

19th Regular Session

ORDINANCE NO. SP-**1829**, S-2008
(PO2007-34)

AN ORDINANCE ESTABLISHING A QUEZON CITY POPULATION AND REPRODUCTIVE HEALTH MANAGEMENT POLICY.

Introduced by Councilors JOSEPH P. JUICO, JESUS MANUEL C. SUNTAY, JORGE B. BANAL, JR., ANTONIO E. INTON, JR., DIORELLA MARIA G. SOTTO, EDCEL B. LAGMAN, JR., WINSTON "Winnie" T. CASTELO, BAYANI V. HIPOL, JAIME F. BORRES, EDEN "Candy" A. MEDINA, DOROTHY A. DELARMENTE, VICTOR V. FERRER, JR., FRANCISCO A. CALALAY, JR., BERNADETTE HERRERA - DY, RICARDO T. BELMONTE, JR., RAMON P. MEDALLA, ALLAN BUTCH T. FRANCISCO, VOLTAIRE GODOFREDO L. LIBAN III, AIKO S. MELENDEZ, FRANZ S. PUMAREN, WENCEROM BENEDICT C. LAGUMBAY, DANTE M. DE GUZMAN, VINCENT DG. BELMONTE, CONCEPCION S. MALANGEN and ALEXIS GRACE R. MATIAS.

WHEREAS, under the 1987 Constitution, the State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development;

WHEREAS, the Constitution mandates that the State recognize the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution;

WHEREAS, the State shall also defend the right of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood, and the right of families or family associations to participate in the planning and implementation of policies and programs that affect them;

WHEREAS, it is also the duty of the State to equally protect the life of the mother and the life of the unborn from conception, and under Philippine penal laws, abortion is illegal;

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WHEREAS, the State not only recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being, the State also supports the natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character;

WHEREAS, it is a declared Constitutional policy that the State recognize the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men;

WHEREAS, according to the Constitution, the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, according to Section 16 of the Local Government Code, every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Local government units shall, among others, promote health and safety, enhance economic prosperity and social justice, and preserve the comfort and convenience of their inhabitants;

WHEREAS, the Philippine population stands at 87 million and our country ranks 12th among the most populated in the world; while Quezon City has a population of 2.5 million which continues to increase by 1.92% yearly;

WHEREAS, the fast growing population in Quezon City takes its toll in the City Government's ability to provide for basic services. Recent surveys show that magnitude of hungry households has dramatically grown;

WHEREAS, poverty incidence has been found to be greater among families with more children, i.e. only 15.7% of two-child families are poor as compared to almost half (48.7%) of the families that have seven children are poor (NSO FILES Survey 1985-2000);

WHEREAS, in Quezon City, 5 out of every 100 children are underweight. Of the City's top five illnesses for infants in 2006, namely, upper respiratory tract infection, broncho - pneumonia, acute gastroenteritis, impetigo and abscess, lack of birth spacing of mothers, along with contaminated water source and malnutrition were found to be among the key causes;

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WHEREAS, due to lack of a comprehensive population and reproductive health management policy and lack of service providers, our City Health Department has a limited capacity to address the family planning needs of married couples, thus resulting in many unwanted pregnancies;

WHEREAS, in Quezon City, there is a high percentage of married women who are currently not using any method or means of family planning, but who do not want to bear children anymore. Comparing figures based on recent surveys; nationwide, 15.7% of married women do not want to bear more children; 19% for the whole of Metro Manila; and 20% for Quezon City. Thus, it is imperative that the City Government provides for a comprehensive population and reproductive health management policy in order to address the pressing problem of population explosion and its attendant socio-economic burdens on families in particular and on the City in general.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

Section 1. **Declaration of Policy.** - It is hereby declared the policy of the Local Government of Quezon City to adopt an integrated and comprehensive policy on responsible parenthood, effective population management, and sustainable social development that values dignity of every human person and affords full protection to people's rights. These rights include the rights to development, equality and equity, reproductive health, education and to choose and make independent decisions on the number, spacing and timing of their children in accordance with one's religious convictions, cultural beliefs and the demands of responsible parenthood.

The City Government upholds and supports the Constitutionally mandated rights of its constituents to found a family in accordance with their religious convictions and the demands of responsible parenthood, and the right of families or family associations to participate in the planning and implementation of policies and programs that affect them.

However, the availability of family planning methods and reproductive health care services shall in no way be construed to include abortion, a crime punishable under Articles 256, 257, 258 and 259 under the Revised Penal Code.

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The City Government upholds the right of all its constituents, particularly women, to effective and reasonable participation in the formulation and implementation of the declared policy as its direct and ultimate beneficiaries.

