

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 447



Introduced by **Representative Manuel Luis T. Lopez**

EXPLANATORY NOTE

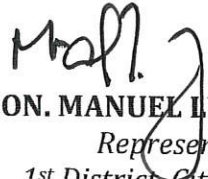
In a November 2016 Study conducted by the United Children Fund ("UNICEF"), it said that "In the Philippines, around 7 million people continue to practice open defecation and 26 million use unhygienic facilities. Most septage and wastewater flows untreated into open canals, rivers and other water bodies causing serious environment hazards." It added further that The average Filipino family spends about PHP1,000 per family member per year falling sick due to absence of toilets." Lotta Sylwander, UNICEF Representative in the Philippines added that "there was enough evidence to show the direct negative impact of poor sanitation on children's health, education and huge economic burden this causes on the society." She concluded by saying that "investing in proper family toilets equals to investing in children's and community's safety and well-being".

According to the 2015 Joint Monitoring Program of the World Health Organization ("WHO") and the UNICEF, "only 74 percent of the population have their own toilet facilities, while 26 percent, or roughly 26 million, still use unimproved facilities like buckets and open-pit latrines or do not have their own toilet facilities, of which seven million still defecate in the open - in fields, forests, bushes, bodies of water and other open spaces."

Thus, there is a need for the government to address this problem by providing the portion of the population lacking proper toilet facilities a safe, hygienic, and accessible one.

This bill was first filed in the 17th Congress by this representation and has been pending with the Committee on Local Government since September 8, 2017.

In view of the foregoing, the passage of this bill is earnestly sought.


HON. MANUEL LUIS T. LOPEZ
Representative
1st District, City of Manila

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AN ACT
MANDATING ALL LOCAL GOVERNMENT UNITS TO ESTABLISH AND PROVIDE
COMMUNAL AND HYGIENIC TOILET AND SHOWER FACILITIES IN THEIR
RESPECTIVE JURISDICTIONS FOR THE USE OF THEIR CONSTITUENTS
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "*Palikuran sa Bakuran Act*
2 *of 2019.*"

3
4 **SEC. 2. Declaration of Policy.** – The 1987 Constitution provides that "The State
5 shall protect and promote the right to health of the people and instill health
6 consciousness among them."

7
8 Further, the Constitution states that "The State shall adopt an integrated and
9 comprehensive approach to health development which shall endeavor to make essential
10 goods, health and other social services available to all the people at affordable cost. There
11 shall be priority for the needs of the under-privileged, sick, elderly, disabled, women, and
12 children. The State shall endeavor to provide free medical care to paupers."

13
14 Consistent with these principles, it is the duty of the State to provide safe, clean,
15 and sanitary toilet facilities for the underprivileged members of society.

16
17 **SEC. 3. Definition of Terms.** – As used in this Act, the following terms are defined
18 as follows:

- 19
20 a. *Poverty Incidence*- refers to the proportion of families/ individuals with per
21 capita income less than the per capita Poverty Threshold to the total
22 number of families/individuals.
23

