Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
18th City Council

PO2010-116

37th Regular Session

ORDINANCE NO. SP-2094, S-2011

AN ORDINANCE BANNING/PROHIBITING THE USE OF MEDICAL DEVICES CONTAINING MERCURY IN ALL HOSPITALS AND OTHER HEALTH CARE FACILITIES AND DIRECTING THE QUEZON CITY HEALTH DEPARTMENT TO PREPARE THE IMPLEMENTING RULES AND REGULATIONS THEREOF.

Introduced by Councilor DOROTHY A. DELARMENTE.
Co-Introduced by Councilors Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Precious Hipolito Castelo, Julienne Alyson Rae V. Medalla, Eden "Candy" A. Medina, Roderick M. Paulate, Godofredo T. Liban II, Allan Benedict S. Reyes, Jaime F. Borres, Eufemio C. Lagumbay, Jesus Manuel C. Suntay, Jessica Castelo Daza, Raquel S. Malañgen, Vincent DG. Belmonte and Ranulfo Z. Ludovica.

WHEREAS, the Department of Health has issued an Order in 2008, to phase out all devices containing mercury, which include mercury thermometer and mercury sphygmomanometers and switch to alternative ones;

WHEREAS, pursuant to Section 16 of R.A. No. 7160, otherwise known as the Local Government Code of 1991, which states, inter alia, that, "within their respective jurisdiction, local governments units shall ensure and support, among other things, xxx promote health and safety, xxx and preserve the comfort and convenience of the inhabitants";

WHEREAS, likewise, it is a declared policy of the State to promote the preservation, protection and revival of our eco system through the prevention, control and abatement of any pollutants in our environment;

WHEREAS, Mercury is considered as pollutant that poses an alarming risk as it bio-accumulated in food chain particularly in animal tissues. When released to the atmosphere from various sources some mercury ends in swamps, lakes and streams. Mercury may accumulate in fish to levels that would be toxic if eaten [illegible] by humans or by wildlife;

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WHEREAS, Mercury, a silvery white liquid and naturally occurring heavy metal, could readily vaporize and may stay in the atmosphere for up to a year;

WHEREAS, Mercury could be fatal if inhaled and is dangerous if absorbed through the skin;

WHEREAS, Mercury is harmful to the nervous, respiratory and immune systems, among others;

WHEREAS, exposure to mercury can also cause paralysis, tremors, impaired vision and hearing, and insomnia among others;

WHEREAS, survey showed that 700 Hospitals all over the country have so far conformed with the Department of Health (D.O.H.) order for the gradual phase out of all medical devices containing mercury.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. It is hereby prohibited/banned to use medical devices containing mercury in all hospitals and other health care facilities.

SECTION 2. APPLICABILITY – This Ordinance shall be applicable within the entire territory and jurisdiction of Quezon City and shall be enforced and implemented by the Quezon City Health Department and directing the latter to formulate implementing rules and regulations.

SECTION 3. PENALTY CLAUSE – Any hospital and health care facility found using medical devices containing mercury shall be penalized as follows:

First offense: *fine of One Thousand Pesos (P1,000.00);*

Second offense: *fine of Three Thousand Pesos (P3,000.00) and one (1) month suspension of license or permit to operate;*

Third offense: *fine of five thousand pesos (P5,000.00) and permanent cancellation of license or permit to operate;*

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SECTION 4. SEPARABILITY CLAUSE – If for any reason, any provision, section, or part of this Ordinance is declared not valid by a court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections, or parts hereof which shall continue to be in force and effect.

SECTION 5. REPEALING CLAUSE – All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any of the provisions of this Ordinance are hereby repealed or amended accordingly.

SECTION 6. EFFECTIVITY - There shall be a grace period of one (1) month from the date of enactment of this ordinance for the conduct of massive information campaign and other one (1) month for a warning violation with no penalties and other charges. Thereafter, this Ordinance shall take effect after publication in a newspaper of general circulation.

ENACTED: September 12, 2011.

JULIAN ML. COSETENG
2nd Asst. Majority Floor Leader
Acting Presiding Officer

ATTESTED:

DOROTHY D. LAGRADA, dpa
City Secretary

APPROVED:

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on September 12, 2011 and was PASSED on Third/Final Reading on September 19, 2011.

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DOROTHY D. LAGRADA, dpa
City Secretary