



Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
City of Bayawan
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON JUNE 24, 2024 AT 10:00 AM AT THE SP SESSION HALL, LEGISLATIVE BUILDING GOVERNMENT CENTER.

RECORD OF ATTENDANCE

HON. HENRY E. CARREON, JR.	Vice Mayor & Presiding Officer	Present
HON. MARK FIDENCIO L. AURELIA		Present
HON. NARCISO N. CASIPONG		Present
HON. RUSMAR IAN D. TIJING		Present
HON. MERLITA R. GAUDIEL		Present
HON. NICO ANGELO L. LIM		Present
HON. ROLANDO B. ABRASALDO		Present
HON. KARL T. SARAÑA		Present
HON. LUIS J. SUMALPONG		Present
HON. FELIPE O. SANTIAGO, JR.		Present
HON. MA. LUCIANA T. TIZON		Present
HON. SEVERINO SALVADOR M. CAPULSO	LNMB President	Present
HON. EDILBERT J. BOLTIADOR	SK Federated President	Present

RESOLUTION NO. 502

Authored by:

HON. MARK FIDENCIO L. AURELIA

“WHEREAS, Section 15 Article II of the 1987 Philippine Constitution explicitly provides that “The State shall protect and promote the right to health of the people and instill health consciousness among them”;

“WHEREAS, the passage of Republic Act 7160, otherwise known as the Local Government Code (LGC) of 1991, the responsibility of providing basic health services, including maternal newborn and child services, was devolved to the local government units; this is specifically provided for under Section 17 of the LGC. Thus the City of Bayawan recognizes its role to provide basic health services to its constituents;

“WHEREAS, the City Government of Bayawan should give attention to the maternal and neonatal well-being of its constituents. It has to implement various health reforms aimed at rapidly reducing maternal and neonatal mortality. These efforts should include local legislation on maternal health coupled with an active information campaign, training health personnel and building health facilities in urban poor areas;

“WHEREAS, there is a need to regulate expectant mothers who opt to seek the services of traditional birth attendants called “Hilot”, “Mananabang” and / or “Paltera” because even if a pregnant woman is very healthy, unanticipated complications may arise when giving birth and delivering at home without adequate emergency facilities and equipment can pose great danger to the mother and infant;

“WHEREFORE, on motion of Honorable Councilor Mark Fidencio L. Aurelia and duly seconded by Honorable Councilor Karl T. Saraña, the Council;

“RESOLVED, to enact, as it hereby enacts the following ordinance:

ORDINANCE NO. 37

AN ORDINANCE PROHIBITING HOME BIRTHS IN BAYAWAN CITY, PROHIBITING TRADITIONAL BIRTH ATTENDANTS TO DELIVER BABIES AND REQUIRING ALL PROFESSIONAL HEALTH PRACTITIONERS TO DELIVER BABIES ONLY IN HEALTH FACILITIES AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Be it ordained that:

SECTION 1. TITLE. This ordinance shall be known as the “No Home Birth of Bayawan City”.

SECTION 2. PURPOSE. To reduce maternal and newborn mortality rates in the City of Bayawan.

SECTION 3. COVERAGE. All pregnant women within the territorial jurisdiction of Bayawan City. All medical practitioners and traditional birth attendants are hereby authorized to refer pregnant women to private and / or public lying-in clinics and hospitals in the city.

SECTION 4. PROHIBITED ACTS. Home birth is hereby prohibited within the territorial jurisdiction of Bayawan City and all Traditional Birth Attendants are hereby prohibited to deliver babies.

SECTION 5. DEFINITION OF TERMS.

For purposes of this ordinance, the following shall mean:

Professional Health Practitioners – refers to persons who are licensed to practice a medical profession in the Philippines and shall include Physicians, Nurses and Midwives.

Traditional Birth Attendants (“Hilot”, “Mananabang” and / or “Paltera”) – refers to persons who are untrained individuals who conduct pre-natal, post-natal care and delivery at home.

Health Facility – refers to a hospital, health clinics, a health infirmary, health centers, lying-in clinics, a birthing home with obstetrical and pediatric services whether public or private.

Home Births- refers to the act of delivering newborns outside of a birthing facility attended by a traditional birth attendant.

SECTION 6. MONITORING AND ENFORCEMENT. The City Health Office is hereby designated as the implementing agency of this ordinance. The City Health Office may seek the assistance of other city government departments and offices in the proper implementation of this ordinance.

SECTION 7. PENALTY. Any Traditional Birth Attendant found violating this ordinance, shall be imposed a fine, as follows:

First Offense	: A written stern warning from the City Health Office and a fine of ₱1,000.00 to be paid to the City of Bayawan.
	In case of insolvency, the offender shall serve Fifteen (15) days of community service.
Second Offense	: A written stern warning from the City Health Office and a fine of ₱3,000.00 to be paid to the City of Bayawan.
	In case of insolvency, the offender shall serve Thirty (30) days of community service.
Third Offense	: A fine of ₱5,000.00 and Thirty (30) days of community service and or imprisonment of not more than Thirty (30) days.

The abovementioned penalties shall be applicable notwithstanding the application of the Civil Code and the Revised Penal Code on the damage or injury committed to persons.

SECTION 8. PROCEEDS FROM FINES. Proceeds from the fines collected in connection with this ordinance shall be placed in City Treasure’s Office, which shall be earmarked specifically for the implementation of Maternal, Newborn and Child Health Programs of the City Health Office.

SECTION 9. PUBLIC INFORMATION AWARENESS. Information Drive Campaign through Nurses, Midwives and Barangay Health Workers in their respective assigned Barangay Health Station of the City.

SECTION 10. SEPARABILITY CLAUSE. For any reason or reasons, any part of this or provision of this ordinance shall be held unconstitutional or invalid, other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 11. REPEALING CLAUSE. All other ordinances, resolutions and issuances inconsistent with the provisions herein are hereby repealed.


SECTION 12. EFFECTIVITY. This ordinance shall take effect after compliance with the provisions of R.A. 7160, Local Government Code of 1991.

“ENACTED.”

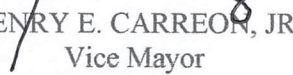
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I hereby certify to the correctness of the foregoing resolution.


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JULIUS T. ESPARTERO
Secretary to the Sangguniang Panlungsod

ATTESTED:


HENRY E. CARREON, JR.
Vice Mayor
Presiding Officer

APPROVED:


JOHN T. RAYMOND, JR.
Mayor

Date: JUL 12 2024

Copy for:

- The Honorable Provincial Board, Dumaguete City