



GENERAL ORDINANCE NO. 18-66

Series of 2018

AN ORDINANCE PROMULGATING POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF HIV/AIDS IN THE MUNICIPALITY OF TUNGAWAN, ZAMBOANGA SIBUGAY, IMPOSING FINES AND PENALTIES FOR VIOLATIONS AND PROVIDING FUNDS THEREOF

Authored by: Hon. Luvisminda F. Enesando

Co-Authored by: Hon. Abduraup A. Abison

Be it Ordained by the 18th Legislative Council of Tungawan, Zamboanga Sibugay in Session Assembled, that:

ARTICLE I

TITLE, DECLARATION OF POLICIES AND DEFINITION OF TERMS

Section 1. **TITLE** - This Ordinance shall be known as "AN ORDINANCE PREVENTION AND CONTROL OF HIV/AIDS IN THE MUNICIPALITY OF TUNGAWAN, ZAMBOANGA SIBUGAY, IMPOSING FINES AND PENALTIES FOR VIOLATIONS AND PROVIDING FUND THEREOF."

Section 2. **DECLARATION OF POLICIES** – Acquired Immune Deficiency Syndrome (AIDS) is a disease that has the potential of spreading exponentially due to various modes of transmission, absence of a vaccine and incurability. The impact it brings to society if unchecked, is not just on health, but also on the social, political, economic, moral and spiritual spheres. Thus, it is the policy of the Municipal Government of Tungawan, to promulgate the necessary and comprehensive approaches to curtail the spread of HIV/AIDS locally, taking cognizance of the complexity of the problem and adhering to the following principles:

- a) Comprehensive information and education campaign on the basic facts of HIV/AIDS/STI, which shall promote value formation, focus on the family while employing scientifically proven approaches;
- b) The extension of full protection of human rights and civil liberties of every person suspected or known to be infected with HIV/AIDS;
- c) The strict regulation of business activities which has the tendency to increase high risk sexual behaviors in its employees/workers, customers and patrons;
- d) Compulsory HIV testing shall be considered unlawful unless provided by law;
- e) Guarantee on the right to privacy of individuals with HIV;
- f) Discrimination, in all its form and subtleties, against individuals with HIV or persons perceived or suspected of having HIV shall be considered unlawful;
- g) Provision of basic health and social services for individuals with HIV, as well as high-risk entertainment workers and service providers shall be given importance;
- h) Promotion of utmost safety and universal preventions in practices and procedures that carry the risk of HIV transmission;
- i) Consideration of various factors that aggravate the spread of HIV infection, including but not limited to, poverty, gender inequality, prostitution, marginalization, drug abuse and ignorance in the long term fight against HIV/AIDS.



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- j) Recognition of the potential role of affected individuals in propagating vital information and educational messages about HIV/AIDS and utilize their experience to warn the public about the disease.
- k) Recognition of the vital role of partnerships and involvement of various NGO's in the successful campaign against HIV/AIDS/STI.

Section 3. **DEFINITION OF TERMS** – As used in this Ordinance, the following terms are defined as follows:

- (a) **Acquired Immune Deficiency Syndrome (AIDS)** - a condition characterized by a combination of signs and symptoms, caused by Human Immunodeficiency Virus (HIV), contracted from an infected person and which attacks and weakens the body's immune system, making the afflicted individual susceptible to other life threatening infections.
- (b) **Compulsory HIV Testing** – refers to HIV testing imposed upon a person characterized by the lack of consent, use of physical force, intimidation or any form of compulsion.
- (c) **Contact Tracing** – refers to the method of finding and counseling the sexual partner/s of a person who has been diagnosed as having sexually transmitted disease.
- (d) **Human Immunodeficiency Virus (HIV)** – refers to the virus which causes AIDS.
- (e) **HIV Testing** – refers to any laboratory procedure done on an individual's blood sample to determine the presence or absence of HIV infection.
- (f) **HIV-positive/Person with HIV** – refers to the presence of HIV infection in a person, as documented by the presence of HIV antibodies in the blood sample being tested.
- (g) **HIV-negative** – denotes the absence of HIV or HIV antibodies upon HIV testing of a blood sample.
- (h) **HIV Transmission** – refers to the transfer of HIV from one infected person to an uninfected individual, most commonly through sexual intercourse, transfusion, sharing of intravenous needles and during pregnancy.
- (i) **High-Risk Behavior** – refers to a person's frequent involvement in certain activities which increase the risk of transmitting or acquiring HIV, such as sex with multiple partners, low condom use and sharing of intravenous needles.
- (j) **High-risk Entertainment Work and Services** – refers to specific entertainment work and services such as sexy or macho dancers, guest relations officers, beerhouse/night club hostesses, gay bar hosts, sauna masseurs and other similar occupations, where the workers are hired by the operator for the purpose of entertaining and/or servicing its patrons, guests or customers, allowing said workers to dance, table, talk, chat or sing with them, and/or interact with them privately and intimately, usually for a "tip: at the discretion of the former, which exposes the workers to frequent potential multiple sex partner contacts.
- (k) **High-risk Entertainment Workers and Service Providers** – refer those persons who are working under the category of High-risk Entertainment Work and Services as defined in this Ordinance.



