



Republic of the Philippines  
**SANGGUNIANG PANLUNGSOD**  
Pasig City

Ordinance No. 04  
Series of 2013

**AN ORDINANCE REGULATING THE OPERATIONS OF BIRTHING HOMES IN PASIG CITY.**

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**WHEREAS**, pregnancy and childbirth continue to pose risks for Filipino mothers and their newborns which necessitate urgent measures for the rapid reduction in maternal and neonatal mortality by providing optimum care to enable birthing mothers to have easy access to affordable but safe birthing homes;

**WHEREAS**, Pasig City Government is determined to realize Millennium Development Goals number 4 and 5 to substantially reduce infant and maternal mortality rate;

**WHEREAS**, a home delivery exposes the mother and her newborn to pregnancy and delivery complications, hence a necessity to promote facility delivery by skilled birth attendant and issuance of regulation for Birthing Homes and Lying Clinics to ensure a standard quality of services prior to the issuance of permit.

**WHEREAS**, in order to promote higher standards of quality in maternal obstetrics health care, an accreditation from PhilHealth and licensing from DOH by an applicant is a condition precedent prior to the issuance of Permit to Operate by Pasig City Maternal and Child Health Division of the City Health Department. PTO shall be the basis for the issuance of a Business Permit.

**WHEREAS**, the accredited birthing homes can also serve as a vehicle where pregnant women or birthing mothers are required to breastfeed their newborn infants and where newborns to include information on family planning to parents.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PASIG CITY IN REGULAR SESSION DULY ASSEMBLED:**

**Section 1.** Title – This Ordinance shall be known as the “Birthing Homes Regulatory Ordinance of Pasig City”;

**Section 2.** Coverage. - The Ordinance shall govern the operations of all public and private birthing homes situated within the territorial jurisdiction of Pasig City.





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**Section 3.** Legal Basis – This Ordinance is enacted pursuant to the following provisions of the Philippines 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 Republic Act No. 7160, otherwise known as the Local government units to ensure the delivery of health and social services to the citizenry;
3. Republic Act No. 4226 or the "Hospital Licensure Act" which provides, among others, regulation of birthing homes;
4. DOH Administrative Order No. 2008-2009 on Health Reforms for the Rapid Reduction of Maternal and Neonatal Mortality, which states the general principles in reducing maternal and newborn deaths through the use of integrated Maternal, Newborn, and Child Health and Nutrition (MNCHN) services;
5. DOH Administrative Order 2011-0014, known as Guidelines on the Certification of Health Facilities with Basic Emergency Obstetric and Newborn Care (BEmONC) Capacity, issued to establish a certification process which shall be the service standard for health facilities with skilled health professionals.
6. DOH Administrative Order No. 2012-12. Rules and Regulations Governing the Classification of Hospitals and Other Health Facilities, which include the regulation of birthing homes taking into account their services capacities and compliance with standards for manpower, equipment, construction and physical facilities.

**Section 4.** Definition of Terms. – for purposes of this Ordinance, the following terms shall mean:

**Birthing Homes** – a home like facility that provides maternity services on pre-natal care, normal spontaneous delivery and care of newborn babies.

**BPLO** – Business Permit and Licensing Office

**BEmONC** – Basic Emergency Obstetric and Newborn Care facilities are capable of performing six signal obstetric functions, which include (1) parenteral administration of oxytocin in the third state of labor, (2) parenteral administration of loading dose of magnesium sulfate, (3) parenteral administration of initial dose of antibiotics, (4) performance of assisted deliveries, (5) removal of retained products of conception, and (6) manual removal of retained placenta. These facilities are also capable of neonatal emergency interventions.





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**CEmONC** – Comprehensive Emergency Obstetric and Newborn Care facilities can perform the six signal obstetric functions of BEmONC and in addition, perform caesarian section and provide blood banking and transfusion service. Neonatal emergency interventions are included.

**Facility Delivery** – delivery attended in a birthing home, lying in clinic or hospital.

**Sanitation Division** – a unit of the City Health Department in-charge with control of environmental factors such as food, water, air and waste which may form links in the transmission of diseases through inspection, monitoring and evaluation.

**License to Operate (LTO)** – a formal authority issued by DOH and Maternal and Child Health Division, City Health Department to an individual, agency partnership or corporation to operate a Birthing Homes or Lying-In Clinics or other health facilities. It is pre-requisite for accreditation of a health facility (regulated by the Bureau of Health Facilities and Services) by any accrediting body recognized by DOH.

**PhilHealth** – Philippine Health Insurance Corporation

**Public Birthing Homes** – government owned birthing homes or lying-in clinics with birth facilities.

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

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

**Maternal Mortality/Death** – is the death of a woman 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 home of the birthing mother by an untrained and/or skilled birth attendant or skilled health worker;

**Infant Mortality** – deaths during the first 28 completed days of life;

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

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**Family Planning** – a program designed to encouraged 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 time 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 is left untreated.

**High Risk Pregnancy** – a pregnancy where potential complications could affect the mother, the baby, or both requiring management by a specialist to help ensure the best outcome for the mother and baby.

