

[**MUNTILIPA CITY ORDINANCE NO. 15-146,
November 09, 2015**]

AN ORDINANCE PROMULGATING POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED INFECTION (STI)/HUMAN IMMUNODEFICIENCY VIRUS (HIV)/ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) IN MUNTINLUPA CITY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND CREATING THE MUNTINLUPA CITY LOCAL AIDS COUNCIL (MCLAC), ITS TECHNICAL WORKING GROUP, DEFINING ITS FUNCTIONS, APPROPRIATING FUNDS AND OTHER RELATED PURPOSES

Sponsored by:

*Hon. Coun. Margarita Amythyst Patdu-Labios, MD
Hon. Coun. Atty. Patricia L. Boncayao, Jr.
Hon. Coun. Bal Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Ringo A. Teves
Hon. Coun. Alexander Diaz
Hon. Coun. Ma. Dhesiree G. Arevalo
Hon. Coun. Luvi P. Constantino
Hon. Coun. Engr. Neptali S. Santiago
Hon. Coun. Elmer S. Espeleta
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Vergel C. Ulanday
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Hon. Coun. Celso C. Dioko*

WHEREAS, the Article II Sections 10, 15 and 18 of the 1987 Philippine Constitution states that, ***"The State values the dignity of every human person and guarantees full respect for human rights; promotes the right to health of the people and instill health consciousness among them; and affirms labor as primary social economic force. It shall protect the right of workers and promote their welfare"***;

WHEREAS, Article II Sections 20 and 23 of the 1987 Philippine Constitution also states that, ***"the State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments; and encourages nongovernment, community-based, of sectoral organizations that promote the welfare of the nation"***;

WHEREAS, Republic Act (RA) 8504, otherwise known as ***"An Act Promulgating***

Policies and Presenting Measures for the Prevention and Control of HIV/AIDS in the Philippines was enacted declaring the following policies:

1. 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. Such campaigns shall promote value formation and employ scientifically proven approaches, focus on the family as the 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 HIV/AIDS;
2. The State shall extend to every person suspected or know to be infected with HIV/AIDS full protection of his/her human rights and civil liberties. Towards this end,
 - a. ***Compulsory HIV testing shall be considered unlawful unless otherwise provided in the same law;***
 - b. ***The right to privacy of individuals with HIV shall guaranteed;***
 - c. ***Discrimination, in all Its forms against individuals with HIV or person perceived or suspected of having HIV shall be considered inimical to individual and national interest; and***
 - d. ***Provision of basic health and social services for individuals with HIV shall be assured.***
3. The State shall promote utmost safety and universal precautions in practices and procedures that carry the risk of HIV transmission.
4. The state shall recognize the potential role of affected individuals in propagating vital information and educational messages about HIV/AIDS and shall utilize their experience to warn the public about the disease.

WHEREAS, the abovementioned law provides for the establishment of a comprehensive HIV/AIDS monitoring system and strengthening of the Philippine National AIDS Council, and for other purposes;

WHEREAS, Article IV Section 23 of RA 8504 states that, ***"Local Government Units, In coordination and in cooperation with concerned government agencies, non-government organizations, persons living with HIV/AIDS (PLHIV) and group most at risk of HIV Infection shall provide community-based HIV/AIDS prevention and care services "***;

WHEREAS, Presidential Executive Order No. 273 approving and adopting the Philippine Plan for Gender-Responsive Development for 1995 (PPGD), directs all government agencies at the National, Regional and Local levels to take appropriate steps to ensure implementation of the policies, programs, projects and strategies outlines thereat;

1. ***Item 3 of the PPGD on Policies and Strategies, Policy Advocacy and legal Reforms states that, "women and children should no longer be arrested or fined like criminals" (ESCAP, 1991:57). "Decriminalization of the prostituted should go hand-in-hand with the apprehension and***

prosecution of agents, recruiters, traffickers, pimps, procurers, establishment owners, customers and others who derive sexual gratification, financial gain and advancement or any other benefit from the prostitution of others. Decriminalization means the abolition of sexist discrimination in general and removing the culpability and criminality which the law places specifically on women prostitutes."

WHEREAS, Presidential Decree (PD) No. 856 or the Sanitation Code Chapter XIII, Section 60, 62 and 64.

