

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

THRITEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 5715



Introduced by Representative Anna York P. Bondoc, MD

EXPLANATORY NOTE

This bill seeks to promote and support breastfeeding by encouraging all firms, establishments and institutions to voluntarily provide facilities suitable for breastfeeding or expressing milk outside a health institution or the home.

The 2002 Global Strategy on Infant and Young Child Feeding (Global Strategy) developed jointly by the World Health Organization and United Nations Children's Educational Fund recommends that all infants 0-6 months should be exclusively breastfed and that the same continue up to 2 years of age and even beyond.

In line with objectives of the Global Strategy, the Philippines has—in addition to adopting Executive Order No. 51 or the National Milk Code—enacted Republic Act No. 7600 setting forth guidelines and incentives for health institutions relative to rooming-in and breastfeeding. However, there has been no counterpart or similar legislation for those firms, establishments and institutions not classified as “government and private health institutions”.

Under applicable labor laws, a nursing mother is entitled to a maximum compensable period of sixty working days as maternity leave. This alone, however, is insufficient to nurture and support the breastfeeding culture sought to be established by the Philippine Government towards the objective of raising healthier children.

This bill seeks to encourage and provide incentives to firms, establishments, and institutions, including offices, the workplace and places of business, shopping malls, recreational centers and other establishments open to the public, to establish and maintain a proper breastfeeding facility for mothers to breastfeed and express milk. It prescribes minimum requirements for qualification to a Department of Health “Working Mother-friendly” certification, as well as eligibility for certain tax deductions.

In this light, the immediate approval of this bill is earnestly and urgently sought.

Anna York P. Bondoc
Anna York P. Bondoc, MD

**AN ACT TO PROTECT, PROMOTE AND SUPPORT BREASTFEEDING
THROUGH ENCOURAGING THE ESTABLISHMENT AND
MAINTENANCE OF BREASTFEEDING FACILITIES,
AND FOR OTHER PURPOSES**

WHEREAS, Section 15, Article 2 of the 1987 Philippine Constitution declares that “[t]he State shall protect and promote the right to health of the people and instill health consciousness among them”.

WHEREAS, adequate and proper nutrition is an important and universally-recognized component of each child’s right to the enjoyment of the highest attainable standard of health as declared in the United Nations Convention on the Rights of the Child, to which the Philippines is a signatory.

WHEREAS, the United Nations Children’s Educational Fund (UNICEF) has found that a breastfed child is three times more likely to survive infancy than one not breastfed.

WHEREAS, the Philippines has adopted the 2002 Global Strategy on Infant and Young Child Feeding (Global Strategy) developed jointly by the World Health Organization and UNICEF and supports various World Health Assembly Resolutions to implement the same.

WHEREAS, the Global Strategy states that “[g]overnments, international organizations and other concerned parties share responsibility for ensuring the fulfillment of the rights of children to the highest attainable standard of health and the right of women to full and unbiased information, and adequate health and nutrition”; adding that “[e]ach partner should acknowledge and embrace its responsibilities for improving the feeding of infants and young children and for mobilizing required resources”.

WHEREAS, the Philippines acknowledges that the protection, promotion and support of breastfeeding is a joint, cooperative effort of all relevant sectors, as a healthier population and improvement in infant and young child mortality rates would ultimately and significantly contribute to a healthy human resource base requisite for the country’s progress and development.

WHEREAS, while Republic Act No. 7600 (RA 7600) setting forth guidelines and incentives for private and government health institutions relative to rooming-in and breastfeeding was enacted into law in 1991, there is currently no similar legislation for firms and/or establishments not classified as health institutions.

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

Section 1. Title. This Act shall be known and cited as the *Working Mothers Breastfeeding Act*.

Section 2. Policy. This Act reaffirms the Philippines’ commitment to support the Global Strategy’s objectives and priorities, including efforts to ensure that all relevant sectors protect, promote and support breastfeeding towards optimal infant and child nutrition. Relative thereto, the Government shall continuously promote a mother- and infant-friendly environment in every firm, establishment and institution, including offices, the workplace and places of business, shopping malls, recreational centers and other establishments open to the public, conducive to the advancement of the breastfeeding culture.

