

REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD
CITY OF PARAÑAQUE

ORDINANCE NO. 060
SERIES OF 2008

PROPONENT : COUNCILOR CONCHITA S. BUSTAMANTE

AN ORDINANCE REGULATING BIRTHING HOMES SITUATED WITHIN THE CITY OF PARAÑAQUE TO BE KNOWN AS THE "PARAÑAQUE CITY BIRTHING HOMES REGULATION ACT OF 2008".

- WHEREAS the Local Government Code of the Philippines mandated the transfer of the powers and responsibilities of the Department of Health (DOH) over health services and facilities to the local government units to ensure a more effective implementation of its health policies;
- WHEREAS among the health goals set by the Department of Health (DOH) is the improvement of maternal health, specifically the reduction of maternal and infant mortality;
- WHEREAS a strategy devised by the DOH to achieve this goal is to provide easy access to birthing homes both for pregnant women and skilled birth attendants;
- WHEREAS Republic Act 4226, otherwise known as the "Hospital Licensure Act" provides the mandate to regulate birthing homes while the PHILHEALTH grants accreditation to birthing homes for reimbursements for maternity services being availed of by its members;
- WHEREAS By virtue of these mandates, the DOH issued Administrative Order No. 2007-0039 allowing birthing homes to simply secure an accreditation from PHILHEALTH in lieu of obtaining a license to operate that would encourage stakeholders in both the private and public sectors representing birthing home owners to promote higher standards of quality in maternal or obstetrics health care;
- WHEREAS home-delivery conducted by untrained and skilled birth attendants is rampant in the City of Parañaque that exposes pregnant women or birthing mothers and their newly born infants to high risk of delivery complications resulting to an alarming increase in maternal and infant death;
- WHEREAS the birthing homes can, likewise, serve as a vehicle where pregnant women or birthing mothers can be provided with information on family planning and be required to breastfeed their newborn infants and where newborn infants can be screened and immunized.

=====

NOW, THEREFORE:

BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the City Council of Parañaque in session duly assembled, that all birthing homes, public or private, situated within the City of Parañaque shall be required to obtain accreditation with the PHILIPPINE HEALTH INSURANCE CORPORATION (PHILHEALTH) and to provide easy access to their facilities for pregnant women and trained or skilled birth attendants subject to the following provisions:

Section 1. Title. This ordinance shall be known as the "**PARAÑAQUE CITY BIRTHING HOMES REGULATION ACT OF 2008**"

Section 2. Coverage. This ordinance shall govern all birthing homes, public or private, providing maternity services that are situated within the territorial jurisdiction of the City of Parañaque.

Section 3. Legal Basis. Section 17 of the Local Government Code empowers local government units to ensure the delivery of health and social services to its citizenry. Further, under Section 15, Article II of the Constitution, the State has the duty to protect and promote the right to health of the people and to instill health consciousness among them, based on which R.A. No. 4226 or the "Hospital Licensure Act" was enacted mandating the regulation of birthing homes, among others. Further, DOH Administrative Order No. 2007-0039 provided a simplification of licensing requirements by permitting birthing homes to obtain accreditation from the Philippine Health Insurance Corporation (PHILHEALTH) in lieu of license to operate birthing homes previously issued by the DOH, Bureau of Health Facilities and Services(DOH-BHFS).

Section 4. Definition of Terms. For purposes of this ordinance, the following terms shall mean:

- (a) *Birthing Homes* – entities providing maternity services that are equipped with basic obstetrics or birthing facilities;
- (b) *Trained Birth Attendants* – persons who are trained in assisting and/or conducting deliveries but are not licensed;
- (c) *Untrained Birth Attendants* – persons without formal training in handling deliveries; also called traditional birth attendants or "*hilots*".
- (d) *Skilled Birth Attendants* – persons who are formally trained in deliveries and are duly licensed by the Civil Service Commission;
- (e) *Public Birthing Homes* – government-owned birthing homes or lying-in facilities or health centers with birthing facilities;
- (f) *Private Birthing Homes* – privately-owned and operated birthing homes or lying-in facilities;

