



Republic of the Philippines
Region IX
Province of Zamboanga del Sur
MUNICIPALITY OF DUMALINAO



OFFICE OF THE SANGGUNIANG BAYAN

**EXCERPTS FROM THE MINUTES OF THE 92ND REGULAR SESSION OF THE
12TH SANGGUNIANG BAYAN OF DUMALINAO, ZAMBOANGA DEL SUR, HELD
AT SB SESSION HALL ON NOVEMBER 18, 2024.**

Present:

HON. WILFREDO L. MALONG, SR.	- Vice Mayor
HON. RONALDO D. ENCABO	- SB Member
HON. ARNOLD L. FLORES	- SB Member
HON. FREDERICK R. BALANDRA	- SB Member
HON. HERMES B. CABALES	- SB Member
HON. RHOLLY A. LABANG	- SB Member
HON. ROMEO G. LIGAN	- SB Member
HON. JELITO R. PEÑONAL	- SB Member
HON. JOEL L. FAMOR	- ABC President
HON. JUSTONY G. SULATORIO	- SKF President
HON. ROMEO D. PARILA	- IPMR

Absent:

HON. MA. GEMMA C. ALBISO	- SB Member – S.L
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RESOLUTION NO. 0398-2024

ADOPTING THE EXECUTIVE ORDER NO. 51 SERIES OF 1986 OTHERWISE KNOWN AS "NATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENTS AND RELATED PRODUCTS OR THE MILK CODE".

WHEREAS, presented for consideration and appropriate action is the request of the Municipal Health Officer to adopt Executive Order No. 51 Series of 1986 in the Municipality of Dumalinao, Zamboanga del Sur;

WHEREAS, Section 447, (a), (5) of Republic Act 7160, otherwise known as the Local Government Code of 1991, provides that the sangguniang bayan as the legislative body of the municipality, shall pass resolutions to ensure the efficient and effective delivery of the basic services and facilities as provided under Section 17 of this Code;

WHEREAS, Executive Order No. 51, Series of 1986, also known as the "National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements, and Related Products," establishes measures to protect and promote breastfeeding and regulate the marketing of breastmilk substitutes, thereby ensuring proper infant and child nutrition;

WHEREAS, the adoption of EO 51 aligns with the principles of Republic Act No. 11148, or the "Kalusugan at Nutrisyon ng Mag-Nanay Act," which emphasizes

the critical role of maternal, infant, and young child nutrition in the overall development of children;

WHEREAS, breastfeeding is a proven, cost-effective means to improve child survival and health, as it provides essential nutrients, bolsters immunity, and reduces the risk of diseases among infants and young children;

WHEREAS, the Sangguniang Bayan of Dumalinao recognizes the need to strengthen local efforts to promote and support breastfeeding practices, while ensuring the proper regulation of breastmilk substitutes and related products in compliance with national policies;;

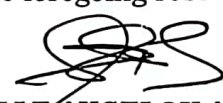
WHEREAS, after careful review and exhaustive deliberation, and after finding the same to be proper and order;

NOW, THEREFORE, premises above-considered, on motion by **HON. JELITO R. PEÑONAL**, the body resolved, as it hereby resolves to adopt the Executive Order No. 51 Series of 1986 otherwise known as "National Code of Marketing of Breastmilk Substitutes, Breakmilk Supplements and related products or the Milk Code".


LET the copy of this resolution be furnished to concern offices and/or officials for information, guidance, and appropriate action.

