



Republic of the Philippines
Province of Zamboanga del Sur
MUNICIPALITY OF BAYOG
7011
OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 13-226-18

AN ORDINANCE PROMULGATING POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF STI, HIV AND AIDS IN BAYOG, ZAMBOANGA DEL SUR PROVIDING PENALTIES FOR VIOLATIONS THEREOF, CREATING BAYOG STI, HIV AND AIDS COUNCIL (BSHAC) AND PROVIDING FOR ITS POWERS AND FUNCTIONS AND FOR OTHER PURPOSES.

BE IT ENACTED by the 13TH Sangguniang Bayan of Bayog, Zamboanga del Sur, on its 88TH Regular Session held at the Municipal Session Hall on April 30, 2018 at 9:00 in the morning.

WHEREAS, Article II Section 15 of the Philippine Constitution states that, "the State shall promote the right to health of the people and instill consciousness among them."

WHEREAS, Republic Act 8504 known as "The AIDS Prevention and Control Act of 1998" was enacted declaring the following:

- a. The State shall promote public awareness about the causes, modes of transmission, consequences means of prevention and control of STI, HIV and AIDS through a comprehensive nationwide educational and information campaign organized and conducted by the State. Such campaign shall promote value formation and employ scientifically proven approaches, focus on the family as basic social unit, and be carried out in all schools and training centers, workplaces and communities. This program shall involve affected individuals and groups, including people living with STI, HIV and AIDS.
- b. The State shall extend to every person suspected of known to be infected with STI, HIV and AIDS full protection of his/her human rights and civil liberties. Towards this end.
 1. Compulsory HIV testing shall be considered unlawful unless otherwise provided in this Act.
 2. The right to privacy of individuals with HIV shall be guaranteed;
 3. Discrimination, in all forms and subtleties, against individuals with HIV shall be assured.
 4. Provision of basic health and social services for individuals with HIV shall be assured.
- c. The State shall promote utmost safety and universal precautions in practices and procedures that carry the risk of HIV transmission.
- d. The State shall positively address and seek to eradicate conditions that aggravate the spread marginalization, drug abuse and ignorance.
- e. The State shall recognize the potential role of affected individuals in propagating vital information and educational message about HIV and AIDS and shall utilize their experience to warn the public about the disease.

**ARTICLE I
TITLE OF THE ORDINANCE**

Section 1. Short Title. This Ordinance shall be known as the "**BAYOG – STI, HIV AND AIDS PREVENTION AND CONTROL ORDINANCE.**"

**ARTICLE II
DECLARATION OF POLICY**

Section 2. Declaration of Policy. Acquired Immune Deficiency Syndrome (AIDS) is a disease that recognizes no territorial, social, political and economical boundaries for which there is no known cure. The gravity if AIDS threat today demands strong state actions, thus, the Municipal Government of Bayog shall promote public awareness on the causes, modes of transmission, consequences, means of prevention and control of Sexually Transmitted Infections (STI), Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) through comprehensive, municipality wide educational and information campaign, organize by the local government down to barangay level.

The Municipality of Bayog shall consciously adhere to generally accepted principles of human rights and adopt gender perspective in dealing with STI, HIV and 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, workplace and communities.

