

**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**



'22 JUL 12 A10 :58

SENATE
S.B. No. 343

RECEIVED BY: _____

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT INSTITUTING THE MAGNA CARTA FOR CHILD DEVELOPMENT WORKERS AND PROVIDING FUNDS THEREFOR

EXPLANATORY NOTE

Section 12, Article II of the Constitution provides that the State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and development of moral character shall receive the support of the Government.

Section 18, Article II of the Constitution provides that the State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

In November 1990, Republic Act No. 6972 or the "Barangay - Level Total Development and Protection of Children Act" was enacted. This law calls for the establishment of a day care center in every barangay and of the Total Development and Protection Program.

After 10 years, in December 2000, Republic Act No. 8980 or the ECCD Act was enacted. This law seeks to promulgate a comprehensive policy and national system for Early Childhood Care and Development. These measures promote and safeguard the rights of children against all forms of neglect, abuse, cruelty, and other conditions prejudicial to their development. More importantly it recognizes the critical development stage of childhood from birth to six (6) years of age.

Daycare workers assist parents by tending to the needs of their children while they work by preparing meals for children, monitoring them for health, behavioral, and emotional concerns, maintaining their hygiene and ensuring that children are learning and socializing. They also ensure that the children are in a safe and clean environment. In this light daycare workers play a vital role in child development.

This proposed bill seeks to provide daycare workers security of tenure, appropriate living wage, and humane working conditions.

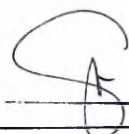
In view of the foregoing, the passage of this bill is earnestly sought.



MARIA LOURDES NANCY S. BINAY

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AN ACT INSTITUTING THE MAGNA CARTA FOR CHILD DEVELOPMENT WORKERS AND PROVIDING FUNDS THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* - This Act shall be known as the "*Magna Carta for Child Development Workers.*"

SEC. 2. *Declaration of Policy.* - The State recognizes the vital role of children and youth 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 pre-school education and social development services to children.

SEC. 3. *Coverage.* - This Act shall cover all child development workers under Republic Act No. 10410, otherwise known as the "Early Years Act of 2013", herein defined as persons primarily engaged in the provision of early child development services and programs such as care, social development, education, protection, and other needs of children aged four (4) years old and below in all government-sponsored care centers.

SEC. 4. *Plantilla Positions and Security of Tenure in Child Development Centers.* - At least one (1) Child Development Worker I and one (1) Child Development Worker II plantilla positions shall be created in all child development centers nationwide. The duly appointed child development workers shall enjoy security of tenure 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.

SEC. 5. *Creation of Special Personnel Selection Board.* - A Special Personnel Selection Board (SPSB) for child development worker positions shall be created to screen candidates and create a pool of at least three (3) qualified applicants for possible appointment to the subject positions. The SPSB shall be composed of the

1 local social welfare and development officer (LSDWO) as chairperson, and the local
2 health officer, human resource management officer, and local government unit (LGU)
3 first level employees' representative as members.
4

5 *SEC. 6. Recruitment and Selection.* - Upon publication and posting by the 20
6 local Human Resource Management Office (HRMO) of vacant permanent child
7 development worker positions in particular child development centers, all qualified
8 applicants shall submit their application, together with complete requirements, to the
9 HRMO for preliminary evaluation; Provided, That all qualified incumbent child
10 development workers hired under casual, contractual, and job order employment
11 status shall automatically be considered candidates and given priority for appointment
12 to permanent child development worker positions.
13

14 The local chief executive, as the appointing authority, shall exercise sound
15 discretion in appointing, from the SPSB-recommended pool pursuant to Sec. 5 of 30
16 this Act, a child development worker in particular child development center.
17

18 Under no circumstances shall an applicant be discriminated against on the basis
19 of gender, religion, age, status, race, or political affiliation.
20