DONE this **18TH** day of **NOVEMBER 2024**, at Dumalinao, Zamboanga del Sur.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


DARRYLLE ANGELOU A. DALID, MPA, JD
Secretary to the Sanggunian

Attested and approved by:


WILFREDO L. MALONG, SR.
Municipal Vice Mayor – Presiding Officer



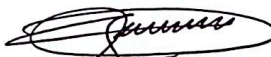


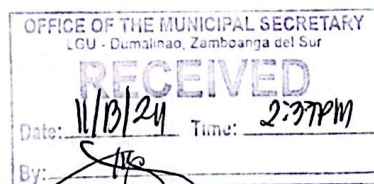
Republic Of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Dumalainao
RURAL HEALTH UNIT DUMALINAO

1st ENDORSEMNET

14th NOVEMBER 2024

Respectfully endorsing to the Municipal Office of this Municipality thru Hon. Wilfredo L. Malong Sr., the Municipal Vice Mayor, an endorsement requesting for resolution expressing an intent to Adopt the National Code of Marketing of breastmilk substitutes, Breastmilk supplements and related products, penalizing violations thereof, and for other purposes or the **EXECUTIVE ORDER NO. 51** of 1986 in the Municipality of Dumalainao, Province of Zamboanga del Sur.


PATRICK KEAN L. TOLEDO, MD
Municipal Health Officer



[EXECUTIVE ORDER NO. 51, October 20, 1986]

ADOPTING A NATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENTS AND RELATED PRODUCTS, PENALIZING VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

WHEREAS, in order to ensure that safe and adequate nutrition for infants is provided, there is need to protect and promote breastfeeding and to inform the public about the proper use of breastmilk substitutes and supplements and related products through adequate, consistent and objective information and appropriate regulation of the marketing and distribution of the said substitutes, supplements and related products;

WHEREAS, consistent with Article 11 of the International Code of Marketing of Breast-milk Substitutes, the present government should adopt appropriate legislation to give effect to the principles and aim of the aforesaid International Code;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. Title - This Code shall be known and cite as the "National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Other Related Products".

SECTION 2. Aim of the Code - The aim of the Code is to contribute to the provision of safe and adequate nutrition for infants by the protection and promotion of breastfeeding and by ensuring the proper use of breastmilk substitutes and breastmilk supplements when these are necessary, on the basis of adequate information and through appropriate marketing and distribution.

SECTION 3. Scope of the Code - The Code applies to the marketing, and practices related thereto, of the following products: breastmilk substitutes, including infant formula; other milk products, foods and beverages, including bottlefed complementary foods, when marketed or otherwise represented to be suitable, with or without modification, for use as a partial or total replacement of breastmilk; feeding bottles and teats. It also applies to their quality and availability, and to information concerning their use.

SECTION 4. Definition of Terms - For the purposes of this Code, the following definition of terms shall govern:

(a) "Breastmilk Substitute" means any food being market or otherwise represented as a partial or total replacement for breastmilk, whether or not suitable for that purpose.

(b) "Complementary Food" means any food, whether manufactured or locally prepared,

infant feeding, for use by families and those involved in the field of infant nutrition. This responsibility shall cover the planning, provision, design and dissemination of information, and the control thereof, on infant nutrition.

(b) Informational and educational materials, whether written, audio, or visual, dealing with the feeding of infants and intended to reach pregnant women and mothers of infants, shall include clear information on all the following points: (1) the benefits and superiority of breastfeeding; (2) material nutrition, and the preparation for and maintenance of breastfeeding; (3) the negative effect on breastfeeding of introducing partial bottle-feeding; (4) the difficulty of reversing the decision not to breastfeed; and (5) where needed, the proper use of infant formula, whether manufactured industrially or home-prepared. When such materials contain information about the use of infant formula they shall include the social and financial implications of its use; the health hazards of inappropriate foods or feeding methods; and, in particular, the health hazards of unnecessary or improper use of infant formula and other breast milk substitutes. Such materials shall not use any picture or text which may idealize the use of breastmilk substitutes.

SECTION 6. The General Public and Mothers

(a) No advertising, promotion or other marketing materials, whether written, audio or visual, for products within the scope of this Code shall be printed, published, distributed, exhibited and broadcast unless such materials are duly authorized and approved by an inter-agency committee created herein pursuant to the applicable standards provided for in this Code.

(b) Manufacturers and distributors shall not be permitted to give, directly or indirectly, samples and supplies of products within the scope of this Code or gifts of any sort to any member of the general public, including members of their families, to hospitals and other health institutions as well as to personnel within the health care system, save as otherwise provided in this Code.

