

Republic of the Philippines
Province of Cebu
CITY OF NAGA



Excerpt from the minutes of the regular session of the Sangguniang Panlungsod of the City of Naga, Cebu held on June 01, 2015 at the Session Hall, City of Naga, Cebu.

Present:

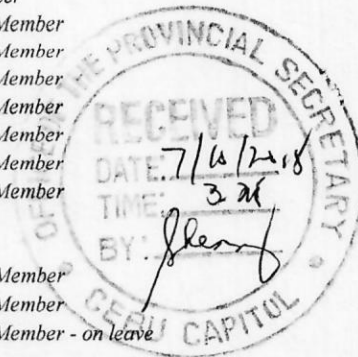
HON. DELFIN R. SEÑOR
HON. ALEXANDER R. LARA
HON. VENCI R. DEL MAR
HON. OTHELLO M. CHIONG
HON. VIRGILIO M. CHIONG
HON. RODRIGO A. NAVARRO
HON. AFSHIN MARK K. SEÑOR
HON. LETECIA F. ABANGAN
HON. AURELIO B. ALINSONORIN

- Vice Mayor/Presiding Officer
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- ABC President

Absent:

HON. ELMER Q. LAPITAN
HON. NILO B. ALINSONORIN
HON. CARMELINO N. CRUZ

- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member - on leave



ORDINANCE NO. 2015-007

AN ORDINANCE CREATING THE CITY OF NAGA CEBU MULTI-SECTORAL STD/HIV COUNCIL FOR THE PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED DISEASES, DEFINING ITS FUNCTION, PROVIDING ITS FUNDS AND FOR OTHER PURPOSES

WHEREAS, the Republic of the Philippines, in recognizing the importance of the health condition of its people, enunciates in Section 15 of the 1987 Constitution that “the State shall protect and promote the right to health of the people and instill health consciousness among them”.

WHEREAS, it is sad to note that the apparent threat posed by the Acquired Immune Deficiency Syndrome (AIDS) has continued to spread not only in the Philippines, but also all over the world affecting people and communities previously untouched;

WHEREAS, in the Philippines, the presence of HIV was first detected in 1984 with the death of a foreign national from pneumonia brought about by AIDS, but as of December 2001, the National AIDS Registry recorded a total of 1,611 HIV positive cases;

WHEREAS, although our country exhibits a tow rate of HIV infection compared to other nations, experts believe that this can change rapidly to epidemic proportions unless effective measures undertaken to control and prevent the further spread of HIV infection that will reduce the impact on individuals, families and communities;

WHEREAS, to address this very serious social, health problem, creation of a body is necessary that will focus on the formulation of the City’s policies and implement programs for the prevention and the control of this deadly STD/HIV/AIDS disease that is beginning to spread in the City;

NOW, THEREFORE, be it ordained, as it is hereby ordained by the Sangguniang Panlungsod of the City of Naga, Cebu, in a regular session assembled that:

SECTION 1. Title – This Ordinance shall be known as the “City of Naga, Cebu Multi-Sectoral STD/AIDS Council”.

SECTION 2. Creation of the City of Naga, Cebu Multi-Sectoral STD/AIDS Council - A City of Naga-Cebu Multi-Sectoral STD/AIDS Council or “Council” for purposes of brevity, is

hereby created for the prevention and control of STD/HIV/AIDS in the City of Naga, Cebu.

SECTION 3. Purpose – The Council is created to be the central advisory, planning and policy making body on the prevention and control of HIV/AIDS.\

SECTION 4. Definition of Terms – As used in this Ordinance, the following terms defined follows:

