



Republic of the Philippines
CITY OF CAGAYAN DE ORO

OFFICE OF THE CITY COUNCIL

(08822) 724854; (088) 857-4029; 857-4035; 857-2258



ORDINANCE NO. 10022-2006

AN ORDINANCE PROMULGATING POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF HIV/AIDS/STD IN CAGAYAN DE ORO CITY; CREATING THE CAGAYAN DE ORO CITY MULTI-SECTORAL STD/HIV COUNCIL FOR THE PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED DISEASES, DEFINING ITS FUNCTIONS, PROVIDING FUNDS THEREFOR; PROVIDING PENALTY FOR VIOLATION THEREOF; AND FOR OTHER PURPOSES

Whereas, Section 15 of the 1987 Constitution states that “the State shall protect and promote the right to health of the people and instill health consciousness among them”;

Whereas, under Section 16 or the General Welfare Clause of the Local Government Code of 1991 states that local government units shall promote the health and safety of their inhabitants;

Whereas, the HIV/AIDS pandemic constitutes an unprecedented global crisis, and HIV continues to spread worldwide affecting about 40 million people with at least 16,000 individuals getting infected per day, prompting all member states of the United Nations to adopt in 2001 a Declaration of Commitment that sets goals and targets for an expanded response to the epidemic

Whereas, the virus has widely spread and has become so alarming that nations worldwide are undertaking necessary measures for its prevention and control by reducing HIV transmission among identifiable groups at highest risk (such as injecting drug users) through the provision of a wide range of programmes, including information, education, mass media support and communication aimed at reducing risk-taking behaviour; expanded access to essential commodities including male and female condoms and sterile injecting equipment; and harm reduction efforts related to drug use;

Whereas, while the Philippines is registering a low rate of HIV infection compared to other countries, experts are still worried by this seeming hush which may change rapidly to epidemic proportions unless effective measures are undertaken to control and prevent the further spread of HIV infection that will reduce the impact on individuals, families and communities;

Whereas, in Cagayan de Oro City, the lone HIV case detected was in 1999 but this does not mean that the City will not have the occurrence of HIV cases in the future;

Whereas, for many years now, the City Government through the City Health Department has been fighting the battle against HIV/AIDS and STDs through STD/HIV/AIDS health education and counseling, harm reduction activities, early diagnosis and treatment of STD cases and HIV/AIDS surveillance;

Whereas, local initiatives are critical in initiating and sustaining efforts to provide information and education, services and mobilization support in fighting HIV/AIDS. The local government should take the lead in the planning and organizing intervention activities for the prevention and control of the spread of this dreaded disease, HIV/AIDS;

Whereas, until a vaccine or treatment of HIV/AIDS is developed, prevention and control remain to be the most viable and practical options, with education for risk reduction and behavior change as the key strategy;

Whereas, to address this very serious political, social and 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 control of this deadly STD/HIV/AIDS disease that is beginning to spread in the city;

Whereas, the formulation of this Ordinance was made possible through the able assistance of Dr. Ruth Beltran, President, Misamis Oriental Medical Society; Ms Desiree Marie A. Isnani, Sangguniang Kabataan President of Barangay 33 and representing the NGO Kartada Tres; Dr. David A. Mendoza of the Department of Health, Region 10; Dr. Rachel D. Dilla of the City Health Office; Ms



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Norma Sabacahan of the Community Improvement Office; Ms Lina T. Maagad, Oro Youth Coordinator of the Oro Youth Center; and Ms Ma. Isabel Lopez, Division Nurse of the Department of Education, who unselfishly shared their talents and resources to this piece of legislation;

Now, Therefore:

BE IT ORDAINED by the City Council (*Sangguniang Panlungsod*) of the City of Cagayan de Oro in session assembled that:

ARTICLE I
GENERAL PROVISIONS

SECTION 1. - Title. - This Ordinance shall be known and cited as the "Cagayan de Oro City STD/AIDS Prevention and Control Ordinance of 2006".

SECTION 2. - 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 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 - includes but not limited to bars, nightclubs, disco houses, beer houses, cocktail lounges, massage clinics, karaoke bars, sing-along pub houses, and other similar establishments that are required to secure a permit to operate within the City of Cagayan de Oro.
- d) Human Immune-Deficiency Virus (HIV) - refers to the virus which cause 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 device 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.



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- 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 Diseases (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 serologic surveillance which is the systematic and regular collection of blood samples to identify the distribution and trends of HIV Infection among selected groups.

ARTICLE II STD/AIDS COUNCIL

SECTION 3. - Creation of the Cagayan de Oro City Multi-Sectoral STD/AIDS Council. - There shall be created a Cagayan de Oro City Multi-Sectoral STD/AIDS Council, or "Council" for purposes of brevity, for the prevention and control of STD/HIV/AIDS in the City of Cagayan de Oro.

SECTION 4. - Purpose. - The Council shall be the central advisory, planning and policy making body on the prevention and control of HIV/AIDS.