(c) There shall be no point-of-sale advertising, giving of samples or any other promotion devices to induce sales directly to the consumers at the retail level, such as special displays, discount coupons, premiums, special sales, bonus and tie-in sales for the products within the scope of this Code. This provision shall not restrict the establishment of pricing policies and practices intended to provide product at lower prices on a long-term basis.

(d) Manufacturers and distributors shall not distribute to pregnant women or mothers of infants any gifts or articles or utensils which may promote the use of breastmilk substitutes or bottle feeding, nor shall any other groups, institutions or individuals distribute such gifts, utensils or products to the general public and mothers.

(e) Marketing personnel shall be prohibited from advertising or promoting in any other manner the products covered by this Code, either directly or indirectly, to pregnant women or with mother or infants, except as otherwise provided by this Code.

(f) Nothing herein contained shall prevent donations from manufacturers and distributors of products within the scope of this Code upon request by or with the approval of the Ministry of Health.

SECTION 7. Health Care System -

- (a) The Ministry of Health shall take appropriate measures to encourage and promote breastfeeding. It shall provide objective and consistent information, training and advice to health workers on infant nutrition, and on their obligation under this Code.
- (b) No facility of the health care system shall be used for the purpose of promoting infant formula or other products within the scope of this Code. This Code does not, however, preclude the dissemination of information to health professionals as provided in Section 8(b).
- (c) Facilities of the health care system shall not be for the display of products within the scope of this Code, for placards or posters concerning such products.
- (d) The use by the health care system of "professional service" representatives, "mothercraft nurses" or similar personnel, provided or paid for by manufacturers or distributors, shall not be permitted.
- (e) In health education classes for mothers and the general public, health workers and community workers shall emphasize the hazards and risks of the improper use of breastmilk substitutes particularly infant formula. Feeding with infant formula shall be demonstrated only to mothers who may not be able to breastfeed for medical or other legitimate reasons.

SECTION 8. Health Workers -

- (a) Health workers shall encourage and promote breastfeeding and shall make themselves familiar with objectives and consistent information on maternal and infant nutrition and with their responsibilities under this Code.
- (b) Information provided by manufacturers and distributors to health professionals regarding products within the scope this Code shall be restricted to scientific and factual matters and such information shall not imply or create a belief that bottlefeeding is equivalent or superior to breastfeeding. It shall also include the information specified in Section 5(b)
- (c) No financial or material inducement to promote products within the scope of this Code shall be offered by manufacturers or distributors to health workers or members of their families, nor shall these be accepted by the health workers or members of their families, except as otherwise provided in Section 8(e).
- (d) Samples of infant formula or other products within the scope of this Code, or of equipment or utensils for their preparation or use, shall not be provided to health workers except when necessary for the purpose of professional evaluation or research in accordance with the rules and regulations promulgated by the Ministry of Health. No health workers shall give samples of infant formula to pregnant women and mothers of infants or members of their families.
- (e) Manufacturers and distributors of products within the scope of this Code may assist in the research, scholarships and continuing education, of health professionals, in accordance with the rules and regulations promulgated by the Ministry of Health.

SECTION 9. Persons Employed by Manufacturers and Distributors - Personnel employed in marketing products within the scope of this Code shall not, as part of their job responsibilities, perform educational functions in relation to pregnant women or mothers of infants.

SECTION 10. Containers/Labels -

(a) Containers and/or labels shall be designed to provide the necessary information about the appropriate use of the products, and in such a way as not to discourage breastfeeding.

(b) Each container shall have a clear, conspicuous and easily readable and understandable message in Pilipino or English printed on it, or on a label, which message can not readily become separated from it, and which shall include following points:

(i) the words "Important Notice" or their equivalent;

(ii) a statement of the superiority of breastfeeding;

(iii) a statement that the product shall be used only on the advice of a health worker as to the need for its use and the proper methods of use; and

(iv) instructions for appropriate preparation, and a warning against the health hazards of inappropriate preparation.

(c) Neither the container nor the label shall have pictures or texts which may idealize the use of infant formula. They may, however, have graphics for easy identification of the product and for illustrating methods of preparation.

