



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 440, S-2009

AN ORDINANCE DIRECTING ALL CONCERNED STAKEHOLDERS ON THE IMPLEMENTATION OF THE NATIONAL PLAN OF ACTION FOR INFANT AND YOUNG CHILD FEEDING IN THE CITY OF MANDALUYONG PURSUANT TO REPUBLIC ACT NO. 7600 AND EXECUTIVE ORDER NO. 51, THE ROOMING-IN AND BREASTFEEDING ACT AND ITS IMPLEMENTING RULES AND REGULATIONS

WHEREAS, the United Nations Millennium Development Goal #4 calls on all countries to reduce child mortality by two thirds by the year 2015;

WHEREAS, the United Nations International Children Educational Fund (UNICEF) and the World Health Organization (WHO) have developed the Global Strategy in Infant and Young Child Feeding to help countries achieve United Nations Millennium Development Goal #4;

WHEREAS, a panel of global experts convened by the World Health Organization have identified breastfeeding as the most cost efficient and effective measure to prevent infant and young child deaths;

WHEREAS, the Department of Health has developed and signed a National Policy on Infant and Young Child Feeding in line with the Global Strategy and recommends the following infant and young child feeding practices for the optimum growth and development of the infant and young child;

- Breastfeeding initiated within one (1) hour after birth
- Exclusive breastfeeding for the first six (6) months of life
- Continue breastfeeding up to two (2) years and beyond with the introduction of safe, affordable and appropriate complementary food starting at six (6) months of life.

WHEREAS, the Philippines is one of the 42 countries that contribute 90% of under five years old deaths in the whole world and almost 30% of Filipino children under five years old are malnourished and only 16.1% Filipino infants are exclusively breastfed for six (6) months;

WHEREAS, 13% of Filipino infants were never breastfed and not less than 39% of Filipino infants are using formula products during their first year of life;

WHEREAS, it is estimated that 16,000 Filipino infant deaths can be prevented through the improvement of breastfeeding and complementary feeding, thus, mothers and every family must be encouraged to practice appropriate infant and young child feeding practices;

WHEREAS, there is a need to create an enabling environment to support breastfeeding mothers and help them maintain breastfeeding as their feeding practice and support pregnant women to have an informed decision on what feeding practice they will choose for their infants;

WHEREAS, the public should be informed about the risks associated with the use of breastmilk substitute and supplements and related products through adequate, consistent and objective information and appropriate regulation of the marketing and distribution of the said substitute, supplements and related products;

WHEREAS, the public, especially pregnant mothers should be well informed about the advantages of infant breastfeeding like the following:

BENEFITS FOR THE INFANTS:

- Prevents malnutrition and premature or early deaths
- Protection from infectious diseases which is due to the presence of protective antibodies in the breastmilk
- Breastfeeding is always fresh and relatively free from contamination
- Breastfeeding yields smarter children with increased IQ points, that cannot be provided by infant formula
- Lessens the risk for diabetes, obesity and some cancers later in life

BENEFITS FOR THE BREASTFEEDING MOTHER:

- Reduces blood loss after birth
- Delays return of fertility for at least six (6) months after delivery which can be a temporary birth spacing method; and
- Reduces the risks for reproductive cancers like breast cancer, and cancer of the ovaries and uterus

NOW, THEREFORE, to ensure the implementation of the said National Plan of Action, it is hereby ordained by the City of Mandaluyong, in session assembled, the following:

**RULE I
GENERAL PROVISIONS**

SECTION 1. This Ordinance shall be known as: An Ordinance Adopting the Implementation of the National Plan of Action for Infant and Young Child Feeding in the City of Mandaluyong, Subject to all Laws and Existing Rules and Regulations.

SECTION 2. The Mandaluyong City Health Department shall be the lead agency in promoting and implementing the objectives of this Ordinance.

SECTION 3. For the effective and efficient implementation of this Ordinance, and monitoring of Executive Order No. 51 and Republic Act 7600, a Monitoring Task Force under the City Health Department is hereby created and shall be composed of:

- a. City IYCF COORDINATOR – shall act as Chairperson of the Task Force
- b. CNAO
- c. NUTRITION PROGRAM COORDINATOR
- d. CHO
- e. HEPO for IYCF
- f. LYING-IN-CHIEF
- g. IYCF-MCMC COORDINATOR
- h. DOH CHDMM Representative
- i. MATERNAL & CHILD HEALTH COORDINATOR, Physician in charge

SECTION 4. DEFINITION OF TERMS: As used in this Ordinance, the following terms shall be understood to mean as follows:

