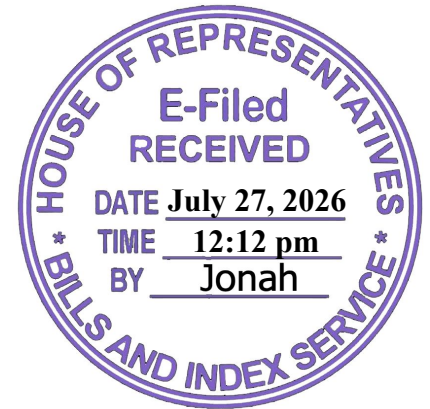


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 10239



Introduced by **REP. JAVIER MIGUEL L. BENITEZ**

EXPLANATORY NOTE

Menstrual health is a fundamental aspect of public health, gender equality, and human dignity. Yet, for millions of Filipinos, access to basic menstrual products remains inconsistent, unaffordable, or stigmatized.

Public establishments such as malls, transport terminals, schools, hospitals, workplaces, and government facilities serve as essential spaces where individuals spend significant time daily. However, most public restrooms fail to provide even the most basic menstrual necessities, placing women, girls, and menstruating individuals in vulnerable, uncomfortable, and sometimes unsafe situations.

This lack of access contributes to period poverty, a condition linked to school absenteeism, reduced workplace productivity, and adverse health outcomes. International experience demonstrates that providing free menstrual products in public spaces improves hygiene, supports participation in economic and social life, and reduces stigma.¹

In the Philippines, menstrual health challenges are already visible in school and sanitation data. UNICEF reported in 2024 that access to sanitary pads in schools improved from 60% in 2017 to 83% in 2020, but access to single-sex toilets remained at

¹Hennegan, J., Brooks, D. J., Schwab, K. J., & Melendez-Torres, G. J. (2023). Menstrual health and hygiene as a public health issue. *Frontiers in Global Women's Health*, 4, Article 1152115. <https://pmc.ncbi.nlm.nih.gov/articles/PMC10372806/>

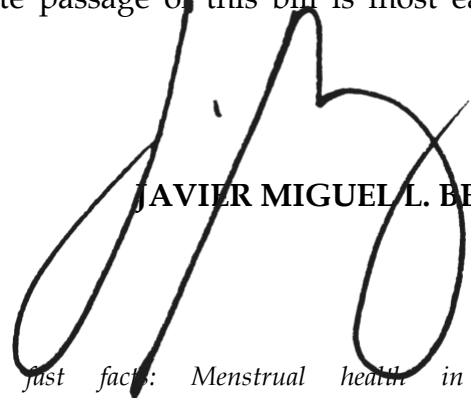
only 66% in 2020, up from 49% in 2017.² UNICEF's Philippines country profile likewise noted that only 74% of schools had access to a basic sanitation service and only 61% had a basic hygiene service.³ In 2021, 82.5% of schools reported provision of emergency sanitary pads and information on proper disposal, which means nearly one in five schools still did not report such provision.⁴ Research studies further shows that schoolgirls' menstrual experiences are compounded by inadequate access to clean water, clean and private toilets, and hygiene and menstrual materials in schools, and that these obstacles can lead girls to skip school and show lower classroom engagement.⁵

Countries and jurisdictions such as Scotland, New Zealand, and several U.S. states have enacted similar policies, recognizing menstrual products as essential items comparable to toilet paper and soap.

In the Philippine context, Republic Act ("R.A.") No. 9710 (2009), or the "Magna Carta of Women" and R.A. 11313, otherwise known as the Safe Spaces Act, affirm the State's obligation to promote gender-responsive facilities and environments. This measure operationalizes those commitments by ensuring that public establishments provide accessible menstrual products as part of standard sanitation services.

By mandating the provision of free menstrual products in public restrooms, this bill advances public health, gender equity, and dignity for all, while imposing a reasonable and socially responsible obligation on establishments that already provide sanitation services.

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



JAVIER MIGUEL L. BENITEZ

² UNICEF Philippines. (2024, May 28). 10 just facts: Menstrual health in schools. <https://www.unicef.org/philippines/press-releases/10-fast-facts-menstrual-health-schools>

³ United Nations Children's Fund (UNICEF). (2021). *Philippines country profile: Menstrual health in East Asia and the Pacific*. <https://www.unicef.org/eap/media/13941/file/Philippines%20-%20Country%20Profile.pdf>

⁴ *Id.*

⁵ Ulep, V. G. T., Dela Cruz, N. A. C., & Valera, M. T. G. (2024). *The last-mile challenge: Water, sanitation, and hygiene in the Philippines* (PIDS Discussion Paper Series No. 2024-19). Philippine Institute for Development Studies. <https://pidswebs.pids.gov.ph/CDN/document/pidsdps2419.pdf>

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Introduced by **REP. JAVIER MIGUEL L. BENITEZ**

**AN ACT REQUIRING PUBLIC ESTABLISHMENTS TO PROVIDE FREE
MENSTRUAL PRODUCTS IN PUBLIC RESTROOMS, AND APPROPRIATING
FUNDS THEREOF**

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

SECTION 1. *Short Title.* - This Act shall be known as the “Free Menstrual Products in Public Restrooms Act.”