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- (l) **Entertainment Establishments** – refers to legitimate entertainment establishments where high-risk entertainment work and services *may be* offered, and/or where commercial sex workers can possibly stand-by and disguise themselves as legitimate workers, such as night clubs, sauna, massage clinics, discotheques, videoke/karaoke bars, cocktail lounges, pub houses and other similar establishments.
- (m) **High Certificate** – is a certification in writing using the prescribed form issued by the Municipal Health Officer stating that the person applying for or renewing such certificate, as permitted by the said officer or his duly authorized representative to work in an establishment. This document is issued after the applicant has passed the required physical, medical examinations, immunizations and attendance to seminars and other as may be required by the Municipal Health Office.
- (n) **Health Card/Yellow Card** – a card that certifies the regularity in the weekly medical examinations of a high-risk entertainment worker/service provider in an entertainment establishment.
- (o) **Medical Confidentiality** – refers to the relationship of trust and confidence created or existing between a patient or a person with HIV and his attending physician, consulting medical specialist, nurse, medical technologist and all other health workers or personnel involved in any counseling, testing, or professional care of the former, it also applies to any person who, in any official capacity, has acquired or may have acquired such confidential information.
- (p) **Peer Educator** - is a trained HIV/AIDS/STI educator who is capable of influencing and developing healthy behaviors among his/her peer within the establishment.
- (q) **Pre-Test Counseling** – refers to the process of providing an individual information on the biomedical aspects of HIV/AIDS and emotional support to any psychological implications of undergoing HIV testing and the test result itself before he/she is subjected to the tests.
- (r) **Post-Test Counseling** – refers to the process of providing risk reduction information and emotional support to a person who submitted to HIV testing at the time that the result is released.
- (s) **Population At Risk** – expresses that in a particular society, *according to the 2002 HIV/AIDS Country Profile Philippines*, some groups may generally be at a higher risk for HIV infection than others due to economic, social and even biological factors, such as women, young adults, men who have sex with men (MSM), sex workers and overseas Filipino workers (OFW's).
- (t) **Sexually Transmitted Infections (STI)** – refers to any disease that may be acquired or passed on through sexual contact.
- (u) **Tonsorial Establishments** – refers to barber shops, beauty parlors, tattooing/skin-piercing center, figure-slendering salons, and other similar establishments performing invasive treatment procedures.



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- (v) **Universal Precautions** – is the basic standard of infection control in all health and medical fields adopted worldwide. Its underlying principle is to assure that all patients and staff are potentially infected with blood-borne pathogens such as HIV. It is intended to prevent transmission of infection from patient to staff, staff to patient, staff to staff and patients to patient.
- (w) **Written Informed Consent** – refers to the voluntary agreement of a person to undergo or be subjected to a procedure based on full information, especially on HIV testing.
- (x) **IEC** – information, education and communication campaign.

ARTICLE II THE MUNICIPALITY OF TUNGAWAN HIV/AIDS COUNCIL

Section 1. **The Municipality of Tungawan AIDS Council (MTAC)** – There is hereby created a multi-sectoral council to be known as the Municipality of Tungawan AIDS Council, which shall be the central advisory, planning and policy-recommending body for a comprehensive and integrated HIV/AIDS/STI prevention and control program in the Municipality of Tungawan. The Council shall perform the following powers and functions:

