

Republika ng Pilipinas  
**LUNGSOD NG DABAW**  
Tanggapan ng Sangguniang Panlungsod

**PRESENT:**

Vice Mayor	Luis C. Bonguyan, Presiding Officer
Councilor	Nilo G. Abellera
Councilor	Ma. Belen S. Acosta
Councilor	Victorio S. Advincula
Councilor	Wilberto E. Al-ag
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Councilor	Jimmy G. Dureza
Councilor	Emmanuel D. Galicia, Sr.
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Councilor	Beethoven L. Orcullo
Councilor	Myrna G. L'Dalodo-Ortiz
Councilor	Susan Isabel C. Reta
Councilor	Dioscoro B. Sampaga, Jr.
Councilor	Isidro T. Ungab

**ABSENT:**

Councilor	Alexis C. Almendras - On Sick Leave
Councilor	Shane L. Dolor
Councilor	Tomas J. Monteverde, IV

**ORDINANCE NO. 041-02**  
Series of 2002

**AN ORDINANCE PROMULGATING POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF STI, HIV/AIDS IN DAVAO CITY, STRENGTHENING THE DAVAO CITY AIDS COUNCIL AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.**

Be it ordained by the Sangguniang Panlungsod of Davao City in session assembled that:

**ARTICLE I**  
**TITLE OF THE ORDINANCE**

**Section 1. Short Title.** This Ordinance shall be known as the "Davao City AIDS Ordinance 2002".

## ARTICLE II DECLARATION OF POLICY

**Section 1. Declaration of Policy.** Acquired Immune Deficiency Syndrome (AIDS) is a disease that recognizes no territorial, social, political, and economic boundaries for which there is no known cure. The gravity of AIDS threat today demands strong state action, thus, the City Government of Davao shall actively promote public awareness on the causes, modes of transmission, consequences, means of prevention and control of Sexually Transmitted Infections (STI)/Human Immune Deficiency Virus HIV/Acquired Immune Deficiency Syndrome (AIDS) through comprehensive, city-wide educational and information campaign, organized by the local government down to barangay level.

The City of Davao shall consciously adhere to generally accepted principles of human rights and adopt gender and women perspectives in dealing with STI, HIV/AIDS even as it shall promote value formation and employ scientifically-proven approaches. The information and education campaigns shall be carried out in all schools, training centers, workplaces and communities.

## ARTICLE III DEFINITION OF TERMS

**Section 1. Definition of Terms.** As used in this Ordinance, the following terms are defined as follows:

- a.) **Acquired Immune Deficiency Syndrome (AIDS)** – shall mean a condition characterized by a combination of signs and symptoms, caused by HIV contracted from another person and which attacks and weakens the body's immune system, making the afflicted individual susceptible to other life threatening infections.
- b.) **Accredited NGO or Institution** – is a non-government organization (NGO) or institution accredited by the City Government of Davao.
- c.) **Children** – refers to persons below 18 years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
- d.) **Compulsory HIV Testing** – refers to HIV testing imposed upon a person attended or characterized by the lack of or vitiated consent, use of physical force, intimidation or any form of compulsion.
- e.) **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.
- f.) **Entertainment Establishments** – are business establishments which include bars, night clubs, beer houses, cocktail lounges, massage clinics, karaoke bars/sing-along pub houses within Davao City.
- g.) **Establishment's Policies** – refer to the statement of provisions of work and health benefits for workers/employees.