The QUEZON CITY POPULATION AND REPRODUCTIVE HEALTH MANAGEMENT POLICY is anchored on the rationale that sustainable social development is better assured with manageable population of healthy, educated and productive citizens. The City Government likewise guarantees access to safe, affordable and quality reproductive health care services, methods and relevant information as it gives priority to the needs of women and their children.

Section 2. Guiding Principles. – The QUEZON CITY POPULATION AND REPRODUCTIVE HEALTH MANAGEMENT POLICY declares the following as basic guiding principles:

- a. Quality reproductive health must be prioritized to ensure the birth of healthy children and to promote responsible parenting.*
- b. City resources can only enable the City Government to allocate adequate budgets for delivering efficient and adequate services up to a certain finite number of its population.*
- c. Freedom of choice, which is central to the exercise of any right, must be fully guaranteed by the City Government.*
- d. The City Government shall promote the economic, physical, emotional, moral and spiritual well-being of individuals, couples and their children.*
- e. The City Government shall uphold the inculcation of positive moral and spiritual values in the care and education of adolescents.*
- f. The City Government shall promote natural and artificial family methods of family planning that are deemed, safe and effective by the national and international authorities and considered part of essential drug list and provide couples and individuals access to relevant information and resources to enable them to make sound and responsible family planning decisions.*

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- g. While the number and spacing of children are left to the sound judgment of parents and couples based on their personal convictions and religious beliefs, such concerned parents and couples, including unmarried individuals, should be afforded free and full access to relevant, adequate and enlightening information and data on reproductive health and human sexuality and should be guided by qualified city health workers and professional private practitioners.
- h. Reproductive health must be a key concern of the residents of Quezon City.
- i. Protection and promotion of gender equality and women's rights are essential to the fulfillment of reproductive health rights.
- j. Development is multi-faceted process that calls for the coordination and integration of policies, plans, programs and projects that seek to uplift the quality of life of the people, more particularly the poor, the needy and the marginalized.
- k. Active participation by and thorough consultation with concerned NGOs, communities and people's organizations are imperative to ensure that basic policies, plans, programs and projects address the priority needs of constituents.
- l. While a wide range of family planning methods, techniques and devices shall be made available to couples and adults of reproductive age, abortion shall not be allowed, as provided under the Revised Penal Code.
- m. The City Government does not and will not condone abortion as a form of family planning. Abortion is contrary to law and the Constitution. It is not included among the natural and artificial methods, information and resources that the City Government shall make available to couples and individuals. Abortion is illegal and punishable under Articles 256, 257, 258 and 259 of the Revised Penal Code.
- n. The City Government, through its various agencies, departments, offices, bureaus and instrumentalities, shall ensure that women seeking care for post-abortion complications shall be treated and counseled in a humane, non-judgmental, fair and compassionate manner.

Section 3. **Definition of Terms.** – As used in this Ordinance, the following terms, words and phrases shall be construed to mean as follows:

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- a. *Responsible Parenthood* – the will, ability, and commitment of parents to respond to the needs and aspirations of the family and children.
- b. *Reproductive Health* – the state of complete physical, mental, and social well-being, and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. This implies the ability to have a safe sex life; and the capacity to reproduce and the freedom to decide if, when, and how often to do so, provided it is not against the law. This further implies that women and men attain equal relationships in matters related to sexual relations and reproduction.
- c. *Reproductive Health Rights* – the rights of individuals and couples to decide freely and responsibly the number, spacing, and timing, of their children; to make other decisions concerning reproduction free of discrimination, coercion and violence; to have the information and means to carry out their decisions; and to attain the highest standard of sexual and reproductive health.
- d. *Gender Equality* – the absence of discrimination on the basis of a person's sex, in opportunities, allocation of resources and benefits, and access to services.
- e. *Gender Equity* – fairness and justice in the distribution of benefits and responsibilities between women and men, and often requires women-specific programs to eliminate existing inequities, policies and practices unfavorable to women.
- f. *Reproductive Health Care* – availability and access to a full range of methods, techniques and services that contribute to reproductive and sexual health and well being by preventing and solving reproductive health-related problems in order to achieve enhancement of life and personal relations. The elements of reproductive health care include: (i) Maternal, infant and child health and nutrition; (ii) Family planning information and services; (iii) Prevention of abortion; (iv) Adolescent and youth health; (v) Prevention and management of reproductive tract infections (RTIs), HIV/AIDS and other sexually transmittable diseases (STIs); (vi) Elimination of violence against women (VAW); (vii) Education and counseling on sexuality and sexual and reproductive health; (viii) Treatment of breast and reproductive tract cancers and other gynecological conditions; (ix) Male involvement and participation in reproductive health; and (x) Prevention and treatment of infertility and sexual dysfunctions.