- 1) Coordinate with the Municipal Health Office in the conduct of continuing information, education and communication (IEC) campaign to promote public awareness on the nature of HIV/AIDS/STI and its prevention and control at all levels and sectors of the municipality;
- 2) Develop a comprehensive and long-term local HIV/AIDS/STI prevention and control program;
- 3) Coordinate the activities of and strengthen working relationships between government and non-government agencies involved in the campaign against HIV/AIDS/STI;
- 4) Coordinate and cooperate with national and international organizations regarding data gathering, research and new screening, diagnosis and treatment modalities of HIV/AIDS;
- 5) Initiate livelihood skills training and social support services to help Tungawenos with HIV/AIDS and also those populations at risk, especially the high-risk entertainment workers and service providers;
- 6) Design, produce, mobilize and distribute IEC materials on HIV/AIDS;
- 7) Facilitate and/or conduct an annual HIV Serologic and Behavioral Surveillance in the Municipality through the Municipal Health Office;
- 8) Assist in the raising of funds and recommend allocation of resources for the HIV/AIDS Prevention and Control Program;
- 9) Accept NGO's and other organizations interested to work on HIV/AIDS/STI prevention in the Municipality;
- 10) Monitor the compliance of various entities on the provisions of the Ordinance;
- 11) Recommend to the Sanggunian the enactment of new legislative measures that shall help further the prevention and control of the spread of HIV in the Municipality;



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- 12) Perform such other functions as may be assigned by the Municipal Mayor or the Sangguniang Bayan;

Section 2. **Composition.** The Council shall be composed of the following:

Chairman	: Municipal Mayor
Vice Chairman	: Municipal Health Officer
Members	: SB Chair of Committee on Health
	: SB Chair of Committee on Women and Family
	: SB Chair of Committee on Social Welfare
	: SB Chair of Committee on Appropriations and Finance
	: President Liga ng mga Barangay
	: SK Federation President
	: Municipal Budget Officer
	: Municipal Social Welfare Officer
	: Municipal Chief of Police
	: DepEd Schools District Supervisor
	: AFP Representative
	: 3 Religious Sector Representatives
	: 3 Non-Government Organizations (NGO) representatives
	1 Gay Sector representative
	1 Lesbian Sector representative
	1 Philippine National Red Cross-Zambo.Sibugay Chapter representative
	1 Business Sector representative
	1 KBP representative
	1 Philippine Mortuary Association (Zamboanga Peninsula representative)

Section 3. **Internal Rules of Procedures** – The Municipality of Tungawan AIDS Council shall draft its own internal rules to govern its operations and functions.

ARTICLE III

HIV/AIDS/STI EDUCATION, INFORMATION, PREVENTION AND CONTROL

Section 1. **Emphasis** – In view of the fact that sexual transmission is the most common mode of transmission of HIV infection and other STI's, the emphasis of all IEC campaigns in the Municipality shall be geared on promoting value formation, voluntary behavior change, focus on the family, sexual abstinence and mutual fidelity as the most effective measures for HIV/AIDS/STI prevention and control.

Section 2. **General Population.** The Municipal Health Officer, in coordination with the MTAC, is hereby tasked to lead and coordinate a comprehensive, annual HIV/AIDS/STI education and information campaign in the Municipality, which shall be designed, integrated and adopted in various levels, both public and private spheres of the following sectors: a) Students and teachers in the primary, secondary, tertiary and vocational schools; b) Health workers and their clients in the government and private sectors; c) Employers and employees in government and private officers; d) Filipinos going abroad; e) Tourist and transients; f) Communities and barangays;

Section 3. **High-Risk Entertainment Work and Services and Tonsorial Establishments** – it shall be mandatory for all high-risk entertainment workers, masseuses, masseurs and their respective operators and/or managers, and tonsorial workers and operators/managers, to attend seminars on HIV/AIDS/STI prevention conducted by the Municipal Health Office, the MTAC and/or its accredited partners. The said operators/managers are required to submit monthly updated list of its workers.



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Section 4. **Pre-requisite for Business Permit and Health Certificate Issuance** – their attendance, supported by a Certificate of Attendance, shall be a pre-requisite for the issuance/renewal of business permits by the Office of the Municipal Mayor, the issuance of barangay business permits and the issuance of Health Certificates by the Municipal Health Office, as the case may be.

Section 5. **Compulsory Routine STI Examination** – All high-risk entertainment workers and service providers, shall undergo a weekly routine STI examination at the Reproductive Health Center of the Municipal Health Office, to ensure personal and public safety. All results of such examination shall be reflected in the worker's health or yellow card which shall be released to the owner if he/she has no infection. A positive result for any infection shall mean the withholding of such health card and the suspension of his/her work until cured of his/her infection. Tolerance to work and/or non-suspension of an infected worker by the manager/operator of an entertainment establishment shall be a violation to this Ordinance.

Section 6. **Fees** – There shall be collected of fee of P100.00 for the conduct of the routine STI examination, payable at the Municipal Treasurer's Office.