- h.) **Ethics of Care** – embraces the universal values of liberty, justice and gender equity. This calls for health care providers' attitudes that are non-judgmental, non-discriminating, non-homophobic, but norms that observe the use of non-sexist language, recognition of clients' voice as legitimate, capacity for empathy and belief on clients' capacity for autonomy without coercion and intimidation.
- i.) **Health Certificate** - is a certification in writing using the prescribed form issued by the City Health Officer stating that the person applying for or renewing such certificate, is permitted by the said Officer or his duly authorized representative to work in an establishment. This certification is issued to the person applying for or renewing such, after passing the required physical and medical examinations, immunizations and other examinations as maybe required by the City Health Officer or his duly authorized representative.
- j.) **Human Immunodeficiency Virus (HIV)** – refers to the virus which causes AIDS.
- k.) **HIV/AIDS Monitoring** - refers to the documentation and analysis of the number of HIV/AIDS infections and pattern of its spread.
- l.) **HIV/AIDS Prevention and Control** – refers to measures aimed at protecting non-infected persons from contracting HIV and minimizing the impact of the condition of persons living with HIV.
- m.) **Information Materials** – shall mean any written and/or printed materials which educate the public.
- n.) **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 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.
- o.) **Medical Practitioner** – licensed Doctor of Medicine engaged in health work in hospitals, clinics, sanitarium, health stations, barangay health centers and the like.
- p.) **Monitoring** - is the process of routine and periodic measurement and/or determination of program input/activities, outputs and problems encountered during program implementation.
- q.) **Peer Educator** – is a trained STI, HIV/AIDS educator who is capable of influencing and developing healthy behaviors among his/her peers within the establishment.
- r.) **Person with HIV** – refers to an individual whose HIV Antibody Test indicates, directly or indirectly, that he/she is infected with HIV.

- s.) **Quality Healthcare** – as indicated by standards set by the World Health Organization (WHO), accessibility, affordability, and appropriateness of provider's knowledge on sexual and reproductive rights. A gender equity perspective in quality healthcare takes into account the differences in the likelihood of carrying out certain prevention, diagnostic treatment and follow up procedure in men and women in the same condition of illness and the differences between male and female providers in their interpersonal relations with patients. This also includes the provision of appropriate information related to STI, HIV/AIDS and male responsibility.
- t.) **Reproductive Health** – as defined in the Cairo International Conference on Population and Development and World Health Organization and further affirmed by the Beijing Conference of the United Nations, reproductive health 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 system and its functions and processes.
- u.) **Reproductive Health and Wellness Center (RHWC)** – is a new name of the Social Hygiene Clinic as defined in Section 15 of Article VI of this Ordinance. Its purpose is to achieve universal availability and accessibility of reproductive health services, putting emphasis on the needs of under-served and vulnerable groups including adolescents.
- v.) **Sexual Health** – implies that the sexual drive and sexual processes are accomplished in a state of complete physical, mental and social being not merely the absence of disease or disorder (WHO Biennial Report 1990-91). It also aims the enhancement of life and personal relations.
- w.) **Sexually Transmitted Infections (STIs)** – refer to any infection that may be acquired or passed through sexual contact.

#### ARTICLE IV EDUCATION AND INFORMATION

**Section 1. Comprehensive STI, HIV/AIDS Education.** Comprehensive education and information strategies shall be designed, integrated and adopted in various levels geared towards the purpose of providing substantial information / knowledge, improving attitudes and skills in the prevention and control of STI, HIV/AIDS, in both public and private spheres.

**Section 2. Sexual Abstinence and Mutual Fidelity.** Sexual abstinence and mutual fidelity shall be emphasized as the most effective measures for STI, HIV/AIDS prevention.

**Section 3. Media Campaign on STI, HIV/AIDS Prevention.** In partnership with the Davao City Information Office, the Philippine Information Agency (PIA), and the various media organizations, the Davao City Aids Council (DCAC) shall prepare and implement a media and communications plan for a regular information dissemination campaign and advocacy.