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to promote and protect the right to health of the people and to ensure the dignity of every human person, recognize menstrual health and hygiene as integral components of public health, and to ensure equitable access to basic sanitation services, including menstrual products.

Toward this end, the State shall uphold the dignity, safety, and well-being of women, girls, and all menstruating individuals, and shall adopt inclusive, gender-responsive policies that eliminate stigma and structural barriers associated with menstruation.

SEC. 3. *Definition of Terms.* - For purposes of this Act:

- (a) *"Large covered establishments"* refer to those with gross annual sales, asset size, or floor area exceeding thresholds to be determined by the DTI;
- (b) *"Public Establishments"* refers to privately-owned or government-owned facilities open to the general public, including but not limited to malls, markets, transport terminals, educational institutions, workplaces, restaurants, hospitals, and similar venues;
- (c) *"Public Restrooms"* refers to toilet facilities accessible to the public within such establishments;
- (d) *"Menstrual Products"* refers to sanitary napkins, tampons, panty liners, menstrual cups, or other safe and hygienic materials used to manage menstruation;
- (e) *"Menstruating Individuals"* refers to women, girls, and other persons who menstruate.

SEC. 4. Coverage. – This Act shall apply nationwide to covered establishments that are open to or serve the general public, and maintain public restrooms for customers, clients, passengers, patients, students, or walk-in users.

Covered establishments include, among others, commercial buildings and centers, markets, restaurants and similar food service establishments, workplaces with public-facing service areas, hospitals and clinics, schools and higher education institutions, government offices that serve walk-in clients, and transportation-related facilities such as terminals, stations, stops, rest areas, and roll-on/roll-off terminals. For avoidance of doubt, establishments serving the traveling public remain subject to applicable sanitation regulation and inspection regimes under Presidential Decree ("P.D.") 856 (1975), or the Code on Sanitation in the Philippines; Republic Act ("R.A.") No. 11311 (2019), or the Land Transportation Terminal Improvement Act; and PD 522 (1974) or the Sanitation of Establishments for Traveling Public.

Nothing in this section shall be construed to reduce or weaken existing sanitation obligations and enforcement powers of the DOH and its local counterparts under the PD 856, including related inspection and compliance measures recognized by law.

SEC. 5. Mandatory Provision of Free Menstrual Products. – Covered public establishments shall provide free and readily accessible menstrual products in at least one designated restroom for women and, where applicable, in gender-neutral restrooms. Such products shall be maintained in reasonably sufficient quantities and replenished at

regular intervals, in accordance with standards to be prescribed in the implementing rules and regulations (“IRR”).

Compliance may be achieved through appropriate and cost-effective distribution mechanisms, including but not limited to dispensers, counters, or other systems suited to the nature and capacity of the establishment, as may be determined in the IRR.

The standards for compliance under this Act shall be proportionate to the size, capacity, and average daily foot traffic of the establishment. In prescribing such standards, due consideration shall be given to the operational realities of micro, small, and medium enterprises (MSMEs), consistent with the policy of promoting ease of doing business under Republic Act No. 11032.

SEC. 6. *Standards and Guidelines.* - The Department of Health (“DOH”), in coordination with the Department of Trade and Industry (“DTI”), the Department of the Interior and Local Government (“DILG”), and the Philippine Commission on Women (“PCW”), shall issue standards on product safety and hygiene, restroom placement and access, replenishment and maintenance, signage, and proper disposal.

The DOH and concerned agencies shall conduct inspections consistent with existing sanitation laws and standards, including R.A. No. 11311 requirements of sanitary facility standards and random inspections for transport terminals, and applicable sanitation regulations under P.D. 856. Establishments serving the traveling public shall likewise be guided by the DOH’s regulatory and enforcement framework under PD 522.

Implementation of this Act shall be carried out in a manner that is reasonable, practicable, and proportionate to the capacity of covered establishments, particularly micro, small, and medium enterprises.

SEC. 7. *Phased Implementation.* - The requirements under this Act shall be implemented in a phased and proportionate manner to ensure orderly compliance, continuity of public service, and fairness across covered establishments.

Large covered establishments shall comply within one (1) year from the effectivity of this Act. Micro, small, and medium enterprises (MSMEs) shall comply within two (2) years from effectivity, subject to reasonable transition measures that may be provided in the IRR based on operational capacity, cost considerations, and public access needs.

For government-owned or government-controlled establishments, implementation shall be prioritized and funded subject to applicable budgeting, procurement, and accounting rules, with compliance within one (1) year from effectivity.

