ORDINANCE NO. 16-153

AN ORDINANCE REGULATING BIRTH DELIVERIES IN MUNTINLUPA CITY, DEFINING THE FUNCTIONS AND DUTIES OF TRADITIONAL BIRTH ATTENDANTS (HILOT), REGULATING HOME BIRTHS AND REQUIRING ALL PROFESSIONAL HEALTH PRACTITIONERS TO DELIVER BABIES IN HEALTH FACILITIES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, APPROPRIATING FUNDS AND FOR OTHER RELATED PURPOSES.

Sponsored by:
Hon. Coun. Margarita Amythyst Patdu-Labios, M.D.
Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Bal Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Ringo A. Teves
Hon. Coun. Alexander Diaz
Hon. Coun. Luvi P. Constantino
Hon. Coun. Engr. Neptali S. Santiago
Hon. Coun. Elmer S. Espeleta
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Vergel C. Ulanday
Hon. Coun. Robert A. Abas
Hon. Coun. Robert P. Baes
Hon. Coun. Celso C. Dioko

WHEREAS, in developing countries like the Philippines, the direct causes of maternal mortality are hemorrhage, hypertensive disorders due to pregnancy, unsafe abortion, and obstructed labor. These constitute the majority of obstetric complications resulting in maternal and fetal fatalities;

WHEREAS, according to the UNICEF, one of the major factors in the maternal and fetal deaths in the Philippines is the common Filipino practice of deliveries outside a health facility. Eight (8) out of ten (10) births in rural poor areas are delivered outside a health facility, and, in the absence of medical professionals like doctors, nurses and midwives, these deliveries are home-based and attended by unprofessional attendants, commonly known as “hilot”;

WHEREAS, the local government unit is mandated to provide efficient and effective basic services and facilities in order to upgrade the quality of community life, and this includes health and social welfare programs and project on primary health care, maternal and child care, child and youth welfare, women welfare, elderly and disabled persons welfare, nutrition services, and reproductive health and family planning;

WHEREAS, the local government unit is also called upon to implement the Maternal Newborn, Child Health and Nutrition (MNCHN)) Strategy of the Department of Health which calls for coordinated actions with the end goal of improving women and children’s health and of effecting a rapid reduction in the maternal, newborn and child mortalities towards attaining Millennium Development Goals (MDGs) of the Philippines Four (4) and Five (5) within the set time frame;
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WHEREAS, the MNCHN Strategy seeks to increase the percentage of pregnant women with at least four (4) prenatal visits, to increase facility-based deliveries, to increase number of infants from zero to five months old exclusively breastfed, to increase newborn screening, to increase post-partum and post natal visits within the first week of delivery and increase number of Full-Immunized child. The implementation of the MNCHN Strategy shall lead the community to its most desired outcome that no woman dies giving birth and that no newborn dies at birth, which is also the intention of this Ordinance;

WHEREAS, the City Epidemiology Surveillance Unit of the City Health Office noted an increasing trend in the number of maternal and neonatal mortality for the past three (3) years;

WHEREAS, Muntinlupa City 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 when expectant mothers opted to seek the services of traditional birth attendants called “hilot” because even if a 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;

WHEREAS, in some cases, some mothers prefers not to deliver their babies in hospitals and other birthing centers because of high cost of delivery, lack of education that delays in deciding to seek medical care, delays in reaching appropriate care and delays in receiving care at health facilities endanger the lives of both mother and child;

WHEREAS, there is an obligation of providing accessible health facilities and services as well as education services to the women, especially the expectant mothers;

WHEREAS, the right to choose on how the babies will be delivered remains with the mothers and this right must be respected;

NOW, THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 7th Sangguniang Panlungsod in Session Assembled that:

ARTICLE I
TITLE, POLICY AND PRINCIPLES

SECTION 1. Title. This ordinance shall be known as the “An Ordinance Regulating Birth Deliveries In Muntinlupa City, Defining The Functions And Duties Of Traditional Birth Attendants (Hilot), Regulating Home Births And Requiring All Professional Health Practitioners To Deliver Babies In Health Facilities And Providing Penalties For Violations Thereof, Appropriating Funds And For Other Related Purposes.”

a) Home birth is hereby regulated within the territorial jurisdiction of the City of Muntinlupa except in circumstances when delivery is imminent.

b) Birth deliveries are encouraged only in Health Care Facilities in Muntinlupa City.

c) All Traditional Birth Attendants are hereby mandated to perform specific functions and duties. They should be seen as complimentary personnel to public health workers and should be provided with adequate trainings and tools for more effective and efficient provision of basic health services.

d) Education Services to Women, especially expectant mothers.