- a. IYCF – Infant and Young Child Feeding
- b. CNAO – City Nutrition Action Officer
- c. CHO – City Health Officer
- d. HEPO – Health Education Promotion Officer
- e. MCH – Maternal & Child Health
- f. CHDMM – Center for Health Development Metro Manila
- g. BFAD – Bureau of Food and Drugs of the Department of Health
- h. INFANT – shall refer to a person within the age bracket of 0–12 months
- i. BREASTMILK SUBSTITUTE – means any food being marketed or otherwise represented as partial or total replacement of breastmilk whether or not suitable for that purpose
- j. INFANT FORMULA – means one of the breastmilk substitutes formulated industrially in accordance with applicable Codex Alimentarius standards
- k. YOUNG CHILD – means a person from the age of more than twelve (12) months up to the age of Three (3) years or thirty-six (36 months)

SECTION 5. The Mandaluyong City Health Department shall ensure that all City Health personnel especially those under the Nutrition Division are well informed about the provisions of the plan and the supportive legislations like Executive Order 51 (E.O. No. 51) specifically Section 8. **HEALTH WORKERS** – *(a) Health workers shall encourage and promote breastfeeding and shall make themselves familiar with objectives and consistent information on maternal and infant nutrition, and their responsibilities under this Code.*

The Health Department is hereby tasked to conduct meetings, symposia, seminars and trainings among its personnel down to the barangay level regarding the implementation of the plan and compliance with relevant legislations.

SECTION 6. The Local Government, thru the recommendation of the City Health Department, shall include and support massive promotion and support projects regarding breastfeeding in its annual Health Programs.

- SECTION 7. The Barangays, with the support of the City Health Department, are hereby encouraged to establish community support groups, composed of willing constituents of the community that will provide support to pregnant and breastfeeding mothers whenever breastfeeding and complementary feeding problems and challenges will arise.
- SECTION 8. The Barangays should encourage the peer counselors/community support groups to:
- link and partners with the health centre staff
 - monitor, support and encourage appropriate infant feeding from pregnancy onwards
 - contribute/participate in the monitoring and reporting of Milk Code Violations
- SECTION 9. The Local Government and all Barangays, communities and workplaces and health facilities are enjoined to comply with the provisions of Executive Order 51, as:
- No milk companies supported activities
 - No health workers/BHWs promoting/selling infant formula and other breastmilk substitutes
 - No materials/items that promote infant formula and other breastmilk substitutes should be present at public places
- SECTION 10. The Local Government and all Barangays within the territorial jurisdiction of the City shall ensure that Health workers and birth attendants will:
- Help prepare for and initiate exclusive breastfeeding within the first hour after birth
 - Support exclusive breastfeeding for 0–6 months
 - Support continued breastfeeding up to 2 years and beyond and appropriate solid and semi–solid foods from 6 months onwards
- SECTION 11. The City Government of Mandaluyong and all its Local Government Units (barangays) should ensure that no facility of the health care system such as health centers shall be used for the purpose of promoting infant formula or other breastmilk substitutes.
- SECTION 12. The City Government of Mandaluyong and its Local Government Units (barangays) should encourage and invite religious leaders and pro–life groups, NGOs, POs and other groups to promote and advocate breastfeeding and eventually issue statements addressed to their followers in this regard.
- SECTION 13. The City Government of Mandaluyong and all its barangays should, likewise, encourage the private sector without conflict of interest to finance local media campaign in support of the breastfeeding campaign.

- SECTION 14. The City Government of Mandaluyong should encourage schools to organize seminars/orientations/fora/discussions related to appropriate infant feeding and breastfeeding addressed to children and their parents.
- SECTION 15. The Local Government and all Barangays should encourage both the public and private sectors to establish supportive working environments for pregnant and breastfeeding mothers so as to help them continue breastfeeding even when they return to work.
- SECTION 16. The Local Government and all Barangays should encourage the establishment of comfortable/convenient places/corners in public places, workplaces, schools and industrial places (e.g. malls, supermarket, fastfood chains, etc.) that mothers can use when they are out of their houses and they want to breastfeed their baby.

**RULE II
PENAL PROVISIONS**

SECTION 1. **FILING OF ADMINISTRATIVE AND CRIMINAL COMPLAINT.** Problems and/or violations at the local level shall be filed and investigated and reported to the City Health Department Monitoring Task Force. The report shall be in writing and supported by available evidence. The City Health Department shall notify BFAD of any action taken relative to the aforesaid problem and/or violation that require prosecution or imposition of administrative sanction for appropriate action.

