



HOUSE OF REPRESENTATIVES

H. No. 4075

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BY REPRESENTATIVES PICHAY, MARAÑON AND HERRERA-DY,  
PER COMMITTEE REPORT NO. 535

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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 2011”.

3       SEC. 2. *Definition of Terms.* —

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

9       (b) *Ocular prophylaxis* refers to one of the interventions in a spectrum  
10       of preventive measures to stop the course of *ophthalmia neonatorum*.

11       (c) *Healthcare practitioner* refers to physicians, midwives and those  
12       authorized by law to attend at childbirth.

13       (d) *Health institutions* refers to hospitals, health infirmaries, health  
14       centers, lying-in centers or puericulture centers with obstetrical and pediatric  
15       services, whether public or private.

1 (e) *Newborn* refers to a child from the time of complete delivery to  
2 twenty-eight (28) days old.

3 (f) *Local health officer* refers to city or municipal health officer.

4 SEC. 3. *Obligation to Inform.* -- Any healthcare practitioner who  
5 delivers or assists in the delivery of a newborn in the Philippines shall, prior to  
6 delivery, inform the parents or legal guardian of the newborn of the  
7 availability, nature and benefits of ocular prophylaxis.

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

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

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

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

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

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

15           (a) Investigate each case of *ophthalmia neonatorum* reported to him,  
16 and any other such case as may come to his attention; *Provided,* That he  
17 cannot do so without the prior consent of the parents/legal guardian of the  
18 child; and

19           (b) Report all cases of *ophthalmia neonatorum* and the results of all  
20 such investigations as he may make, to the DOH in the manner and form  
21 prescribed by said Department.

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

23           (a) Enforce the provisions of this Act;

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

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

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

6 SEC. 9. *Penal Clause.* –

7 (A) Any person who shall violate the first paragraph of Section 4 of this  
8 Act shall suffer the following penalties:

9 (a) For the first conviction, he shall suffer the penalty or fine of not  
10 less than Ten thousand pesos (P10,000.00) but not exceeding Twenty thousand  
11 pesos (P20,000.00);

12 (b) For the second conviction, he shall suffer the penalty or fine of not  
13 less than Twenty thousand pesos (P20,000.00) but not exceeding Thirty  
14 thousand pesos (P30,000.00) and suspension of his license to practice his  
15 profession for thirty (30) days; and

16 (c) For the third conviction, he shall suffer the penalty or fine of not  
17 less than Thirty thousand pesos (P30,000.00) but not exceeding Fifty thousand  
18 pesos (P50,000.00) and suspension of his license to practice his profession for  
19 one (1) year, but in no case shall such suspension be less than thirty (30) days.

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

25 SEC. 10. *Implementing Rules and Regulations.* – The Secretary of the  
26 DOH, in consultation with the concerned sectors, shall issue such guidelines,  
27 orders or rules and regulations as may be necessary to carry out the provisions  
28 of this Act.

1           SEC. 11. *Separability Clause.* — Any law, decree, ordinance or rule  
2 and regulation which is inconsistent with or contrary to the provisions of this  
3 Act is hereby amended or repealed.

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

Approved,

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