

THIRTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
Third Regular Session }

6 OCT 11 25:18

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 149

Submitted jointly by the Committees on Health and Demography; Labor, Employment and Human Resources Development; and Civil Service and Government Reorganization on 11 OCT 2006.

Re : Senate Bill No. 2490, prepared by the Committees.

Recommending its approval in substitution of Senate Bill No. 1767.

Sponsors : Senators Cayetano, Ejercito Estrada (J.), Lacson and Flavier.

MR. PRESIDENT:

The Committees on Health and Demography; Labor, Employment and Human Resources Development; and Civil Service and Government Reorganization, to which ~~was~~ referred Senate Bill No. 1767, introduced by Senator Flavier, entitled:

**"AN ACT
PROMOTING BREASTFEEDING BY ESTABLISHING AND
MAINTAINING LACTATION STATIONS IN WORKPLACES FOR
WORKING MOTHERS PROVIDING PENALTIES FOR ITS VIOLATION
THEREOF AND FOR OTHER PURPOSES"**

have considered the same and have the honor to report it back to the Senate with the recommendation that the attached bill, Senate Bill No. 2490, prepared by the Committees, entitled:

**"AN ACT
PROMOTING BREASTFEEDING, PROVIDING PENALTIES FOR VIOLATION THEREOF
AND FOR OTHER PURPOSES"**

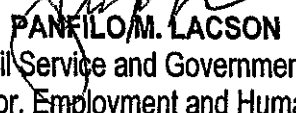
be approved in substitution of Senate Bill No. 1767 with Senators Flavier, Cayetano, Ejercito Estrada (J.) and Lacson as authors.

Respectfully submitted:


Chairpersons:


JINGGOY EJERCITO ESTRADA
Committee on Labor, Employment and Human
Resources Development

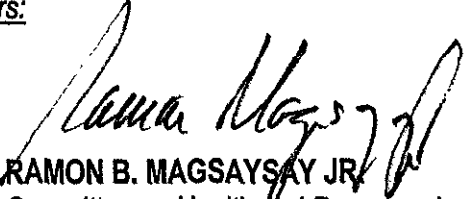

COMPAÑERA PIA S. CAYETANO
Committee on Health and Demography


PANFILO M. LACSON
Committee on Civil Service and Government Reorganization
Member, Committee on Labor, Employment and Human Resources Development


Members:




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Committee on Health and Demography
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Committee on Civil Service and Government
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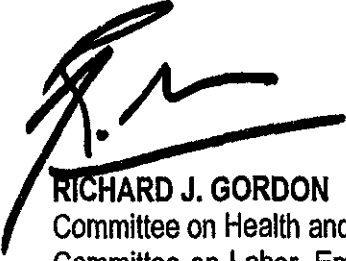
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Committee on Civil Service and Government
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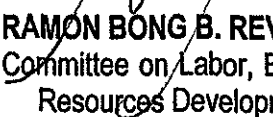
M.A. MADRIGAL
Committee on Health and Demography
Committee on Civil Service and Government
Reorganization



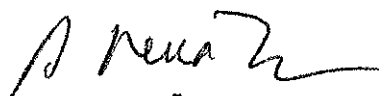
ALFREDO S. LIM
Committee on Health and Demography
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FRANKLIN M. DRILON
Committee on Labor, Employment and Human
Resources Development



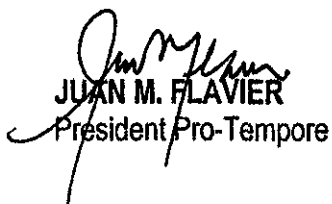
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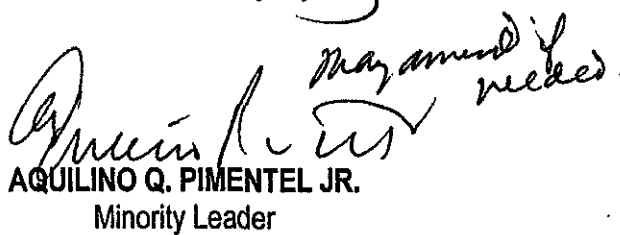
Ex-Officio Members:



JUAN M. FLAVIER
President Pro-Tempore



FRANCIS N. PANGILINAN
Majority Leader




AQUILINO Q. PIMENTEL JR.
Minority Leader

Hon. MANNY VILLAR
President
Senate of the Philippines
Pasay City

THIRTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
Third Regular Session }

6 OCT 11 2004

SENATE

RECEIVED BY: 

S. No. 2490

(In substitution of Senate Bill No. 1767)

Prepared jointly by the Committees on Health and Demography; Labor, Employment and Human Resources Development; and Civil Service and Government Reorganization with Senators Flavio, Cayetano, Ejercito Estrada (J.) and Lacson as authors

**AN ACT
PROMOTING BREASTFEEDING, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES**

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Short Title.** - This Act shall be known as the "Breastfeeding
2 Promotion Act of 2006".