SECTION 2. **ADMINISTRATIVE SANCTION.**

- A. **AGAINST PUBLIC EMPLOYEES.** Persons in the public service found to have violated provisions of this Ordinance shall be dealt with severely in accordance with the Administrative Code of 1987 and the pertinent Civil Service Rules and Regulations, and depending upon the gravity of their violation, shall be imposed the following:

FIRST OFFENSE :	Reprimand
SECOND OFFENSE :	Suspension for Five (5) to thirty (30) days
THIRD OFFENSE :	Dismissal from office

- B. **AGAINST HEALTH INSTITUTIONS/FACILITIES AND BUSINESS ESTABLISHMENTS—OTHER PERSONS NOT IN THE PUBLIC SERVICE WHO VIOLATE THIS ORDINANCE SHALL BE METED OR IMPOSED THE PENALTY:**

FIRST OFFENSE :	A fine of Three Thousand (3,000.00) Pesos
SECOND OFFENSE :	A fine of Five Thousand (5,000.00) Pesos and the license to operate shall be suspended until such time the violator complies with the rules herein provided.
THIRD OFFENSE :	Revocation of license or permit to operate issued by the City

Should the offense be committed by a juridical person, the Chairman or Board of Directors, general manager and/or partners or persons directly liable shall suffer the penalty imposed herein.

RULE III FINAL PROVISIONS

- SECTION 1. INCENTIVE. Business establishments, shopping malls and other workplaces which shall provide a breastfeeding station shall receive citations and recognition awards from the City Government at an occasion, festivity or any City sponsored event or celebration.
- SECTION 2. MISCELLANEOUS PROVISION. Donation of milk products and materials defined and covered under the MILK CODE and its Implementing Rules and Regulations shall be strictly prohibited.
- SECTION 3. APPROPRIATIONS. The City Health Department shall submit a work and financial plan for the Citywide IYCF activities. A certain amount of Gender and Development (GAD) Fund shall be allocated to augment the existing City Health Department budget and support the implementation of the proposed plan, subject to the existing standard accounting and auditing procedures.
- SECTION 4. NATIONAL PLAN OF ACTION. This Ordinance seeks to ensure the adoption of the Implementing Rules and Regulations of Republic Act 7600 *"The Rooming-In and Breastfeeding Act"* and Executive Order No. 51, *"The Philippine Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Related Products"* in the City of Mandaluyong.

RULE IV SEPARABILITY AND REPEALING CLAUSE

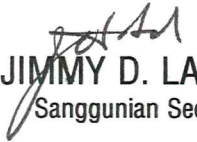

- SECTION 1. In the event that any clause, paragraph or part of this Ordinance shall be declared to be invalid or unconstitutional, the provisions not affected thereby shall remain to be valid.
- SECTION 2. All other ordinances, resolutions and pertinent rules and regulations which are inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

RULE V EFFECTIVITY

- SECTION 1. EFFECTIVITY. This Ordinance shall take effect ten (10) days after its approval and publication at least once in a newspaper of general circulation in Metro Manila.

ENACTED on this 16th day of November, 2009 in the City of Mandaluyong.


I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE
WAS ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

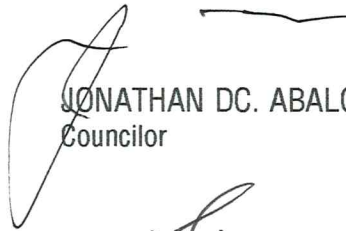

JIMMY D. LACEBAL
Sanggunian Secretary 

ATTESTED:


RENATO B. STA. MARIA
City Vice Mayor &
Presiding Officer

APPROVED:


BENJAMIN DC. ABALOS, JR.
City Mayor
Date: NOV 27 2009




JONATHAN DC. ABALOS
Councilor



EDWARD G. BARTOLOME
Councilor



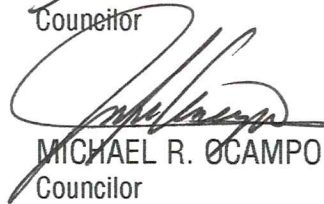
ANTONIO DLS. SUVA
Councilor



CHERRY LYNN P. SANTOS
Councilor



TERESITA C. PILLAS
Councilor



MICHAEL R. OCAMPO
Councilor



MARIO L. DE GUZMAN
Councilor

NOEL E. BERNARDO (Official Business)
Councilor



SEVERO N. SERVILLON
Councilor



ROBERTO J. FRANCISCO
Councilor




ALEX I. SANTOS
Councilor



DARIUS S. APACIONADO
Councilor



JESUS C. CRUZ
Liga President



MARC RENNIEL V. EVANGELISTA (Absent)
SK Federation President