For establishments serving the traveling public, including transport terminals, stations, stops, rest areas, and roll-on/roll-off (RORO) terminals, implementation under this Act shall be harmonized with existing sanitary facility requirements, inspection mechanisms, and regulatory frameworks under applicable laws.

Expenses incurred for compliance with this Act may be treated as ordinary and necessary business expenses, subject to the provisions of the National Internal Revenue Code of 1997, as amended, and other relevant laws, rules, and regulations.

No administrative penalty shall be imposed for a first violation, provided that the establishment remedies the deficiency within a reasonable period to be determined in the IRR.

Implementation of this Act shall, at all times, be carried out in a manner that is reasonable, practicable, and proportionate to the capacity of covered establishments, without diminishing the State's policy of ensuring access to menstrual health and hygiene.

SEC. 8. *Incentives.* - Public establishments that demonstrate exemplary compliance with this Act, including those that exceed the minimum standards prescribed herein or adopt innovative, sustainable, and inclusive menstrual health programs, may be entitled to the following incentives:

- (a) Recognition and Certification. - Formal recognition, certification, or accreditation by the DTI and the DOH, which may be used for promotional or public information purposes;
- (b) Eligibility for Fiscal and Non-Fiscal Incentives. - Qualification for applicable fiscal and non-fiscal incentives, including but not limited to tax deductions, credits, or other benefits, subject to the provisions of the National Internal Revenue Code of 1997, as amended, and other relevant laws, rules, and regulations; and
- (c) Priority in Government Programs. - Preference or priority consideration in relevant government-led programs, partnerships, or sustainability initiatives, as may be determined by the appropriate agencies.

The DTI, in coordination with the DOH, the Bureau of Internal Revenue (“BIR”), and other concerned agencies, shall promulgate the necessary guidelines to operationalize this Section, including the criteria for exemplary compliance, verification mechanisms, and the grant of incentives.

SEC. 9. *Role of Local Government Units (LGUs).* – Local Government Units shall, within their respective jurisdictions and consistent with their powers under Republic Act No. 7160, and taking into account local conditions and capacities, monitor and ensure compliance with this Act and its IRR through regular inspection of covered public establishments.

They shall likewise integrate the provisions of this Act into relevant local ordinances and regulatory frameworks, including sanitation codes and gender and development (GAD) policies. LGUs shall require businesses to submit proof of compliance as a condition for the issuance or renewal of business permits and licenses, and develop and implement sustained information, education, and communication campaigns on menstrual health and hygiene in coordination with the Department of Health and other concerned agencies.

SEC. 10. *Congressional Oversight.* – The Department of Health, in coordination with the Department of Trade and Industry, the Department of the Interior and Local Government, and other concerned agencies, shall submit to the appropriate committees of the House of Representatives and the Senate, within one (1) year from the effectivity of this Act and annually thereafter, a report on the implementation of this Act.

The report shall include, among others, the status of compliance of covered establishments, actions taken by Local Government Units, challenges encountered in implementation, and recommendations for policy or legislative measures to improve the delivery of menstrual health services.

The appropriate committees of Congress may, in aid of legislation, conduct periodic reviews of the implementation of this Act.

SEC. 11. *Funding.* – For government-owned or government-controlled establishments, the initial funding necessary for the implementation of this Act shall be charged against the current appropriations of the concerned agencies, subject to applicable budgeting, accounting, and auditing rules and regulations, and thereafter included in the annual General Appropriations Act.

Private establishments shall bear the cost of compliance as part of their operational expenses: *Provided*, That expenses incurred for purposes of compliance with this Act may be treated as ordinary and necessary business expenses, subject to the provisions of the National Internal Revenue Code of 1997, as amended, and other relevant laws, rules, and regulations.

The Department of Health, in coordination with the Department of Trade and Industry, may explore appropriate support mechanisms, partnerships, or programs to assist micro, small, and medium enterprises (MSMEs) in meeting compliance requirements, subject to the availability of funds and existing laws.

SEC. 12. *Information and Education Campaign.* – The DOH, in coordination with the Department of Education (DepEd), Commission on Higher Education (CHED), and PCW, shall conduct nationwide campaigns to:

- (a) Promote menstrual health awareness;
- (b) Reduce stigma associated with menstruation;
- (c) Inform the public of their rights under this Act.

SEC. 13. *Implementing Rules and Regulations (IRR).* – Within ninety (90) days from the effectivity of this Act, the DOH, in coordination with relevant agencies, shall promulgate the necessary rules and regulations for its implementation.

The DOH, in coordination with the DTI, DILG, and PCW, shall specify in the IRR the operational criteria for determining coverage, taking into account sanitation permitting and toilet facility requirements under existing law, including the requirement to provide adequate and clean toilet facilities for male and female customers and personnel under PD 856.

SEC. 14. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the remaining provisions shall remain in full force and effect.

SEC. 15. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 16. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,