**Malpractice** – a professional negligence by act or omission by a birthing attendant in which the management provided falls below the accepted standard of practice which causes injury or death to the mother to the mother, baby or both.

**Hilot or Traditional Birth Attendant** – referred to as an unskilled attendant who is not educated and trained to proficiency in the skills needed to manage normal pregnancies;

**Section 5.** Mandatory Accreditation with Philippine Health Insurance Corporation (PhilHealth) – All public and private birthing homes situated within the territorial jurisdiction of Pasig City shall secure the Accreditation of their facilities with the Philippine Health Insurance Corporation and licensing from the DOH before the issuance of Permit to Operate by the Maternal Health and Child Care Division, City Health Department and the Business Permit of the BPLO.

**Section 6.** Mandatory Service of Birthing Homes - All birthing homes shall provide the following services other than prenatal, normal delivery and post partum care to birthing mothers who shall avail of their facilities, to wit:

A. **FAMILY PLANNING** – All birthing mother 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 procedure of their choice;





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**B. NEW BORN 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 the same is made in writing;

**C. BREAST FEEDING** – 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.** All Hilots are required to register with the Maternal and Child Health Division, City Health Department. It is unlawful for a hilot to practice her skill in child delivery if not properly registered in the city.

**Section 8.** Program Management – The Office of the Mayor, through the Maternal and Child Health Division, 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.
- 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 9.** Authorized Monitoring Officer – The Maternal Health and Child Division, Sanitation Division, both of the City Health Department in coordination with Business Permits and Licensing Office (BPLO) shall be responsible for monitoring compliance by the birthing homes with local licensing requirements, DOH licensing including their PHILHEALTH accreditation and the permit of the owner to operate a birthing home under RA 4226 or the "Hospital Licensure Act"





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**Section 10. General Provisions:**

- All birthing homes within the territorial jurisdiction of the City of Pasig shall comply with the Licensing requirements set forth by the Department of Health (A.O. No. 2012-0012 and RA No. 4226 or the Hospital Licensure Act"). All DOH licensed and PhilHealth accredited health facilities with updated certification will be automatically recognized and given a certification or permission to operate issued by the Maternal and Child Health Division, City Health Department prior to the issuance of a Business Permit form BPLO
- In the absence of DOH License and PhilHealth Accreditation, no birthing home is allowed to operate without securing a BUSINESS PERMIT to the BPLO. Requisite to this a Permit to Operate issued by the Maternal and Child Health Division, City Health Department among other requirements, subject to completion of a set of standards pertaining to physical facility, equipment, manpower distribution and eligibility, and service capability (that includes prenatal care, normal delivery, newborn care, postnatal care including family planning, newborn screening, breastfeeding promotion and protection).
- All birthing homes should adhere to strict compliance to infection control, toxic and hazardous waste management and disposal under existing guidelines of the DOH and the City Sanitation Department and Waste Management Office.
- Birthing homes personnel should submit statistical reports and other health related indices to the Maternal and Child Health Division, City Health Department for purposes of monitoring service utilization and surveillance of pregnancy outcomes.
- All birthing homes should have an established referral system to a higher level facility of care as part of an efficient service delivery network.
- All PhilHealth accredited birthing homes should apply appropriate maternity and newborn care package specially to the City sponsored PhilHealth members taking into reconsideration the provisions of "zero balance billing" or any applicable coverage.
- All birthing homes should observe proper admission procedures taking into account the service capability of the health facility, and timely referral to a higher facility of care in cases of high risk pregnancies, labor, delivery and postpartum complications preventing any form of unnecessary delays that will threaten the life of both the mother and her newborn





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- All city government employed skilled birth attendants should likewise promote facility delivery and observe strict compliance to safe, standard, and training based birthing practices.
- Any case of birthing malpractice and delayed referrals resulting in maternal deaths shall be reported, evaluated subject to possible closure of the health facility or administrative sanction in case of a government personnel.

**Section 11.** Non Compliance and Violations of this Ordinance – The following acts shall be deemed non compliance with the rules and regulations embodied in this Ordinance.

1. Non compliance with the basic minimum requirements in securing Permit to Operate and 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 by the Maternal and Child Health Division, City Health Department to secure Permit to Operate and 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 of the biological father of the newborn infant;
6. Non compliance with other provisions of this Ordinance, National compliance with other provisions of this Ordinance, National and/or Pasig City Sanitation Code.