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g. *Family Planning* – a program which enables couple and individuals to decide freely and responsibly the number and spacing of their children and to have the information and means to carry out their decision, and to have informed choice and access to a full range of safe and effective family planning methods, both natural and artificial - techniques and devices, excluding abortion, which is punishable under the Revised Penal Code.

h. *Adolescent Sexuality* – refers to the reproductive system, gender identity, values or beliefs, emotion, relationships, and sexual behavior of young people as social beings. Adolescence refers to a life stage and pertains to people between ages of Ten (10) and Nineteen (19).

i. *Adolescent Health Education* – is the process of acquiring complete, accurate and relevant information in all matters relating to the reproductive system, its functions and processes and human sexuality, and forming positive moral and spiritual attitudes and beliefs about sex, sexual identity, interpersonal relationships, affection, intimacy and gender roles.

j. *Sustainable Development* – the process of expanding human choices by enabling people to enjoy long, healthy and productive lives, affording them access to resources needed for a decent standard of living and assuring continuity and acceleration of development by achieving a balance between and among manageable population, adequate resources and healthy environment.

k. *Population Management* – a program that aims to: (i) encourage the limitation of the number of children to an affordable level by their respective families; (ii) attain an optimum fertility rate vis-à-vis equitable allocation and utilization of resources; (iii) realize a balanced spatial distribution of the population; (iv) promote effective partnership with the concerned national government departments, civil society and the private sector in the design, implementation, coordination, integration, monitoring, and evaluation of people centered programs on population, development, and environment; and (v) conduct studies and promote research initiatives regarding population management.

Section 4. Coverage. - This Ordinance shall apply to all concerned Executive Departments of the Quezon City Government and to all public and private natural or juridical persons in the City.

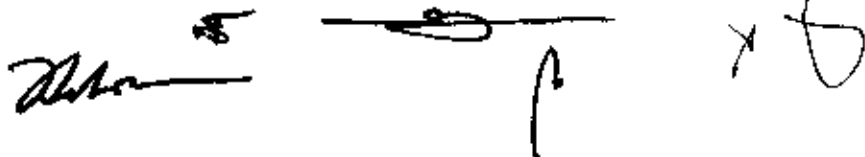
Section 5. Implementation of the QUEZON CITY POPULATION AND REPRODUCTIVE HEALTH MANAGEMENT POLICY. - The Quezon City Government through the concerned Executive Departments shall set an implementation plan towards a comprehensive POPULATION AND REPRODUCTIVE HEALTH MANAGEMENT POLICY with the following components:

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- a. Conducting reproductive and sexual health education including, but not limited to counseling on various range of legal and medically-safe family planning methods including surgical methods.
- b. Providing maternal, pre - natal, and post-natal education, care and services.
- c. Promoting male involvement, participation and responsibility in reproductive health as well as other reproductive health concerns of men.
- d. Providing information and services addressing the reproductive health needs of the poor, senior citizens, prostituted women, differently-abled persons and women and children in violent situations.
- e. Providing reproductive health services with adequate supplies, facilities and equipment and adequately trained reproductive health care providers.
- f. Making available to the indigent mothers who deliver their children in City health facilities ligation procedure upon the mother's request at no cost to them; and vasectomy upon the father's request at no cost to them.
- g. Preventing abortion and management of abortion complications in cases where health workers encounter women who have undergone unsafe abortions.
- h. conducting sustained information drive on responsible parenthood, methods to prevent unplanned pregnancies in all concerned city departments/offices and barangays, city health centers in partnerships with NGOs, POs, the private sector, schools and private libraries, tri-media outlets; and
- i. Strengthen the capacities and capabilities of health workers to provide effective and gender responsive population and reproductive health care management.

Section 6. Abortion Illegal and Punished Under the Law, Not a Method Recognized in Family Planning. – Abortion, being contrary to law and the Constitution, is not included among the natural and artificial methods, information and resources that the City Government shall make available to couples and individuals. Furthermore, this ordinance reiterates that abortion is illegal and punishable under Articles 256, 257, 258 and 259 of the Revised Penal Code.

Section 7. Adolescent Health Education. – Adolescent Health Education in age-appropriate manner shall be taught and instructed by adequately trained teachers starting from 1st year up to 4th year High School under the competent supervision of the Division of City Schools.



The Reproductive Health and Sexuality Curriculum to be taught in school shall be based on the following standards, criteria and parameters:

- a. Responsible sexuality and reproductive health rights.
- b. Reproductive health care and services and contraception.
- c. Attitudes, beliefs and values on sexual development, sexual behavior and sexual health in the context of positive and holistic moral and spiritual development.
- d. Responsible parenthood.
- e. Prevention, treatment and management of HIV/AIDS and other STIs/STDs, prostate cancer, breast cancer, cervical cancer and other gynecological and reproductive system disorders and illnesses.
- f. Maternal care and breastfeeding.

Private educational institutions, upon their initiative, may include Adolescent Health Education in their respective curricula following the guidelines set forth.

