




Province of Cavite
CITY OF BACOR
Office of the Sangguniang Panlungsod


EDWIN G. GAWARAN
Councillor



AVELINO B. SOLIS
Councillor


REYNALDO M. FABIAN
Councillor


ATTY. VENUS D. DE CASTRO
Councillor

Absent


JANAIR C. SAN MIGUEL
Councillor


REYNALDO D. PALABRICA
Councillor
Absent

JAIME A. SAPANGHILA
Councillor


BAYANI M. DE LEON
Councillor


CATHERINE S. EVARISTO
Councillor, ABC President


MA. ELIZA H. BAUTISTA
Councillor - SK President

Attested by:

ATTY. KHALID A. ATEGA, JR.
Secretary to the Sanggunian

Certified by:
On Leave
ROSETTE MIRANDA FERNANDO
Municipal Vice Mayor/Presiding Officer

Approved by:

STRIKE B. REVILLA
Municipal Mayor

PRESENT:

HON. EDWIN G. GAWARAN ----- Acting City Vice Mayor/
Acting Presiding Officer

HON. AVELINO B. SOLIS ----- Councillor

HON. REYNALDO M. FABIAN ----- Councillor

HON. VENUS D. DE CASTRO -----Councillor

HON. REYNALDO D. PALABRICA -----Councillor

HON. BAYANI M. DE LEON ----- Councillor

HON. CATHERINE S. EVARISTO -----Councillor
(ABC-Pres.)

HON. MA. ELIZA H. BAUTISTA ----- Councillor
(SKF-Pres.)

ABSENT:

HON. JANAIR C. SAN MIGUEL -----Councillor

HON. JAIME A. SAPANGHILA -----Councillor

ON LEAVE:

HON. ROSETTE M. FERNANDO ----- City Vice Mayor/
Presiding Officer

CITY ORDINANCE NO. 2013-6
Series of 2013

**AN ORDINANCE CREATING THE BACOR CITY STD/AIDS
PREVENTION COUNCIL DEFINING ITS FUNCTIONS,
PROVIDING FUNDS THEREFOR AND FOR OTHER
PURPOSES.**

Authored by **Hon. Catherine Sarino-Evaristo**

WHEREAS, Republic Act No. 8504 otherwise known as the
"Philippine AIDS Prevention and Control Act of 1998" provides
that "the State shall promote public awareness about the
causes, modes of transmission, consequences, means of
prevention and control of HIV/AIDS through a comprehensive
nationwide educational and information campaign organized
and conducted by the State."

WHEREAS, it is the moral responsibility of the city
government and all of its officials to stem the spread of sexually
transmitted diseases within the City of Bacoor and provide to all
its residents easy access to programs that was designed
pursuant to RA 8054;

NOW THEREFORE, be it ordained by the Sangguniang



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Panlungsod of the City of Bacoor, that: -

SECTION 1. - TITLE. - This ordinance shall be known as the
“**Bacoor City STD/AIDS Prevention Council Ordinance**”.

SECTION 2. - CREATION OF THE BACOOR CITY STD/AIDS PREVENTION COUNCIL. - The **Bacoor City STD/AIDS Prevention Council** (“Council” for brevity) is hereby created to prevent and control the spread of STD/HIV/AIDS in the City of Bacoor.

SECTION 3. - PURPOSE. - The Council is created to be the central advisory, planning, and policymaking body of the city government on the prevention and control of STD/HIV/AIDS in the City of Bacoor.

SECTION 4. - DEFINITION OF TERMS. - As used in this ordinance, the following terms shall have the following meaning:

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) **Active Surveillance** – refers to sentinel serologic surveillance that is the systematic and regular collection of blood samples to identify the distribution and trends of HIV infection among selected groups.

c) **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;

d) **Entertainment Establishment** – are business establishments that include, but shall not be limited to bars, nightclubs, disco houses, cocktail lounges, massage clinics, spas, videoke bars, sing-along pub houses and other similar establishments that are required to secure a permit to operate within the City of Bacoor;

e) **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;

f) **Human Immune-Deficiency Virus (HIV)** – refers to the virus that cause AIDS;

g) **Passive Surveillance** – refers to the portion of the HIV registry in which the health authorities receive reports from physicians, clinics and laboratories of HIV/AIDS confirmed