- =====
- (g) *Maternity Services* – refer to services involving pre-natal medical care, child-birth, newborn infant care and other post-natal medical care;
 - (h) *Maternal Mortality* – refers to death of the mother during or immediately after delivery or for causes directly linked to the delivery;
 - (i) *Home-delivery* – refers to child-birth conducted at the home of the birthing mother by the untrained and/or skilled birth attendant;
 - (j) *Infant Mortality* – refers to death of the newly born infant during or immediately after delivery or for causes directly linked to the delivery;
 - (k) *Lying-in Facility* – refers to clinic or centers with beds and basic obstetric equipments that cater to birthing mothers with their own birth attendants;
 - (l) *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;
 - (m) *Birth-spacing* – a reasonable gap, from two (2) to three (3) years, between births;
 - (n) *Newborn Screening* – a procedure to check the physical and health condition of a newly born infant;

Section 5. Program Management. The Office of the Mayor, through the City Health Office, in coordination with the Business Permits and Licensing Office, shall act as the implementing body of the Parañaque City Birthing Regulation Act and shall have the following powers and responsibilities:

- (a) Formulate guidelines for the effective implementation of this ordinance in coordination with the PHILHEALTH.
- (b) Conduct periodic inspection of the birthing homes to ensure that they are complying with the standards set by the accrediting institution;
- (c) Monitor the number of birthing mothers that availed of the birthing homes facilities and their newborn infants' conditions after birth;
- (d) Recommend guidelines to improve the implementation of this ordinance;

Section 6. Mandatory Accreditation with the PHILHEALTH. All birthing homes situated within the territorial jurisdiction of the City of Parañaque, either public or private, shall secure the accreditation of their facilities with the Philippines Health Insurance Corporation (PhilHealth) pursuant to Section IV-B of DOH Administrative Order No. 2007-0039.

Further, all government-owned birthing homes shall accommodate birthing mothers who are not members of PHILHEALTH, and their birth attendants, who shall be charged only the cost of the medicine, medical implements, materials used and similar items during their accommodation.

Section 7. Authorized monitoring officer. The Business Permits and Licensing Office (BPLO) shall be responsible for monitoring compliance by the birthing homes to the local licensing requirements, including their PHILHEALTH accreditation which shall be deemed as the permit of the owner to operate a birthing home under RA 4226 or the "Hospital Licensure Act". On the other hand, as their accreditation shall require the birthing homes to comply with installation of certain medical equipment and facilities that would define their capacity to operate as such within the standards set by the PHILHEALTH, the Office of the City Health Office shall be responsible for monitoring their compliance thereto, without prejudice to the right of PHILHEALTH to undertake occasional inspections;

Section 8. Mandatory services in the 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 screening and 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 availment of this service 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 the condition of the birthing mother;

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

- a. Non-accreditation with PHILHEALTH even if the birthing home was issued a license to operate by the DOH-Bureau of Health facilities and Services (DOH-BHFS);
- b. Absence of Business Permit from the BPLO;
- c. Non-compliance with the minimum required medical equipment and facilities set for their accreditation by the PHILHEALTH;
- d. Refusal to admit birthing mothers without any valid reason;
- e. Failure to undertake the required *Newborn Screening and Immunization* despite non-waiver by the birthing mother and her spouse or the biological father of the newborn infant;
- f. Non-compliance with the Sanitation Code;

Section 10. Penalty Clause. Any birthing home that violates any of the provisions of this ordinance, after due hearing and notice, shall be penalized as follows:

- a. For non-accreditation with PHILHEALTH – fine of Php5,000.00 should the birthing home fail to secure its accreditation with the PHILHEALTH within thirty (30) days from receipt of notice from the BPLO and/or the City Health Office;

Temporary closure of the birthing home until compliance thereto should the owner fail to present its PHILHEALTH accreditation within thirty (30) days from receipt of the second notice from the BPLO and/or the City Health Office;

- b. For failure to secure a Business Permit – penalty shall be based on existing rules and regulation of the BPLO;

- c. For non-compliance with minimum required medical equipment and facilities – fine of Php5,000.00 should the birthing home fail to install the minimum required medical equipment and facilities within thirty (30) days from receipt of first notice from the City Health Office;

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

- d. For refusal to admit birthing mothers without any valid reason – fine of Php500.00 for the first verified report; fine of Php2,000.00 for the second verified report; fine of Php3,000.00 and one (1) week temporary closure for the third verified report; fine of Php5,000.00 with one (1) month temporary closure for the fourth verified report; Permanent closure of the birthing home for the fifth or more verified report;