- a. Acquired Immune Deficiency Syndrome (AIDS) – a condition characterized by a combination of signs and symptoms, caused by HIV contracted from other person and which attacks and weakens the body's immune system, making the affected individuals susceptible to other life-threatening infections.
- b. Behavioral Surveillance – a systematic and regular collection of information on risk behaviors and co-factors of the transmission of HIV infection among selected population groups.
- c. Entertainment Establishment – are business establishments that include but not limited to bars, night clubs, disco houses, beer houses, cocktails lounges, massage clinics, karaoke bars, sing along pub house, and other similar establishments that are required to secure a permit to operate within the City of Naga-Cebu.
- d. Human Immune Deficiency Virus (HIV) – refers to the virus which causes AIDs.
- e. HIV/AIDS Education – the provision of information on the causes, prevention and consequences of HIV/AIDS and activities designed to assist individuals to develop the confidence and skills needed to avoid HIV transmission and to develop more positive attitudes towards people living with HIV/AIDS.
- f. Peer Educator- a person belonging to the same group or same social network to the target population, who is trained to conduct HIV/AIDS health education activities.
- g. HIV/AIDS Prevention and Control - the program, strategies and measures aimed at protecting non-infected persons from contracting HIV and minimizing the impact of the condition on people living with HIV/AIDS.
- h. Prophylactic – refers to any agent or devised used to prevent the transmission of the disease, i.e condom.
- i. Reproductive Health – it is a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity in all matters relating to the reproductive health system and its function.
- j. Serological Surveillance – a systematic and regular collection of blood samples to identify the distribution and trends of HIV infection among selected groups.
- k. Sexually Transmitted Disease (STD) – any disease that is acquired or transmitted through sexual contact.
- l. Passive Surveillance – refer to the HIV registry in which the health authorities receive reports from physicians, clinics, and laboratories of HIV/AIDS confirmed cases.
- m. Active Surveillance – refer to sentinel serological surveillance which is the systematic and regular collection of blood samples to identify the distribution and trends of HIV infection among selected groups.

SECTION 5. Composition – The Council shall be composed of the following:

- a. City Mayor - Chairman
- b. Chairman, Committee on Health - Vice-Chairman
- c. Members:
 - City Health Officer
 - City School Superintendent
 - City Social Welfare Officer
 - One (1) representative from accredited organizations of entertainment massage/sauna operators/managers
 - One (1) representative from accredited organizations of entertainers/ massage/ sauna attendants

- Two (2) representatives from accredited non-government organizations (NGO) actively involved in programs, activities and advocacy with STD/HIV/AIDS prevention
- City Population Officer

A representative shall be designated by a member of the Council, who, in case of their absence, will represent them during meetings or activities of the Council.

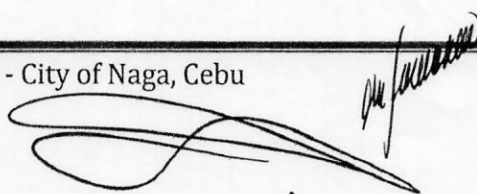
SECTION 6. Qualification and recognition of Non-Government Organizations and appointment of their respective representatives as members of the Council. – Only the City Mayor is empowered and authorized, based upon the recommendation of the permanent members from the government sector, to determine the accredited non-government organizations that shall compose the membership as enumerated under Section 5 ©. For this purpose, the City Mayor shall be guided by the following criteria:

- a. For representative from accredited organizations of entertainment massage/sauna operators/managers, the lone representative shall be appointed upon recommendation from duly organized and accredited organization, association, union or similar grouping from entertainment, bar/massage/sauna owners or operators;
- b. For representative from accredited organizations of entertainers/ massage/ sauna attendants, the lone representative shall be appointed upon recommendation from duly organized and accredited bar/massage/sauna entertainers or attendants; and
- c. For representatives from accredited non-government organizations (NGO) actively involved in programs, activities and advocacy with STD/HIV/AIDS prevention, the two (2) members from the NGO shall be appointed upon recommendation from among Non-Government Organizations actively engaged in programs, projects and advocacy with STD/HIV/AIDS prevention for at least five (5) years immediately preceding, the enactment of this ordinance.

SECTION 7. Term of office of representative from Non-Government Organizations (NGOs) to the Council. The term of office of the representatives from the Non-Government Organizations shall be co-terminus with the term of office of the appointing authority; Provided, that the organizations from which they are representative must continue to exist and must maintain the purpose for which they were chosen.