**Section 4. STI, HIV/AIDS Gender Sensitive IEC Materials and Education Modules.** Information, education and communication (IEC) materials shall be designed appropriate to the needs and culture of groups being targeted in the campaign. Literatures on STI/AIDS shall utilize the local lingo to encourage and facilitate easy understanding of terms and concepts. Modules on STI, HIV/AIDS prevention and control shall not in any way be used as an excuse to propagate birth control, sale or distribution of birth control devices. Proper consultations shall be held among heads, leaders and representatives of respective groups, organizations, institutions and individuals who are targets for application of any course content, scope and methodology

**Section 5. STI, HIV/AIDS Information as a Health Service.** STI, HIV/AIDS education and information dissemination shall form part of the delivery of health services practitioners, workers and personnel. The knowledge and capabilities of all public health workers shall be enhanced to include skills for proper information dissemination and education on STI, HIV/AIDS. It shall likewise be considered a civic duty of health providers in the private sector to make available to the public such information necessary to control the spread of STI, HIV/AIDS and to correct common misconceptions on HIV/AIDS related ethical issues such as confidentiality, informed consent and the duty to provide treatment.

**Section 6. STI, HIV/AIDS Education in Schools.** The City of Davao, the Department of Education (DepEd), the Technical Education and Skills Development Authority (TESDA) and the Commission on Higher Education (CHED) shall take the lead in information dissemination and popularization on the nature of STI, HIV/AIDS and its prevention, utilizing standardized information provided by the Department of Health (DOH) in all schools, colleges and universities and other indigenous learning system including non-formal system of education.

All teachers and instructors of said STI, HIV/AIDS courses shall be required to undergo seminar or training on STI, HIV/AIDS prevention and control to be supervised by the Department of Education, CHED, TESDA or any accredited institution/organization, in coordination with the Department of Health (DOH), before they are allowed to teach on the subject.

**Section 7. STI, HIV/AIDS Education in the Workplace.** All employees of the City of Davao, regardless of their status, shall be required to undergo basic orientation on STI, HIV/AIDS to be conducted by the City Health Office (CHO) and the Human Resource and Development Office (HRMO) of the City of Davao.

Managers, supervisors and employees in private workplaces shall be provided with the standardized basic information and instruction on STI, HIV/AIDS which shall include topics on confidentiality in the workplace and attitude towards infected employees and workers. The Department of Labor and Employment (DOLE) and its attached agencies shall undertake measures in the implementation and monitoring of the same.

**Section 8. STI, HIV/AIDS Education for Filipinos Going Abroad.** The City Government of Davao shall coordinate with the Department of Labor and Employment in the implementation of STI, HIV/AIDS education among Filipinos going abroad. Pursuant to Section 7 of R.A. 8504, STI, HIV/AIDS education seminar shall be part of the Pre-Employment and Pre-Departure Orientation Seminar among Overseas Filipino Workers (OFWs).

**Section 9. STI, HIV/AIDS Education in Communities.** In partnership with the City Health Office, all barangays shall conduct educational and information campaigns on STI, HIV/AIDS prevention. The Community Affairs Officers, the Barangay Officials and workers shall coordinate such campaign among concerned government agencies, non-government organizations and church-based groups.

**Section 10. Information Campaign for Tourists and Transients.** Materials on the causes, modes of transmission, prevention and consequences of STI/HIV infection shall be adequately provided at all ports of entry and exit, hotels and night spots in the city.

**Section 11. Compulsory STI, HIV/AIDS Education.** It shall be compulsory for all owners and/or managers of all establishments to attend seminars on STI, HIV/AIDS prevention conducted regularly by any of the agencies such as the City Health Office, the Davao City AIDS Council, and accredited NGOs, otherwise, no renewal of permit to operate shall be granted to said establishments for violation thereof. A certificate of attendance to STI, HIV/AIDS Seminar shall form part of the requirements for the issuance or renewal of Health Certificate and Permit to Operate.

**Section 12. Peer Educator Required.** The owner and/or manager of all establishments shall have at least one (1) peer educator within the establishment trained by the City Health Office or accredited Non-Government Organization to sustain STI, HIV/AIDS prevention campaign among the workers.