**Section 12.** 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) when the owner and/or operator of birthing home fail to secure Permit to Operate within thirty (30) days from receipt of notice from the Maternal Health and Child Division, City Health Department and/or BPLO. Temporary closure of the birthing home until compliance by the owner to present its Permit to Operate within thirty (30) days from receipt of the second notice from the Maternal Health and Child Division, City Health Office and/or BPLO;





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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 failure to register with the Maternal Health and Child Division, City Health Department of a fine of Five Thousand Pesos (P5,000.00). Practising child delivery without being registered, a penalty of one (1) year imprisonment.
4. Failure to install by the birthing facility the minimum required medical equipment and facilities within thirty (30) days from receipt of the first notice from the Maternal Health and Child Division, City Health Department a fine of Five Thousand Pesos (P5,000.00). Provided, a Permanent Closure is to be issued by the BPLO if the temporary closure of the birthing home owner continue to fail to comply with the minimum requirement for the medical equipment and facilities within thirty (30) days from receipt of second notice from the Maternal Health and Child Division, City Health Department;
5. For refusal to admit birthing mothers without any valid reason – a fine of One Thousand Pesos (P1,000.00) for the first offense, a fine of Thousand Pesos (P2,000.00) for the second offense, a fine of Three Thousand Pesos (P3,000.00) and one week temporary closure for the third offense; a fine of Five Thousand Pesos (P5,000.00) with one month temporary closure for the fourth offenses; Thereafter, the issuance of a Permanent Closure by the BPLO.
6. For non compliance to other provisions of this Ordinance a fine of Five Thousand Pesos (P5,000.00) to the violator or violation of the National and/or Pasig City Sanitation Code, the applicable penalties under the Sanitation Code shall apply. Immediate CEASE AND DESIST Order (CDO) will be issued pending compliance of requirements.

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**Section 13. Repealing Clause** – All ordinances, administrative circulars and executive orders, or parts thereof issued by the city which are inconsistent or contrary to the provisions of this Ordinance are hereby modified, amended or repealed.

**Section 14. Separability Clause** – If any part of or provision of this Ordinance shall be declared null and void by a competent court, the other portions thereof shall remain legal, valid and in full effect.

**Section 15. Effectivity** – The Ordinance shall take effect January 1, 2013.





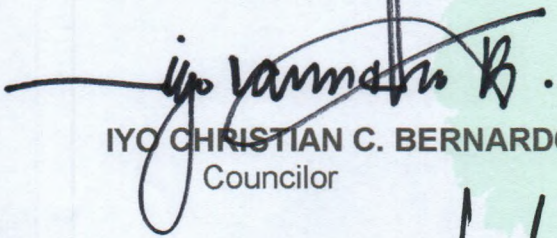
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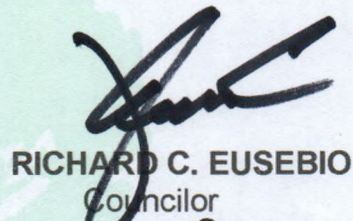
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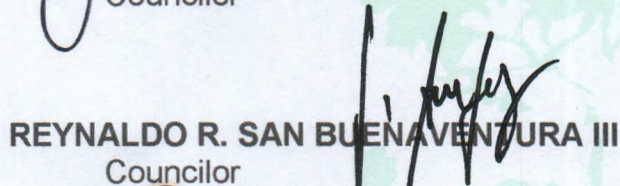
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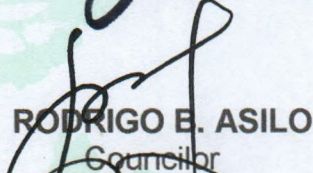
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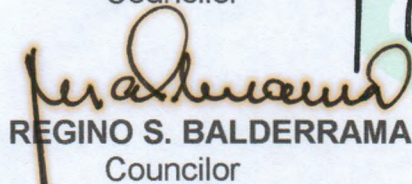
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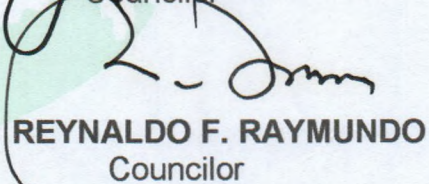
  
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Councilor

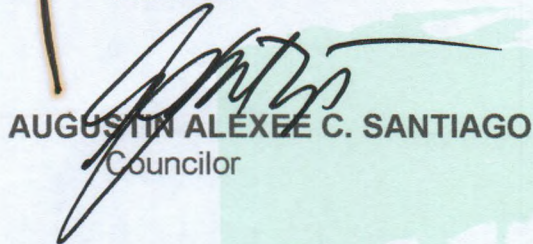
  
RICHARD C. EUSEBIO  
Councilor

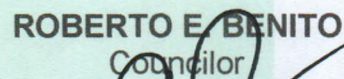
  
REYNALDO R. SAN BUENAVENTURA III  
Councilor

  
RODRIGO E. ASILO  
Councilor

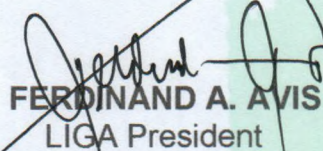
  
REGINO S. BALDERRAMA  
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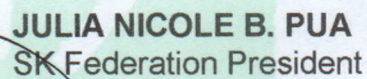
  
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SK Federation President

  
CHRISTIAN G. SIA  
Councilor  
Minority Floor Leader





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**VIRGILIO I. DEL ROSARIO**  
Councilor  
Majority Floor Leader

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Attested by:

*[Handwritten signature]*  
**ROSALIO D. MARTIRES**  
City Vice-Mayor  
Presiding Officer

APPROVED:

*[Handwritten signature]*  
**ROBERT C. EUSEBIO**  
City Mayor

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Attested by:

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**ROBERTO A. BARRETTO**  
Acting City Council Secretary

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