SECTION 8. Powers and Functions – For the attainment of the aforesated purpose, the City of Naga-Cebu Multi-Sectoral STD/AIDS Council shall be charged and vested with the following powers and functions.

- a. Formulate policies and strategies for the prevention and control of STD/HIV/AIDS within the City of Naga, Cebu;
- b. Prepare short, medium, and long term plans for the prevention and control of STD/HIV/AIDS;
- c. Monitor and evaluate the implementation of its programs and plans, campaigns and strategies;
- d. Organize and encourage owners/operators/managers of registered entertainment, establishments, sauna and massage parlors to actively participate in the prevention and control of STD/HIV/AIDS;
- e. Identify and recommend priorities and gaps in local STD/HIV/AIDS related cases,
- f. Conduct periodic public information, education and communication activities in the promotion of prophylactic, reproductive health, prevention and control STD/HIV/AIDS in different communities and barangays;
- g. Conduct regular seminars in all education institution from primary to tertiary level and to distribute, disseminate, circulate, publish or broadcast modules, pamphlets, booklets, brochures or other forms of information be it written, verbal, audio or video.



- h. Conduct regular seminars/forums/dialogues in all government institutions and agencies and its subdivisions whether national or local including government owned or controlled corporations found within the territorial jurisdiction of the City of Naga, Cebu as well as private establishments and to distribute, disseminate, circulate, publish or broadcast modules, pamphlets, booklets, brochures or other forms of information be it written, verbal, audio or video,
- i. Conduct yearly STD/HIV/AIDS Serological and Behavioral Surveillance in coordination with the Social Hygiene Clinic (SHC-CHO) and the Department of Health (DOH) among the people with high risk sexual behavior or those who by the nature of their work in prone to contacting STD/HIV/AIDS virus;
- j. Initiate skills training advocacy program and develop strategies to benefit the people with the high risk of contacting STD/HIV/AIDS virus, and
- k. Monitor, inspect, examine regularly the facilities, practices and procedures of hospitals, medical/dental clinics, medical/dental laboratories, medical/dental testing, centers and blood banks located within the territorial jurisdiction of the City of Naga, Cebu whether they are public or private owned, for profit or charitable purpose and evaluate whether or not they have complied with the existing minimum standard in the prevention and containment of STD/HIV/AIDS diseases,
- l. Recommend to the Sangguniang Panlungsod enactment of laws and ordinances that shall assist in the control and prevention of STD/HIV/AIDS,
- m. Recommend the closures of imposition of sanctions or penalties of any establishment found violating the prohibited acts as mentioned under the ordinance,

SECTION 9. Honorarium – Subject to limitations fixed by existing law and availability of funds, the Chairman and members shall be entitled to an honorarium of at least Two Hundred Fifty (P250.00) Pesos for every meeting actually attended to, but in no case shall it exceed One Thousand (P1,000.00) Pesos per month.

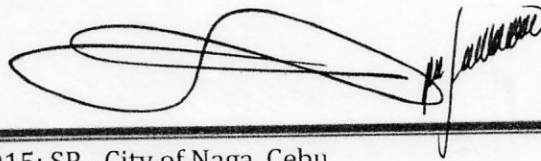
The Secretary shall likewise be entitled to an honorarium of One Hundred Fifty (P150.00) Pesos for every meeting actually attended to but in no case shall it exceed Three Hundred (P300.00) Pesos per month.

SECTION 10. Mandatory STD/HIVAIDS Education. – It shall be mandatory for all operators and/or managers, entertainers of entertainment establishment and masseuse and masseurs of barber shops and massage clinics to attend seminars on STD/HIVAIDS prevention conducted by the City Health Department, the City of Naga, Cebu Multi-Sectoral STD/HIVAIDS Council or NGOs accredited by the City Government of Naga, Cebu, otherwise, no permit to operate shall be granted to the aforementioned establishments.

SECTION 11. Agencies Tasked to Conduct Seminars. – The Social Hygiene Clinic or the City Health Department, the City of Naga-Cebu Multi-Sectoral STD/HIVAIDS Council and NGOs accredited by the City Government of Naga, Cebu are hereby tasked to conduct seminars on Reproductive Health, STD/HIVAIDS periodically and to make themselves accessible and available for seminar purposes to the above-mentioned individuals and to other persons who may need such services.