21 *SEC. 7. Qualifications, Positions and Salary Grade.* - A child development
22 worker possessing the following qualifications shall be hired to the position of:
23

- 24 (a) Child Development Worker I, with Salary Grade 6, must 7 possess the
25 following qualifications:
26
27 (1) Must be of legal age;
28
29 (2) Must have completed at least the K-12 Program or two (2) years
30 of college education or its equivalent;
31
32 (3) Must be certified by either the ECCDC council or the deputized
33 local Social Welfare and Development Office (LSWDO) to have
34 complied with existing requisites and trainings in early childhood
35 care and development;
36
37 (4) Must not have been convicted by final judgment of any crime; and
38
39 (5) Must not have a pending case in relation to Republic 19 Act No.
40 7610, otherwise known as the "Special Protection of Children
41 Against Abuse, Exploitation and Discrimination Act" and other
42 similar laws protecting children.
43

44 Child development workers legitimately serving as such upon the
45 approval of this Act who are above seventeen (17) years old but below eighteen
46 (18) years old and does not possess any of the above-stated disqualifications,
47 shall continue in service to serve as such and are considered qualified to be

1 covered under this Act; Provided, That their retentions had been recommended
2 by their direct supervisor on the basis of their performance.
3

4 Child development workers who have not completed the K-12 Program
5 30 and have no college education upon the approval of this Act shall be given
6 two (2) years within which to complete equivalent training to be able to
7 continue in the service, in accordance with Section 12 of this Act. The necessary
8 training courses shall be prescribed by the ECCDC Council.
9

10 (b) Child Development Worker II, with Salary Grade 8, must possess the
11 same qualifications mentioned in paragraph (A) of this section and must
12 have five (5) years of work experience and at least twelve (12) hours of
13 relevant training.
14

15 Qualifications and exceptions applicable to this section shall be subject
16 to conditions imposed by the Civil Service Commission.
17

18 *SEC. 8. Normal Working Hours.* - The normal hours of work of any child
19 development worker shall not exceed eight (8) working hours a day or forty (40)
20 working hours a week; Provided, that the LSWDO may require child development
21 workers to render service beyond their working hours during emergency situations
22 such as natural disasters and man-made calamities.
23

24 *SEC. 9. Code of Conduct of Child Development Workers.* - Within six (6)
25 months from the approval of this Act, the Early Childhood Care and Development
26 Council (ECCDC), in consultation with a national organization of child development
27 workers, shall formulate a Code of Conduct for Child Development Workers. Each child
28 development worker shall be provided with a copy of the Code at the expense of the
29 government.
30

31 *SEC. 10. Additional Compensation and Allowances.* - Child development
32 workers shall be provided with the following additional compensation, whenever
33 applicable:
34

- 35 (a) Overtime Pay - for services rendered beyond the required working hours
36 as prescribed in Section 8 hereof;
37
- 38 (b) Hazard Allowance - child development workers in rural and urban areas,
39 exposed to situations, conditions, or factors in the work environment or
40 place where foreseeable but unavoidable danger or risks exist which
41 adversely endanger their health or life and/or increase the risk of
42 producing adverse effect on their person in the exercise of their duties,
43 to be validated by the proper authorities, shall be entitled to hazard
44 allowance in an amount to be determined by the LSDWO of the local
45 government unit concerned; and
46
- 47 (c) Subsistence Allowance - Child development workers who render service
48 within the premise of an isolated Child Development Center shall be

1 entitled to subsistence allowance equivalent to the meals they take in
2 the course of their duty, which shall be computed in accordance with
3 prevailing circumstances as determined by the local government unit
4 concerned.

5
6 SEC. 11. *Right to Self-Organization.* - Day care workers shall have the right to
7 freely form, join or assist organizations in order to defend and protect their mutual
8 interests and to obtain redress of their grievances.

