

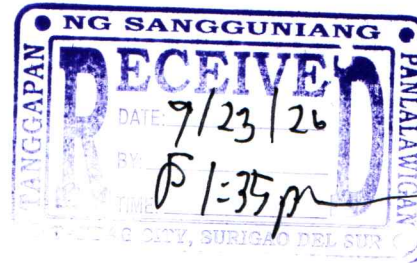


Republic of the Philippines
MUNICIPALITY OF CAGWAIT
PROVINCE OF SURIGAO DEL SUR

Office of the Sangguniang Bayan Secretary

September 23, 2026

The Honorable
Sangguniang Panlalawigan Members
Thru: **Hon. Manuel O. Alameda**
Provincial Vice Governor
Tandag City
Sir:



Pursuant to pertinent provision of the Local Government Code of 1991, I have the honor to submit the herein approved ordinance by the Sangguniang Bayan of Cagwait, for your review and approval, to wit:

ORDINANCE NO. 35-26 – AN ORDINANCE STRENGTHENING THE IMPLEMENTATION OF EXECUTIVE ORDER NO. 51, OTHERWISE KNOWN AS THE “PHILIPPINE Milk Code of 1986”, promoting, protecting, and supporting breastfeeding, regulating the marketing, promotion, distribution, and donation of breastmilk substitutes, breastmilk supplements, feeding bottles, and teats, establishing local mechanisms for compliance and enforcement, and providing penalties for violations thereof in the municipality of Cagwait, Surigao del Sur.

Hoping for your favorable consideration and appropriate action.

Attached herewith:

- **Certificate of Posting and Publication.**
- **Minutes of the Public Hearing, and**
- **Attendance**

Very truly yours,


ALAN A. CABRERA
Secretary to the Sanggunian



Republic of the Philippines
MUNICIPALITY OF CAGWAIT
SURIGAO DEL SUR

Office of the Sangguniang Bayan Secretary

CERTIFICATE OF POSTING AND PUBLICATION

This is to certify that, in compliance to Section 59 of RA 7160; Article 113, IRR of R.A. No. 7160, copy of approved Ordinance titled hereunder was properly posted and published in three conspicuous places in the municipality.

ORDINANCE NO. 35-26 – AN ORDINANCE STRENGTHENING THE IMPLEMENTATION OF EXECUTIVE ORDER NO. 51, OTHERWISE KNOWN AS THE “PHILIPPINE MILK CODE OF 1986”, PROMOTING, PROTECTING, AND SUPPORTING BREASTFEEDING, REGULATING THE MARKETING, PROMOTION, DISTRIBUTION, AND DONATION OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENTS, FEEDING BOTTLES, AND TEATS, ESTABLISHING LOCAL MECHANISMS FOR COMPLIANCE AND ENFORCEMENT, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE MUNICIPALITY OF CAGWAIT, SURIGAO DEL SUR.

Date Enacted	:	September 1, 2026
Date Approved	:	September 23, 2026
Date Posted	:	September 23, 2026
Place Posted	:	Municipal Hall Bulletin Board; Tubo-tubo Public Terminal; and Poblacion Gymnasium Cagwait, Surigao del Sur

Certified Correct:

ALAN A. CABRERA

Secretary to the Sanggunian



Republika ng Pilipinas
LALAWIGAN NG SURIGAO DEL SUR
BAYAN NG CAGWAIT

Tanggapan ng Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 33rd REGULAR SESSION OF THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF CAGWAIT, SURIGAO DEL SUR HELD AT THE SESSION HALL ON SEPTEMBER 1, 2026:

PRESENT:

Hon. Armando P. Reyes ----- SB Member
(Temporary Presiding Officer)

REGULAR SANGGUNIANG BAYAN MEMBERS:

Hon. Joanne Socorro L. Ubongen	Hon. Joel E. Bayogbog, CE
Hon. Amelito E. Estrada	Hon. Guardiano C. Lozada
Hon. Rogen P. Tabugoc	Hon. Angelyn P. Prado

EX-OFFICIO MEMBERS:

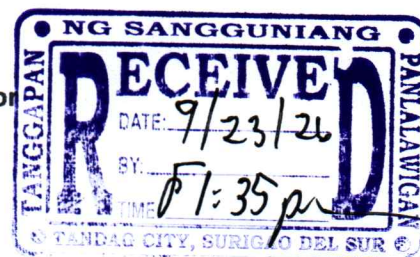
Hon. Bernard V. Loma ----- LnB Fed. Pres./SB Member

OFFICIAL BUSINESS:

Hon. Melchie C. Tuscano ----- Municipal Vice Mayor

OFFICIAL ON LEAVE:

Hon. Arthur M. Sanchez ----- SB Member
Hon. Princess Chewon C. Park ----- SK Fed. Pres./SB Member