SECTION 12. Issuance of Permit to Operate. – In compliance with this Ordinance, the establishments mentioned in the Ordinance should not be allowed to operate unless a certification of attendance in STD/HIVAIDS seminars has been issued to its operators and to all its employees.

SECTION 13. Peer Education. – All registered entertainment establishments should be required to have at least one (1) peer educator. This requirements shall take effect one (1) year after the effectivity of this Ordinance.



SECTION 14. Availability of Prophylactics. – to prevent STD/HIVAIDS, all entertainment establishment are required to make prophylactics or condoms available within their establishment.

SECTION 15. Regular STD Screening for Entertainers and others with Similar Occupation. – All entertainers, masseurs and other with similar occupation shall undergo compulsory weekly medical check-up (gram staining) to be conducted on regular basis at the Social Hygiene Clinic of the City Health Department.

SECTION 16. Compilation of Roster of Entertainers/Employees in Entertainment Establishment. – The City Health Department shall maintain a roster of entertainers/employees indicating therein their ages and place of employment. In relation thereto and owners/operators /managers of entertainment establishments shall submit to the City Health Department a quarterly updated list of their employees.

SECTION 17. Monitoring Program. – The Council shall establish a comprehensive STD/HIVAIDS monitoring program in coordination with the City Health Department similar monitoring program to determine and monitor the magnitude and progressive of STD/HIV/AIDS infection in the City of Naga, Cebu, and for the purpose of evaluating the adequacy and efficacy of the countermeasure being employed by the Council, City Health Department and NGO's.

Further, the Council in coordination with the City Health Department shall monitor STD/HIV/AIDS cases through passive and active surveillance. Active surveillance includes conduct of a yearly STD/HIV/AIDS serological and behavioral Surveillance among the people with high-risk sexual behavior or those who by the nature of their work is prone to contacting STD/HIV/AIDS.

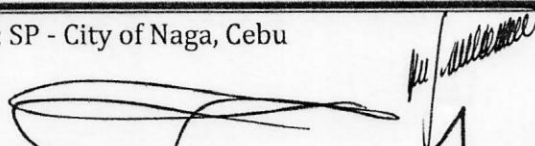
SECTION 18. Reporting. – All hospitals, clinics, laboratories, and testing centers for STD/HIV/AIDS is required to immediately report to the City Health Department any identified STD/HIV/AIDS cases.

SECTION 19. Contact Tracing. – STD/HIV/AIDS contact tracing and all other related health intelligence activities may be pursued by the Council in coordination with the City Health Department provided, such shall not contravene to the general purposes of R.A. 8504. Provided, further that any information gathered shall remain confidential and classified, and can only be used for statistical and monitoring purposes and not as basis or qualification for any employment, school attendance freedom of abode, or travel.

SECTION 20. Medical Confidentially. – All health professionals, medical instructors, workers, employers, hospitals, laboratories, recruitment agencies, insurance companies, data encoders, and other custodians of any medical record, file, data or test results are directed to strictly observe confidentiality in the handling of all medical information, particularly the identify and status of persons with HIV/AIDS.

SECTION 21. Exception to the Mandate of Confidentiality. Medical confidentiality shall not be considered breached in the following cases:

- a. When informing other health workers directly involved or about to be involved in the treatment or care of a person with HIV/AIDS. Provided, that, such treatment or care carry the risk of HIV transmission. Provided, further, That such workers shall be obliged to maintain the shared medical confidentially; and
- b. When responding to a subpoena duces tecum and subpoena and testificandum issued by a Court with jurisdiction over a legal proceeding where the main issue is the HIV status of an proceeding where the main issue is the HIV status of an individual; Provided, That, the confidential medical record shall be property seated by its lawful custodian after being double checked for accuracy by the head of the office or



department, hand delivered, and personally opened by the judges Provided, further, That the judicial proceedings be held in executive session.