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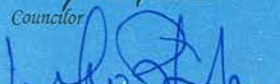
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cases;

h) **Peer Educator** – a person belonging to the same group or the same social network to the target population, who is trained to conduct HIV/AIDS health education activities;

i) **Prophylactic** – refers to any agent or device used to prevent the transmission of STD/HIV/AIDS, such as condoms;

j) **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;

k) **Serological Surveillance** – a systematic and regular collection of blood samples to identify the distribution and trends of HIV infection among selected groups;

l) **Sexually Transmitted Diseases (STD)** – any disease that is acquired or transmitted through sexual contact; and

m) **STD/HIV/AIDS Education** – the provision of information on the causes, prevention and consequences of STD/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;

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

Chairman: - City Mayor

Co- Chairman: - City Health Officer

Members: - SP, Committee on Health

- SP, Committee on Family□

- City Social Welfare Dev. Officer□

-City Interior and Local Government

Operations Officer


- City Schools Division Head


□ - Two (2) representatives from accredited NGOs actively involved in programs, activities and advocacy on STD/HIV/AIDS prevention.


A permanent representative shall be designated by each member of the Council, who, in case of the regular members absence, will represent them during meetings or activities of the Council.



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SECTION 6. - TERM OF OFFICE. - Term of office of representatives from Non- government organizations (NGO's) to the Council - The term of office of the representatives from the NGO's shall be co-terminus with the term 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 7. - POWERS AND FUNCTIONS. - For the attainment of the above-mentioned purpose, the Council shall be charged and vested with the following powers and functions:

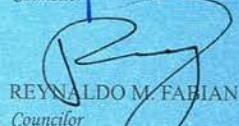
- a. Formulate policies and strategies for the prevention and control of STD/HIV/AIDS within the City of Bacoor;
- b. Prepare short, medium, and long term plans for the prevention and control of STD/HIV/AIDS within the City of Bacoor;
- c. Monitor and evaluate the implementation of its programs and plans, 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 Bacoor as well as private establishments and to contribute, disseminate, circulate, publish or broadcast modules, pamphlets, booklets, brochures or other forms of information be it written, verbal, audio, or video;



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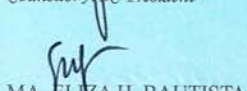

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- i. Conduct yearly STD/HIV/AIDS Serological and Behavioral Surveillance, in coordination with the Reproductive Health Clinic (RHC-CHO) and the Department of Health (DOH) among people with high-risk sexual behavior or those who by the nature of their work is prone to contacting STD/HIV/AIDS;
- j. Initiate skills training, advocacy program and development strategies to benefit the people with the high risk of contacting STD/HIV/AIDS;
- 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 Bacoor 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;
- l. Recommend to the Sangguniang Panlungsod enactment of ordinances that shall assist in the control, prevention, and containment of STD/HIV/AIDS;
- m. Recommend the closure or imposition of sanctions or penalties on any establishment found violating the prohibited acts as mentioned under this ordinance;
- n. Assist in the source/request for funding and recommend allocation of resources;
- o. To act as the primary agency that shall represent the City of Bacoor 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 Office STD/HIV/AIDS cases;
- q. To identify STD/HIV/AIDS cases through passive and active surveillance; and
- r. To reform all other task and functions related to the overall objective in the prevention and control of STD/HIV/AIDS in the City of Bacoor.

SECTION 8. - MEETING. - The council shall meet at least once a month or as often as may be necessary by serving notice to all members at least a day before the meeting.


SECTION 9. - QUORUM. - The presence of at least a

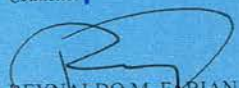
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majority of all the members of the Council shall constitute a quorum for purposes of doing business.

SECTION 10. - 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 the Bacoor City Government.

SECTION 11. - FUNCTIONS OF THE SECRETARY. -The secretary shall have the following functions and duties:

- a. Prepare the agenda of the meeting 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 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 12. - HONORARIUM. - Subject to limitations fixed by existing law, the Chairman and members shall be entitled to an honorarium of Two Hundred Fifty (P250.00) Pesos for every meeting they actually attended but in no case shall it exceed One Thousand (P 1,000.00) Pesos per month.

