



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
18th City Council

PO2011-103

35th Regular Session

ORDINANCE NO. SP- 2100, S-2011,

AN ORDINANCE REGULATING THE OPERATIONS OF BIRTHING HOMES IN QUEZON CITY.

Introduced by Councilors JESSICA CASTELO DAZA, DOROTHY A. DELARMENTE, JOSE MARIO DON S. DE LEON, ANTHONY PETER D. CRISOLOGO, PRECIOUS HIPOLITO CASTELO, JULIENNE ALYSON RAE V. MEDALLA, EDCEL B. LAGMAN, JR., RAQUEL S. MALANGEN, MARVIN C. RILLO, VINCENT DG. BELMONTE and ALEXIS R. HERRERA.

Co-Introduced by Councilors Francisco A. Calalay, Jr., Ricardo T. Belmonte, Jr., Joseph P. Juico, Alfredo D. Vargas III, Eden "Candy" A. Medina, Roderick M. Paulate, Godofredo T. Liban II, Julian ML. Coseteng, Allan Benedict S. Reyes, Jaime F. Borres, Gian Carlo G. Sotto, Eufemio C. Lagumbay, Jesus Manuel C. Suntay, Raulfo Z. Ludovica and John Ansell R. De Guzman.

WHEREAS, home-delivery exposes pregnant women and their newborn infants to high risk of delivery complications which result to maternal and infant death;

WHEREAS, the Quezon City Government is determined to achieve in Quezon City the Millennium Development Goals 4 and 5 of substantial reduction in the infant and maternal mortality rate;

WHEREAS, in order to reduce maternal and infant mortality, the Quezon City Government should devise means in order for birthing mothers to have easy access to affordable but safe birthing homes;

WHEREAS, in order to promote higher standards of quality in maternal obstetrics health care, the issuance of Permit to Operate by Quezon City be the basis to secure an accreditation from Philhealth;

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WHEREAS, the accredited birthing homes can also served as a vehicle where pregnant women or birthing mothers are required to breastfeed their newborn infants and where newborn screening and immunization be provided to the newborns and be provided with information on family planning.

NOW, THEREFORE,

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

SECTION 1. Title. - This Ordinance shall be known as the "Birthing Homes Regulatory Ordinance of Quezon City".

SECTION 2. Coverage. - This Ordinance shall govern the operations of all public and private birthing homes situated within the territorial jurisdiction of Quezon City.

SECTION 3. Legal Basis. - This Ordinance is enacted pursuant to the following provisions of the Philippine Constitution, and laws:

1. Section 15, Article II of the Philippine Constitution which states that it is the duty of the State to protect and promote the right to health of the people and to instill health consciousness among them;
2. Section 17 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, empowers the local government units to ensure the delivery of health and social services to its citizenry;
3. Republic Act No. 4226 or the "Hospital Licensure Act" which provides, among others, regulation of birthing homes.

SECTION 4. Definition of Terms. - For purposes of this Ordinance, the following terms shall mean:

Birthing Homes - a facility usually staffed by doctor and/or nurse/midwives that provides a less institutionalized setting than a hospital for women who wishes to deliver by natural/normal childbirth;

Public Birthing Homes - government owned birthing homes or lying-in clinics with birth facilities;

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Private Birthing Homes – privately owned and operated birthing homes or lying-in clinic facilities;

Maternity Services – refer to package of services offered during ante natal care, delivery, post partum care and family planning;

Maternal Mortality/ Death – is the death of a women while pregnant or within 42 days of termination of pregnancy, irrespective of the duration and site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management but not from accidental or incidental causes;

Home-delivery – refers to child birth conducted at the home of the birthing mother by an untrained and /or skilled birth attendant or skilled health worker;

Infant Mortality – Number of deaths during the first 28 completed days of life per 1,000 live births in a given year or period;

Lying-in Facility – private or public owned refers to clinic or center with beds and basic obstetrics equipment that cater to birthing mother and also provides the children with proper care;

Family Planning - a program designed to encourage birthing mothers to employ certain procedures designed to encourage birth spacing for the health benefit of the birthing mother and to provide the children with proper care;

Birth- Spacing – refers to the interval from one child's birth date until the next child's birth date, 2 ½ years to 3 years between births is usually best for the well being of the mother and her children;

Newborn Screening – is a simple procedure to find out if a newborn baby has a congenital metabolic disorder that may lead to mental retardation and even death if left untreated.

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SECTION 5. Mandatory Accreditation with the Philippine Health Insurance Corporation (PhilHealth). - All public and private birthing homes situated within the territorial jurisdiction of Quezon City shall secure the accreditation of their facilities with the Philippine Health Insurance Corporation after issuance of Permit to operate by the City Health Department.