SECTION 22. Release of HIV/AIDS Test Results. – All results of HIV/AIDS testing shall be confidential and shall be released only to the following persons:

- a. The person who submitted himself/herself to such test;
- b. Either parent of a minor child who has been tested;
- c. A legal guardian in the case of insane persons or orphans;
- d. A person authorized to receive such results in conjunction with the surveillance program of the City Health Department as provided in Section 27 of R.A. 8504; AND
- e. A justice of the Court of Appeals or the Supreme Court as provided in accordance with the provision of Section 16 R.A 8504.

SECTION 23. Reporting Procedures. – All hospitals, clinics, laboratories, and testing centers for STD/HIVAIDS shall adopt measures in assuring the reporting and confidentiality of any medical record, personal data, and file, including all data which may be accessed from various data banks or information systems to the City Health Department.

SECTION 24. Disclosure to Sexual Partners. – Any person with HIV is obliged to disclose his/her HIV status and health condition to his/her spouse or sexual partner in the earliest opportune time.

SECTION 25. Discrimination in the Workplace. – Discrimination in any forms from pre-employment to post employment, including hiring, promotion or assignments, based on the actual, perceived or suspected HIV status of an individual is prohibited. Termination from work on the sole basis of actual perceived or suspected HIV status is deemed unlawful.

SECTION 26. Discrimination in Schools. – No educational institution shall refuse admission or expel, discipline segregate, deny participation, benefits or services to a student or prospective student on the basis of his/her actual, perceived or suspected HIV status.

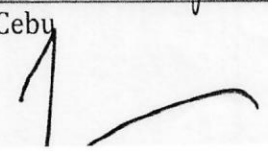
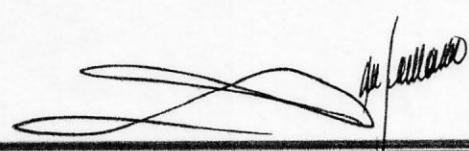
SECTION 27. Declaration of AIDS/Awareness Month. The month of May is hereby declared as AIDS awareness month to coincide with the commemoration day for persons living with HIV/AIDS and International Day of Action in Women's Health.

Likewise, AIDS awareness should culminate on the month of December being the World Aids Day.

SECTION 27. Penalty. – Violation of any of the provision of this ordinance or of any rules and regulations issued there under shall be punished by imprisonment of not less than six (6) months but now more than one (1) year or a time of not less than Three Thousand (P3,000.00) Pesos but not more than Five Thousand (P 5,000.00) Pesos, or both at the discretion of the court.

SECTION 28. Appropriations. - There is hereby appropriated the initial amount of Two Hundred Fifty Thousand (P250,000.00) Pesos for the operation of the Council and for the implementation of its policies and programs, subjects to availability of funds.

SECTION 29. Formulation of Implementing Rules and Regulations. Within one (1) month after the approval of the Ordinance, the Council shall formulate and issue the appropriation rules and regulations necessary for the efficient and effective implementation of any and all provisions of this Ordinance.



SECTION 30. Separability Clause. – The provisions of this Ordinance are hereby declared to be separable, and in the event one or more of such provisions are held unconstitutional, the validity of other provisions shall not be affected thereby.

SECTION 31. Repealing Clause. – Any existing ordinance or any of its provision or provision, which are found to be inconsistent with this ordinance, shall be deemed repealed, amended or modified accordingly.

SECTION 32. Effectivity. – This ordinance shall take effect immediately upon its approval.

UNANIMOUSLY APPROVED this 1st day of June 2015, on motion of Hon. Letecia F. Abangan, seconded by Hon. Rodrigo A. Navarro.

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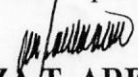
July 02, 2015

I HEREBY CERTIFY to the correctness of the afore-quoted Ordinance taken from the minutes on file.

ATTESTED BY:


DELFIN R. SEÑOR

Vice Mayor/Presiding Officer


DELZA T. ARELLANO
Secretary to the Sanggunian

APPROVED BY:


VALDEMAR M. CHIONG
Mayor