Section 8. Capability/Capacity Building and Training of City Health Workers - All City and Barangay health workers shall undergo mandatory training on the delivery and provision of reproductive health care services. Such training should be done on a sustained and regular basis to constantly update the health workers on new developments on POPULATION AND REPRODUCTIVE HEALTH MANAGEMENT.

Section 9. Capability/Capacity Building and Training of Barangay Officials - All Barangay Officials shall undergo mandatory training on the delivery and provision of reproductive health care services. Such training should be done on a sustained and regular basis to constantly update the barangay official on new developments on POPULATION AND REPRODUCTIVE HEALTH MANAGEMENT.

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Section 10. **Responsibilities of Employers** - The City Government and all its agencies, branches, departments and instrumentalities, as well as all private employers, regardless of size of business or industry, shall respect the reproductive health rights of their workers. Women shall not be discriminated against in the matter of hiring, regularization of employment status or selection for retrenchment or downsizing.

- a. The City Government and all its agencies, branches, department and instrumentalities; as well as all private employers, regardless of size of business or industry, shall to the best of its ability and means, integrate in their health benefits/health plan access of their employees to means of POPULATION AND REPRODUCTIVE HEALTH MANAGEMENT.

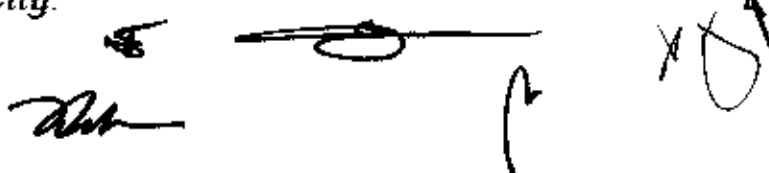
Section 11. **Multi-Media Campaign** - The City Government, through the concerned departments, shall undertake a comprehensive city-wide media campaign to raise public awareness about the urgent need to protect and promote reproductive health care and rights relative to human development and population management. The City Government shall conduct an information drive/communication campaign through the use of conventional means such as: broadcast announcements, radio and print advertisements, as well as new media and grassroots methods such as: the internet, posters, banners, leaflets, brochures and other materials.

Section 12. **Budget** - The City Government, through the concerned departments, shall allocate no less than Twelve Million Pesos (P12,000,000.00) from the general fund/budget for the implementation of this POPULATION AND REPRODUCTIVE HEALTH MANAGEMENT POLICY.

Section 13. **Repealing Clause.** - All existing ordinances and resolutions, local executive orders, rules and regulations inconsistent herewith are hereby repealed and superseded or modified accordingly.

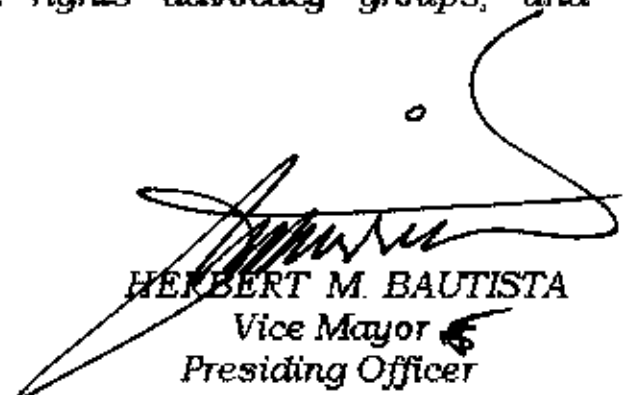
Section 14. **Separability Clause.** - Should any provision of this Ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, the provisions that are not affected thereby shall continue to be in full force and effect.

Section 15. **Effectivity.** - This Ordinance shall take effect Fifteen (15) days after its publication in at least Two (2) newspapers of general circulation in Quezon City.




Section 16. Implementing Rules and Regulations – Within Sixty (60) days from the effectivity of this Ordinance, the City Health Department, the Anti-Poverty Integration Task Force, and the Quezon City Council on Population shall jointly formulate, after thorough consultation with a multi-sectoral group, the implementing rules and regulations and guidelines including the appropriate sanctions of this Ordinance. The multi-sectoral group to be consulted shall be composed of experts and representatives from various sectors such as: religious denominations, religious organizations, civil society, medical practitioners, demographers, women's groups/NGOs, men's groups/NGOs, reproductive health rights advocacy groups, and community-based organizations.


ENACTED: February 4, 2008


HERBERT M. BAUTISTA
Vice Mayor &
Presiding Officer

ATTESTED:



DOROTHY D. LAGRADA, DPA
City Gov't. Asst. Dept Head III

APPROVED: Feb. 23, 2008


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED under on Second Reading on February 4, 2008, was finally PASSED on Third/Final Reading by the City Council on February 11, 2008.


DOROTHY D. LAGRADA, DPA
City Gov't. Asst. Dept Head III