SECTION 3. Definition of Terms – As used in this Ordinance, the following terms shall mean:

1) Age of Gestation – number of weeks of the baby inside the mother’s womb based on the first day of the last menstrual period.

2) Birth Plan – a record containing plans of a pregnant woman for her delivery.

3) City Birth Clinic – refers to a health care facility under the City Health Office catering to the deliveries of normal full term pregnancies.

4) HealthCare Facility – refers to an institution duly licensed by the Department of Health (DOH) devoted primarily to the maintenance and operation of facilities for health promotion, prevention, diagnosis, treatment, and care of individuals suffering from illness, disease, injury, disability, or deformity, or in need of obstetrical or other medical and nursing care. It shall also be construed as any institution, building, or place where there are installed beds, cribs, or bassinets for twenty-four hour use or longer by patients in the treatment of diseases, injuries, deformities, or abnormal physical and mental states, maternity cases or sanitarial care; or infirmaries, nurseries, dispensaries, and such other similar names by which they may be designated.

5) Family Planning Services – refers to services for reproductive health (in particular, the use of modern or natural FP methods), and responsible parenthood.

6) Full-Term Pregnancy – pregnancy with age of gestation from 38 to 42 weeks.

Imminent delivery- a conditions in which either of the following are present:

a) Regular contractions at 1-2 minutes interval and an urge to push or bear...
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b) Crowning or the top of the baby's head/breech presentation is visible at the vulva.

8) Maternity Care Package – includes services (prenatal, delivery and postpartum) covered by Philhealth up to the 4th normal delivery

9) Newborn Care – care for newborn baby, which includes cord care, thermal care, eye prophylaxis, initiation for breastfeeding, BCG and Hepatitis B Immunization and Newborn Screening.

10) New Born Care Package – includes newborn care services for all babies covered by Philhealth.

11) Newborn Screening – a blood test performed on newborn babies to detect any of the five (5) congenital metabolic disorders which may lead to mental retardation and/or death.

12) No balance billing (NBB) - refers to a policy wherein no other out-of-pocket fees or expenses shall be charged to or paid by a PhilHealth-eligible individual/patient above and beyond prescribed PhilHealth benefit package rates.

13) Normal Spontaneous Delivery – spontaneous expulsion of full-term baby in presentation through vaginal opening.

14) Postpartum Care – care for mother who has delivered a newborn baby.

15) Pregnancy Tracking – a record containing names of pregnant women, their prenatal visit and expected date of delivery.

16) Prenatal Care – refers to care of pregnant women having monthly prenatal visits from the first month to the seventh month of gestation, twice a month at eight month age of gestation and weekly during the ninth of gestation.

17) Professional Health Care Practitioner – is a person licensed to practice medical profession in the Philippines and shall include physicians, nurses and midwives.

18) Traditional Birth Attendant – Locally known as “hilot”, is a person untrained or not licensed to conduct pre-natal, post natal care and delivery at home.

19) Skilled Birth Attendant – refers to childbirth managed by a skilled health professional including the enabling conditions of necessary equipment and support of a functioning health system, including transport and referral facilities for emergency obstetric care.
20) Skilled health professional - refers to a midwife, doctor, or nurse who has been educated and trained in the skills needed to manage normal and complicated pregnancies, childbirth and the immediate postnatal period, and in the identification, management, and referral of complications in women and newborns.

21) Women's Health Team – a team composed of midwife, volunteer health workers and hilot, in charge of tracking the progress of the pregnancy, assisting pregnant women, preparing birth plan and actual delivery or referring them to health facility for delivery.

22) Emergency - refers to a condition or state of a patient wherein based on the objective findings of a prudent medical officer on duty for the day there is immediate danger and where delay in initial support and treatment may cause loss of life or cause permanent disability to the patient.

23) Fetal and infant death review - refers to a qualitative and in-depth study of the causes of fetal and infant death with the primary purpose of preventing future deaths through changes or additions to programs, plans and policies.

24) Fetal death - refers to the death of a fetus prior to the complete expulsion or extraction from the womb, irrespective of the duration of pregnancy, indicated by the fact that after such separation, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

25) Health Facility – shall mean hospital, health clinic, health infirmary, health center and lying-in clinics, birthing home with obstetrical and pediatric services whether public or private.

26) Infant mortality - refers to the death of a child before his or her first birthday.

27) Informal education - refers to a lifelong process of learning by which every person acquires and accumulates knowledge, skills, attitudes and insights from daily experiences at home, at work, at play and from life itself.

28) Maternal death - refers to the death of a woman while pregnant or within forty two (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.

29) Maternal death review - refers to a qualitative and in-depth study of the medical and social causes of maternal death with the primary purpose of preventing future deaths through changes or additions to programs, plans and policies.