**ARTICLE III
DEFINITION OF TERMS**

Section 3. 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 individuals susceptible to other life threatening infections.
- b. **Accredited NGO or Institution**- is a non-government organization (NGO) or institution accredited by the Municipality of Bayog, Zamboangadel Sur.
- c. **Children**- refers to person below 18 years of age or those over but are unable to fully take care of 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 of 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 sexuality 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 the Municipality of Bayog.
- g. **Establishment's Policies** – refers 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 provider's attitudes that are non-judgmental, non-discrimination, non-homophobic, but norms that observe the use of nonexist language, recognition of client's voice as legitimate, capacity for empathy and belief on client's capacity for autonomy without coercion and intimidation.
- i. **Health Certificate**- is a certification in writing using the prescribes from issued by the Municipal Health Office 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, maybe required by the Municipal Health Officer of his duly authorized representative.
- j. **Human Immuno Deficiency 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 infection and pattern of its spread.
- l. **HIV/AIDS Prevention and Control** – refers to measure aimed at protecting non- infected persons from contracting HIV and minimizing the impact of the condition of persons living with HIV.
- m. **Information Material** – shall mean any written and / or printed material which educates 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 of personnel involves in any counseling, testing or professional care of the former, it also applies to any person who, in any official capacity, has acquired such confidential information.
- o. **Medical Practitioner** – licensed Doctor of Medicine engaged in health work in hospital, clinics, sanitarium, health stations, barangay Health center 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 and AIDS educator who is capable of influencing and developing healthy behavior among his/her peers within the establishment.
- r. **Living Person with HIV**- refers to an individual whose HIV antibody test indicates, directly, that he/she is infected with HIV.
- s. **Quality Healthcare**- as indicated by standards set by WHO, accessibility, affordability, and appropriateness of provider's knowledge on sexual and productive rights. A gender equity perspective in quality healthcare takes into account the differences in the likelihood of carrying our certain prevention, diagnostic treatment and follow-up procedure in men and women in the same condition of illness and the difference between the male and female providers in their interpersonal relations with patients. This also includes the provision of appropriate information related to STI, HIV and 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 stage 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. **Social Hygiene Clinic**- Its purpose is to achieve universal availability and accessibility of reproductive health services, putting emphasis on the needs of underserved and vulnerable groups including adolescents.

- v. **Sexual Health**- implies that the sexual drive and the sexual processes are accomplished in a state of complete physical, mental and social being not merely the absence of disease and infirmity in all matters relating to the reproductive system and its function and processes.
- w. **Sexually Transmitted Infections (STI)** – refer to any infection that maybe acquired or passed through sexual contract.

ARTICLE IV EDUCATION AND INFORMATION

Section 4. **Comprehensive STI, HIV and AIDS Education.** Comprehensive education and information strategies shall be design, 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 and AIDS, in both public and private sphere.

Section 5. **Sexual Abstinence and Mutual Fidelity.** Sexual abstinence and mutual fidelity shall be emphasized as the most effective measure for STI, HIV/AIDS prevention.

Section 6. **STI, HIV and AIDS Gender sensitive IEC Materials and Education Modules.** Information, Education and Communication (IEC) Materials shall be designed appropriate to the needs and culture of group being targeted in the campaign. Literatures on STI, HIV and AIDS shall utilize the local lingo to encourage and facilitate easy understanding of terms and concepts. Modules on STI, HIV and AIDS prevention and control shall not in any way be used as excuse to propagate birth control or sale or distribution of birth control devices. Proper consultations shall be held among individuals who are targets for application for any course content, scope and methodology.

Section 7. **STI, HIV/AIDS Information as a Health Service.** STI, HIV and 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 and 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 and AIDS and to correct common misconceptions on STI, HIV/AIDS related ethical issues such as confidentiality, informed consent and the duty to provide treatment.

Section 8. **STI, HIV/AIDS Education in Schools.** The Municipal Health Board in cooperation with the Department of Education, the Technical Education and Skills Development Authority (TESDA) and Commission on Higher Education (CHED) shall take the lead in information dissemination and popularization on the nature STI, HIV and AIDS and its prevention, utilizing standardized information provided by the Department of Health in all schools, and to include non-formal system of education.

All teachers and instructors of said STI, HIV and AIDS courses shall be required to undergo seminar or training on STI, HIV and 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, before they are allowed to teach on the subject.

Section 9. **STI, HIV and Education in the Workplace.** All employees of the Municipality of Bayog, regardless of their status, shall be required to undergo basic orientation on STI, HIV and AIDS to be conducted by the Municipal Health Office and the Human Resources Office of the Municipality of Bayog.

Managers, supervisors and employees in the private workplaces shall be provided with standardized basic information and instructor on STI, HIV and AIDS which shall include topics on confidentiality in the workplace an attitude towards infected employees and workers. The Municipal Health Office (MHO) and Public Employment Service Office (PESO) with the coordination to the department of Labor and Employment and its attached agencies shall undertake measures in the implementation and monitoring of the same.

