

ORDINANCE NO. 8179

AN ORDINANCE CREATING THE CITY OF MANILA AIDS COUNCIL (CMAC) FOR THE PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED INFECTION, DEFINING ITS FUNCTIONS, PROVIDING FUNDS AND FOR OTHER PURPOSES.

Be it ordained by the City Council of Manila, in session, assembled, THAT:

SECTION 1. TITLE – This shall be known as the "Manila City STI/AIDS Council" Ordinance of 2008.

SEC. 2. CREATION OF THE MANILA CITY MULTI-SECTORAL STI/AIDS COUNCIL – A Manila City Multi-Sectoral STI/AIDS Council is hereby created for the prevention and control of STI/HIV/AIDS in the City of Manila. It shall be known as the CMAC, and shall be hereinafter referred to as Council for brevity.

SEC. 3. PURPOSE – The CMAC shall be the central advisory, planning and policy making body on the prevention and control of STI/HIV/AIDS in the City of Manila.

SEC. 4. 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 person/s, which attack and weaken 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 population groups.
- c. **Entertainment Establishments** – are business establishments that include but not limited to bars, nightclub, disco houses, cocktail lounges, massage clinics, videoke bars, sing-along pub houses and other similar establishments that are required to secure a permit to operate within the City of Manila.
- d. **Human Immunodeficiency Virus** – refers to the virus which causes 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 a positive attitude 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 programs, 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** – 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.
- 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 Infection (STI)** – an infection that is acquired or transmitted through sexual contact.
- l. **Passive Surveillance** – refers to HIV registry in which the health authorities receive reports from physicians, clinics and laboratories of HIV/AIDS confirmed cases.
- m. **Active Surveillance** – refers to sentinel serological surveillance which is the systematic and regular collection of blood samples to identify the distribution and trends of HIV infection among selected groups.

SEC. 5. COMPOSITION – The CMAC shall be composed of the following:

Chairman	-	City Mayor
Co-Chairman	-	City Health Officer
Members	-	Chairman of the Committee on Health, City Council Manila Department of Social Welfare Officer City Department Head, DILG Two (2) representatives from accredited NGO's actively involved in programs, activities and advocacy with STI/HIV/AIDS prevention.

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

SEC. 6. TERM OF OFFICE – RERESENTATIVES FROM NON-GOVERNMENT ORGANIZATION (NGOs) TO THE COUNCIL – The term of the office of the representatives from the NGO's shall be co-terminus with the term of the appointing authority; **PROVIDED, THAT** the organizations which they represent must continue to exist and must maintain the purpose for which they were chosen.

SEC. 7. POWERS AND FUNCTIONS – For the attainment of the purpose stated in Section 3, hereof, the CMAC shall be charged and vested with the following powers and functions:



- a. Formulate policies and strategies for the prevention and control of STI/HIV/AIDS within the City of Manila;
- b. Prepare short, medium and long term plans for the prevention and control of STI/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 STI/HIV/AIDS;
- e. Identify and recommend priorities and gaps in local STI/HIV/AIDS related cases;
- f. Conduct periodic public information, education and communication activities in the promotion of reproductive health, prevention and control of STI/HIV/AIDS in different communities and barangays;
- g. Conduct regular seminars in all educational institutions from secondary to tertiary levels 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/fora/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 Manila, 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;
- i. Conduct yearly STI/HIV/AIDS Serological and Behavioral Surveillance, in coordination with the STI-AIDS Cooperative Control Laboratory (SACCL) and the Manila Health Department (MHD) among people with high-risk sexual behavior or those who by nature of their work are prone to contracting STI/HIV/AIDS;
- j. Initiate skills training, advocacy programs and development strategies to benefit the people with high risk of contracting STI/HIV/AIDS;
- k. Monitor, inspect, examine regularly the facilities, practices and procedures of hospitals, medical/dental clinics, medical/dental laboratories, medical testing centers, blood banks, beauty salons and clinics located within the territorial jurisdiction of the City of Manila, whether they are public or privately owned, for profit or charitable purposes and evaluate whether or not they have complied with existing minimum standards in the prevention and containment of STI/HIV/AIDS;
- l. Recommend to the City Council the enactment of ordinances and measures that shall assist in the control, prevention and containment of STI/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 resources;
- o. To act as the primary agency that shall represent the City of Manila in all conventions, conferences, fora or gatherings of other agencies, organizations, leagues, chambers or groupings whether national, local or international pertaining to the issue of STI/HIV/AIDS;
- p. To monitor, in coordination with the City Health Office, STI/HIV/AIDS cases;
- q. To identify STI/HIV/AIDS cases through passive and active surveillance; and
- r. To reform all other tasks and functions related to the overall objective in the prevention and control of STI/HIV/AIDS in the City of Manila.

