



MUNICIPAL ORDINANCE No. 2023-03

“AN ORDINANCE BANNING UNLICENSED TRADITIONAL BIRTH ATTENDANTS TO ADMINISTER HOME BIRTHS WITHIN THE MUNICIPALITY OF BUSTOS AND PROVIDING PENALTIES FOR VIOLATION THEREOF.”

Authored by:

Honorable Marie Niña Nikkie Perez, MA
Chairperson
Committee on Education
and
Honorable Juliet DJ. Dela Cruz
Chairperson
Committee on Women, Health and Family

WHEREAS, Article II, Section 12 of the 1987 Philippine Constitution indicates that the life of the mother and unborn child are protected;

WHEREAS, Section 16 of the Local Government Code of 1991 states that the health and safety of the public must be promoted;

WHEREAS, as mandated in Section 17 of the Local Government Code of 1991, policies that promote maternal and child care must be crafted and implemented;

WHEREAS, the Local Government of Bustos commits to the targets of the Sustainable Development Goals to reduce the global maternal mortality ratio to less than 70 per 100,000 live births by 2030;

WHEREAS, the Department of Health issued Administrative Order 2008-0029 also known as the “Implementing Health Reforms for the Rapid Reduction of Maternal and Neonatal Mortality” aimed to decrease the mortality rates of mothers and neonatal children because of the occurrence of home births without the supervision of skilled health professionals.”

TANGGAPAN NG SANGGUNIANG BAYAN

BAKURAN NG BAHAY PAMAHALAANG BAYAN NG BUSTOS, BULACAN

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NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG BAYAN IN A SESSION DULY ASSEMBLED THAT:

Section 1. Short Title - This Ordinance shall be herein referred to as the "Ligtas na Pagbubuntis Ordinance"

Section 2. Declaration of Policy - It is hereby declared the policy of the Local Government of Bustos to take part in the Department of Health's advocacy to ban unlicensed traditional birth attendants to administer home births within the municipality.

Section 3. Purposes - It is the principal purpose of this Ordinance:

1. To ensure that mothers and unborn children are protected through banning unlicensed traditional birth attendants from administering home births within the municipality.
2. To join the Department of Health's measures to decrease mortality rates of mothers and infants across the country through prohibiting and penalizing unlicensed traditional birth attendants from administering home births within the municipality.

Section 4. Definition of Terms - Words used in this Ordinance mean and be understood as the following:

1. Health facilities - include hospitals, health centers, lying-in clinics, primary care centers that are prepared with safety measures and equipment needed for pregnancies and possess license to operate (LTO) from the appropriate government agencies.
2. Home births - delivering births without interventions (such as but not limited to pain medication, labor induction, fetal heart rate monitoring, or delivery assisted with forceps or other instruments, episiotomy and/or episiorrhaphy, or such procedures and techniques that only licensed professionals are allowed to undertake under the law) by licensed health professionals, and outside health facilities as defined in the immediately preceding paragraph;
3. Licensed health professionals - refer to physicians, nurses and midwives who hold certificates of registration and/or professional licenses in good standing in accordance with Republic Act (RA) No. 2382 ("The Medical Act of 1959"), RA No. 9173 ("Philippine Nursing Act of 2002"), and RA No. 7392 ("Philippine Midwifery Act of 1992") to administer and perform procedures and techniques in the supervision and care of women during pregnancy, labor, delivery, and puerperium management of deliveries.



4. Unlicensed traditional birth attendant - any person who administers and performs procedures and techniques in the supervision and care of women during pregnancy, labor, delivery, and puerperium management of deliveries without a valid certificate of registration and/or professional license in accordance with RA No. 2382, RA 9173, and RA 7392.

Section 5. Prohibited acts - The following actions are prohibited under this Ordinance.

1. Performing and administration of home births by unlicensed traditional birth attendants;
2. Use as his/her own certificates of registration/professional license and professional identification card of another in order to perform home births; or
3. Assisting or abetting the illegal practice of administering home births by unlicensed traditional birth attendants.

Provided, that this section shall not also not apply to individuals acting in an emergency and precipitous delivery in the absence of any qualified physician, nurse or midwife in the area or under the circumstances of a calamity, war or civil disturbance.

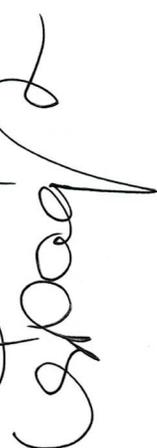
Section 6. Ligtas na Pagbubuntis information drive - The following are tasked to lead the information dissemination of this Ordinance:

1. The Municipal Health Office in collaboration with the Rural Health Units, Barangay Health Centers and Bustos Community Hospital
2. Sangguniang Barangay Chairperson of the Committee on Health
3. Barangay Health Workers
4. Mother Leaders
5. Lingkod Lingap sa Nayon

Section 7. Mandatory reporting of known home births - any person who by direct and personal knowledge becomes aware of the conduct of home births administered by unlicensed traditional birth attendant within the municipality of Bustos shall immediately report to the Municipal Mayor, Punong Barangay of the barangay where the home birth was conducted, appropriate law enforcement officer in the barangay or nearest police station, Bustos community and rural health unit personnel for recordkeeping.

