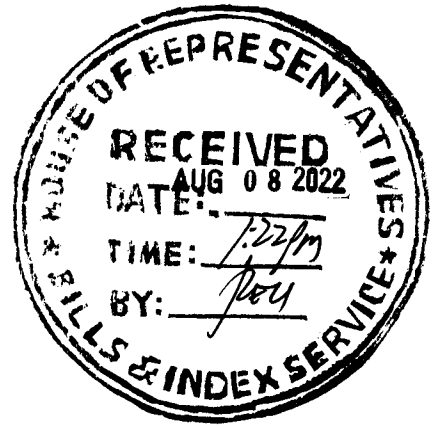


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3266



Introduced by Honorable Representatives
ARLENE D. BROSAS (Gabriela Women's Party),
FRANCE L. CASTRO (ACT Teachers Partylist),
and **RAOUL DANNIEL A. MANUEL** (Kabataan Partylist)

**AN ACT PROVIDING FOR SECURITY OF TENURE, STANDARDIZED SALARY AND
OTHER BENEFITS FOR CHILD DEVELOPMENT WORKERS**

EXPLANATORY NOTE

A crucial period in a human being's development is from birth to age eight (8). It is during this time that it is important that they are given proper care and nutrition.

Republic Act (R.A.) No. 10410 or the Early Years Act of 2013 promotes children's rights to survival, development, and special protection, and a sense of responsibility towards providing developmental experiences in support of their needs. It also aims to support parents in their role as primary caregivers. The law institutionalized the National System for Early Childhood Care and Development (ECCD), which offers a broad range of health, nutrition, early education, and social services development programs.

At the forefront of ECCD is our child development workers, most of which are deprived of just compensation and benefits. Under R.A. No. 6972, which established a daycare center in every barangay, the government is mandated to give them a mere monthly allowance of not less than Five Hundred Pesos (PHP500) from the annual appropriation of the Department of Social Welfare and Development (DSWD). This is amid the fact that most of them are doing work comparable to their private school counterparts.

Aside from being overworked and underpaid, a lot of them are also subjected to politically-motivated termination because they do not have security of tenure.

According to the Department of Social Welfare and Development (DSWD), there are 67,733 child development workers with tenured and non-tenured positions who do not receive standard wages or benefits. Around 9.3% or 6,307 of the total child development workers nationwide are volunteers. These child development workers cater to millions of children and their families. For poor Filipino families, putting their children in government daycare centers that require little financial contribution is a big help. Parents are able to earn a living for their families while dedicated child development workers tend to the needs of their children.

For most child development workers, caring for the children of the poor has become a vocation. But the government should not abuse their willingness to work as volunteers. It is not by choice but by necessity, and at times, desperation, that they are forced to accept the work in exchange for an amount not even enough for their subsistence.

The government, in light of the institutionalization of the ECCD, should finally make daycare workers regular government employees. Under this proposed measure, around 84,000 plantilla positions for child development workers will be created with security of tenure and decent salaries - a worthy investment considering that child development workers are at the forefront in ensuring the holistic development of Filipino children.

By guaranteeing the rights of child development workers to security of tenure, humane working conditions, and a living wage, the State would be contributing to the improvement of the quality of early childhood care and education, thereby upholding its mandate to defend and protect children's rights and welfare.

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


ARLENE D. BROSAS
Gabriela Women's Party


FRANCE L. CASTRO
ACT Teachers Partylist


RAOUL DANNIEL A. MANUEL
Kabataan Partylist

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*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-economic welfare of child development workers who provide Early Childhood Care and Development (ECCD) programs and services to children ages zero (0) to eight (8).

SEC. 3. Coverage. – This Act covers all child development workers, formerly known as daycare workers, referred to in Republic Act No. 10410, otherwise known as “The Early Years Act (EYA) of 2013”, herein defined as service providers primarily engaged in the delivery of early childhood care and development services and programs such as care, social development, education, nutrition, protection, and other needs of children aged zero (0) to six (6) 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 and one (1) Child Development Worker II plantilla positions 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 Civil Service Commission (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.

Provided, that if a child development worker is found by the CSC to be unjustly dismissed from work, the child development worker shall be entitled to reinstatement without loss of seniority rights. Backwages with twelve percent (12%) interest computed from the time compensation was withheld from the time of reinstatement shall also be awarded.

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 requirements 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 appointing, from the SPSB-recommended pool, a Child Development Worker I and II position in a particular CDC.

Under no circumstance shall an applicant be discriminated against on the basis of age, 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 for 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), the Department of Social Welfare and Development (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 judgment of any crime; and
- (5) Must not have a pending case in relation to RA 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 not be removed from service; *Provided*, that they shall be given two (2) years within which to complete equivalent training, in accordance with Section 13 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, as well as 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).

In the case of non-government, non-stock, non-profit, and private-led child development centers, salaries of child development workers shall be augmented by the national government and local government units (LGUs) as needed.

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 their 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.

Further, child development workers, whether in government-sponsored or private CDCs, shall, in no way, be required to shell out their own money to spend on electricity, rent and teaching supplies for their child development centers. If the participation fee set by the local government is inadequate, it is the LGU's responsibility to pay for the necessary utilities required to operate the daycare center.

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 hospitals, 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, Grants, and Skills Enhancement. – The ECCDC, DSWD and the LGUs, in coordination with other concerned government agencies, shall provide organized child development workers with a mechanism for accessing livelihood, loans, grants, and skills enhancement services.

(e) Retirement benefits – All child development workers will receive retirement benefits once they have reached the age and fulfilled service requirements under existing laws.

(f) Other Benefits. – As government employees, all child development workers shall automatically become members of the Government Service Insurance System (GSIS), PagIBIG, and PhilHealth, subject to premium payments by both employers and employees, and shall be entitled to maternity/paternity, sick, and vacation and other leaves as provided for by existing laws.

SEC 12. Right to Self-Organization. – Child development workers, whether in government-sponsored or private CDCs, 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.

SEC. 13. 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 free skills training and knowledge enhancement programs for child development workers in the public and private sector.

The DepEd, CHED, and TESDA shall adopt an equivalency system of education that shall recognize and duly credit the actual work experiences and prior learning of all child development workers as formal academic or training units.

Section 14. Penal Provisions. Any person shall willfully interfere with, restrain or coerce any child development worker in the exercise of his/her 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 pesos (PHP20,000.00) or imprisonment of not more than one (1) year or both at the discretion of the court.

SEC. 15. Appropriations. –The amount needed to cover the salaries of child development workers shall be charged from the National Tax Allotment (NTA) and the annual general appropriations of the Department of Social Welfare and Development (DSWD). *Provided*, That the national government, through contributions from a portion of the fifty percent (50%) government share in gaming revenues of 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. 16. *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 three (3) months from its effectivity.

SEC. 17. *Separability Clause.* – If any provision of this Act or any part hereof is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions.

SEC. 18. *Repealing Clause.* – R.A. No. 6972, otherwise known as the “Barangay-level Total 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. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,