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

SECTION 13. - MANDATORY STD/HIV/AIDS EDUCATION. - It shall be mandatory for all operators and/or managers, entertainers of entertainment and masseuse and masseurs of barber shops and massage clinics to attend seminars on STD/HIV/AIDS prevention conducted by the City Health Office, the Bacoor City STD/AIDS Prevention Council, or NGO's accredited by the Bacoor City Government, otherwise no permit to operate shall be granted to the aforementioned establishments.

SECTION 14. - AGENCIES TASKED TO CONDUCT SEMINARS.
- The City Health Office of the City of Bacoor, the Bacoor City STD/AIDS Prevention Council and NGO's accredited by the 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



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may need such services.

SECTION 15. - ISSUANCE OF PERMIT TO OPERATE. - In compliance with this ordinance, the establishments mentioned in this ordinance should not be allowed to operate unless a certificate of attendance in a STD/HIV/AIDS seminar has been issued to its operator and to all of its employees.

SECTION 16. - PEER EDUCATOR. - All registered entertainment establishments should be required to have at least one (1) peer educator who shall be trained and certified by the CHO annually after the date of effectivity of this Ordinance. Such peer educator shall be issued an ID by the CHO and shall be responsible to inform his/her co-workers on the ways of preventing and controlling the transmission of STD/HIV/AIDS.


SECTION 17. - AVAILABILITY OF PROPHYLACTICS. - To prevent STD/HIV/AIDS, all establishments covered by this ordinance are required to make prophylactics or condoms available within their establishment. The Philippine National Police and the City Health Office shall conduct random checking of the availability of a sufficient number of prophylactics within the premises of the said establishments. The number of condoms available in the said premises in order to be considered sufficient shall not be fewer than double the total number of its employees engaged in high-risk sexual behavior.

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 at the Reproductive Health Clinic of the City Health Office.

SECTION 19. - COMPILATION OF ROSTER OF ENTERTAINERS/EMPLOYEES IN ENTERTAINMENT. - The City Health Office shall maintain a roster of all entertainers and other workers engaged in high-risk sexual behavior indicating their full names, ages, birthdate, address, and place of employment. In relation thereto, all owners/operators/managers of entertainment establishments shall submit to the City Health Office a quarterly updated list of their employees. The said roster shall also contain the latest 2x2 colored picture of each of the said employees/entertainers.

SECTION 20. - MONITORING PROGRAMS. - The Council shall establish a comprehensive STD/HIV/AIDS monitoring program in coordination with the City Health to determine and monitor the magnitude and progression of STD/HIV/AIDS infection in the City of Bacoor, and for the purpose of evaluating the adequacy and efficacy of the countermeasures


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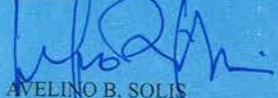

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being employed by the Council, City Health Office and NGO's.

Further, the Council in coordination with the City Health Office shall monitor STD/HIV/AIDS cases through passive and active surveillance. Active surveillance includes the 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 REQUIREMENT AND CONSEQUENCE OF FAILURE TO REPORT. - All hospitals, clinics, laboratories, and testing centers for STD/HIV/AIDS are required to immediately report to the City Health Office any identified STD/HIV/AIDS cases. The failure of the owner/operator of the said establishments to report the said cases within thirty (30) days after the date of such identification shall result in the immediate closure of the said hospitals, clinics, laboratories or testing centers for a period not less than ten (10) days but not more than thirty (30) days as may be deemed proper by the City Mayor.

SECTION 22. - CONTACT TRACING. - The Council, in coordination with the City Health Office, shall conduct STD/HIV/AIDS contact tracing and all other related health intelligence activities. Provided that such contact tracing 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 to abode, or travel.

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 STD/HIV/AIDS.

SECTION 24. - EXCEPTIONS TO THE MANDATE OF CONFIDENTIALITY. - Medical confidentiality shall not be considered breached in the following in the following instances:

- 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 legal proceedings where the main issue is

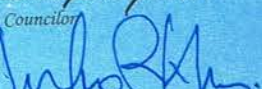
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the HIV status of an individual; Provided, that, the confidential medical record shall be properly sealed by its lawful custodian after being double checked for accuracy by the head of the office or department, hand delivered, and personally opened by the judge: Provided, further, that the judicial proceedings be held in executive session.

