



## HOUSE OF REPRESENTATIVES

H. No. 3728

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BY REPRESENTATIVE PICHAY, PER COMMITTEE REPORT NO. 36

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### AN ACT MANDATING OCULAR PROPHYLAXIS ON NEWBORNS

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

1           SECTION 1. *Title.* – This Act shall be known as the “Mandatory  
2    Ocular Prophylaxis on Newborns Act of 2014”.

3           SEC. 2. *Definition of Terms.* – As used in this Act, the following  
4    terms are defined as follows:

5           (a) *Healthcare practitioner* shall refer to physicians, midwives, and  
6    those authorized by law to attend at childbirth.

7           (b) *Health institutions* shall refer to hospitals, health infirmaries, health  
8    centers, lying-in centers or puericulture centers with obstetrical and pediatric  
9    services, whether public or private.

10          (c) *Local health officer* shall refer to the city or municipal health  
11    officer.

12          (d) *Newborn* shall refer to a child from the time of complete delivery to  
13    twenty-eight (28) days old.

1 (e) *Ocular prophylaxis* shall refer to one of the interventions in a  
2 spectrum of preventive measures to stop the course of *ophthalmia neonatorum*.

3 (f) *Ophthalmia neonatorum* refers to any disease or condition of the  
4 eye, or eyes of an infant in which there is inflammation, swelling or redness in  
5 either one or both eyes, either apart from or together with purulent discharge  
6 from the eye or eyes, at any time within two (2) weeks after the birth of such  
7 infant, independent of the nature of the infection.

8 SEC. 3. *Information on Beneficial Effects of Ocular Prophylaxis.* –  
9 Any healthcare practitioner who delivers, or assists in the delivery, of a  
10 newborn in the Philippines shall, prior to delivery, inform the parents or legal  
11 guardian of the newborn of the availability, nature and benefits of ocular  
12 prophylaxis.

13 SEC. 4. *Mandatory Application of Ocular Prophylaxis.* – It shall be  
14 the duty of any healthcare practitioner who attends or assists at the birth of a  
15 child, to instill in each eye of the newborn, as soon as possible, 1% tetracycline  
16 ophthalmic ointment or 0.5% erythromycin ophthalmic ointment or 1% silver  
17 nitrate aqueous solution, all in a single application, or some other equally  
18 effective prophylactic for the prevention of *ophthalmia neonatorum* approved  
19 by the Department of Health (DOH): *Provided*, That newborns delivered  
20 outside a health institution where the services of a physician, nurse or midwife  
21 are not immediately available should be brought to any health institution by the  
22 parent or legal guardian to receive the desired newborn care services.

23 Any observation of the condition defined in Section 2(f) of this Act, the  
24 facts of application of ocular prophylaxis and of compliance with Section 3  
25 hereof, and/or the written refusal referred to in Section 5 hereof, shall form  
26 part of the medical records of the newborn and copies of which shall be  
27 submitted by the healthcare practitioner to the local health officer not later than  
28 thirty (30) days from the date of birth.

1           Such reports and records shall be deemed privileged information and  
2 shall not be made available to the public without the prior consent of the  
3 mother, or the child upon reaching majority age, or the approval of a  
4 competent court.

5           SEC. 5. *Right to Refuse by Parents/Legal Guardian.* – A parent or  
6 legal guardian may refuse the application of ocular prophylaxis in writing:  
7 *Provided,* That in the absence of such written refusal, the healthcare  
8 practitioner should apply eye prophylaxis: *Provided, further,* That the  
9 obligation referred to in Section 3 of this Act shall first be complied with prior  
10 to acceptance of the written refusal. A copy of this refusal documentation shall  
11 be made part of the newborn’s medical record.

12           SEC. 6. *Duty of Health Institution.* – It shall be the duty of all health  
13 institutions to post and keep posted in conspicuous places in their institution,  
14 copies of this Act, and to instruct persons professionally employed in such  
15 institutions and places regarding their duties under this Act, and to maintain  
16 such records of cases of *ophthalmia neonatorum* in the manner and form  
17 prescribed by the DOH.

18           SEC. 7. *Duty of Local Health Officer.* – The local health officer shall:

19           (a) Investigate each reported case of *ophthalmia neonatorum*, and any  
20 other such case as may come to one’s attention: *Provided,* That the  
21 investigation will be done with the prior consent of the parents or guardian of  
22 the child; and

23           (b) Report all cases of *ophthalmia neonatorum* and the results of all  
24 such investigations to the DOH in the manner and form prescribed by said  
25 Department.

26           SEC. 8. *Duty of the Department of Health.* – The DOH shall:

27           (a) Enforce the provisions of this Act;

1 (b) Provide for printing, publication and distribution to all health  
2 institutions and healthcare practitioners, advice and information on the proper  
3 use of scientific prophylactic for *ophthalmia neonatorum*, the necessity for the  
4 prompt and effective treatment thereof, together with copies of this Act;

5 (c) Prepare the appropriate documentary forms and furnish them to all  
6 local health officers for distribution to healthcare practitioners free of charge;  
7 and

8 (d) Report any and all violations of this Act to the Office of the  
9 Prosecutor of the province where said violations are committed.

10 SEC. 9. *Penal Clause.* – (a) Any person who shall violate the first  
11 paragraph of Section 4 of this Act shall suffer the following penalties:

12 (1) For the first conviction, the penalty of fine of not less than Ten  
13 thousand pesos (P10,000.00) but not exceeding Twenty thousand pesos  
14 (P20,000.00);

15 (2) For the second conviction, the penalty of fine of not less than  
16 Twenty thousand pesos (P20,000.00) but not exceeding Thirty thousand pesos  
17 (P30,000.00) and suspension of one's license to practice profession for thirty  
18 (30) days; and

19 (3) For the third conviction, the penalty of fine of not less than Thirty  
20 thousand pesos (P30,000.00) but not exceeding Fifty thousand pesos  
21 (P50,000.00) and suspension of one's license to practice profession for one (1)  
22 year, but in no case shall such suspension be less than thirty (30) days.

23 (b) Any person who shall in any manner violate the third paragraph  
24 of Section 4 hereof shall suffer the penalty of imprisonment of not less than  
25 six (6) months but not more than one (1) year and a fine of not less than Ten  
26 thousand pesos (P10,000.00) but not more than Twenty thousand pesos  
27 (P20,000.00), without prejudice to liabilities provided under other penal laws.

1           SEC. 10. *Implementing Rules and Regulations.* – Within sixty (60)  
2 days from the effectivity of this Act, the Secretary of the DOH, in consultation  
3 with the concerned sectors, shall issue such guidelines, orders or rules and  
4 regulations as may be necessary to carry out the provisions of this Act.

5           SEC. 11. *Separability Clause.* – All laws, decrees, ordinances or rules  
6 and regulations which are inconsistent with or contrary to the provisions of this  
7 Act are hereby amended or repealed.

8           SEC. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15)  
9 days after its complete publication in the *Official Gazette* or in at least two (2)  
10 national newspapers of general circulation.

Approved,

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