

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
1st Regular Session

House Bill No. 3067

INTRODUCED BY REP. GUILLERMO P. CUA

EXPLANATORY NOTE

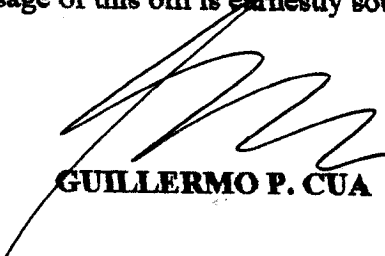
Studies have shown that breastfeeding means better health for babies. One recent study by New Zealand researchers Drs. John Horwood and David Ferguson of the Christ School of Medicine found out that "breastfeeding a child for at least eight months may help improve the cognitive functioning and academic performance later in life." In their study of more than 1,000 teenagers, those who were breastfed the longest as infants scored highest on standardized tests and IQ exams.

In view of these findings, it has been the policy of the State to protect and promote breastfeeding. Executive Order No. 51, otherwise known as the "National Code of Marketing and Breastmilk Substitutes, Breastmilk Supplements and Other Related Products" requires public information regarding the proper use of breastmilk substitutes and supplements. Republic Act No. 7600 entitled: "Rooming-In and Breastfeeding Act of 1992" provides for breastfeeding rooms in government and private hospitals. In these institutions, only mothers who are still confined therein for delivery, have the right to use the breastfeeding or nursery room.

Aside from government and private hospitals, there are no facilities outside the home where the mother can comfortably and privately breastfeed or express her milk. This poses a problem for mothers committee to breastfeed their babies up to their second year. Hence, there is a need for the State to ensure the existence of private, clean and well-ventilated areas in buildings, institutions, and establishments where nursing mothers can breastfeed or express their milk.

There are many problems confronting a nursing mother and her infant. Although this bill does not profess to solve all their problems, it earnestly seeks to lighten their physical and emotional responsibilities by providing private, clean and well-ventilated facilities where they can nourish their infant even outside the home.

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



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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

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

1 *Section 1. Short Title. - This Act shall be known as the "Breastfeeding*
2 *Promotion Act of 2004".*

3 *Sec 2. Declaration of Policy. - It is the declared policy of the State to protect*
4 *and promote the right to health of the people and instill consciousness among them, to*
5 *strengthen the protection of the rights of workers and to defend the right of the*
6 *children to assistance including proper care and nutrition. Section 14 Article XIII of*
7 *the 1997 Philippine constitution provides that "The State shall protect working*
8 *women by providing safe and healthful working conditions, taking into account their*
9 *maternal functions, and such facilities and opportunities that will enhance their*
10 *welfare and enable them to realize their full potential in the service of the nation."*
11 *This is consistent with international treaties and conventions to which the Philippines*
12 *is a signatory such as the Convention on the Elimination of Discrimination Against*

1 *Women (CEDAW)* which emphasizes the provision of necessary social support
2 services to enable parents to combine family obligations with work responsibilities,
3 the *Beijing Platform for Action* whose strategic objective is to promote harmonization
4 of work and family responsibilities for women and men, and the *Convention on the*
5 *Rights of the Child* which recognizes a child's inherent right to life and the State's
6 obligation to ensure the child's survival and development.

7 Towards this end, the State shall promote and encourage breastfeeding and
8 provide the specific measures that would allow mothers to continue to breastfeed
9 their infants or express their milk.

10 **Sec. 3. Definition of Terms.** - For purposes of this Act, the following terms
11 are hereby defined:

12 a. **Workplace** – refers to the office, premises or work site where the nursing
13 female employees are habitually employed, whether in government
14 agencies, including their subdivisions and instrumentalities, government
15 owned and controlled corporations, and private enterprises; and

16 b. **Lactation Station** – refers to a private, clean and well-ventilated room or
17 area situated in the workplace where nursing mothers can breastfeed or
18 express their milk.

19 **Sec. 4. Establishment of Lactation Stations.** - It is hereby mandated that
20 lactation stations be established in workplaces for nursing female employees, which
21 must include a lavatory for hand-washing, adequate refrigeration equipment for
22 storing milk and comfortable seats.

