

FOURTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

7 JUL -3 P 4:32

SENATE

RECEIVED BY: S. B. No. 864

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

It is the goal of this legislative measure to mainstream and promote the rights of our children and babies by promoting a culture that is sensitive and responsive to their needs.

At present, there are a few baby-friendly places where mothers could comfortably care for their babies and address their baby's needs. This poses a problem for mothers who bring along their babies to malls, department stores, entertainment centers and public food chains because many of these establishments do not have the necessary baby friendly facilities and baby diaper-changing tables. Hence, there is need for the State to mandate the construction of these baby-friendly facilities in these institutions in order to promote a culture that is responsive to the vision of the UN Convention on the Rights of the Child.

For this purpose, this bill mandates that public-serving establishments should establish baby-friendly facilities in their duly designated restrooms and sanitary facilities so that mothers could easily address the needs of their babies while inside these building and facilities. This measure is also consistent with the goal to empower our mothers to address the needs of their babies, particularly when these mother bring their babies to these public establishments.

Furthermore, under this bill, an establishment, after showing proof of compliance with the provisions of this Act, may use the designation "*Baby-Friendly Establishment*" in its promotional materials in order to bring forth customers in its business.

In closing, there are many difficulties faced by mothers in raising her babies. Although this bill does not profess to solve all these problems, it earnestly seeks to lighten their physical burdens by providing a clean and well maintained baby friendly facilities and baby diaper-changing tables in order for them to address the needs of their babies. Our children are the State's most precious and valuable resource. It is for this reason that the State ought to promote legislative measures that are responsive to their needs.

In view of the foregoing, the passage of this measure is earnestly sought.



MANUEL "LITO" M. LAPID
Senator

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AN ACT
REQUIRING NEW PUBLIC-SERVING AND NEWLY
RENOVATED PUBLIC-SERVING ESTABLISHMENTS TO
PROVIDE BABY FRIENDLY FACILITIES AND FOR OTHER
PURPOSES

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

SECTION 1. Short Title. - This Act shall be known as the "***Baby-Friendly Establishments Act of 2007***".

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to protect and promote the right to health of the people and instill consciousness among them and to defend the rights of our children to assistance, including proper care and child-friendly facilities.

Towards this end, the State shall promote and encourage the establishment of baby-friendly facilities in public-serving establishments and newly renovated public-serving establishments in order to promote a culture that is sensitive to the needs of our children and babies.

SEC. 3. Definition of Terms. - As used in this Act, a "***Public-Serving Establishment***" shall be defined as:

- (i) a hospital, medical center, or clinic providing outpatient, nursing or treatment in medical, psychiatric for which a building permit is issued on or at least six months after the effective date of this Act;
- (ii) a grocery store, malls, commercial buildings, fast food chains, restaurants, and hotels which a building permit is issued on or at least six months after the effective date of this Act; and

- (iii) a new amusement game arcade or game park, carnivals, movie theater and zoo, for which a construction permit is issued on or at least six months after the effective date of this Act.

SEC. 4. *Establishment of Baby-Friendly Facilities.* - It is hereby mandated that new public-serving establishment, as defined under Section 3 of this Act, shall provide the establishment of baby friendly facilities, including baby diaper-changing tables and facilities, in its designated public restroom and sanitary facilities.

For purposes of this Act, the term “baby diaper-changing table” shall mean a sturdy table or other elevated surface that has a changing surface that is at least 36 inches above floor level and is not used for any purpose other than diaper changing. The DOH shall ensure that the baby friendly diaper-changing table must be adjacent to or near the bathroom sink; have a clean and moisture-proof surface; be sturdy and maintained in good repair; and be kept free of all objects except those used for baby diaper changing.

For purposes of protecting the public health, safety and welfare of our children, the DOH is mandated to be the implementing agency for this Act and shall ensure that all public establishments comply with the provisions of this Act.

Furthermore, the DOH is hereby mandated to determine the dimension and placement requirements for the baby-friendly facilities and baby diaper-changing tables and requires that the DOH conduct a year-round monitoring for all the establishments covered under this Act.

SEC. 5. *Exemption from Coverage.* – Upon application and as determined by the Secretary of DOH, exemption from Section 4 of this Act may be made where the establishment of baby-friendly facilities is determined to be too small to accommodate a diaper-changing table, or is not feasible or necessary due to the peculiar circumstances of the public establishment taking into consideration, among others, physical size of the establishment and the average number of mothers who visit the place.

SEC. 6. *Informational Materials.* – The DOH, in coordination with the various local government units, is mandated to develop and formulate to produce and make available the relevant information materials to inform establishments and the general public of the benefit of this Act, particularly to the mothers and their babies.

SEC. 7. *Designation as “Baby – Friendly” Establishment.* – A public-serving and newly renovated public-serving establishment that complies with Section 4 of this Act may use the designation “*Baby-Friendly Establishment*” in its promotional

materials. The establishment shall submit proof of compliance to the DOH, which may issue a certificate that such establishment has complied with all the requirements. The DOH shall maintain a list of **“Baby-Friendly Establishments”** and make the list available for public inspection.

SEC. 8. *Implementing Rules and Regulations (IRR).* – Within six (6) months from the date of effectivity of this Act, the Department of Health (DOH), in consultation with the Department of Interiors and Local Government (DILG), shall promulgate the necessary implementing rules and regulations to implement the provisions of this Act.

SEC. 9. *Penalty Clause.* – Any establishment, as defined under Section 4 of this Act, who refuses or fails to comply with the provisions of this Act and its Rules and Regulations shall be imposed a fine of not less than Fifty Thousand Pesos (Php 50,000.00) but not more than One Hundred Thousand Pesos (Php 100,000.00) on the first offense.

On the Second Offense, a fine of not less than One Hundred Thousand Pesos (Php 100,000.00) but not more than Two Hundred Thousand Pesos (Php 200,000.00).

On the Third Offense, a fine of not less than Two Hundred Thousand Pesos (Php 200,000.00) but not more than Three Hundred Thousand Pesos (Php 300,000.00): Provided, That for private establishments, the business permits or license to operate shall be cancelled or revoked.

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

SEC. 10. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations or parts thereof not consistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 11. *Separability Clause.* – If any provision or part of this Act, or the application thereof to any person or circumstance, is held unconstitutional or invalid, the remainder of this Act shall not be affected thereby.

SEC. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from the date of its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,