WHEREAS, the City Government of Muntinlupa City recognizes that AIDS is an incurable disease that recognizes no territorial, social political and economic boundaries and has been declared as a worldwide emergency by the World Health Organization;

WHEREAS, the City Government of Muntinlupa City recognizes that education, information and communication are the best tools in prevention and control of HIV/AIDS/STI;

WHEREAS, the City Government of Muntinlupa City envisions an HIV/AIDS-free Muntinlupa City wherein a dynamic, multi-sectoral convergence of resources and services are in place, maintained and sustained for the prevention and control of HIV/AIDS/STI;

WHEREAS, the City Government of Muntinlupa believes that the success of HIV/AIDS/ STI prevention and control effort highly depends on the commitment and synchronized efforts of government and non-government organizations;

NOW THEREFORE, BE IT ORDANED, AS ITS IS HEREBY ORDAINED, by the 7th Sangguniang Panlungsod of Muntinlupa in session duly assembled that:

ARTICLE 1

Title, Policy And Principles

SECTION 1. Title – This Ordinance shall be known as *"An Ordinance Promulgating Policies and Measures for the prevention and control of Sexually Transmitted Infection (STI)/Human Immuno Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) in Muntinlupa City and providing penalties for violations thereof, and creating the Muntinlupa City Multi-City Local Aids Council, its Technical Working Group, Defining its Functions, appropriating funds and other related purposes"*.

SECTION 2. Declaration Of Policies And Principles – The City Government of Muntinlupa upholds the right to health of its constituents. As such, it exerts all efforts to enact policies and measure that will ensure the prevention and control of the rising incidence of STI/HIV/AIDS and hereby declares war against these diseases.

SECTION 3. Definition Of Terms – As used in this ordinance, the following terms shall be defined as follows:

1. **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.

2. **Human Immunodeficiency Virus (HIV)** – refers to the virus which causes AIDS.
3. **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.
4. **Sexually Transmitted Infection (STI)** – refers to any infections acquired from sexual contact.
5. **HIV Testing** – a laboratory procedure done on an individual to determine the presence or absence of HIV infection.
6. **Compulsory HIV Testing** – an HIV testing of a person attended by the lack on consent; lack of consent of the parent when said person is a minor or the legal guardians when the same is insane; or use of physical force, intimidation or any other form of compulsion to undertaken HIV testing.
7. **Voluntary HIV Testing** – HIV testing done on an individual who, after having undergone non-infected persons from contracting HIV and minimizing the impact of persons living with HIV.
8. **Persons Living with HIV** – refers to an individual whose HIV test indicates directly or indirectly that he/she is infected with HIV.
9. **Entertainment Establishment** – refers to business establishments which include but are not limited to the following bars, nightclubs sauna, massage clinics or spas, discotheques, videoke/karaoke, bars/sing-along pub houses, cocktail lounges, beer houses/gardens, pub houses and other establishments engaged in business of similar nature wherein the patrons are entertained and thus, secured a permit to operate within the city.
10. **Entertainers** – those employed in the entertainment establishments who render entertainment service to customers such as but not limited to masseurs, cocktail waitresses/waiters.
11. **Muntinlupa City Local AIDS Council** – refers to Muntinlupa City STI/HIV/AIDS prevention and control council.
12. **Prophylactic** – shall mean any agent or device used to prevent the transmission of a disease e.g. condoms.
13. **Treatment or Care** – a health psychological, spiritual or social intervention extended to a person with STI/HIV/AIDS.

ARTICLE II

Administrative And General Powers

SECTION 4. Creation – The Muntinlupa City Local AIDS Council or MCLAC shall be created to oversee a concerned local multi-sectoral and comprehensive response to STI/HIV/AIDS that shall mobilize the citizenry to rally behind the challenges of this known cure disease.

SECTION 5. Composition – The MCAC shall be composed of the following, to wit:

1. Chairperson – City Mayor
2. Co-Chairperson – City Health Officer
3. Vice-Chairperson – City Council Chairman of the Committee Health
4. Members:
 - a. ***City Council Chairman of the Committee on Social Services***
 - b. ***City Council Chairman of the Committee on education***
 - c. ***City HIV/STI/AIDS Medical Officer***
 - d. ***City Administrator***
 - e. ***City Planning Officer***
 - f. ***City Budget Officer***
 - g. ***City Schools Superintendent DepEd***
 - h. ***City Social Welfare Officer***
 - i. ***City Local DILG Officer***
 - j. ***City PNP Officer***
 - k. ***ABC President***
 - l. ***Representative from an accredited Civil Society Organization working with groups vulnerable or most at a risk to HIV***
 - m. ***Representative from an agency/Institution as Identified by the concerned LGU (business sector/ academe/faith-based organization/women and youngpeople group)***
 - n. ***Representative from an Organization of people Living with HIV***

SECTION 6. Secretariat – The MCLAC shall appoint the ***Muntinlupa City Social Hygiene Clinic*** also to be known as the Muntinlupa Reproductive Health Clinic and Wellness Center (MRHCWC) Room 101 as the Secretariat.

SECTION 7. Functions – The MCLAC shall serve as the coordinating, planning, implementing and monitoring body on STI/HIV/AIDS prevention and control program and policies in Muntinlupa City. The MCLAC shall have the following functions:

1. To provide the necessary policy recommendations to appropriate government agencies for the effective and efficient implementation of STI/HIV/AIDS prevention programs;