SEC. 8. MEETING – The CMAC shall meet at least once a month or as often as may be necessary. Notice shall be served to all members at least a day before meeting.

SEC. 9. QUORUM – The presence of a majority of all members of the Council shall constitute a quorum for purposes of doing business.

SEC. 10. THE SECRETARIAT – The Council shall have a Secretariat in the VD Section of the Manila Health Department.

SEC. 11. FUNCTIONS OF THE SECRETARIAT – The Secretariat shall have the following functions:

- a. Prepare the agenda of the meeting of the CMAC and record the minutes of the same;
- b. Keep all the records of the Council;
- c. Submit an annual report to the Council within two months after the close of each calendar year;
- d. Oversee the implementation of the policies, programs and activities of the Council; and
- e. Perform such other functions as may be required by the Council.

SEC. 12. HONORARIUM – Subject to limitations fixed by existing law, the Chairman, Co-Chairman and members of the CMAC shall be entitled to an honorarium of Five Hundred Pesos (PhP 500.00) for every meeting actually attended to, but in no case shall it exceed Two Thousand Pesos (PhP 2,000.00) per month.

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The Secretary shall likewise be entitled to an honorarium of Two Hundred Pesos (Php 200.00) for every meeting actually attended to, but in no case shall it exceed Eight Hundred Pesos (Php 800.00) per month.

SEC. 13. MANDATORY STI/HIV/AIDS EDUCATION – It shall be mandatory for all operators and/or managers, entertainers of entertainment establishments and masseuses and masseurs of barber shops and massage clinics to attend seminars in STI/HIV/AIDS prevention conducted by the City Health Office, Manila City STI/AIDS Council, or NGO's accredited by the City Government of Manila, otherwise, no permit to operate shall be granted to the aforementioned establishments.

SEC. 14. AGENCIES TASKED TO CONDUCT SEMINARS – The Reproductive Health Clinic of the City Health Office, Manila City STI/AIDS Council and NGOs accredited by the City Government of Manila are hereby tasked to conduct seminars on Reproductive Health, STI/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.

SEC. 15. ISSUANCE OF PERMIT TO OPERATE – In compliance with this Ordinance, the establishments mentioned herein shall not be allowed to operate unless a certificate of attendance in a STI/HIV/AIDS seminar has been issued to its operator and to all its employees.

SEC. 16. PEER EDUCATOR – All registered entertainment establishments should have at least one (1) peer educator. This requirement shall be imposed one (1) year after the effectivity of this Ordinance.

SEC. 17. REGULAR STI SCREENING FOR ENTERTAINERS AND OTHER SIMILAR OCCUPATIONS – All entertainers, masseurs and other similar occupations shall undergo compulsory weekly medical check-up (gramstaining) to be conducted on regular bases at the VD Section or Venereal Diseases Section.

SEC. 18. COMPILATION OF ROSTER OF ENTERTAINERS/EMPLOYEES IN ENTERTAINMENT – The City Health Office shall maintain a roster of entertainers/employees that shall indicate their ages and places of employment. In relation hereto, all owners/operators/managers of entertainment establishments shall submit to the City Health Office a quarterly updated list of their employees.

SEC. 19. MONITORING PROGRAMS – The Council shall establish a comprehensive STI/HIV/AIDS monitoring program in coordination with the City Health Office's similar monitoring program to determine and monitor the magnitude and progression of STI/HIV/AIDS in the City of Manila, and for purposes of evaluating the adequacy and efficacy of the countermeasures being employed by the Council, City Health Office and NGOs.

Further, the Council in coordination with the City Health Office shall monitor STI/HIV/AIDS cases through passive and active surveillance. Active surveillance include conduct of a yearly STI/HIV/AIDS serological and behavioral surveillance among people with high risk sexual behavior or those who, by the nature of their work, are prone to contracting STI/HIV/AIDS.

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SEC. 20. REPORTING – All hospitals, clinics, laboratories and testing centers for STI/HIV/AIDS are required to immediately report to the City Health Office any identified STI/HIV/AIDS cases.

SEC. 21. CONTACT TRACING – STI/HIV/AIDS contact tracing and all other related health intelligence activities may be pursued by the CMAC in coordination with the City Health Office; *PROVIDED, THAT,* such shall not contravene to the general purpose of R.A. 8504. The Millenium Development Goals and DILG Memorandum 233-99.