(d) The term "humanized", "materialized" or similar terms shall not be used.

(e) Food products within the scope of this Code marketed for infant feeding, which do not meet all the requirements of an infant formula but which can be modified to do so, shall carry on the label a warning that the unmodified product should not be the sole source of nourishment of an infant.

(f) The labels of food products within the scope of this Code shall, in addition to the requirements in the preceding paragraphs, conform with the rules and regulations of the Bureau of Food and Drugs.

SECTION 11. Quality

(a) The quality of products is an essential element for the protection of the health of infants, and therefore shall be of high recognized standard.

(b) Food products within the scope of this Code shall, when sold or otherwise distributed, meet applicable standards recommended by the Codex Alimentarius Commission and also the Codex Code of Hygienic Practice for Foods for Infants and Children.

(c) To prevent quality deterioration, adulteration or contamination of food products within the scope of this Code, distribution outlets, including the smallest sari-sari store,

shall not be allowed to open cans and boxes for the purpose of retailing them by the cup, bag or in any other form.

SECTION 12. Implementation and Monitoring

(a) For purposes of Section 6(a) of this Code, an inter-agency committee composed of the following members is hereby created:

Minister of Health - - - - - Chairman

Minister of Trade and Industry - Member

Minister of Justice - - - - - Member

Minister of Social Services
and Development - - - - - Member

The Committee shall have the following powers and functions:

(1) To review and examine all advertising, promotion or other marketing materials, whether written, audio or visual, on products within the scope of this Code;

(2) To approve or disapprove, delete objectionable portions from and prohibit the printing, publication, distribution, exhibition and broadcast of, all advertising promotion or other marketing materials, whether written, audio or visual on products within the scope of this Code;

(3) To prescribe the internal and operational procedure for the exercise of its powers and functions as well as the performance of its duties and responsibilities; and

(4) To promulgate such rules and regulations as are necessary or proper for the implementation of Section 6(a) of this Code.

(b) The Ministry of Health shall be principally responsible for the implementation and enforcement of the provisions of this Code. For this purpose, the Ministry of Health shall have the following powers and functions:

(1) To promulgate such rules and regulations as are necessary or proper for the implementation of this Code and the accomplishment of its purposes and objectives.

(2) To call the assistance of government agencies and the private sector to ensure the implementation and enforcement of, and strict compliance with, the provisions of this Code and the rules and regulations promulgated in accordance herewith.

(3) To cause the prosecution of the violators of this Code and other pertinent laws on products covered by this Code.

(4) To exercise such other powers and functions as may be necessary for or incidental to the attainment of the purposes and objectives of this Code.

SECTION 13. Sanctions

(a) Any person who violates the provisions of this Code or the rules and regulations issued pursuant to this Code shall upon conviction, be punished by a penalty of two (2) months to one (1) year imprisonment or a fine of not less than One Thousand Pesos (P1,000.00) nor more than Thirty Thousand Pesos (P30,000.00) or both. Should the offense be committed by a juridical person, the chairman of the Board of Directors, the president, general manager, or the partners and/or the persons directly responsible therefore, shall be penalized.

(b) Any license, permit or authority issued by any government agency to any health worker, distributor, manufacturer or marketing firm or personnel for the practice of their profession or occupation, or for the pursuit of their business may, upon recommendation of the Ministry of Health, be suspended or revoked in the event of repeated violations of this Code, or of the rules and regulations issued pursuant to this Code.

SECTION 14. Repealing Clause - All laws, orders, issuances, and rules and regulations or parts thereof inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 15. Separability Clause - The provisions of this Executive Order are hereby deemed separable. If any provision thereof be declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions which shall remain in full force and effect.

SECTION 16. Effectivity - This Executive Order shall take effect thirty (30) days following its publication in the Official Gazette.

Done in the City of Manila, this 20th day of October, in the year of Our Lord, nineteen hundred and eighty-six.

CORAZON C. AQUINO
President of the Philippines

By the President:

JOKER P. ARROYO
Executive Secretary



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