Section 7. **Peer Educator** – All registered entertainment establishments are required to have at least one (1) peer educator, who shall coordinate with and be trained by the Municipal Health Office, the MTAC or its accredited NGO partners, to sustain prevention and control campaigns among the workers.

Section 8. **Non-Hiring of Minors** – No person below 18 years old shall be employed as a worker as defined in Art. 1, Sec. 3, paragraph 1 of this Ordinance. The Municipal Health Office, being the frontline agency tasked in conducting regular STI examinations, is tasked to screen and verify the ages of all high-risk workers submitting themselves for the examination. In case of doubt, the Municipal Health Officer or his duly authorized representative, can require the questioned worker to submit his/her original or photocopy birth certificate, duly authenticated by the PSA. In case the worker is proven to be a minor, the Municipal Health Office shall immediately refer the matter to the Municipality of Tungawan AIDS Council for appropriate actions on the minor, and in such case the MTAC shall cause the filing of the case against the violating establishment.

Section 9. **Availability of Information Materials** – All entertainment establishments, including tourism-oriented businesses are required to make information materials on HIV/AIDS/STD, such as pamphlets, hand bills, comics, brochures, posters and others, to be conspicuously displayed and made available to their clientele.

Section 10. **Rejection of A Client** – It shall be prohibited for any entertainment establishment operator/manager to dismiss and/or penalize a worker/entertainer by reason of rejecting a client, for motives or actions of the latter which are prejudicial to the health, well being and honor of the worker.

Section 11. **Inspections** – The Municipal Health Office shall be the lead agency tasked in inspecting all entertainment establishments, in coordination with other agencies, to ensure their strict compliance on the provisions of Article III of this Ordinance.

ARTICLE IV UNIVERSAL PRECAUTIONS

Section 1. **Implementation Coverage** – The strict adherence to the principles and procedures of Universal Precautions is mandatory for all medical, dental, laboratory, blood banks and similar facilities, where blood and other biological fluids and components are being treated and/or disposed, such as but not limited to funeral parlors and embalming facilities.



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Section 2. **Monitoring and Inspections** – The Municipal Health Office in cooperation with the Department of Health and the MTAC, shall strictly monitor and conduct regular inspections on such facilities above-mentioned, and ensure their compliance to the Universal Precautions procedures.

Section 3. **Training and Seminars** – The Municipal Health Office in cooperation with the Department of Health and the MTAC, shall conduct trainings and seminars that would update the various health and medical workers and personnel above-mentioned, including Barangay Health Workers (BHW's) on the latest information and technology on the effective implementation of the Universal Precautions procedures.

ARTICLE V

HIV TESTING AND COUNSELING, CONFIDENTIALITY, DISCRIMINATORY ACTS AND POLICIES

Section 1. **Non-compulsory HIV Testing** – Prior to the conduct of HIV testing, an individual to be tested must have given his/her written informed consent to the attending health or medical officer, except in cases stated in sub-paragraphs a, b and c of Section 15, Article III of R.A. 8504.

Section 2. **Exception to the Prohibition on Compulsory Testing** – The prohibition on compulsory HIV testing shall not apply to cases falling under Section 17 of R.A. 8504.

Section 3. **Pre-Test and Post-Test Counseling** – The conduct of pre-test and post-test counseling shall be made an integral part of all HIV testing procedures, and it shall be rendered free of charge by the testing facility.

Section 4. **Policy To Encourage Voluntary Counseling and Confidential HIV Testing** – Individuals who have practiced high-risk sexual behaviors and/or have been exposed to possible HIV infection, including but not limited to patrons of high-risk entertainment workers and service providers, returning OFW and others, shall be encouraged by the Municipal Health Office to submit themselves to counseling on voluntary HIV testing to protect their wife/sexual partner and family.

Section 5. **Confidentiality** – Strict observance of medical confidentiality in the handling of all medical information, particularly the identity and status of persons with HIV infection, shall be practiced by all concerned health workers, health professionals, data processors and custodians, who have access to a patient's medical records.

Section 6. **Exceptions to the Mandate of Confidentiality** – The provisions of confidentiality in this Ordinance shall not be considered violated under the cases provided for in sub-paragraphs (a), (b) and (c) of Section 31, Article 6 of R.A. 8504.

Section 7. **Release of HIV/AIDS Test Results** – The release of all HIV test results and other vital information of the tested patient by the Municipal Health Office, public and private hospitals and laboratories, shall be strictly governed by the provisions of Section 32, Article VI of R.A. 8504.