9
10 SEC. 12. *Other Benefits and Privileges.* - Child development workers shall be
11 entitled to the following additional benefits and privileges:

- 12
13 (a) Married Child Development Workers - Whenever possible, married
14 couples who are both child development workers shall be assigned in
15 the same municipality or city;
16
17 (b) Free Legal Services - Legal representation and consultation services for
18 child development workers shall be immediately provided by the Public
19 Attorney's Office in civil and criminal cases filed by or against child
20 development workers arising out of or in connection with the
21 performance of their duties as such;
22
23 (c) Free Medical Examination and Treatment - Annual medical examinations
24 shall be provided by government hospitals, free of charge, to all child
25 development workers. Child development workers suffering from work-
26 related ailments shall be treated without cost in government
27 hospitals; and
28
29 (d) Access to Livelihood, Loans, Grants, and Skills Enhancement - The DSWD
30 and the LGUs, in coordination with other concerned government
31 agencies, shall provide organized child development workers with a
32 mechanism for accessing livelihood, loans, grants, and skills
33 enhancement services.

34
35 SEC. 13. *Training, Education and Skills Enhancement.* - The ECCDC, in
36 coordination with the Commission on Higher Education (CHED) and the Technical
37 Education and Skills Development Authority (TESDA), shall provide for a system of
38 continuing education, skills training, and knowledge enhancement programs for child
39 development workers.

40
41 The CHED and TESDA shall adopt an equivalency system of education that shall
42 recognize and duly credit the actual work experiences and prior learning of child
43 development workers as formal or academic training units.

44
45 SEC. 14. *Support from Non-governmental Organizations (NGOs), Private*
46 *Volunteer Organizations and Other Private Institutions.* - Non-governmental
47 organizations or private volunteer organizations, and other private institutions shall be
48 encouraged to assist or support the government in the implementation of programs

1 and projects for child development workers. Pursuant thereto, all Child Development
2 Centers may accept such assistance or support from NGOs.

3
4 SEC. 15. *Appropriations.* - The amount necessary to cover the salaries and
5 benefits of child development workers shall be charged from the Internal Revenue
6 Allotment (IRA), Special education Fund (SEF), and Gender and Development (GAD)
7 Fund of LCDs concerned; Provided, That the national government shall provide
8 subsidy for at least one (1) child development worker per center in the fourth, fifth,
9 and six class municipalities. A portion of the contribution from the Philippine
10 Amusement and Gaming Corporation (PAGCOR), as provided under Republic Act no.
11 10410, as well as additional funds generated from donations, fees, and contributions
12 collected by the ECCDC from whatever source, shall be set aside for the purpose.

13
14 SEC. 16. *Implementing Rules and Regulations.* - Within six (6) months from the
15 approval of this Act, the ECCDC, in consultation with the DSWD and the DILG, shall
16 promulgate the necessary rules and regulations to implement the provisions of this
17 Act.

18
19 SEC. 17. *Penal Provisions.* - It shall be unlawful to violate the right of any child
20 development worker to security of tenure, to deprive them of any rights as provided
21 under this law, or condition the same on political support for any public official. Any
22 person who violates the provisions of this Act shall be punished with a fine of not less
23 than Twenty Thousand Pesos (P20, 000.00) or imprisonment of not less than two (2)
24 months but not more than one (1) year, or both at the discretion of the Court. If the
25 offender is a public official, he/she shall, in addition to the penalties stated above, be
26 dismissed from government service.

27
28 SEC. 18. *Separability Clause.* - If any provision of this Act is declared
29 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall
30 continue to be in full force and effect.

31
32 SEC. 19. *Repealing Clause.* - Section 6 of Republic Act No. 6972, otherwise
33 known as the "Barangay-level Total Development and Protection of Children Act" and
34 all laws, executive orders, presidential decrees, presidential proclamations, letters of
35 instructions, rules and regulations or parts thereof which are inconsistent with the
36 provisions of this Act are hereby repealed or modified accordingly.

37
38 SEC. 20. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
39 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,