



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 99-088

AN ORDINANCE REQUIRING ESTABLISHMENTS AND OFFICES WITH EMPLOYEES NUMBERING AT LEAST THIRTY (30) TO PROVIDE A FACILITY WITHIN THE OFFICE PREMISES FOR THE EXCLUSIVE USE OF THEIR EMPLOYEES WHO ARE LACTATING MOTHERS, PROVIDING THE MECHANISM FOR ENFORCEMENT, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF:-

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

ARTICLE 1 - DECLARATION OF PRINCIPLES AND POLICIES

SECTION 1. - The strength and development of any nation is founded on healthy and responsible citizenry.

SECTION 2. - The development of our people into healthy and responsible citizens requires that government should support parents in their natural and primary right and obligation to properly raise and rear their children.

SECTION 3. - Proper raising and rearing of children is greatly enhanced when mothers are able to properly and sufficiently breastfeed their children.

SECTION 4. - The State, in recognition of the role of women in nation building, protects workingwomen by providing safe and healthful working conditions that take into account their maternal functions.

SECTION 5. - The State, in recognition of the role of labor and capital in the development of our nation, promotes the principle of shared responsibility between workers and employers.

ARTICLE II - SCOPE and COVERAGE

SECTION 6. - SCOPE. - This Ordinance shall apply to all public and private offices and establishments, whether for profit or not, operating within the territorial jurisdiction of the City of Naga, employing at least thirty (30) personnel regardless of employment status.

SECTION 7. - FACILITY FOR WOMEN EMPLOYEES WHO ARE LACTATING MOTHERS. - It shall be the duty of the employer to provide a room within their office premises which shall be designated for the exclusive use of the women employees therein who are lactating mothers.

SECTION 8. - SIZE OF THE FACILITY. - The facility shall be in such size and construction as would not be detrimental to the health and safety of the mother and her baby, as certified to by the City Health Officer.

SECTION 9. - FURNISHING OF THE FACILITY. - The facility shall be provided with at least a seat where the mothers can comfortably breastfeed her baby. Other furnishings that may be necessary, such as a baby crib, shall be furnished by the employee concerned except when the employer voluntarily provides for it.

SECTION 10. - RULES FOR THE USE OF THE FACILITY. - The employer, in consultation with its employees, shall promulgate the rules and regulations that will govern the use of the Facility; provided, that the employer shall not charge any fee for the use thereof, and provided, further, that the purposes for which this Ordinance is enacted shall not be defeated.

ARTICLE III - MECHANISM FOR ENFORCEMENT

SECTION 11. - Compliance with this Ordinance shall be a requirement for the granting and/or renewal of business licenses and permits. For this purpose, the Office of the City Treasurer shall deny new and/or renewal applications for business licenses and permits without the following:

- a. Certification, under oath, by the owner of the establishment or the head of office as to the number of employees employed by therein;
- b. For the establishments or offices employing at least thirty (30) personnel, a certification issued by the City Social Welfare and Development Office and by the City Health Office on the proper compliance with this Ordinance.

The certification issued by the City Health Officer is to be submitted only during the first time this Ordinance is complied with. For subsequent renewal of licenses or permits, only the certification by the DSWD is necessary.

SECTION 12. - VISITORIAL POWER. - For purposes of this ordinance, the CHO Office of the City Social Welfare and Development are hereby authorized to conduct regular visitation and inspection of the premises of the covered establishments and offices to ensure faithful compliance herewith.

ARTICLE IV - FINAL PROVISIONS

SECTION 13. - PENALTIES. - Misrepresentation or concealment of material facts in the application for business licenses and permits shall be a ground for the withdrawal thereof.

A line of Five thousand Pesos (5,000.00) for every year shall be imposed upon employers who fail to comply with the provisions of Sections 7 to 9 of this Ordinance.

Any other person, natural or judicial, found guilty of violating any of the provisions hereof shall be imposed a fine of Five Thousand (P5, 000.00) Pesos.

SECTION 14. - ENFORCEMENT. - The Office of the City Social Welfare and Development, or any employee of the establishments or offices covered may, by verified petition filed with the Sangguniang Panlungsod, initiate the summary proceedings for the withdrawal of the employer's business license or permit or the imposition of fine.

SECTION 15. - SEPARABILITY CLAUSE. - Should any provision hereof be declared unconstitutional or ultra vires, the others not so declared shall remain in full force and effect.

SECTION 16. - REPEALING CLAUSE. - All other provisions of existing ordinances, resolutions and executive issuances inconsistent with this Ordinance are hereby repealed, amended, or modified accordingly.

SECTION 17. - EFFECTIVITY. - This Ordinance shall take effect fifteen days after the same has been published in a newspaper of general circulation in Naga City.

ENACTED: December 1, 1999.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

GABRIEL H. BORDADO, JR.
City Councilor & Acting Presiding Officer

LILIAN O. PASCUAL
Local Leg. Staff Officer III
& Secretary-Designate

APPROVED:

ESTEBAN R. ABONAL
City Vice Mayor & Acting City Mayor