ORDINANCE NO. 35-26

AN ORDINANCE STRENGTHENING THE IMPLEMENTATION OF EXECUTIVE ORDER NO. 51, OTHERWISE KNOWN AS THE "PHILIPPINE MILK CODE OF 1986," PROMOTING, PROTECTING, AND SUPPORTING BREASTFEEDING, REGULATING THE MARKETING, PROMOTION, DISTRIBUTION, AND DONATION OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENTS, FEEDING BOTTLES, AND TEATS, ESTABLISHING LOCAL MECHANISMS FOR COMPLIANCE AND ENFORCEMENT, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE MUNICIPALITY OF CAGWAIT, SURIGAO DEL SUR

WHEREAS, Article II, Section 15 of the 1987 Philippine Constitution mandates the State to protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, Executive Order No. 51, otherwise known as the Philippine Milk Code of 1986, adopts and implements the International Code of Marketing of Breastmilk Substitutes and aims to protect and promote breastfeeding and ensure the proper use of breastmilk substitutes when necessary;

WHEREAS, Republic Act No. 10028, otherwise known as the Expanded Breastfeeding Promotion Act of 2009, requires the establishment of lactation stations and the promotion of breastfeeding-friendly environments;

WHEREAS, Republic Act No. 11148, otherwise known as the Kalusugan at Nutrisyon ng Mag-Nanay Act, recognizes breastfeeding as a critical intervention during the First 1,000 Days of Life;

WHEREAS, Republic Act No. 7160 or the Local Government Code empowers local government units to enact measures that promote health, nutrition, and the general welfare of their constituents;

WHEREAS, breastfeeding is the optimal source of nutrition for infants and significantly contributes to child survival, growth, development, disease prevention, and maternal health;

WHEREAS, aggressive and inappropriate marketing and promotion of breastmilk substitutes, feeding bottles, teats, and related products undermine breastfeeding practices and adversely affect maternal and child health;

NOW THEREFORE:

BE IT ORDAINED by the Sangguniang Bayan of the Municipality of Cagwait, Province of Surigao del Sur, in session assembled;

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1. TITLE. This Ordinance shall be known as the: **“Cagwait Breastfeeding Promotion and Philippine Milk Code Enforcement Ordinance of 2026.”**

SECTION 2. DECLARATION OF POLICY. It is hereby declared the policy of the Municipality of Cagwait to:

- a) Protect, promote, and support breastfeeding as the primary source of nutrition for infants and young children;
- b) Ensure compliance with Executive Order No. 51 and related laws;
- c) Prevent unethical marketing practices that discourage breastfeeding;
- d) Protect pregnant women and mothers from misleading promotional activities of manufacturers and distributors of breastmilk substitutes;
- e) Create breastfeeding-friendly environments in all government offices and public places; and
- f) Promote informed infant and young child feeding practices based on scientific evidence and public health principles.

SECTION 3. OBJECTIVES. This Ordinance aims to:

- a) Strengthen local implementation of the Philippine Milk Code;
- b) Increase exclusive breastfeeding rates among infants aged 0–6 months;
- c) Promote continued breastfeeding up to two years and beyond;
- d) Prevent violations related to the promotion and marketing of breastmilk substitutes;
- e) Institutionalize monitoring and enforcement mechanisms;
- f) Protect mothers and families from commercial influence; and
- g) Improve maternal and child nutrition outcomes.

**ARTICLE II
DEFINITION OF TERMS**

SECTION 4. DEFINITION OF TERMS. For purposes of this Ordinance:

- a) **Breastfeeding** – The feeding of an infant directly from the mother's breast or expressed breastmilk.
- b) **Breastmilk Substitute (BMS)** – Any food being marketed or otherwise represented as a partial or total replacement for breastmilk.



- c) **Breastmilk Supplement** – Any food marketed as a complement to breastmilk and intended to satisfy nutritional requirements of infants.
- d) **Feeding Bottle** – Any bottle used for feeding infants and young children.
- e) **Teat or Nipple** – Any artificial feeding nipple designed for infant feeding.
- f) **Promotion** – Any activity that directly or indirectly encourages the purchase or use of breastmilk substitutes or related products.
- g) **Marketing Personnel** – Individuals employed by manufacturers, distributors, or retailers engaged in the promotion or sale of covered products.
- h) **Lactation Station** – A private, sanitary, and accessible area where mothers can breastfeed or express milk.
- i) **Mother-Baby Friendly Facility** – A facility that supports breastfeeding practices and complies with national breastfeeding policies.
- j) **Health Worker** – Any government or private health professional involved in maternal and child health services.