23 **Sec. 5. Lactation Periods.** - Subject to such regulations as the Secretary of
24 the Department of Labor and Employment (DOLE) may prescribe, nursing female
25 employees are given reasonable time during working hours to express their milk in

1 the lactation station in their workplace which shall be considered as compensable
2 hours worked.

3 *Sec 6. Coverage.* - Upon application and as determined by the Secretary of
4 DOLE, government agencies, including their subdivisions and instrumentalities,
5 government owned and controlled corporations, and private enterprises, may be
6 exempted from Section 4 of this Act under the following conditions:

7 a. where the number of women employees is less than 10; and

8 b. where the establishment of lactation stations is not feasible or necessary due
9 to the peculiar circumstances of the workplace or its employee composition.

10 *Sec 7. Integration of Breastfeeding Education in the Curricula.* - To
11 encourage and promote breastfeeding, the Department of Education, and the
12 Commission on Higher Education shall integrate the importance and benefits of
13 breastfeeding in the subjects of Science and Health and Makabayan in the
14 Elementary level, and Science and Technology and Makabayan in the High School
15 level, to both female and male students.

16 *Sec 8. Incentives.* - The expenses incurred by private enterprises or entities
17 in complying with Section 4 hereof and in maintaining the lactation stations shall be
18 allowed as deductible expenses for income tax purposes. Provided, however, that the
19 deduction shall apply for the taxable period when the expenses were incurred;
20 Provided, further, that the private enterprises or entities shall comply with the
21 provisions of this Act within six (6) months after its approval.

22 Government agencies, including their subdivisions and instrumentalities shall
23 use their respective budget for Gender and Development to comply with Section 4
24 hereof.

25 *Sec. 9. Inter-Agency Task Force* - In pursuance of the above-mentioned

1 policy, there is hereby established a multi-agency task force which shall monitor the
2 implementation of this Act, composed of the following agencies: Department of
3 Health (DOH) as the lead agency, Civil Service Commission (CSC), National
4 Commission on the Role of Filipino Women (NCRFW), Department of Labor and
5 Employment (DOLE), Department of Education (DepEd.), Commission on Higher
6 Education (CHED), Department of the Interior and Local Government (DILG),
7 Philippine Information Agency (PIA) and a women non-government organization
8 with a proven track record of involvement in the implementation of breastfeeding
9 programs who shall be nominated by the government agency representatives of the
10 task force created herein.

11 *Sec. 10. Implementing Rules and Regulations.* - The Department of Health,
12 as lead agency in coordination with the Civil Service Commission, Department of
13 Labor and Employment, Department of Education, Commission on Higher Education,
14 and the Department of the Interior and Local Government, shall formulate and
15 promulgate the implementing rules and regulations within 60 days after the approval
16 of this Act.

17 *Sec. 11. Penalty Clause.* - Violation of any provision of this Act shall be
18 punishable by a minimum fine of Ten Thousand Pesos (P 10,000) to a maximum of
19 Fifty Thousand Pesos (P 50,000); Provided, that if the violator is the President,
20 Manager or Administrator or the person in-charge of the building space, as the case
21 may be, he shall in addition suffer the penalty of imprisonment of not less than one
22 month but not more than one year; Provided, further; that in the case of public
23 officials they shall equally be held liable without prejudice to any further liability for
24 violation of any provision of the Revised Penal Code and other applicable laws.

25 *Sec. 12. Separability Clause.* - If any part or provision of this Act shall be

1 held unconstitutional or invalid, other provisions thereof are not affected thereby and
2 shall continue to be in full force and effect.

3 *Sec. 13. Repealing Clause.* - All laws, presidential decrees, executive orders,
4 rules and regulations or parts thereof which are not consistent with this Act are
5 hereby repealed, amended or modified accordingly.

6 *Sec. 14. Effectivity Clause.* - This Act shall take effect fifteen (15) days after
7 its publication in at least two (2) newspapers of general circulation.

8 Approved.