Section 10. **STI, HIV and AIDS Education for Filipinos Going Abroad.** The Municipal government of Bayog thru Municipal Health Office and Public Employment Service Office (PESO) 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 and AIDS education seminar shall be part of the Pre-Employment and Pre-Departure Seminar among Overseas Filipino Workers.

Section 11. **STI, HIV and AIDS Education in communities.** In partnership with the Municipal Health Office, all barangays shall conduct educational and information campaign on STI, HIV and AIDS prevention. The Barangay Officials and Barangay Health Workers shall coordinate such campaign among concerned government agencies, non-government organizations and church-based groups.

Section 12. **Information Campaign for Tourists and transients.** Materials on the causes, mode of transmission, prevention and consequences of STI, HIV infection shall be adequate provided at all ports of entry and exit, hotels and nights spots in the municipality.

Section 13. **Compulsory STI, HIV and AIDS Education.** It shall be compulsory to individual/establishment owner or manager or its representative who engaged business in Bayog to undergo seminar on STI, HIV and AIDS prevention conducted regularly by the Municipal Health Office with the coordination of Bayog AIDS Council, otherwise, no issuance of Health Certificate shall granted to applicant/establishment. A certificate of attendance to STI, HIV/AIDS Seminar shall form part of the requirements before the issuance or renewal of Health Certificate and Permit to Operate. A Seminar fee of P100.00 to be collected each establishment participant.

Section 14. **Peer Educational Required.** The owner and/or manager of all establishments hall have at least one (1) peer educator within the establishment trained by the Municipal Health Office or accredited Non-government Organization to sustain STI, HIV/AIDS prevention campaign among the workers.

Section 15. **False or Misleading Information.** Misinformation in HIV/AIDS prevention and control trough false and misleading advertising and claims in any of the tri-media of the promotional marketing of drugs, devices, agents or procedures without prior approval from the department of Health and Bureau of Food and Drugs and the requisite medical and scientific basis including markings and indications in Drugs and the requisite medical and scientific basis including markings and indications in drugs and devices or agents, purporting to be a cure of failsafe prophylactic for HIV infection is prohibited and punishable under Republic Act 8504.

**ARTICLE V
DECLARATION OF AIDS AWARENESS MONTH**

Section 16. **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 17. **Advocacy Programs for the AIDS Awareness Month.** There shall be an advocacy program for the whole month of May of the dissemination of information for the prevention and control of STI, HIV/AIDS.

**ARTICLE VI
BAYOG HIV AND AIDS COUNCIL (BSHAC)**

Section 18. **Establishment-** the Bayog STI, HIV and AIDS Council (BSHAC) shall be created to oversee a concerted local multi-sectoral and comprehensive response to HIV/AIDS that shall mobilize the citizenry to rally behind the challenges of this no known cure disease.

Section 19. **Composition.** The BSHAC shall be composed of the following:

- | | | |
|-------------------------------|---|------------|
| a. Mayor | - | Chairman |
| b. Municipal Health Officer | - | Co-Chair |
| c. SB Committee on Health | - | Vice-Chair |
| d. Municipal Planning Officer | - | Member |
| e. Municipal Budget Officer | - | Member |
| f. DILG | - | Member |
| g. MSWDO | - | Member |
| h. Principal Dep.Ed | - | Member |
| i. The Chief of Police | - | Member |
| j. ABC President | - | Member |
- k. One (1) representative from each of the civil society organization/group (Duly recognized by the local accrediting mechanism and certified by the local executive.)

- l. Entertaining establishment
- m. Faith base Group
- n. Women and young people Group
- o. Other organization (base on the local strand of STI and HIV Epidemic)

The BSHAC may, from time to time, expand its membership as the need arises upon the approval of the council.

Section 20. **Powers and function of the council.**theBayog STI, HIV and AIDS Council (BSHAC) shall have the following powers and function.