- e. For failure to undertake the required Newborn Screening and Immunization despite non-waiver by the birthing mother and her spouse or the biological father of the newborn infant – fine of Php500.00 for the first verified; fine of Php2,000.00 for the second verified report; fine of Php3,000.00 and one (1) week temporary closure for the third verified report; fine of Php5,000.00 with one (1) month temporary closure for the fourth verified report; Permanent closure of the birthing home for the fifth or more verified report;

Should the newborn infant, whose mother and her spouse or biological father did not waive nor refuse to have the newborn infant to be subjected to the required *Newborn Screening and Immunization*, be consequently found to have a congenital defect that could have been detected or that could have been corrected or prevented from becoming serious had the newborn infant been subjected to the required *Newborn Screening and Immunization* upon birth, the birthing facility shall be held civilly liable therefore and shall give the birthing mother the right to file the proper legal action in court;

- f. For non-compliance with the Sanitation Code - the applicable penalties under the Sanitation Code shall apply.

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 shall be considered hereby repealed or amended.

Section 12. Separability Clause. If any part or provision of this Ordinance shall be held 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.

Done this _____ day of _____ 2008 at the City of Parañaque.

CERTIFIED BY:

MS. LUALHATI C. GATCHALIAN
OIC - City Council Secretary

SPONSORED BY:

Conchita S. Bustamante
HON. CONCHITA S. BUSTAMANTE
City Councilor

CONCURRED BY:

HON. JASON WEBB
City Councilor

HON. JOSE ENRICO GOLEZ
City Councilor

HON. ERIC OLIVAREZ
City Councilor

HON. CARLITO ANTIPUESTO
City Councilor

HON. JAIME DELOS SANTOS
City Councilor

HON. GIOVANNI ESPLANA
City Councilor

REPUBLIC OF THE PHILIPPINES
CITY OF PARAÑAQUE
SANGGUNIANG PANGLUNGSOD

RESOLUTION NO. 08 - 055 (2008)
SERIES OF 2008

PROPONENT : COUNCILOR CONCHITA S. BUSTAMANTE

=====

A RESOLUTION ADOPTING THE URBAN HEALTH EQUITY ASSESSMENT
RESPONSE TOOL (URBAN HEART) AS GUIDELINE FOR THE FORMULATION OF
HEALTH POLICIES OF THE CITY OF PARAÑAQUE.

=====

WHEREAS Article II Section 15 of the 1987 Constitution provides that the state shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS the WORLD HEALTH ORGANIZATION Kobe Centre, Japan developed a tool known as the URBAN HEALTH EQUITY ASSESSMENT RESPONSE TOOL (URBAN HEART) intended to assist health ministries of nations in generating evidence to assess and respond to unfair health conditions and inequity in urban areas as basis for formulating health policies;

WHEREAS the WHO Kobe Centre for Health Development is presently at the stage where the tool shall be pre-tested and the Philippines, through the DEPARTMENT OF HEALTH (DOH), is among the countries chosen where the lessons that will be learned shall be used to refine the tool for future universal application;

WHEREAS the DEPARTMENT OF HEALTH (DOH) had adopted the URBAN HEART as a national program in consonance with the objective of the WHO Centre for Health Development and had pinpointed the City of Parañaque and the City of Taguig as the pilot sites to pre-test the URBAN HEART;

WHEREAS URBAN HEART is a tool aimed at achieving health equity in urban areas by formulating health policies that are intended to promote equal access to services for equal need, equal utilization of health facilities for equal need and equal quality of care for all, noting that not all persons have the same level of health or resources to deal with their health problems requiring a different level of attention but aimed at equal health outcomes;

WHEREAS the use of the URBAN HEART will assist the city government in undertaking a systematic assessment of unfair health conditions in the area and provide the city government with user-friendly guidelines in the formulation of health policies that are equitable and responsive to the needs of its citizenry by:

- ❖ Identifying the health and well-being of people living in disadvantaged areas and the general population; and
- ❖ Deciding what strategies, interventions or actions should be used to reduce health equity gaps between and among the people living in the same city;

A Resolution Adopting The Urban Health Equity Response Tool (Urban Heart) As Guideline For The Formulation Of Health Policies Of The City Of Parañaque.