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

- a) Chairperson - City Mayor
- b) Co-Chairperson - Vice Mayor
- c) Vice-Chairperson - City Health Officer
- d) Members - Chairman, Committee on Health and Social Services
- e) - City School Superintendent
- f) - City Social Welfare Officer
- g) - One (1) representative from the Philippine Obstetrical and Gynecological Society
- h) - One (1) representative from accredited organizations of entertainment bar
- i) - One (1) representative from accredited massage/sauna operators/managers
- j) - Two (2) representatives from accredited non-government organizations (NGO) actively involved in programs, activities and advocacy with STD/HIV/AIDS prevention
- k) - One (1) representative from the youth sector

A permanent representative shall be designated by each 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. - The City Mayor is hereby empowered and authorized, based upon the recommendation of the permanent members from the government sector, to determine the non-government organizations or associations that shall compose the membership enumerated in sub-paragraphs (g), (h), (i), (j) and (k) of the immediately preceding section. For this purpose, the City Mayor shall be guided by the following criteria:



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- a) For subparagraph (h), 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 subparagraph (i), the lone representative shall be appointed upon recommendation from duly organized and accredited bar, massage/sauna entertainers or attendants; and
- c) For subparagraph (j), 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.
- d) For subparagraph (k), the lone representative shall be appointed upon the discretion of the City Mayor.

SECTION 7. - Term of office of representatives from Non-Government Organizations (NGOs) to the Council - The term of office of the representatives from the Non-Government Organizations (NGOs) shall be coterminus with the term of office of the appointing authority; *Provided*, That the organizations for which they represent shall continue to exist and shall maintain the purpose for which they were chosen.

SECTION 8. - Powers and Functions. - For the attainment of the aforesated purpose, the Cagayan de Oro City 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 Cagayan de Oro;
- 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 of STD/HIV/AIDS In different communities and barangays;
- g) Conduct regular seminars in all educational 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 Cagayan de Oro 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 (SHCCHO) and the Department of Health (DOH) among all residents of the city especially people with high risk sexual behavior or those who by the nature of their work is 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 vii us;



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- 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 Cagayan de Oro whether they are public or privately owned, for profit or charitable purpose, and evaluate whether or not they have complied with the existing minimum standards 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 closure or imposition of sanctions or penalties of any establishment found violating the prohibited acts as mentioned under this ordinance;
- n) Assist in the sourcing/requesting for funding and recommend allocation of resources;
- o) To act as the primary agency that shall represent the City of Cagayan de Oro in all conventions, conferences, forums or gathering of other agencies, organizations, leagues, chambers or groupings whether national, local or international pertaining to the issue of STD/HIV/AIDS;
- p) To monitor in coordination with the City Health Department STD/ HIV/AIDS cases;
- q) To identify STD/HIV/AIDS cases through passive and active surveillance; and
- r) To perform all other tasks and functions related to the over all objective in the prevention and control of STD/HIV/AIDS in the City of Cagayan de Oro.

SECTION 9. - Meeting. - The Council shall meet at least once every two (2) weeks or as often as may be necessary by serving notice to all members at least a day before the meeting.

SECTION 10. - Quorum - The presence of at least a majority of all the members of the Council shall constitute a quorum for purposes of doing business.

SECTION 11. - The Secretary. - The Council shall have a Secretary who shall be designated as such by the City Mayor to be taken from the organic personnel of City Health Department.

SECTION 12. - Functions of the Secretary. - The Secretary shall have the following functions and duties:

- a) Prepare the agenda of the meetings of the Council and record the minutes of the same;
- b) Shall keep all the records of the Council! ;
- c) To submit an annual report to the Council within two (2) months after the close of each calendar year;
- d) To oversee the implementation of the policies, programs and activities of the Council; and
- e) To perform such other functions as may be required by the Council.

SECTION 13. - Honorarium. - Subject to limitations fixed by existing law, the Chairman and members shall be entitled to an honorarium of Five Hundred (₱500.00) Pesos for every meeting actually attended to, but in no case shall it exceed One Thousand (₱1,000.00) Pesos per month.

The Secretary shall likewise be entitled to an honorarium of Two Hundred Fifty (₱250.00) Pesos for every meeting actually attended to, but in no case shall it exceed Five Hundred (₱500.00) Pesos per month.

ARTICLE III RULES AND REGULATIONS FOR THE PREVENTION OF HIV/AIDS

SECTION 14. - Mandatory STD/HIV/AIDS Education. - All operators and/or managers, entertainers of entertainment establishment and masseuse and masseurs of barber shops and massage clinics shall be required to attend seminars on STD/HIV/AIDS prevention conducted by the City Health



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Department, Cagayan de Oro City Multi-Sectoral STD/HIV/AIDS Council or NGO's accredited by the Cagayan de Oro City government, otherwise, no permit to operate shall be granted to the aforementioned establishments.