ARTICLE III COVERAGE

SECTION 5. COVERAGE. This Ordinance shall apply to:

- a) All government offices and facilities within the Municipality of Cagwait;
- b) Public and private health facilities;
- c) Pharmacies, drugstores, groceries, supermarkets, and retail establishments;
- d) Daycare centers, schools, and educational institutions;
- e) Public places and establishments accessible to mothers and children;
- f) Manufacturers, distributors, retailers, suppliers, and representatives of breastmilk substitutes; and
- g) All individuals and entities engaged in activities covered by Executive Order No. 51.

ARTICLE IV PROHIBITED ACTS

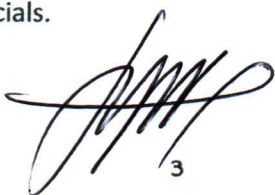
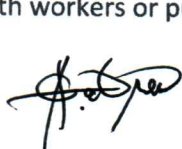
SECTION 6. PROHIBITED ACTS. The following acts are prohibited within the Municipality of Cagwait:

A. Promotion and Advertising

- 1. Advertising breastmilk substitutes, infant formula, follow-on formula, feeding bottles, teats, and similar products through posters, streamers, banners, tarpaulins, brochures, flyers, social media campaigns, and other promotional materials;
- 2. Displaying promotional materials in health facilities, government offices, and public places;
- 3. Conducting promotional events intended to increase sales or usage of breastmilk substitutes.

B. Donations and Sponsorships

- 1. Donating breastmilk substitutes to health facilities, government offices, or communities except during emergencies and upon authorization by the Department of Health;
- 2. Sponsoring health-related activities in exchange for product promotion;
- 3. Providing gifts, incentives, sponsorships, grants, scholarships, or financial support that may influence health workers or public officials.



C. Direct Contact with Mothers

1. Directly contacting pregnant women, mothers, or caregivers for product promotion;
2. Providing free samples of breastmilk substitutes;
3. Conducting product demonstrations intended to encourage formula feeding.

D. Health Facility Violations

1. Distribution of promotional materials inside health facilities;
2. Display of company logos promoting covered products;
3. Acceptance of gifts or sponsorships from manufacturers or distributors;
4. Allowing marketing personnel access to pregnant women or mothers for promotional purposes.

E. Health Worker Violations

1. Recommending specific brands without medical indication;
2. Accepting gifts, incentives, commissions, or sponsorships from manufacturers;
3. Participating in promotional activities for covered products.

**ARTICLE V
BREASTFEEDING PROMOTION AND SUPPORT**

SECTION 7. BREASTFEEDING-FRIENDLY MUNICIPALITY. The Municipality shall adopt policies and programs promoting breastfeeding as the norm for infant feeding.

SECTION 8. ESTABLISHMENT OF LACTATION STATIONS. All government offices shall establish and maintain functional lactation stations in accordance with Republic Act No. 10028.

The lactation station shall:

- a) Provide privacy and comfort;
- b) Have adequate ventilation and lighting;
- c) Be accessible to breastfeeding mothers;
- d) Have basic sanitation facilities; and
- e) Be maintained regularly.

SECTION 9. BREASTFEEDING EDUCATION. The Municipal Health Office shall conduct regular breastfeeding education covering:

- a) Benefits of breastfeeding;
- b) Exclusive breastfeeding for six months;
- c) Continued breastfeeding up to two years and beyond;
- d) Proper breastfeeding techniques;
- e) Breastmilk expression and storage; and
- f) Breastfeeding rights and legal protections.

SECTION 10. MOTHER-BABY FRIENDLY HEALTH FACILITIES. All health facilities shall promote:

- a) Early initiation of breastfeeding;
- b) Rooming-in practices;
- c) Breastfeeding counseling;
- d) Skin-to-skin contact; and
- e) Compliance with national breastfeeding policies.



ARTICLE VI
LOCAL MONITORING AND ENFORCEMENT

SECTION 11. MUNICIPAL MILK CODE MONITORING TEAM. A Municipal Milk Code Monitoring Team (MMCMT) is hereby created composed of:

Chairperson : Municipal Health Officer
Vice Chairperson : Municipal Nutrition Action Officer

Members:

- Public Health Nurse
- HRH Representative
- Municipal Social Welfare and Development Officer
- DILG Representative
- Liga ng mga Barangay Representative
- Barangay Nutrition Scholar Federation Representative
- Barangay Health Worker Federation Representative
- Sangguniang Bayan Committee Chair on Health
- PNP Representative

SECTION 12. FUNCTIONS OF THE TEAM. The Team shall:

- a) Monitor compliance with EO 51;
- b) Investigate reported violations;
- c) Conduct inspections;
- d) Recommend sanctions;
- e) Maintain a database of violations;
- f) Conduct advocacy activities; and
- g) Submit annual reports to the Sangguniang Bayan.

