

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**NINETEENTH CONGRESS**  
First Regular Session

House Bill No. 3531



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**INTRODUCED BY HONORABLE LIANDA B. BOLILIA**

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**EXPLANATORY NOTE**

Republic Act No. 6972 or the Barangay-Level Total Development and Protection of Children Act provided for the creation of Day Care centers in every barangay and of the Total Development and Protection Program which aimed at providing Filipino children up to six (6) years of age care and attention in the barangay level. This was further strengthened by R.A. 8980 otherwise known as the Early Childhood Care and Development Act that provided for a comprehensive policy and national system for Early Childhood Care and Development (ECCD).

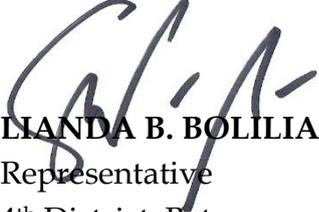
At the heart of these measures are the Day Care Workers who assist parents tend to the needs of their children and help promote the rights of children against all forms of abuse, neglect, cruelty and other condition prejudicial to their development. Day care workers play an important role in the formative years of children, however, despite this, they are deprived of the benefits and safeguards of a regular government employee. They receive a monthly allowance which is insufficient given the current cost of living and rising prices of commodities.

This measure aims to address these. It aims to provide a national policy that will accord Day Care Workers benefits commensurate to their role in the lives of our children. It aims to create plantilla positions that will provide them security of tenure and benefits as prescribed by the Civil Service Commission. It also aims to provide allowances and other privileges, and training, education and skills enhancement in partnership with other agencies including DepEd, CHED, DSWD and TESDA.

During the 17<sup>th</sup> Congress, I co-authored substitute bill number 06550 that aimed to do the above. It was exhaustively discussed in the committee level and was passed

on Third Reading. During the 18<sup>th</sup> Congress, similar measures were passed that reached the Committee level.

In view of the foregoing, the immediate enactment and approval of this bill is earnestly sought.



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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 the House of Representatives of the Philippines in Congress assembled:*

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “*Magna Carta of Day Care*  
2 *Workers.*”

3

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

9

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

16

17 **SECTION 4. *Plantilla Positions and Security of Tenure in Day Care Centers.*** – At  
18 least one (1) Day Care Worker I and one (1) Day Care Worker II plantilla positions  
19 shall be created in all day care centers nationwide. As plantilla position holders, day  
20 care workers shall be appointed under permanent status and shall be protected and  
21 governed by civil service rules and regulations. No day care worker shall be removed

1 or transferred from office without just cause, due process, or prior consultation with  
2 the concerned day care worker.

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

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

20  
21 The Local Chief Executive, as the appointing authority, shall exercise sound  
22 discretion in appointing, from the SPSB-recommended pool, a day care worker  
23 position in a particular day care center.

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

27 (a) Day Care Worker I, with Salary Grade Six (6), must possess the following  
28 qualifications:

29 (1) Must be of legal age;

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

31 (3) Must be certified by the DSWD or DSWD-deputized entities to have  
32 complied with existing requisites and trainings in early childhood care and  
33 development;

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

35 (5) Must not have a pending case in relation to Republic Act No. 7610,  
36 otherwise known as the “*Special Protection of Children Against Child Abuse, Exploitation*  
37 *and Discrimination Act.*”

38  
39 Day care workers legitimately serving as such upon the passage of this Act who  
40 are above seventeen (17) years old but below eighteen (18) years old, shall continue to

1 serve as such and are qualified to be covered under this Act: *Provided*, That their  
2 retention had been recommended by their direct supervisor;

3  
4 Day care workers who have no college education upon the effectivity of this  
5 Act shall be given two (2) years within which to complete equivalent training to be  
6 able to continue in the service, in accordance with Section 12 of this Act. The necessary  
7 training courses shall be prescribed by the Department of Social Welfare and  
8 Development (DSWD);

9  
10 (b) A Day Care Worker II, with Salary Grade 8, must possess the same  
11 qualifications mentioned in paragraph (a) of this section including five (5) years of  
12 working experience and at least twelve (12) hours of relevant training.

13  
14 Qualifications and exceptions applicable to this section shall be subject to  
15 conditions imposed by the Civil Service Commission (CSC).

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

22  
23 **SECTION 9. *Code of Conduct of Day Care Workers.*** - Within six (6) months upon  
24 approval of this Act, the Early Childhood Care and Development Council (ECCDC),  
25 in consultation with a national organization of day care workers, shall formulate a  
26 Code of Conduct for Day Care Workers. Each day care worker shall be provided with  
27 a copy of the Code at the expense of the government.