SECTION 15. - Agencies Tasked to Conduct Seminars. - The Social Hygiene Clinic of the City Health Department, Cagayan de Oro City Multi-Sectoral STD/HIV/AIDS Council and NGOs accredited by the Cagayan de Oro City government are hereby tasked to conduct seminars on Reproductive Health, STD/HIV/AIDS 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 16. - Peer Educator. - All registered entertainment establishments should be required to have at least one (1) peer educator. This requirement shall take effect one (1) year after the effectivity of this Ordinance.

SECTION 17. - Issuance of Permit to Operate. - In compliance with this ordinance, the establishments mentioned in this ordinance shall not be allowed to operate unless a certificate of attendance in STD/HIV/AIDS seminars has been issued to its operator and to all its employees.

SECTION 18. - Regular STD Screening for Entertainers and others with Similar Occupation. - All entertainers, masseurs and others 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 19. - 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, all owners/operators/managers of entertainment establishments shall submit to the City Health Department a quarterly updated list of their employees.

SECTION 20. - Monitoring Program. - The Council shall establish a comprehensive STD/HIV/AIDS monitoring program in coordination with the City Health Department's similar monitoring program to determine and monitor the magnitude and progression of STD/HIV/AIDS infection in the City of Cagayan de Oro, and for the purpose of evaluating the adequacy and efficacy of the countermeasures being employed by the Council, City Health Department and NGOs.

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 21. - 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 22. - 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 purpose 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.



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SECTION 23. - Medical Confidentiality. - 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 identity and status of persons with HIV/AIDS.

SECTION 24. - Exceptions 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 confidentiality; and
- b) When responding to a subpoena duces tecum and subpoena ad testificandum issued by a Court with jurisdiction over a legal proceeding wherein the main issue is the HIV status of an individual: Provided, That, the confidential medical record shall be properly sealed 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 25. - 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 of R.A. 8504.

SECTION 26. - Accreditation and Reporting Procedures. - All hospitals, clinics, laboratories, and testing centers for STD/HIV/AIDS shall obtain accreditation from the Council created herein and 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 27. - 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 at the earliest opportune time.

SECTION 28. - Discrimination in the Workplace. - Discrimination in any form from pre-employment to post-employment, including hiring, promotion or assignment, based on the actual, perceived or suspected HIV status of an individual shall be prohibited. Termination from work on the sole basis of actual, perceived or suspected HIV status shall be unlawful.

SECTION 29. - 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.



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SECTION 30. - Declaration of AIDS Awareness Month. - The month of May is hereby declared as AIDS Awareness Month in the City of Cagayan de Oro 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.

ARTICLE V
MISCELLANEOUS AND FINAL PROVISIONS

SECTION 31. - Penalty. - Violation of any of the provisions of this ordinance or of any rules and regulations issued thereunder shall be punished by imprisonment of not less than six (6) months but not more than one (1) year or a fine of not less than Three Thousand Pesos (P3,000.00) but not more than Five Thousand Pesos (P5,000.00), or both at the discretion of the court.

SECTION 32. - 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, subject to availability of funds.

SECTION 33. - Formulation of Implementing Rules and Regulations. - Within one (1) month after the approval of this Ordinance, the Council shall formulate and issue the appropriate rules and regulations necessary for the efficient and effective implementation of any and all provisions of this Ordinance, and shall be effective after approval by the City Mayor.

SECTION 34. - 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 35. - Repealing Clause - Any existing ordinance or any of its provision or provisions, which are inconsistent with this ordinance, shall be deemed repealed, amended or modified accordingly.

SECTION 36. - Effectivity. This ordinance shall take effect immediately after fifteen (15) days following its publication in a local newspaper of general circulation.

UNANIMOUSLY APPROVED.

<u>Present:</u>	- Councilor Juan Y. Sia	- Councilor Annie Y. Daba, Author
	- Councilor Edgar S. Cabanlas	- Councilor Ian Mark Q. Nacaya,
Author		
	- Councilor Alfonso C. Goking	- Councilor Caesar Ian E. Acenas,
Author		
	- Councilor Maryanne C. Enteria	- Councilor Simeon V. Licayan, Author
	- Councilor Zaldy O. Ocon	
<u>Out of the Session Hall:</u>	- Councilor Reynaldo N. Advincula, Author	- Councilor Alvin R. Calingin
	- Councilor Alexander S. Dacer	
<u>On Official Business:</u>	- Councilor Jose Benjamin A. Benaldo	

DONE in the City of Cagayan de Oro this 20TH day of February 2006.

I hereby certify to the correctness of the aforesated Ordinance.



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Attested as duly enacted:

ARTURO S DE SAN MIGUEL
CITY COUNCIL SECRETARY

MICHELLE T. SPIERS
CITY VICE MAYOR
PRESIDING OFFICER

Approved:

VICENTE Y. EMANO
CITY MAYOR

Attested:

MARY JANE L. BUTASLAC
ASSISTANT CITY BUDGET OFFICER