**Section 13. False or Misleading Information.** Misinformation on HIV/AIDS prevention and control through false and misleading advertising and claims in any of the tri-media or the promotional marketing of drugs, devices, agents or procedures without prior approval from the Department of Health (DOH) and Bureau of Food and Drugs (BFD) and the requisite medical and scientific basis including markings and indications in drugs and devices or agents, purporting to be a cure of fail-safe prophylactic for HIV infection is prohibited and punishable under Republic Act 8504.

#### ARTICLE V DECLARATION OF AIDS AWARENESS MONTH

**Section 1. 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 the International Day of Action on Women's Health. Likewise AIDS awareness should culminate on the month of December being the World AIDS prevention month.

**Section 2. Advocacy Programs for the AIDS Awareness Month.** There shall be an advocacy program for the whole month of May for the dissemination of information for the prevention and control of STI, HIV/AIDS.

#### ARTICLE VI FUNCTIONS AND POWERS OF THE DAVAO CITY AIDS COUNCIL (DCAC)

**Section 1. Composition of the Davao City AIDS Council.** The Davao City AIDS Council (DCAC) shall be composed of multi-sectoral/heads from the City Government, to wit:

- |   |                  |
|---|------------------|
| 1. The City Mayor or duly authorized representative   | - Chairperson    |
| 2. The City Health Officer  | - Co-chairperson |
| 3. One Councilor designated by the SP   | - Member         |
| 4. The City Social Services and Development Office  | - Member         |
| 5. The Department of Education  | - Member         |
| 6. The Department of Labor and Employment   | - Member         |
| 7. The Chair of the Liga ng mga Barangay  | - Member         |
| 8. Two (2) NGOs working on STI/HIV/AIDS prevention who shall be designated by the City Mayor as member of the Council | - Members        |

The Davao City AIDS Council (DCAC) may, from time to time, expand its membership as the need arises.

**Section 2. Powers and Functions of the Council.** The Davao City AIDS Council (DCAC) shall have the following powers and functions:

- a. **Advisory Group** to the Sangguniang Panlungsod and the Executive Branch on policy formulation/development, program conceptualization, planning and monitoring toward the prevention and control of STI, HIV/AIDS;
- b. **Coordinative Body** in establishing, mobilizing and strengthening linkages at the local, national and international agencies and other stakeholders involved in the STI, HIV/AIDS prevention programs;
- c. **Lead Group** in undertaking information, education and communication campaigns on STI, HIV/AIDS prevention;
- d. **Monitoring Body** in the implementation of RA 8504, this Ordinance and other policies approved and adopted by Davao City AIDS Council (DCAC).

**Section 3. Secretariat of the Davao City AIDS Council.** The secretariat shall be designated by the Davao City AIDS Council.

**Section 4. Functions of the Secretariat of the Davao City AIDS Council.** The Secretariat of the Council shall perform the following functions:

- a.) Coordinate the activities of the Council.
- b.) Serve as the center of communication by receiving and disseminating information from and to members of the Council.
- c.) Document meetings and other activities of the Council.
- d.) Keep all the records of the Council.
- e.) Perform other secretariat functions as may be assigned by the Chairperson of the Council.

**Section 5. Compensation and Remuneration of the members and secretariat of the Council.** The members and secretariat of the Davao City AIDS Council shall perform their duties as such and shall be entitled to the necessary traveling expenses, allowances or honorarium chargeable against the fund of the DCAC subject to existing accounting and auditing rules and regulations.

**ARTICLE VII  
FUNCTIONS OF THE REPRODUCTIVE HEALTH AND  
WELLNESS CENTER (RHWC)**

Section 1. Renaming of the Social Hygiene Clinic to Reproductive Health and Wellness Center (RHWC) and defining its functions. The Social Hygiene Clinic under the City Health Office is hereby renamed as Reproductive Health and Wellness Center (RHWC) which shall perform the following functions:

- a. Be in the frontline in the delivery of reproductive health care services;
- b. Provide education and information dissemination activities on the promotion of reproductive health, prevention and control of STI, HIV/AIDS;
- c. Monitor and evaluate cases handled;
- d. Refer clients to other agencies of the City Government for cases that need other health and social services such as livelihood projects, alternative home, and scholarship;
- e. Ensure that children with STI/HIV are given priority in treatment and are referred to concerned agencies for further assistance;
- f. Conduct HIV Antibody Test on a voluntary and regular basis. Further, pre- and post test counseling shall likewise be administered before any examination may be considered.
- g. Perform such other duties and functions as may be prescribed by law or ordinance.