3 **SEC. 2. Declaration of Policy.** - It is the declared policy of the State to protect
4 and promote the right to health of people and instill consciousness among them; to
5 strengthen the protection of the right of workers and to defend the right of the children to
6 assistance, including proper care and nutrition.

7 Section 14, Article XIII of the 1987 Philippine Constitution provides that "*The*
8 *State shall protect working women by providing safe and healthful working conditions,*
9 *taking into account their maternal functions, and such facilities and opportunities that*
10 *will enhance their welfare and enable them to realize their full potential in the service of*
11 *the nation.*" This is consistent with international treaties and conventions to which the
12 Philippines is a signatory such as the Convention on the Elimination of Discrimination
13 Against Women (CEDAW), which emphasizes provision of necessary supporting social
14 services to enable parents to combine family obligations with work responsibilities; the
15 Beijing Platform for Action strategic objective, which promotes harmonization of work

1 and family responsibilities for women and men; and the Convention on the Rights of the
2 Child, which recognizes a child's inherent right to life and the State's obligations to
3 ensure the child's survival and development.

4 Towards this end, the State shall promote and encourage breastfeeding and
5 provide the specific measures that would present opportunities for mothers to continue
6 expressing their milk and/or breastfeeding their infant or young child.

7 **SEC. 3. Definition of Terms.** - Whenever used in this Act, the following terms
8 shall mean as follows:

9 a. *Breastmilk Substitute* – shall refer to anything, other than breastmilk, which is
10 fed to an Infant up to six (6) months of age, and any milk product other than breastmilk
11 which is given to an Infant above six (6) months to twelve (12) months of age and a
12 young child;

13 b. *CHED* – shall refer to the Commission on Higher Education;

14 c. *CSC* – shall refer to the Civil Service Commission;

15 d. *DepEd* – shall refer to the Department of Education;

16 e. *DILG* – shall refer to the Department of the Interior and Local Government;

17 f. *DOH* – shall refer to the Department of Health;

18 g. *DOLE* – shall refer to the Department of Labor and Employment;

19 h. *Health Institutions* – shall refer to hospitals, health infirmaries, health centers,
20 lying-in centers or puericulture centers with obstetrical and pediatric services;

21 i. *Health Workers* – shall refer to all persons who are engaged in health and
22 health-related work, and all persons employed in all hospitals, sanitarium, health
23 infirmaries, health centers, rural health units, barangay health stations, clinic, and other
24 health-related establishments owned and operated by the Government or its political
25 subdivisions with original charters and shall include medical, allied health professional,
26 administrative and support personnel employed regardless of their employment status;

1 j. *Infant* – shall refer to a person falling within the age bracket of zero (0) to
2 twelve (12) months;

3 k. *Inter-Agency Committee* – shall refer to the Inter-Agency Committee created
4 under Executive Order No. 51 composed of the Secretaries of Health, Trade and
5 Industry, Justice, and Social Welfare and Development;

6 l. *Lactation Stations* – shall refer to private, clean and well-ventilated rooms or
7 areas situated in the workplace and public place where nursing mothers can breastfeed
8 or express their milk;

9 m. *Milk Companies* – shall refer to the owner, manufacturer, or distributor, of
10 breastmilk substitutes, including their representatives who promote or otherwise
11 advance their commercial interests in marketing those products;

12 n. *Public Place* – shall refer to enclosed or confined areas such as schools,
13 public transportation terminals, hospitals, shopping malls and the like;

14 o. *TESDA* – shall refer to the Technical Education and Skills Development
15 Authority;

16 p. *Workplace* – shall refer to the office, premises or work site where nursing
17 female employees are habitually employed, whether in government agencies, including
18 their subdivisions, instrumentalities and government owned and controlled corporations,
19 or private enterprises; and

20 q. *Young Child* – shall refer to a child from the age of twelve (12) months and
21 one (1) day up to twenty-four (24) months.

22 **SEC. 4. *Establishment of Lactation Stations.*** - It is hereby mandated that
23 lactation stations shall be established in workplaces and in public places. The lactation
24 stations should be adequately equipped with the necessary equipment and facilities,
25 such as: lavatory for hand-washing, unless there is an easily-accessible lavatory
26 nearby; refrigeration or appropriate cooling facilities for storing; electrical outlets for

1 breast pumps; a small table; comfortable seats; and other items which the DOH as
2 implementing agency may determine to be necessary.

3 **SEC. 5. *Lactation Periods.*** - Subject to such regulations as the Secretary of the
4 DOLE may prescribe for the private sector and the Chairman of the CSC for the public
5 sector, both in coordination with the DOH, nursing female employees should be given
6 reasonable compensable time during working hours to breastfeed or express their milk.

7 **SEC. 6. *Coverage.*** - All government agencies, including their subdivisions,
8 instrumentalities and government and controlled corporations, and private enterprises
9 are covered by this Act.