- 1 b. *Poverty Threshold*- is the minimum income required for a family/
2 individual to meet the basic food and non-food requirements, also known
3 as the poverty line.
4
5 c. *Communal Toilet Facilities* – refers to the toilet facilities that must be
6 provided by the Local Government Unit (“LGU”) through the respective
7 Barangays, which must have separate structures for males, females,
8 children, and the disabled. These facilities shall be sufficient to address all
9 sanitation needs of an individual, which must at all times be kept safe,
10 clean, and hygienic.
11
12 d. *Specialized Training of maintenance personnel*- cleaners should be
13 professionally trained and certified by Department of Health (“DOH”) to
14 perform effectively and efficiently their tasks. Supervisors should also be
15 trained by the DOH with the necessary skills to inspect and supervise the
16 level of cleanliness and functionality of the toilet and shower premises.
17
18 e. *Amenities*- shall include but not be limited to the following:
19
20 i. Waste bins (hand-free with foot pedal) with liners.
21 ii. Sanitary bins (hand-free with foot pedal) with liners.
22 iii. Hand-dryer blower or tissue dispenser.
23 iv. Sanitizers in every closet and urinal
24 v. Refuse bins (for used tissues).
25 vi. Medical sharps disposal unit.
26 vii. Toilet brush.
27 viii. Soap dispensers.
28 ix. Extra-large toilet paper roll holder/toilet tissue sheet dispenser.
29 x. Toilet pan seats.
30 xi. Water hoses (in at least one cubicle).
31 xii. Mirrors.
32 xiii. Clothes hangers (durable, of sufficient strength to support a
33 minimum of 7 kilograms) to be placed at the back of each cubicle’s
34 doors.
35 xiv. Mop sink utilized by cleaning and maintenance personnel to clean
36 and sanitize sited in a separate room, located closest as possible to
37 the public toilet premise.
38 xv. Diaper changing benches or tables and child seats.
39 xvi. Sanitary pads distributing machines located immediately outside
40 the toilet premise.
41 xvii. At least Five (5) shower facilities with door and lock.
42 xviii. Towel and clothes hanger.
43 xix. Separate dressing rooms with lockers.
44

45 **SEC. 4. Coverage.** – All LGU’s having in their jurisdiction residents and individuals
46 falling below the poverty threshold or where the poverty incidence rate exists, must
47 provide communal toilet facilities with the corresponding amenities, which must be
48 accessible to the beneficiaries.
49

1 **SEC. 5. Maintenance and Upkeep.** – The maintenance of the communal toilet
2 facilities shall be a joint undertaking between the LGU and the beneficiaries. The LGU
3 shall provide the necessary allocation and subsidy to ensure that the facility is preserved
4 in a safe and hygienic condition.

5
6 The daily cleaning shall be performed alternately by the designated
7 representatives of the LGU and the beneficiaries, who have undergone the specialized
8 training. Periodic monitoring is to be conducted by the LGU to ensure that the standard
9 of cleanliness is maintained.

10
11 **SEC. 6. Prohibition.** – It is expressly prohibited for any LGU, organization, or
12 individual to charge or collect any fee or amount from the users or beneficiaries of the
13 communal toilet facilities.

14
15 **SEC. 7. Penalties.** – A fine of Five Hundred Pesos (P500) shall be imposed on the
16 person failing to keep the maintenance and cleanliness standard of the toilet facility.

17
18 Any person found violating this Act for the second offense shall be imposed a fine
19 of One Thousand Pesos (P1,000).

20
21 Any person found violating this Act for the third offense shall be imposed a fine of
22 Two Thousand Pesos (P2,000) and the accessory penalty of perpetual disqualification of
23 from availing the benefit of the communal toilet facility

24
25 Any person unlawfully charging any fee from the beneficiaries or users shall be
26 imposed a fine of Ten Thousand Pesos (P10,000) and imprisonment of not less than one
27 (1) day but not more than thirty (30) days.

28
29 **SEC. 8. Implementing Rules and Regulations and Standard Forms.** - Within
30 sixty (60) days from the promulgation of this Act, the necessary rules and regulations for
31 the proper implementation of its provisions shall be formulated by the DOH in
32 coordination with all the stakeholders, LGUs, and other sectors affected.

33
34 **SEC. 9. Repealing Clause.** – All laws, ordinances, executive orders, administrative
35 orders, rules, regulations, decrees, and other issuances or parts thereof, which are
36 inconsistent with the provisions of this Act are hereby revoked, repealed, or modified
37 accordingly.

38
39 **SEC. 10. Separability Clause.** - If any provision of this Act is held unconstitutional
40 or invalid, the other provisions not affected thereby shall continue in operation and
41 remain in full force and effect.

42
43 **SEC. 11. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its
44 publication in a newspaper of general circulation or the Official Gazette.

45
46 Approved,