30) Maternal health - refers to the health of a woman of reproductive age including, but not limited to, during pregnancy, childbirth and the postpartum period.
31) Maternal health services - refer to a range of services that covers care during the periods that include, but are not limited to, antenatal, delivery, and postpartum periods.

32) Poor - refers to members of households identified as poor through the NHTS-PR by the Department of Social Welfare and Development (DSWD) or any subsequent system used by the national government in identifying the poor.

SECTION 4. Regulatory Clause. All Professional Health Practitioners and traditional birth attendants (hilot) are hereby enjoined and authorized to refer pregnant women to private and public lying-in clinics and hospitals in Muntinlupa City.

a) The City Health Office of Muntinlupa 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.

b) The City Health Office shall define the specific functions and duties of Traditional Birth Attendant (TBA’s). And also to provide adequate training and tools for them to compliment efficient and effective delivery of health services and or as part of the support staff or Women’s health team.

c) Traditional birth attendants’ role shall be defined and limited to supportive care during prenatal, perinatal and postpartum of the mother.

d) The Traditional Birth Attendants are regulated to only assist, as member of the Women’s Health Team, in bringing pregnant mother to the nearest facilities capable of handling deliveries and may assist during deliveries with the presence of the skilled birth attendants.

e) The City Health Office shall also refer Traditional Births Attendants to City Social Welfare Department and other offices for livelihood training program in order for them to have an alternative source of income.

f) All pregnant mothers, with or without Philhealth coverage, are mandated to deliver their babies at the Health Facilities, Barangay Health Stations capable of handling deliveries, City Birthing Clinic and Hospitals. PhilHealth sponsorship of the city through the PhilHealth indigency program shall be forfeited once the above provision is violated.

g) Midwives are likewise encouraged to refer pregnant women to health facilities and are discouraged to perform home deliveries except in limited circumstances such as imminent delivery. This intends to safeguard the life of the mother and the infant since not all obstetrical complications are neither predictable nor avoidable but can be treated if identified early. It is proper to focus on the delivery and postpartum care assisted by skilled birth attendants.
h) The City Government of Muntinlupa thru the City Health Office has the obligation of providing accessible health services (birthing centers, skilled birth attendants, equipments and supplies needed for delivery), as well as education services to women specially the expectant mothers.

i) The City Health Office must heighten the information campaigns/ awareness on the availability of health facilities, services and Philhealth coverage to the population.

SECTION 5. MANDATORY PROVISIONS:

a) All prenatal, delivery and postnatal services on mothers shall be performed only by skilled birth attendants who may either be a licensed physician, nurse and midwife.

b) Home birth delivery shall be regulated and discouraged unless it is of imminent delivery. Birth delivery shall always be done at any birthing place/ lying-in clinics or any health facilities within the Muntinlupa City.

c) Adequate facilities, practitioners and accessible health care services should be provided by the Local Government to the population of Muntinlupa City.

d) Adequate training and tools should be provided to the traditional birth attendants so they become complementary personnel to public health workers by the City Health Office.

e) Adequate education services to Women, especially to expectant mothers should be part of the program of the Local Government of Muntinlupa City.

SECTION 6. Role Of Traditional Birth Attendants: The role of the traditional birth attendants of Muntinlupa City shall be limited to supportive care during prenatal, perinatal and postpartum of the mother. They are encouraged to become members of the support staff or Women’s health team and to be provided with adequate training.

SECTION 7. Specific Functions And Duties Of The Traditional Birth Attendants: The functions and duties of TBA are as follows:

1) Assist in the formulation of birth plan for pregnant mothers;
2) Guide/identify/locate/report all pregnant mothers to the Health Centers;
3) Act as a companion in the birthing or lying-in clinic/hospital during labor and delivery of the mother;
4) Assist the Skilled Birth Attendant in the preparation of the delivery room in the birthing or lying-in clinic;
5) Assist the Skilled Birth Attendant during labor watch;

6) May run errands when necessary;

7) Assist mothers to initiate breastfeeding 30 minutes to hour after delivery;

8) To report the midwife any untoward post-partum complication.

SECTION 8. Administrative Mechanism. The City Birthing Clinic which is under the City health office shall be managed by midwives and nurses under the immediate supervision of the City Medical Officers assigned therein. The Medical Officers, Nurses and Midwives shall take turns in rendering duty. Recognized volunteer midwives/ nurses may assist under the supervision of the midwives on duty. The city birthing clinic shall be open twenty four (24) hours, seven (7) days of the week.

a) The City and all barangays shall organize a Women’s Health Team to track down pregnancies, assist the women, accomplish both plan and check on every visit, and provide counseling and quality maternal care, prenatal, childbirth and postnatal services.

b) The City Health Office shall undertake education and information dissemination activity to all Traditional Birth Attendants (TBA’s) in Muntinlupa City for the proper implementation as far as their role in birth delivery services.

c) The City Health Office shall heighten the information and educational services to Women, especially expectant mothers.