**Section 2. Strengthening of the Reproductive Health and Wellness Center.** The Davao City Government shall strengthen the Reproductive Health and Wellness Center through provision of adequate personnel, facilities and budget. It shall ensure provision of comprehensive reproductive health services and sexual health education, ensuring ethics and quality care and information.

**ARTICLE VIII  
ADHERENCE TO SAFE PRACTICES AND PROCEDURES, TESTING,  
SCREENING  
AND COUNSELING**

**Section 1. Safe Practices and Procedures.** The City of Davao shall strictly adhere to the principles and guidelines on safe practices and procedures, necessary to protect any person from HIV transmission as mandated in Articles II and III of RA 8504. Procedures on testing, screening and counseling shall observe the ethics of care and medical confidentiality in dealing with individuals having vulnerable conditions for contracting STI/HIV.

**ARTICLE IX  
SPECIAL PROTECTION FOR CHILDREN**

**Section 1. Regulation Concerning Children Within and Near the Vicinity of an Entertainment Establishment.**



**Section 1.a.** Parents, guardians, or any persons who knowingly allow children to enter or loiter within ten-meter radius from any side of an entertainment establishment, one hour prior, during, and one hour after operations, shall be penalized.

**Section 1.b.** Children found entering or loitering within ten-meter radius from any side of an entertainment establishment shall immediately be rescued, and shall be provided with appropriate intervention as the circumstances warrant.

**Section 2. Special Care and Support Services for Children of Persons with HIV/AIDS.** The City Government of Davao shall provide special care and support services for children of persons with HIV/AIDS.

## ARTICLE X HEALTH AND SUPPORT SERVICES

**Section 1. Universal Access to STI Healthcare Services.** Access to STI healthcare services/assistance shall be extended to all individuals regardless of sex, gender, age, social status, political belief, tradition and religion.

**Section 2. Adherence to Quality Health Care and Ethics of Care.** Medical practitioners or other staff assisting or directly providing health services/examinations/education to clients shall adhere to the basic principles of ethics of care. They shall also be sensitive to gender and sexual orientation in their treatment of patients/clients, informing them of their rights, including the right to file charges for abuses committed against them.

**Section 3. Special Care and Support Services for Pregnant Women with HIV/AIDS.** The City of Davao shall provide special care and support services for pregnant women with HIV/AIDS.

**Section 4. Health Care Plans for Person with HIV.** The City of Davao, in coordination with the Philippine National AIDS Council (PNAC), Department of Health (DOH) and the Commissioner of the Insurance Commission shall conduct a study on the feasibility of setting up a package of health care plans, and should the study warrant, implement the plan for persons with HIV.

**Section 5. Special Welfare Fund for RHWC Clients.** The City of Davao shall establish and maintain a welfare fund for the clients of RHWC, which shall come from smear check-up and from other sources of the government. Said amount shall exclusively accrue to the welfare fund of the RHWC clients to be managed by the City Health Office, in partnership with the AIDS Council and other financial institution.

## ARTICLE XI HIV/AIDS Monitoring

**Section 1. Monitoring Program and Reporting Mechanisms.** The Davao City AIDS Council (DCAC) shall develop a comprehensive STI/AIDS monitoring program and reporting procedures on the magnitude and progression of HIV infection in Davao City. Further, it shall enhance mechanisms to further implement provisions on monitoring of Article IV of Republic Act 8504.