Section 8. **Coordination** – All hospitals, clinics, laboratories and testing centers for HIV/AIDS are required to immediately coordinate and report to the Municipal Health Officer, observing strict medical confidentiality, any identified HIV positive tests for appropriate action and referral.

Section 9. **Disclosure To Sexual Partner/s** – Any person with HIV is obliged to disclose his/her HIV status and health condition to his/her spouse or sexual partner/s at the earliest opportune time after being confirmed.



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Section 10. **Contact Tracing** – The Municipal Health Office shall conduct contact tracing and other related health intelligence activities on all possible contacts of persons with HIV/AIDS/STI in the Municipality. Provided, such shall not contravene the general purpose of R.A. 8504, and shall fully comply with the provisions on confidentiality and non-discrimination of this Ordinance.

Section. 11. **Prohibition on Discrimination** – No person with HIV/AIDS shall be discriminated in any manner as provided for in Sections 35 to 41, Article VII of R.A. 8504.

ARTICLE VI HEALTH AND SUPPORT SERVICES

Section 1. The Municipality of Tungawan AIDS Council shall facilitate and/or coordinate the provision of support programs and services to all Tungawenos with HIV/AIDS, including high-risk entertainment workers and service providers needing assistance, which shall include but not limited to the following: (a) basic health services (b) community-based care (c) livelihood and skills development training (d) possible insurance coverage through PhilHealth (e) psychological-spiritual nurturing.

ARTICLE VII PENAL PROVISIONS

Section 1. Any high-risk entertainment worker and service provider found working in an entertainment without his/her health or yellow card, shall be fined a fee of P1,000.00 for each offense.

Section 2. Any person found violating the provisions of this ordinance, other than the violation stated in Section I of Article VII, shall be penalized with the following:

- a) First Offense – a fine of P1,500.00 and/or imprisonment of 15 days or both at the discretion of the court.
- b) Second Offense – a fine of P2,000.00 and/or imprisonment of one (1) month or both at the discretion of the court.
- c) Third Offense and Succeeding Offenses – a fine of P2,500.00 and/or imprisonment of two (2) months or both at the discretion of the court.

ARTICLE VIII APPROPRIATION

Section 1. **Appropriation** – The amount of Two Hundred Thousand Pesos is hereby appropriated from the 20% Development Fund for Other Health Services for the implementation of this Ordinance.

Section 2. **Paglaum Trust Fund** – A trust fund called "Pag-asa" is hereby established where all monies collected by the Municipal Treasurer's Office pursuant to the implementation of this Ordinance, as well as other donated funds, shall be deposited for the sole use of financing vital support programs and services provided for in this Ordinance, particularly livelihood and skills training for all Tungawenos with HIV/AIDS, as well as high-risk entertainment workers and service providers needing assistance.



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**ARTICLE IX
FINAL PROVISIONS**

Section 1. **Implementing Rules and Regulations** – Municipality of Tungawan AIDS Council (MTAC), through its Secretariat, the Municipal Health Office, shall formulate and establish the necessary rules and regulations for the effective and efficient implementation of this Ordinance, upon its approval.

Section 2. **Separability Clause** – If for any reason, any section or provision of this ordinance is declared unconstitutional or invalid the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 3. **Repealing Clause** – All ordinances, local issuances or rules inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

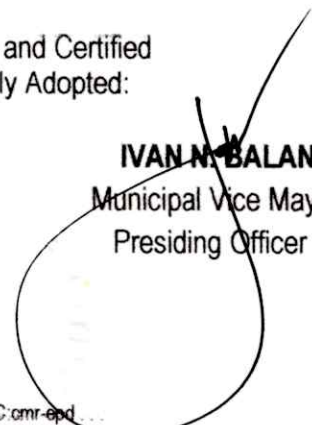
Section 4. **Effectivity Clause** – This ordinance shall take effect immediately upon approval and compliance of the publication requirements.

ADOPTED AND APPROVED, this 29th day of May 2018 at Tungawan, Zamboanga Sibugay.

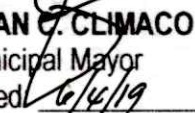

CYNTHIA M. RONDINA

Board Secretary I
Temporary Secretary to the SB

Attested and Certified
to be Duly Adopted:


IVAN M. BALANO
Municipal Vice Mayor
Presiding Officer

Approved:


CARL NAN C. CLIMACO
Municipal Mayor
Date Signed 6/14/19