SECTION 9. Services - The services of Muntinlupa City Birthing or Lying-in Clinic are:

1) Pre-Natal Care
2) Delivery
3) Post partum Care
4) Newborn Care and
5) Family Planning services.

The birthing or lying-in clinic shall serve all pregnant women whether Philhealth and non-Philhealth members who wanted to avail of its services. It may also cater to patients coming from outside of the Muntinlupa City who wanted to avail of the services.

Those who have undergone prenatal check-ups and those who will undergo normal spontaneous vaginal delivery, in cephalic presentation, shall be admitted at the birthing or lying-in clinic and those with identified medical and obstetric problems shall be referred at once to the hospital with the use of the Barangay Mobile/Ambulance without pay or depending on its policy on how to avail free transportation.
All newborn babies delivered shall undergo Newborn Screening in compliance to Newborn Screening Act of 2004 otherwise known as RA No. 9288 with corresponding fees indicated in the City Ordinance or in its absence whatever existing valid policy on Newborn Screening.

ARTICLE II
PROHIBITED PRACTICES
AND
PENALTY PROVISION

SECTION 10. Penalty Provisions. Any Traditional Birth Attendant performing health services to mother not in accordance with functions and duties enumerated in Section 7 hereof shall be penalized as follows:

a) First Offense - Php 1,000.00 fine plus his/her privilege as recognized TBA (Hilot) shall be revoked permanently.

b) Second Offense and subsequent offenses - Php 2,500.00 fine and/or imprisonment of six (6) months.

c) If the offender is a Professional Health Care Practitioner, the New Rules of Procedure in Administrative Investigations in the Professional Regulation Commission (PRC) and the Professional Regulatory Boards established in PRC Resolution No. 06-342 (A) s. 2006 shall be followed.

SECTION 11. Exemption. Those deliveries in emergency situation where both the lives of the mother and the infant(s) are in danger and those affected by natural calamities or fortuitous events are exempted from the Regulatory Clause of this Ordinance.

ARTICLE III
APPROPRIATION

SECTION 12. Appropriation. Any amount needed for the implementation of this ordinance shall be taken from the Executive Budget.

ARTICLE IV
MISCELLANEOUS PROVISIONS

SECTION 13. Implementing Rules and Regulations (IRR) – within three (3) months after its constitution, the City Health Office shall formulate and issue the Implementing Rules and Regulations (IRR) appropriate to this ordinance providing detailed plans and guidelines to effectively implement this Ordinance.

SECTION 14. Separability Clause – If for any reason a provision of this Ordinance is declared invalid or unconstitutional, all other provisions hereof not affected thereby shall continue to remain in full force and effect.
SECTION 15. **Repealing Clause** – All Ordinances, Executive Orders, Resolutions and other local memoranda or rules inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 16. **Effectivity Clause** – This ordinance shall take effect fifteen (15) days following the completion of its full publication in any local newspaper of general circulation within the City of Muntinlupa.

ENACTED, by the 7TH **Sangguniang Panlungsod of Muntinlupa** this 11TH day of January 2016, on its 109 Regular Session.

CONCURRED:

**DISTRICT I:**

COUN. ATTY. RAUL R. CORRO  
Member

COUN. ATTY. PATRICIO L. BONCAYAO, JR.  
Member

COUN. BAL NIEVES  
Member

COUN. STEPHANIE G. TEVES  
Member

COUN. LOUISITO A. ARCIAGA  
Member

COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD  
Member

COUN. RINGO A. TEVES  
Member

COUN. ALEXANDER B. DIAZ  
Member

**DISTRICT II:**

COUN. MA. DHESIREE G. AREVALO  
Member

COUN. ELMER S. ESPELETA  
Member

COUN. LUVI P. CONSTANTINO  
Member

COUN. ENGR. NEPTALI S. SANTIAGO  
Member
COUN. RAFAEL T. SEVILLA  
COUN. VERGEL C. ULANDAY  
COUN. ROBERT A. ABAS  
COUN. ROBERT P. BAES  
COUN. CELSO C. DIOKO  
Sectoral Representative  
President  
Association of Barangay Captains  

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE  
Secretary  

ATTESTED:

ARTEMIO A. SIMUNDAC  
City Vice-Mayor/Presiding Officer  

APPROVED:

ATTY. JAIME R. PRESNEDI  
City Mayor  
Date: JAN 19 2016  

Norie/7th SP