- a. Formulate policies and strategies for the prevention and control of STI, HIV and AIDS within the Municipality
- b. Prepare short, medium and long term plans for the prevention and control of STI, HIV and AIDS;
- c. Monitor and evaluate the implementation of its program and plans, campaigns and strategies;
- d. Organize and encourage owner/operators/managers of night entertainment establishments or any establishments that may cater to commercial sex work actively participate in prevention and control of STI, HIV and AIDS;
- e. Identify and recommended properties and gaps in local of STI, HIV and AIDS related cases
- f. Spearheads the conduct of IFC activities in the promotion STI, HIV and AIDS related activities in different communities and barangay;
- g. Conduct every two years HIV and Syphilis Serological surveillance in coordination with the Municipal Health Office among the people with high risk sexual behavior or those who by the nature of their work is prone to contracting HIV;
- h. Skills Capability building advocacy programs and develop strategies to benefit the people with high risk of contracting STI and HIV;
- i. Recommend to the Sangguniang Bayan enactment of laws and ordinances that shall assists in the control and prevention of STI and HIV;
- j. Recommended the closure or imposition of sanction or penalties of any establishments found violating the prohibited acts as mentioned under the existing laws or related ordinances;
 - RA 8506 (AIDS LAW) on Human Rights and Confidentiality
 - PD (DOLE and DSWD) on Hiring Minors
 - PD 856 (Sanitation Code) failure to under regular smearing
 - PD 856 (Sanitation Code) on health education attendance
- k. Assist in source/request for funding and recommend allocation of resources
- l. To act as the primary agency that shall represent the municipality in all conventions, conferences, forums or gathering of other agencies, organizations, leagues, chambers or grouping whether national, local or international pertaining to the issues of STI, HIV and AIDS;
- m. To monitor and coordination with the municipal health department STI, HIV, and AIDS.
- n. Oversee the implementation of policies, programs and activities of the council;
- o. To identify STI, HIV and AIDS cases through passive and active surveillance and;
- p. To perform all over tasks and functions related to the overall objective in the prevention and control of STI, HIV and AIDS in the Municipality.

Section 21. **Secretariat of BayogSTI , HIV and AIDS Council.** The reproductive Health and Wellness Center (RHWC) Officer and the Sanitary Inspectors (SI) of the Municipal Health Officer shall be the Secretariat or the Technical Working Group (TWG) of CSHAC.

Section 22. **Function of the Secretariat or TWG of Bayog STI, HIV and AIDS Council.** The secretariat or TWG 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 council.

ARTICLE VII

FUNCTION OF THE REPRODUCTIVE HEALTH AND WELLNESS CENTER (RHWC) OR SOCIAL HYGIENE CLINIC

Section 23. **Reproductive Health and Wellness Center (RHWC) or Social Hygiene Clinic.** The Reproductive Health and Wellness Center (RHWC) or Social Hygiene Clinic under the Municipal Health Office shall perform the following function:

- a. Be in the frontline in the delivery of the reproductive health care services;
- b. Provide education and information dissemination activities on the promotion of productive health, prevention and control of STI, HIV/AIDS;
- c. Monitor and evaluate cases handled;
- d. Refer clients to other agencies of the Municipal 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 treatment and are referred to concerned agencies for further assistance;
- f. Conduct HIV Antibody Test in a voluntary and regular basis. Further, pre and posttest 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.

ARTICLE VIII

ADHERENCE TO SAFE PRACTICES AND PROCEDURES, TESTING, SCREENING AND COUNSELING

Section 24. Regulation Concerning Children within and Near the Vicinity of an Entertainment Establishment.

- a. Parents, guardians, or any persons who knowingly allow or bring children to enter any entertainment during operations shall be penalized.
- b. Children found entering any entertaining establishment shall immediately be rescued, and be provided with appropriate interventions as the circumstances warrant.

Section 25. **Special Care and Support Services for the Person with HIV/AIDS.** The Municipal Government of Bayog shall provide special care and support services for children of persons with HIV/AIDS.

ARTICLE X

HEALTH AND SUPORT SERVICES

Section 26. **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 27. **Adherence to Quality Health Care and Ethics of Care.** Medical practitioner or other staff assisting or directly providing health services/ examination/ 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 to patients/clients, informing them of their rights, including the right to file charges for abuses committed against them.

Section 28. **Special Care Support Services for Pregnant Women with HIV/AIDS.** The Municipality of Bayog shall provide special care and support services for pregnant women with HIV/AIDS.