Section 8. Penalty clause - The provisions of RA No. 2382, RA No. 9173, and RA No. 7392 or other laws notwithstanding, and without prejudice to the filing of cases under any other law or ordinance, any person found guilty of committing any violation of this Ordinance shall be meted out with:

1. First Offense - a fine of one thousand five hundred pesos (PHP 1,500);



2. Second Offense – a fine of two thousand pesos (PHP 2,000);
3. Third Offense – a fine of two thousand five hundred pesos (PHP 2,500), or imprisonment of one (1) month, or both, at the discretion of the court.

Section 9. *Implementing Rules and Regulations* – Shall be crafted by the Municipal Health Office, Bustos Community Hospital, and Bustos Rural Health Units within thirty (30) days from the approval of this Ordinance.

Section 10. *Separability clause* – If, for any reason any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 11. *Repealing clause* – All ordinances, rules and regulations, or parts thereof, whose provisions conflict with or contrary to the provisions of this Ordinance are hereby deemed repealed, amended, and modified accordingly.

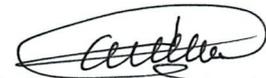
Section 12. *Effectivity clause* – This Ordinance shall take effect following its publication in a newspaper of general circulation, within the Municipality of Bustos and upon posting at prominent places in the Municipal Hall for a period of three (3) consecutive weeks.

APPROVED and ADOPTED, 20th of February, 2023 by the Sangguniang Bayan at the Amado Raymundo Session Hall.


Marie Niña Nikkie Perez, MA
Sangguniang Bayan Member


Leo T. Santos
Sangguniang Bayan Member

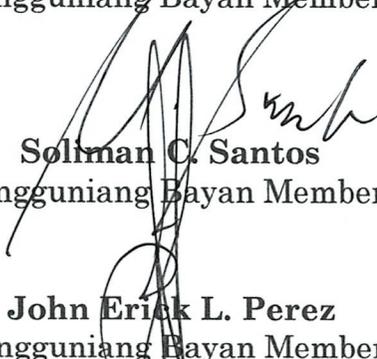

Phillip Wryner B. Santos
Sangguniang Bayan Member

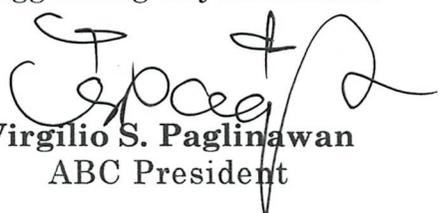

Juliet DJ. Dela Cruz
Sangguniang Bayan Member

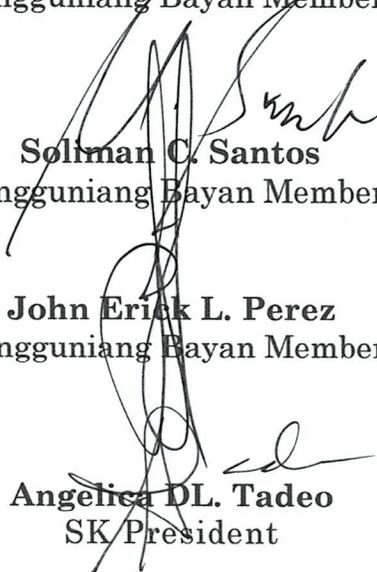

Aljhaneal E. Quinones
Sangguniang Bayan Member


Soliman C. Santos
Sangguniang Bayan Member

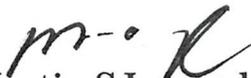

Wilfredo G. Canoja
Sangguniang Bayan Member


John Erick L. Perez
Sangguniang Bayan Member


Virgilio S. Paglinawan
ABC President


Angelica DL. Tadeo
SK President

ATTESTED:

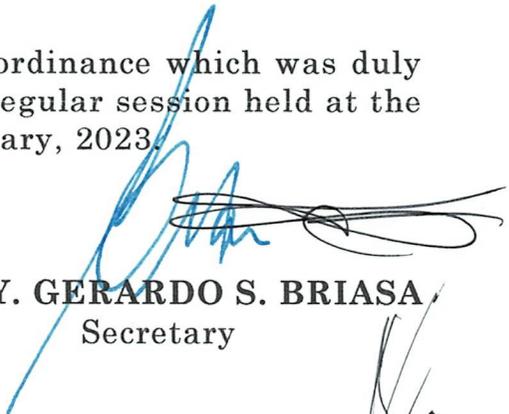

Martin S.J. Angeles

Vice Mayor and
Presiding Officer of the Sangguniang Bayan



CERTIFICATION:

I HEREBY CERTIFY that the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its regular session held at the Amado Raymundo Session Hall on 20th of February, 2023.


ATTY. GERARDO S. BRIASA
Secretary

Attested:

Signed today, 28 of February 2023



FRANCIS ALBERT G. JUAN
Municipal Mayor













