwide. As plantilla position holders, child development workers shall be appointed under permanent status and shall be protected and governed by Civil Service rules and regulations. No child development worker shall be removed or transferred from office without just cause, due process, or prior consultation with the concerned child development worker.

Further, the CSC shall issue guidelines on the inclusion of child development workers among the positions which cannot be appointed, removed, or transferred during the period before and after elections.

SEC. 5. *Creation of Special Personnel Selection Board.* – A Special Personnel Selection Board (SPSB) for Child Development Worker I and II positions shall be created to screen candidates and create a pool of ten (10) qualified applicants for possible appointment to the subject positions. The SPSB shall be composed of the local social welfare and development officer (LSWDO) as chairperson, the *punong barangay*, local health officer, human resource management officer, a child development worker from the same municipality, and local government unit (LGU) first level employees' representative as members.

SEC. 6. *Recruitment and Selection.* – Upon publication and posting by the local Human Resource Management Office (HRMO) of vacant permanent Child Development Worker I and II positions in particular CDCs, all qualified applicants shall submit their application together with complete requirement to the HRMO for preliminary evaluation: *Provided*, that all qualified incumbent child development workers hired under casual, contractual and job order employment status shall automatically be considered candidates and given priority for appointment to permanent Child Development Worker I and II positions.

The local chief executive as the appointing authority, shall exercise sound discretion in supporting, from the SPSB-recommended post, a Child Development Worker I or II position in a particular CDC.

Under no circumstances shall an applicant be discriminated against on the basis of gender, religion, status, race, disability, or political affiliation.

SEC. 7. *Qualifications, Positions and Salary Grade.*– A child development worker possessing the following qualifications shall be hired to the position of:

- a) Child Development Worker I with Salary Grade 6 must possess the following qualifications:
  - (1) Must be of legal age;
  - (2) Must have completed at least two (2) years of college education;
  - (3) Must be certified by the Early Childhood Care and Development Council (ECCDC) of the Department of Social Welfare and Development Council (DSWD), or their deputized entities to have complied with existing requisites and trainings in early childhood care and development;
  - (4) Must not have been convicted by final judgement of any crime; and
  - (5) Must not have a pending case in relation to Republic Act No. 7610, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act”,

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

Child development workers who have no college education upon the effectivity of this Act shall be given two (2) years within which to complete equivalent training to be able to continue in the service in accordance with Section 12 of this Act.

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

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

SEC. 8. *Working Hours.* – A child development worker is required to render eight (8) working hours a day or a total of forty (40) working hours a week: *Provided*, That the LSWDO may require them to render services beyond their required working hours during emergency situations such as natural and man-made calamities.

SEC. 9. *Code of Conduct of Child Development Workers.* – Within six (6) months upon approval of this Act, the DSWD, ECCDC and the Council for the Welfare of Children (CWC), in consultation with a national organization of child development workers, shall formulate a Code of Conduct for Child Development Workers. Each of them shall be provided with a copy of the Code at the expense of the government.

SEC. 10. *Additional Compensation and Allowances.* – Child Development Workers shall be provided with the following additional compensation whenever applicable:

- (a) Overtime pay – for services rendered beyond the required working hours as prescribed in Section 8 hereof;
- (b) Hazard allowance – for being exposed to situations, conditions, or factors in the workplace which endanger the workers' health or life, or increase the danger or risk thereto. Such risk or danger shall be determined by the *Sangguniang Barangay* concerned; and
- (c) Subsistence allowance – for meals taken in the course of the duty within the premises of isolated CDCs the amount of which shall be computed in accordance with prevailing circumstances as determined by the LSWDO for approval of the *Sangguniang Barangay* concerned.

SEC. 11. *Other Benefits and Privileges.* – Child Development Workers shall be entitled to the following additional benefits and privileges:

- (a) Married Child Development Workers – Whenever possible, married couples who are both child development workers shall be assigned in the same municipality or city.
- (b) Free Legal Services – The Public Attorney's Office (PAO) shall represent child development workers in cases filed against them in connection with the performance of their duties.
- (c) Free Medical Examination and Treatment – Annual medical examinations shall be provided by government hospital, free of charge, to all child development workers.

Those suffering from work-related ailments shall be treated without cost in government hospitals.

- (d) Access to Livelihood, Loans, Grant, and Skills Enhancement – The ECCDC, DSWD and the LGULs, in coordination with other concerned government agencies, shall provide organized child development works with a mechanism for accessing livelihood, loans, grants, and skills enhancement services.
- (e) Other Benefits – As government employees, all child development workers shall automatically become members of the Government Service Insurance System (GSIS), Pag-IBIG, and PhilHealth, subject to premium payments by both employers and employees, and shall be entitled to maternity/paternity, sick, and vacation leaves as provided for by existing laws.

SEC. 12. *Training, education and Skills Enhancement.* – The ECCDC, in coordination with DSWD, Department of Education (DepEd), Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA), shall provide for a system of continuing education and skills training and knowledge enhancement programs for child development workers.

The DepEd, CHED, and TESDA shall adopt an equivalency system of education that shall workers as formal academic or training units.

SEC. 13. *Support from Non-governmental Organizations (NGOs) and the Private Sector.* – Nongovernmental organizations, private volunteer organizations, and private corporations are hereby encouraged to assist or support the government in the implementation of programs and projects for child development workers. Pursuant thereto, all CDCs may accept such as assistance or support from NGOs and the private sector.

SEC. 14. *Appropriations.* – The annual amount needed to cover the salaries of child development workers shall be charged from the Internal Revenue Allotment (IRA) and the Special Education Fund (SEF) of the LGUs concerned, as provided in Section 11 of Republic Act No. 10410, *Provided*, That the national government, through contributions from a portion of the fifty percent (50%) government share in gaming revenues of the Philippine Amusement and Gaming Corporation (PAGCOR) under Presidential Decree No. 1869, as amended, shall provide subsidy for at least one (1) child development worker per center in the fourth, fifth, and sixth class municipalities. Additional funds generated from donations, fees, and contributions collected by the ECCDC from whatever source shall also be set aside to augment the salaries and benefits of Child Development Workers.

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

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

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

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

Approved.