SECTION 6. Mandatory Services of Birthing Homes. - All birthing homes shall provide the following services to birthing mothers who shall avail of their facilities, to wit:

- A. **FAMILY PLANNING** - All birthing mothers who deliver in birthing homes shall be provided with information on family planning or birth-spacing and, upon their request and written consent, shall be assisted in availing of family planning procedures of their choice;
- B. **NEWBORN SCREENING AND IMMUNIZATION** - All newborn infants delivered in birthing homes shall be required to undergo newborn screening test; BCG (except for newborns delivered by pregnant women with untreated Pulmonary Tuberculosis) and Hepatitis B birth dose immunization before they can be discharged to ensure that the newborn infants are in good health condition and shall be protected from infant ailments. Birthing mothers and their spouse or the biological father of the newborn child may waive to avail of such services provided that same is made in writing;
- C. **BREASTFEEDING** - All birthing mothers who deliver in birthing homes shall be required to breastfeed their newborn infants except in such cases when breastfeeding is not possible due to condition of the birthing mother and/or the newborn;

SECTION 7. Program Management. - The Office of the City Mayor, through the Quezon City Health Department, in coordination with the Business Permits and Licensing Office, shall act as the implementing agencies of this Ordinance and shall have the following duties, powers and responsibilities:

- a. Formulate guidelines for the effective implementation of this Ordinance in coordination with DOH and PHILHEALTH. ✓
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- b. Conduct periodic inspection of the birthing homes to ensure that they are complying with the standards set by the City Health Department and Philhealth;
- c. Monitor the implementation of the maternal, newborn, child care health programs in all private and public birthing homes;
- d. Recommend guidelines to improve the implementation of this Ordinance.

SECTION 8. Authorized Monitoring Officer. – The City Health Department in coordination with Business Permit and Licensing Office (BPLO) shall be responsible for monitoring compliance by the birthing homes with local licensing requirements, including their PHILHEALTH accreditation under RA 4226 or the "Hospital Licensure Act".

SECTION 9. Non-compliance and Violations of this Ordinance. – The following acts shall be deemed as non-compliance with the rules and regulations embodied in this Ordinance:

1. Non compliance with the basic minimum requirements of securing Permit to Operate and therefore non accreditation for Philhealth;
2. Absence of Business Permit from the Business Permit and Licensing Office (BPLO);
3. Non compliance with the minimum required human resources, medical equipment/supplies and facilities set for by the City Health Department to secure Permit to Operate and therefore non accreditation for PhilHealth;
4. Refusal to admit birthing mothers without any valid reason;
5. Failure to undertake the required Newborn Screening Test; BCG (except for newborns delivered by pregnant women with untreated Pulmonary Tuberculosis) and Hepatitis B Birth Dose Immunization despite non waiver by the birthing mother and her spouse or the biological father of the newborn infant;



6. *Non compliance with the National and/or Quezon City Sanitation Code.*

SECTION 10. Penalty Clause – Any person who shall violate any provision of this Ordinance, shall be penalized as follows:

1. *For Non-Accreditation with PhilHealth – a fine of five thousand pesos (P5,000.00) in cases where the owner and/or operator of birthing home fails to secure Permit to Operate within thirty (30) days from receipt of notice from the BPLO and/or the City Health Department;*

Temporary closure of the birthing home until compliance thereto should the owner fails to present its Permit to Operate within thirty (30) days from receipt of the second notice from the BPLO and/or the City Health Department;

2. *For failure to secure a Business Permit – a CEASE and DESIST Order (CDO) will be immediately issued pending compliance with the Business Permit and Licensing Office (BPLO) requirements;*
3. *For non-compliance with minimum required medical equipment and facilities – a fine of five thousand pesos (P5,000.00) should the birthing fail to install the minimum required medical equipment and facilities within thirty (30) days from receipt of first notice from the City Health Department;*

Temporary Closure of the birthing home until compliance thereto should the owner continue to fail to comply with minimum requirement for medical equipment and facilities within thirty (30) days from receipt of second notice from the City Health Department;

4. *For refusal to admit birthing mothers without any valid reason - fine of one thousand pesos (P1,000.00) for the first offense; a fine of two thousand pesos (P2,000.00) for the second offense; a fine of three thousand pesos (P3,000.00) and one (1) week temporary closure for the third offense; a fine of five thousand pesos (P5,000.00) with one (1) month temporary closure for the fourth offense; Permanent closure of the birthing home for the fifth or more verified report;*


5. For non compliance and/or violation of the National and/or Quezon City Sanitation Code - the applicable penalties under the Sanitation Code shall apply. Immediate cease and desist order will be issued pending compliance of requirements as well as recommendation for closure shall be applied.

SECTION 11. Repealing Clause - All ordinances, administrative circulars and executive orders, or parts thereof, which are inconsistent or contrary to the provisions of this Ordinance are hereby repealed or amended.

SECTION 12. Separability Clause - If any part or provision of this Ordinance shall be held or declared null and void by a court having jurisdiction, the other portions thereof shall remain legal and valid and in full effect.

SECTION 13. Effectivity - This Ordinance shall take effect fifteen (15) days after publication in a newspaper of general circulation for two (2) consecutive weeks.

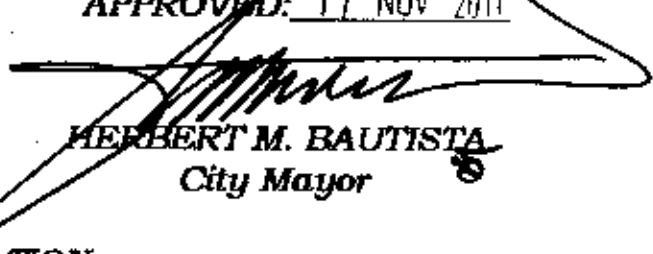
ENACTED: August 22, 2011.


MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:


Atty. JOHN THOMAS S. ALFEROS, III
City Gov't. Asst. Dept. Head

APPROVED: 17 NOV 2011


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on August 22, 2011 and was PASSED on Third/Final Reading on September 5, 2011.


Atty. JOHN THOMAS S. ALFEROS, III
City Gov't. Asst. Dept. Head