10 However, upon application and as determined by the Secretary of DOLE and the
11 Chairman of the CSC, exemption from Section 4 of this Act may be made where the
12 establishment of lactation stations is not feasible or necessary due to the peculiar
13 circumstances of the workplace or public place taking into consideration, among others,
14 employee composition, physical size of the establishment, and the average number of
15 patrons who visit.

16 **SEC.7. *Informational and Educational Programs.*** - DOH is hereby mandated to
17 develop and provide breastfeeding programs for working mothers which employers are
18 encouraged to avail of as part of their human resource development programs.

19 To equip women of reproductive age with accurate information on maternal
20 nutrition and proper nourishment in preparation for successful and sustainable
21 breastfeeding, DOH is likewise mandated to produce and make available relevant
22 information and programs which should be disseminated to all city, municipal and
23 barangay health centers.

24 **SEC. 8. *Duties and obligations of the DOH, Health Workers and Health***
25 ***Institutions.*** – DOH shall conduct training for all health workers involved in obstetrical
26 and pediatric services to ensure that they are knowledgeable about the advantages of
27 breastfeeding and risks associated with breastmilk substitute.

1 Health workers and institutions, in accordance with Executive Order No. 51 or the
2 "National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplement and
3 Other Related Products" and Republic Act No. 7600 or "The Rooming-In and
4 Breastfeeding Act of 1992," are mandated to ensure that pregnant and lactating
5 mothers are given the proper information and are trained on the proper techniques on
6 breastfeeding. Health workers shall, in turn, primarily recommend breastfeeding and
7 support a mother's effort to breastfeed. Health workers can only recommend breastmilk
8 substitutes where after adequate explanation and information on breastfeeding and
9 breastmilk substitute have been given, the mother still opts to give her newborn
10 breastmilk substitute.

11 **SEC. 9. *Integration of Breastfeeding Education in the Curricula.*** - To encourage
12 and promote breastfeeding, the DepEd, CHED, and TESDA shall integrate in the
13 relevant subjects in the elementary, high school, and college levels, especially in the
14 medical and allied medical courses, and in technical vocational education, the
15 importance and benefits of breastfeeding.

16 **SEC. 10. *Designation as "Mother Friendly" Establishment.*** - A workplace or
17 public place that complies with Section 4 of this Act may use the designation "Mother-
18 Friendly" in its promotional materials. The establishment shall submit proof of
19 compliance to the DOH, which may issue a certification that such establishment has
20 complied with all the requirements. The DOH shall maintain a list of "Mother Friendly"
21 establishments and make the list available for public inspection.

22 **SEC. 11. *Breastfeeding Awareness Month*** – To raise awareness on the
23 importance of and to further promote breastfeeding, the month of August in each and
24 every year throughout the Philippines shall be known as "Breastfeeding Awareness
25 Month".

26 **SEC. 12. *Public Education and Awareness Program.*** – To ensure the meaningful
27 observance of Breastfeeding Month as herein declared, a comprehensive public

1 education and awareness program shall be undertaken to establish a national health
2 policy for breastfeeding that shall provide information on the benefits and superiority of
3 breastfeeding as the normal, natural and preferred method of feeding Infants and young
4 children compared to the high risks and costs of giving breastmilk substitutes, and
5 conduct and support various activities to promote breastfeeding.

6 **SEC. 13. *Implementing Rules and Regulations.*** - The DOH, as lead agency,
7 in coordination with the CSC, DOLE, DepEd, CHED, TESDA, and the DILG, shall
8 formulate the implementing rules and regulations within sixty (60) days after the
9 approval of this Act.

10 **SEC. 14. *Oversight Provision.*** - The Inter-Agency Committee is mandated to
11 monitor and ensure strict implementation of this Act and its rules and regulations.

12 **SEC. 15. *Penalty Clause.*** - Anyone who unjustifiably refuses or fails to comply
13 with this law and its Rules and Regulations shall be imposed a fine of not less than Fifty
14 Thousand Pesos (P50,000.00) but not more than Two Hundred Thousand Pesos
15 (P200,000.00) on the first offense.

16 On the second offense, a fine of not less than Two Hundred Thousand Pesos
17 (P200,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00).

18 On the third offense, a fine of not less than Five Hundred Thousand Pesos
19 (P500,000.00) but not more than One Million Pesos (P1,000,000.00): *Provided*, That for
20 private establishments, the business permits or licenses to operate shall be cancelled or
21 revoked.

22 In all cases, the fine imposed should take into consideration, among others,
23 employee composition, physical size of the establishment and the average number of
24 patrons who visit.

25 **SEC. 16. *Separability Clause.*** - If any part or provision of this Act shall be held
26 unconstitutional or invalid, other provisions thereof which are not affected thereby shall
27 continue to be in full force and effect.

1 **SEC. 17. *Repealing Clause.*** - All laws, presidential decrees, executive orders,
2 rules and regulations or parts thereof which are not consistent with this Act are hereby
3 repealed, amended or modified accordingly.

4 **SEC. 18. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
5 publication in the *Official Gazette* or in at least two (2) newspapers of general
6 circulation, whichever comes earlier.

Approved,