28  
29 **SECTION 10. *Additional Compensation and Allowances.*** - Day care workers shall be  
30 provided with the following additional compensation, whenever applicable:

31 (a) Overtime pay - for services rendered beyond the required working  
32 hours as prescribed in Section 8 hereof;

33  
34 (b) Hazard allowance - for being exposed to situations, conditions, or  
35 factors in the workplace which endanger the workers' health or life, or  
36 increase the danger or risk thereto. Such risk or danger shall be  
37 determined by the local Sangguniang Barangay concerned; and

38  
39 (c) Subsistence allowance - for meals taken in the course of their duty  
40 within the premises of isolated day care centers, the amount of which

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

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

6 (a) **Married Day Care Workers.** – Whenever possible, married couples who  
7 are both day care workers shall be assigned in the same municipality or  
8 city.  
9

10 (b) **Free Legal Services.** – The Public Attorney’s Office (PAO) shall represent  
11 day care workers in cases filed against them in connection with the  
12 performance of their duties.  
13

14 (c) **Free Medical Examination and Treatment.** – Annual medical  
15 examinations shall be provided by government hospitals, free of charge,  
16 to all day care workers. Day care workers suffering from work-related  
17 ailments shall be treated without cost in government hospitals.  
18

19 (d) **Access to Livelihood, Loans, Grants, and Skills Enhancement.** – The  
20 DSWD and the LGUs, in coordination with other concerned government  
21 agencies, shall provide organized day care workers with a mechanism  
22 for accessing livelihood, loans, grants, and skills enhancement services.  
23

24 (e) **Other Benefits.** – All day care workers shall automatically become  
25 members of the Government Service Insurance System (GSIS), Pag-IBIG,  
26 and PhilHealth, subject to premium payments by both employers and  
27 employees, and shall be entitled to maternity/paternity, sick, and  
28 vacation leaves as provided for by existing laws.  
29

30 **SECTION 12. *Training, Education and Skills Enhancement.*** – The DSWD, in  
31 coordination with Department of Education (DepEd), Commission on Higher  
32 Education (CHED) and the Technical Education and Skills Development Authority  
33 (TESDA), shall provide for a system of continuing education and skills training and  
34 knowledge enhancement programs for day care workers.  
35

36 The DepEd, CHED, and TESDA shall adopt an equivalency system of  
37 education that shall recognize and duly credit the actual work experiences and prior  
38 learning of day care workers as formal academic or training units.  
39

40 **SECTION 13. *Support from Nongovernment Organizations (NGOs).*** –  
41 Nongovernment organizations or private volunteer organizations are hereby

1 encouraged to assist or support the government in the implementation of programs  
2 and projects for day care workers. Pursuant thereto, all day care centers may accept  
3 such assistance or support from NGOs.  
4

5 **SECTION 14. *Appropriations.*** – The amount necessary to cover the salaries and  
6 benefits of day care workers shall be charged from the Internal Revenue Allotment  
7 (IRA) and the Special Education Fund of LGUs concerned: *Provided,* That the national  
8 government shall provide subsidy for at least one (1) day care worker per center in  
9 the fourth, fifth, and sixth class municipalities. A portion of the contribution of the  
10 Philippine Amusement and Gaming Corporation (PAGCOR) as provided under  
11 Republic Act No. 10410, as well as additional funds generated from donations, fees,  
12 and contributions collected by the ECCDC from whatever source shall also be set aside  
13 for the purpose.  
14

15 **SECTION 15. *Implementing Rules and Regulations.*** – The DSWD, the ECCDC, and  
16 the Department of the Interior and Local Government (DILG), in consultation with the  
17 CSC and a national organization of day care workers, shall formulate the rules and  
18 regulations necessary to implement the provisions of this Act within six (6) months  
19 from its effectivity.  
20

21 **SECTION 16. *Separability Clause.*** – If any provision of this Act or any part thereof is  
22 declared unconstitutional, the same shall not affect the validity and effectivity of the  
23 other provisions.  
24

25 **SECTION 17. *Repealing Clause.*** – Republic Act No. 6972, otherwise known as the  
26 “*Barangay-Level Total Development and Protection of Children Act*” and all laws, decrees,  
27 rules and regulations, and executive orders contrary to or inconsistent with this Act  
28 are hereby repealed or modified accordingly.  
29

30 **SECTION 18. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
31 publication in the Official Gazette or in a newspaper of general circulation.  
32

33 Approved,