



Republic of the Philippines
Province of Isabela
MUNICIPALITY OF PALANAN

OFFICE OF THE SANGGUNIANG BAYAN

Literal Copy of **Municipal Ordinance No. 2020-038** approved by the Sangguniang Bayan of Palanan, Isabela in its Regular Session on **March 16, 2020** held at the Legislative Session Hall, this Municipality.

Sponsored by: **HON. RONNIE A. ATIENZA, Sangguniang Bayan Member**

MUNICIPAL ORDINANCE NO. 2020-038

AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 2017-01, SERIES OF 2017, PROHIBITING HOME BIRTHS AND DELIVERIES ATTENDED BY TRADITIONAL BIRTH ATTENDANTS AND REQUIRING THE PRESENCE OF SKILLED BIRTH ATTENDANTS TO DELIVER BABIES ONLY IN BIRTHING FACILITIES AND PROVIDING PENALTY FOR VIOLATION THEREOF.

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, with 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 health services, was devolved to the local government units; this is specifically provided for under Section 17 of the LGC. Thus, the Municipality of Palanan recognizes its role to provide basic health services its constituents;

WHEREAS, pregnancy and childbirth are among the leading causes of death, disease and disability in women of reproductive age in developing countries; that, every year, around 2000 mothers die due to pregnancy-related complications;

WHEREAS, risk of maternal and neonatal deaths for a given population group is magnified with the risk of delivering without being attended to by skilled birth attendants and of not having access to emergency obstetric and neonatal care services.

WHEREAS, the Municipality of Palanan has low rate of Facility-Based Deliveries (FBD);

WHEREAS, it is the duty of the Municipal Government of Palanan to adopt measures to eliminate or reduce maternal and neonatal death in the municipality;

Be it **ORDAINED** by the Sangguniang Bayan of Palanan, Isabela in Session assembled:

SECTION 1. TITLE. This ordinance shall be known as " **AN ORDINANCE PROHIBITING HOME BIRTHS AND DELIVERIES ATTENDED BY TRADITIONAL BIRTH ATTENDANTS ORDINANCE**"

SECTION 2. DECLARATION OF POLICY. It shall be the policy of the Local Government Unit of Palanan to ensure the protection and safety of the life of both the mother and the child. Pursuant thereto, the practice of home birth is hereby prohibited in order to protect the health and well-being of the mother and the newly-born from the risks of infection and other diseases.

SECTION 3. SCOPE. This Ordinance shall be applicable to all barangays within the territorial jurisdiction of the Municipality of Palanan and within the definition of terms referred to herein.

SECTION 4. DEFINITION OF TERMS. For purposes of this Ordinance, the following terms shall be defined as follows:

- a. **Birthing facilities** – refer to a licensed institution which facilitates the delivery of a child at birth (i.e. Palanan Station Hospital and PHU Palanan Birthing Center);
- b. **Home Births** – refers to the act of delivering newborns outside of a birthing facility (i.e. house, school, market etc.) whether attended by a hilot or trained midwife;
- c. **Skilled Birth Attendants** – refers to a Midwife, Physician, Obstetrician, Nurse, or other health care professional who provides basic and emergency health care services to women and their newborns during pregnancy, childbirth and the post-partum period;
- d. **Traditional Birth Attendants or Hilot** – are traditional, independent, non-formally trained and community-based providers of care during pregnancy, childbirth and postnatal period.

ANGELINA A. BERNARDO
LNB PRESIDENT

JUSTIN KERBY S. BERNARDO
SK FEDERATION PRESIDENT

GLORIA B. CAJULAN
SB MEMBER

CRISELDA S. DELA PENA
SB MEMBER

THEO ANGELO A. GARCIA
SB MEMBER

EARL JOHN ANGELO S. BERNARDO
SB MEMBER

MOBIMANDO
MICHAEL JOHN D. BERNARDO
SB MEMBER

ROBERT B. NERI
SB MEMBER

PACITA MONA Q. ATANACIO
SB MEMBER

RONNIE A. ATIENZA
SB MEMBER

SECTION 5. PROHIBITION ON HOME DELIVERY OR DELIVERY BY A HILOT:

The following are the prohibited acts under this Ordinance:

- a. The delivery of birth at home by skilled birth attendant or traditional birth attendant or *Hilot* or any individual not formally trained in assisting children (i.e. father of child, grandparents, etc.)
- b. The delivery of births by a *Hilot* whether in a birthing facility or not.

SECTION 6. ROLE OF BARANGAY HEALTH STATIONS AND THE SUPERVISION OF THE PUNONG BARANGAYS. The Barangay Health Station shall report regularly to the Punong Barangay for current cases of pregnancy to arrange for emergency transport (if needed) and shall refer the same to the Rural Health Unit for further evaluation.

The Punong Barangay shall closely monitor the incidence of traditional home delivery and shall apprehend the violators hereto.

SECTION 7. ROLE OF THE BARANGAY HEALTH WORKERS. The role of Barangay Health Workers (BHWs) is to provide supportive care during labor and post-partum. They shall encourage the pregnant women to stay at the Poblacion three (3) days before the expected delivery. They will:

- a. Accompany the pregnant women to the Birthing Facility during labor;
- b. May assist the midwife during labor watch;
- c. May run errands when necessary;
- d. Assist new mothers to initiate immediate breastfeeding; and
- e. To report to the midwife any untoward Post-Partum complication.

SECTION 8. PENALTIES. Any person or entity who violates this Ordinance shall be subject to a fine of *Two Thousand Five Hundred (P2,500.00) Pesos and or imprisonment of not more than thirty (30) days.*

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

SECTION 9. PROCEEDS FROM FINES. Proceeds from the fines collected in connection with this ordinance shall be placed in a trust fund, which shall be earmarked specifically for the implementation of Maternal, Newborn and Child Health and Nutrition programs of the Municipal Health Office.

SECTION 10. PUBLIC INFORMATION AWARENESS. The Municipal Health Office shall post at the Barangay Health Stations and in different strategic locations in their respective barangays. Barangay Health Workers shall encourage pregnant women to seek consultation and schedule birth with the Birthing Center, or Palanan Station Hospital, or any other government or private clinic or hospital or licensed birthing facility of their own choice.

SECTION 11. SEPARABILITY CLAUSE. If for any reason, any provision, section or part of this Ordinance is declared invalid by a Court of Component Jurisdiction or suspended or revoked such judgment shall not affect or impair the remaining provisions, sections or parts thereof, which shall remain or continue to be in full force and effect.

SECTION 12. REPEALING CLAUSE. All Ordinances, local rules and regulations or parts thereof inconsistent with this Ordinance are hereby repealed, modified or amended accordingly.

SECTION 13. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon approval.

Enacted, March 16, 2020.

I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance.

EARL JOHN ANGELO S. BERNARDO
SB MEMBER

MICHAEL JOHN D. BERNARDO
SB MEMBER

ROBERTO B. NERI
SB MEMBER

PACITA MONA Q. ATANACIO
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SB MEMBER

CRISLEIDA S. DELA PEÑA
SB MEMBER

THEO ANGELO A. GARCIA
SB MEMBER

NELIA ALAMO-PLATA
Secretary to the Sanggunian

ATTESTED AND CERTIFIED
TO BE DULY ENACTED:

JIMMY B. GONZALES
Municipal Vice Mayor/Presiding Officer

APPROVED:

ELIZABETH B. OCHOA
Municipal Mayor
Date: 03-18-2020