SECTION 25. - RELEASE OF STD/HIV/AIDS TEST RESULTS. - All results of STD/HIV/AIDS testing shall be confidential and shall be released only to the following persons:

- The person who submitted himself/herself to such test.
- Either parent of a minor child who has been tested;
- A legal guardian in the case of insane persons or orphans;
- A person authorized to received such result in conjunction with the surveillance ☐ program of the City Health Office as provided under the pertinent provisions of ☐ Section 27 of R.A. 8504; and
- A justice of the Court of Appeals or of the Supreme Court, as provided under Section 16 of R.A. 8504.

SECTION 26. - REPORTING PROCEDURES. - All hospitals, clinics, laboratories, and testing centers for STD/HIV/AIDS 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 of information systems to the City Health Office.

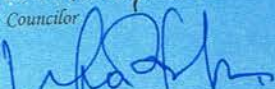
SECTION 27. - DISCLOSURE TO SEXUAL PARTNER. - Any person with HIV is obliged to disclose his/her HIV status and health condition to his/her spouse or sexual partner at the earliest opportune time.

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 id prohibited. Termination from work on the sole basis of actual perceived or suspected HIV status is deemed unlawful.

SECTION 29. - DISCRIMINATION IN SCHOOL. - 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 STD/HIV/AIDS status.




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SECTION 30. - RESTRICTIONS ON TRAVEL AND HABITATION.

- The freedom of abode, lodging and travel of a person with HIV/AIDS shall not be abridged. No person shall be quarantined, placed in isolation, or refused lawful entry into or deported from Philippine territory on account of his/her actual, perceived or suspected HIV status.

SECTION 31. - DECLARATION OF AIDS AWARENESS MONTH.

- The month of May is hereby declared as AIDS Awareness Month in the City of Bacoor to coincide with the commemoration day for persons living with HIV/AIDS and International Day of Action in Women's Health. Likewise, the celebration of the AIDS Awareness Month should culminate on the celebration of the World AIDS Day.

SECTION 32. - PENALTY. - Violation of any of the provisions of this ordinance, where applicable, 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 (P 3,000.00) but not more than Five Thousand Pesos (P 5,000.00), or both in the discretion of the court.

SECTION 33. - APPROPRIATIONS. - There is hereby appropriated the initial amount of Three Hundred Thousand Pesos (P 300,000.00) for the operation of the Council and for the implementation of its policies and program.

SECTION 34. - FORMATION 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. Such rules and regulations shall be submitted for approval by the Sangguniang Panlungsod and, upon its approval, shall be deemed part of this Ordinance.

SECTION 35. - 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 the other provisions shall not be affected thereby.

SECTION 36. - 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 37. - EFFECTIVITY. - This ordinance shall take effect immediately upon its approval.

ENACTED this 4th day of March 2013 by the Sangguniang Panlungsod of the City of Bacoor, Cavite.



CITY OF BACOR
Office of the Sangguniang Panlungsod

EDWIN G. GAWARAN
Councilor

AVELINO B. SOLIS
Councilor

REYNALDO M. FABIAN
Councilor

ATTY. VENUS D. DE CASTRO
Councilor

Absent

JANAIR C. SAN MIGUEL
Councilor

REYNALDO D. PALABRICA
Councilor

Absent

JAIME A. SAPANGHILA
Councilor

BAYANI M. DE LEON
Councilor

CATHERINE S. EVARISTO
Councilor / ABC President

MAVELIZA H. BAUTISTA
Councilor - SK President

Attested by:

ATTY. KHALID A. ATEGA, JR.
Secretary to the Sanggunian

Certified by:

On Leave
ROSETTE MIRANDA FERNANDO
Municipal Vice Mayor/Presiding Officer

Approved by:

STRIKE B. REVILLA
Municipal Mayor

I HEREBY CERTIFY to the correctness of the foregoing ordinance and that it has been duly approved in accordance with law.


Certified by:


HON. EDWIN G. GAWARAN
Acting Vice Mayor/Acting Presiding Officer

Attested by:


ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Approved by:


HON. STRIKE B. REVILLA, PhD
City Mayor