ARTICLE VII
REPORTING OF VIOLATIONS

SECTION 13. CITIZEN REPORTING SYSTEM. Any person may report violations through:

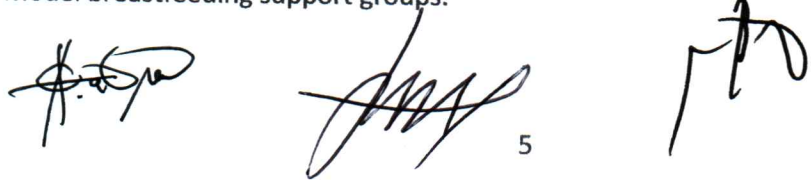
- a) Municipal Health Office;
- b) Barangay Health Stations;
- c) Barangay Nutrition Scholars;
- d) Barangay Health Workers; or
- e) Official reporting channels established by the Municipality.

SECTION 14. INVESTIGATION. The Municipal Milk Code Monitoring Team shall investigate complaints within fifteen (15) working days from receipt.

ARTICLE VIII
INCENTIVES AND RECOGNITION

SECTION 15. BREASTFEEDING CHAMPION AWARDS. The Municipality may provide recognition to:

- a) Breastfeeding-friendly barangays;
- b) Breastfeeding-friendly workplaces;
- c) Outstanding health workers;
- d) Outstanding Barangay Nutrition Scholars;
- e) Outstanding Barangay Health Workers; and
- f) Model breastfeeding support groups.



5

ARTICLE IX PENALTIES

SECTION 16. ADMINISTRATIVE PENALTIES. Any establishment, organization, or individual violating this Ordinance shall be subject to:

First Offense

- Written warning;
- Mandatory orientation on EO 51

Second Offense

- Fine of One Thousand Five Hundred Pesos (₱1,500.00).

Third Offense

- Fine of Two Thousand Five Hundred Pesos (₱2,500.00);
- Suspension of business permit for not more than thirty (30) days.
- Recommendation for cancellation or non-renewal of business permit;
- Filing of appropriate administrative, civil, or criminal action under existing laws.

SECTION 17. LIABILITY OF GOVERNMENT OFFICIALS AND EMPLOYEES. Government officials and employees found violating this Ordinance shall be subject to:

- a) Administrative sanctions under Civil Service laws;
- b) Applicable penalties under EO No. 51 and related laws; and
- c) Other sanctions provided by law.

SECTION 18. NON-EXCLUSIVITY OF PENALTIES. The penalties under this Ordinance shall be without prejudice to prosecution under Executive Order No. 51, Republic Act No. 10028, Republic Act No. 11148, and other applicable laws.

ARTICLE X FUNDING

SECTION 19. APPROPRIATION. Funds necessary for implementation shall be sourced from:

- a) Municipal Health Office funds;
- b) Nutrition Program funds;
- c) Gender and Development (GAD) funds where applicable;
- d) Local Disaster Risk Reduction and Management Fund during emergencies;
- e) Grants, donations, and other lawful sources.

ARTICLE XI FINAL PROVISIONS

SECTION 20. IMPLEMENTING RULES AND REGULATIONS. Within ninety (90) days from effectivity, the Municipal Health Office and Municipal Nutrition Committee shall formulate the Implementing Rules and Regulations (IRR).

SECTION 21. SEPARABILITY CLAUSE. If any provision of this Ordinance is declared unconstitutional or invalid, the remaining provisions shall continue to be in full force and effect.

SECTION 22. REPEALING CLAUSE. All ordinances, resolutions, executive orders, rules, and regulations inconsistent with this Ordinance are hereby repealed, amended, or modified accordingly.



SECTION 23. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days after approval and posting in at least three (3) conspicuous places within the Municipality of Cagwait, Surigao del Sur, in accordance with Republic Act No. 7160.

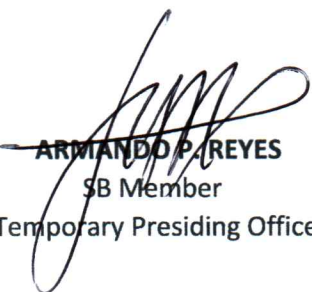
Adopted and approved this 1st day of September 2026 authored by Hon. Angelyn P. prado and co-authored by Hon. Joanne Socorro L. Ubongen.

Unanimously Approved

I HEREBY CERTIFY to the correctness of the above-quoted ordinance.


ALAN A. CABRERA
Secretary to the Sanggunian

ATTESTED:


ARMANDO P. REYES
SB Member
Temporary Presiding Officer

APPROVED:


GLENN G. BATIANCILA, REE
Municipal Mayor

Date of Approval: 9/23/26