Section 3. Scope of the Act. This Act shall apply to any and all firms, establishments and/or institutions which not fall within the definition of health institutions governed by RA 7600.

Section 4. Breastfeeding Facility. A breastfeeding facility is a designated area where a woman can feed her baby or express her milk. A firm, establishment and/or institution shall be deemed to have a proper breastfeeding facility for the purpose of this Act if the space shall, as minimum requirements –

- a. be segregated from the rest of the office, establishment or floor by dividers made from wood, cement, glass, aluminum, plastic or other like material, in order to ensure the woman's privacy as well as minimal, if any, external visibility;
- b. be of a contiguous floor area not less than _____ square meters;
- c. have two (2) chairs suitable for a woman to breastfeed or express her milk;
- d. have ready access to clean running water;
- e. be periodically cleaned and maintained in hygienic condition, in no event less frequently than once every twenty-four hours;
- f. in the case of offices, workplaces or places of business which provide the same for the use of their staff or employees, a secure, refrigerated storage compartment for milk that has been expressed; and
- g. in the case of shopping malls, recreational centers or other establishments open to the public, that use of the breastfeeding facility be allowed, subject to reasonable rules and guidelines, free-of-charge.

In addition to the foregoing, the firm, establishment or institution shall take strict measures to foreclose any direct or indirect form of promotion, marketing, and/or sale of infant formula and/or breastfeeding substitutes within the breastfeeding facility, or any event or circumstance which may be conducive to the same.

Section 5. Additional Features. Apart from the foregoing minimum requirements, a firm, establishment and/or institution may provide other suitable facilities or services within the breastfeeding facility, all of which—upon due substantiation—shall be considered eligible for purposes of Section 8 herein.

Section 6. Breastfeeding Breaks. In the case of offices, workplaces or places of business establishing and maintaining a breastfeeding facility, entitlement to the benefits of this Act may be claimed only if such employer allows relevant employees adequate time during the workday to breastfeed or express milk; provided that, such time shall be considered compensable time; and provided further, that right to the same shall be available to the relevant employee for a maximum period of one (1) year from birth of a child.

Section 7. DOH Certification. Any firm, establishment or institution satisfying the requirements of Section 4 herein relative to a proper breastfeeding facility may apply with the local Department of Health (DOH) office for a "Working Mother-Friendly" certification. DOH shall promulgate guidelines to determine eligibility for such certification, which shall include an annual DOH inspection to confirm the firm, establishment or institution's continued compliance with the standards set forth herein, as modified and updated from time to time.

Upon certification and for as long as the same remains valid, such office, place of business, shopping mall, recreational center, establishment or institution may display a conspicuous sign indicating that it is a DOH-accredited "Working Mother-Friendly" mall, center, office, etc.

Section 8. Tax Deductions. Duly-recorded and -receipted costs and expenses actually and directly incurred by the firm, establishment and/or institution exclusively for the purposes of: (i) complying with the requirements of Section 4; (ii) furnishing the additional features set forth in Section 5 herein; and/or (iii) maintaining the accredited breastfeeding facility, shall be allowed as deductible expenses from gross income, subject to the relevant provisions, rules and regulations regarding minimum corporate income tax on domestic corporations, if applicable.

Section 9. Implementing Agency. The DOH shall be the governmental department principally responsible for the implementation and enforcement of the provisions of this Act. For this purpose, it shall promulgate such rules and regulations as are necessary or proper for the implementation of this Act and the accomplishment of its purposes and objectives.

Section 10. Repealing Clause. All laws, orders, issuances, and rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Section 11. Separability Clause. The provisions of this Act are distinct and separable from each other. If any provision hereof be declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions which shall remain in full force and effect.

Section 12. Effectivity. This Act shall take effect sixty (60) days following its publication in at least two newspapers of general circulation.