WHEREAS through the evidence generated by implementing the URBAN HEART, the City of Parañaque will be able to formulate health policies that will result in:

- ❖ Improved health and social status of the people living in disadvantaged areas;
- ❖ Mobilization of the communities to promote health equity;
- ❖ Acknowledgement of the importance of social determinants of health (SDH) for health equity;
- ❖ Promotion of intersectoral action for health equity;
- ❖ Valuable comparable equity data and analysis;
- ❖ Priority interventions or actions planned and implemented.

WHEREAS the local executive officials and legislative body can be benefited by using the URBAN HEART in the following manner:

- ❖ Encourages the use of equity evidence for decision-making;
- ❖ Provides opportunities for community ownership and intersectoral collaboration;
- ❖ Guides the process for identifying health services gaps, priority setting and selecting the appropriate action from a range of health and equity interventions on social determinants of health;
- ❖ Creates evidence for city-to-city learning and encourages cooperative ventures to promote health equity;
- ❖ Ensures that cultural differences and religious concerns are accounted for.

WHEREAS applying the data generated from using URBAN HEART will determine the policies, programs and projects that the city government can introduce, continue, expand, improve, change or stop to reach the equity goals that the program was designed to achieve;

WHEREAS the City Health Office, together with the support of the WHO Kobe Centre, DOH Central Office, the Center for Health Development (CHD-DOH), has the capability to undertake the task of implementing the URBAN HEART in the City of Parañaque, enjoining the other local agencies and all Barangays, Planning office, SWAESO, PNP, ABC, DSWD, PHPO, LCR, Budget Office, Accounting Office, City Assessors, DEP-ED and other such agencies to actively cooperate in carrying out this tool;

[Handwritten signature]

[Handwritten signature]

Drawn c - by

[Large handwritten signature]

[Handwritten signature]

A Resolution adopting the Urban health Equity assessment response tool (URBAN HEART) as guideline for the formulation of health policies of the City of Parañaque



[Handwritten signature]

NOW THEREFORE:

BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the City of Parañaque, hereby adopt the URBAN HEALTH EQUITY ASSESSMENT RESPONSE TOOL (URBAN HEART) developed by the WHO Kobe, Center for Health Development and adopted by the DEPARTMENT OF HEALTH, for immediate implementation by the City Health Office under the direction and supervision of the Honorable Mayor of the City of Parañaque.

Approved this 3rd day of July, 2008 at the City of Parañaque

CERTIFIED BY:

[Handwritten signature]
ATTY. LINO C. SANDIL
Secretary
City Council of Parañaque

SPONSORED BY:

[Handwritten signature]
COUN. CONCHITA S. BUSTAMANTE
Chairman, Committee on Health and Sanitation

CONCURRED BY:

[Handwritten signature]
HON. JASON WEBB
City Councilor

[Handwritten signature]
HON. JOSE ENRICO GOLEZ
City Councilor

[Handwritten signature]
HON. ERIC OLIVAREZ
City Councilor

[Handwritten signature]
HON. CARLITO ANTIPIUESTO
City Councilor

absent
HON. JAIME DELOS SANTOS
City Councilor

[Handwritten signature]
HON. GIOVANNI ESPLANA
City Councilor

A Resolution Adopting The Urban Health Equity Response Tool (Urban Heart) As Guideline For The Formulation Of Health Policies Of The City Of Parañaque.

Sick leave
HON. RUFINO ALLANIGUE
City Councilor

HON. VAL MAR C. SOTTO
City Councilor

HON. JOAN V. DENSING
City Councilor

HON. EDWIN BENZON
City Councilor

HON. FLORENCIA AMURAO
City Councilor

Vacation leave
HON. FLORANTE C. ROMEO, JR.
City Councilor

Official business
HON. TEODORO VIRATA JR.
ABC President

HON. NORBERTO A. BONSON
City Councilor

HON. RAQUEL GABRIEL
City Councilor

HON. VENESSA MARQUEZ
City Councilor

HON. MARINELLE FORMENTERA
SK- President

ATTESTED BY:

HON. GUSTAVO S. TAMBUNTING
City Vice Mayor/Presiding Officer

APPROVED BY:

HON. FLORENCIO M. BERNABE, JR.
City Mayor