**Section 2. Documentation.** STI/AIDS contact tracing and all other related health intelligence activities may be initiated by the Department of Health (DOH), the Davao City AIDS Council (DCAC), provided that these do not run counter to the general purpose of this Ordinance. Any information gathered shall remain confidential and classified, and shall not be used in any way to become basis or qualification for any employment, school attendance, freedom of abode, or travel.

**Section 3. Submission of Work Policies** – It shall be compulsory for all owners and / or managers of all establishments to provide the City Government copies of the establishments' policies in accordance with labor laws and other related national and local policies.

**Section 4. Research Investigations.** All research investigations related to HIV/AIDS should observe strict adherence to the ethical guidelines set by the Philippine National AIDS Council.

#### **ARTICLE XII DISCRIMINATORY ACTS AND CONFIDENTIALITY OF INFORMATION**

**Section 1. Discriminatory Acts.** Discrimination in any form and place of person perceived or suspected with HIV (i.e. employment process, promotion, assignment or termination from work, schools, hospitals, health institutions, travel and habitation) shall be unlawful. Any act of discrimination related to this Ordinance shall be penalized under Republic Act 8504.

**Section 2. Prohibition Against Divulging of Confidential Information of Persons with STI, HIV/AIDS.** Any person who divulge confidential information about the HIV status of a person shall be penalized under Republic Act 8504.

#### **ARTICLE XIII PENAL PROVISIONS**

**Section 1.** Any person found guilty of violating any provisions of this Ordinance shall be meted with the following penalties:

- a. **First Offense** – a fine of P 2,000.00 and/or an imprisonment of one (1) month.
- b. **Second Offense** – a fine of P 3,000.00 and/or an imprisonment of three (3) months.
- c. **Third Offense** – a fine of P 5,000.00 and/or an imprisonment of six (6) months and /or cancellation of business permit.

#### **ARTICLE XIV IMPLEMENTING RULES AND REGULATIONS**

**Section 1. Implementing Rules and Regulations.** The City Mayor's Office together with the Davao City AIDS Council shall formulate and issue appropriate rules and regulations necessary for the implementation of this Ordinance within one (1) month but not more than one (1) year from approval thereof.

**ARTICLE XV  
APPROPRIATION**

**Section 1. Appropriation.** An amount of not less than Php 500,000.00 shall be appropriated for the implementation of this Ordinance including projects and operations of the Davao City AIDS Council, chargeable against the Annual Development Fund (ADF).

**ARTICLE XVI  
FINAL PROVISION**

**Section 1. Separability Clause.** If for any reason, any section or provision of this Ordinance is declared unconstitutional or invalid, all other sections or provisions hereof which are not affected by such declaration shall continue to be in full force and effect.

**Section 2. Repealing Clause.** All Ordinances, local issuances or rules inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

**Section 3. Effectivity Clause.** This Ordinance shall take effect immediately upon approval and publication in a local newspaper of general circulation.

**ENACTED,** July 2, 2002 by a majority vote of the Members of the Sangguniang Panlungsod.

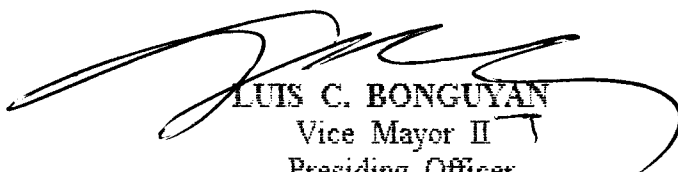
**CERTIFIED CORRECT:**



**LOLITA C. GARCIA**


Secretary to the Sangguniang Panlungsod  
(City Government Department Head II)

**ATTESTED:**

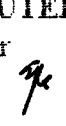



**LUIS C. BONGUYAN**  
Vice Mayor II  
Presiding Officer  
/s/


**APPROVED:** JUL 25 2002, 2002



**RODRIGO R. DUTERTE**  
City Mayor



**ATTESTED:**



**LEO G. DELOS SANTOS**  
Administrator