SEC. 22. MEDICAL CONFIDENTIALITY – All health professionals, medical instructors, workers, employers, hospitals, laboratories, recruitment agencies, insurance companies, data encoders and other custodians of any medical records, files, 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 STI/HIV/AIDS.

SEC. 23. EXCEPTIONS TO THE MANDATE OF CONFIDENTIALITY – Medical confidentiality shall not be considered breached in the following:

- a. When informing other health workers directly involved or about to be involved in the treatment or care of a person with STI/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 the court with jurisdiction over legal proceedings where 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 judge; *PROVIDED, FURTHER, THAT,* the judicial proceedings be held in executive sessions.

SEC. 24. 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 result in conjunction with the surveillance program of the City Health Office as provided in accordance with the provisions of Section 27, R.A. 8504; and
- e. A justice of the Court of Appeals or the Supreme Court, as provided in accordance with the provisions of Section 16, R.A. 8504.



SEC. 25. REPORTING PROCEDURES – All hospitals, clinics, laboratories and testing centers for STI/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.

SEC. 26. 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.

SEC. 27. DISCRIMINATION IN THE WORKPLACE – Discrimination in any form, from pre-employment to post-employment, including hiring, promotion or assignment, based on actual, perceived or suspected HIV status of an individual is prohibited. Termination from work on the sole basis of actual, perceived or suspected HIV status is deemed unlawful.

SEC. 28. DISCRIMINATION IN SCHOOL – No educational institution shall refuse admission or expel, discipline, segregate, deny participation, benefits or services to a student or perspective student on the basis of his/her actual, perceived or suspected HIV status.

SEC. 29. RESTRICTION ON TRAVEL AND HABITATION – The freedom of abode, lodging and travel of a person with HIV 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.

SEC. 30. 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 International Day of Action in Women's Health. Likewise, AIDS awareness should culminate on the month being the World's AIDS day.

SEC. 31. PENALTY CLAUSE - Violation of any of the provisions of this Ordinance or any rules and regulations issued thereunto, 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 (PhP 3,000.00) but not more than Five Thousand Pesos (PhP 5,000.00), or both, at the discretion of the court.

SEC. 32. APPROPRIATIONS – The initial amount of Three Hundred Thousand Pesos (PhP 300,000.00) or so much thereof, as may be necessary, shall hereby be appropriated out of any unappropriated funds existing in the City Treasury, to be made available for the operation of the CMAC and for the implementation of its policies and programs.

SEC. 33. FORMULATION OF IMPLEMENTING RULES AND REGULATIONS – Within one (1) month after the approval of this Ordinance, the CMAC shall formulate and issue the appropriate rules and regulations necessary for the efficient and effective implementation of any and all provisions of this Ordinance.



SEC. 34. SEPARABILITY CLAUSE – If, for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

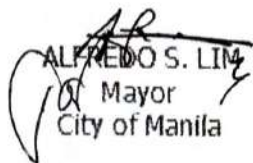
SEC. 35. REPEALING CLAUSE – All ordinances, resolutions, executive orders and administrative orders or part or parts thereof, which are inconsistent with any of the provisions of this Ordinance, are hereby repealed or modified accordingly.

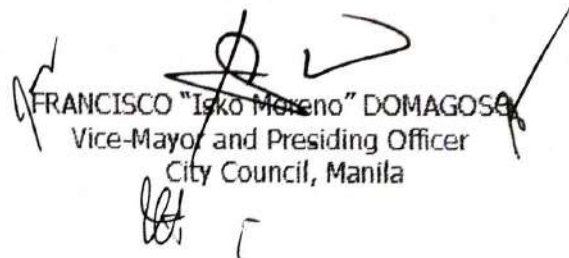
SEC. 36. EFFECTIVITY CLAUSE – This Ordinance shall take effect upon its approval.

Enacted by the City Council of Manila at its regular session held today, December 16, 2008.

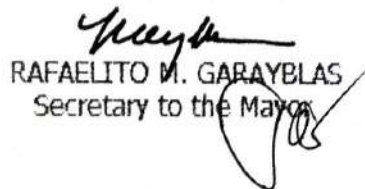
Approved by His Honor, the Mayor, on *FEB. 5, 2009*

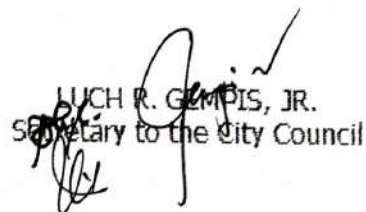
APPROVED:


ALFREDO S. LIM
Mayor
City of Manila


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