Section 29. **Health Care Plans for person with HIV.** The Municipality of Bayog in coordination with the Philippine national AIDS Council, Department of Health and Commissioner of the Insurance Commission shall conduct a study of the feasibility of setting up a package of health care plans, and should the study warrant, implement the plan for person with HIV.

Section 30. **Special Welfare Fund for RHWC or Social Hygiene Clinic Clients.** The Municipality of Bayog shall establish and maintain a welfare fund for the clients of RHWC/Social hygiene Clinic clients to be managed by the Municipal Health Office, in partnership with AIDS Council and other Financial Institution.

ARTICLE XI HIV/AIDS MONITORING

Section 31. **Monitoring Program and Reporting Mechanisms.** The BSHAC shall develop a comprehensive STI, HIV/AIDS monitoring program and reporting procedures on the magnitude of and progression of HIV Infection in Bayog, further, it shall enhance mechanisms to further implement provisions on monitoring of Article IV of the republic Act 8405.

Section 32. **Documentation.** STI/AIDS contact tracing and all other related health intelligence activities may be initiated by the Department of Health, the BSHAC, provided 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 adobe, nor travel.

Section 33. **Submission of Work Policies.** It shall be compulsory for all owners/or manager of all establishments to provide the Municipal Government copies of the establishments policies in accordance with labor laws other related national and local policies.

Section 34. **Research Investigation.** All research investigation 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 35. **Discriminatory Acts.** Discriminatory in any form and place of person perceived of suspected with HIV (i.e employment process, promotion, assignment or termination from work, school, 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 36. **Prohibition against Divulging of Confidential Information of person with STI, HIV/AIDS.** Any people who divulge confidential information about the HIV status of a person shall be penalized under Republic Act 8504.

ARTICLE XIII PENAL PROVISIONS

Section 37. Any person found guilty of violating any provision of this Ordinance other that violations penalized under R.A 8504 shall be meted with the following penalties.

- a. FIRST OFFENSE – a fine of ₱1,000.00 or One (1) month community service
- b. SECOND OFFENSE – a fine of ₱1,500.00 or Two (2) months community service
- c. THIRD OFFENSE – a fine of ₱2,500.00 or Three (3) months community service and in case of establishment a perpetual cancellation of business permit.

ARTICLE XIV IMPLEMENTING RULES AND REGULATION

Section 38. **Implementing Rules and Regulation.** The Municipal Mayor upon the recommendation of the Municipal Health Office with the consultation from BAYOG STI, HIV and AIDS Council shall formulate and issue appropriate rules and regulations in form of Executive Order (EO) necessary for the implementation of this Ordinance immediately from approval thereof.

**ARTICLE XV
APPROPRIATION**

Section 39. **Appropriation.** An amount to be determined by the executive shall be supplemented and appropriated against the current year's appropriation for the implementation of this ordinance including projects and operations of the BAYOG STI, HIV and AIDS Council. Thereafter, such sums as may be necessary for the continued implementation of this ordinance shall be included in the Annual Executive Budget.

**ARTICLE XVI
FINAL PROVISION**

Section 40. **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 41. **Repealing Clause.** All Ordinances, local issuances or rules and regulations inconsistent with the provision of this Ordinance are hereby repealed or modified accordingly.

Section 42. **Effectivity Clause.** The Ordinance shall take effect immediately upon approval and posting in three (3) consecutive weeks of publications in the local newspaper/conspicuous places within the Municipality.


ADOPTED this 30th day of April 2018, on motion of Hon. Norelyn B. Rodriguez, duly seconded.


AYES: Hon. Horace Paul T. Anlap, Hon. Ernesto C. Yagos, Hon. Ronilo A. Yamaro, Hon. Junel P. Bacbac, Hon. Lucenio M. Manda, Hon. Teofisto B. Deocades, Jr., Hon. Norelyn B. Rodriguez and Hon. Godofredo T. Compacion.

NAYS: NONE

CERTIFIED CORRECT:

ATTESTED:



RAMONITO E. MATALINES
Secretary to the Sanggunian


CELSO A. MATIAS
Municipal Vice Mayor-Presiding Officer

VERIFIED CORRECT:

APPROVED:


HORACE PAUL T. ANLAP
SB Member-Floor Leader


LEONARDO L. BABASA, JR.
Municipal Mayor