

**[ MANILA CITY ORDINANCE NO. 8349, July 17,  
2014 ]**

**REGULAR SESSION NO. 86 9<sup>TH</sup> CITY COUNCIL**

**Begun and held in the City Council On Tuesday,  
The twenty-sixth day of November, Two Thousand Thirteen**

**AN ORDINANCE AMENDING ORDINANCE NO. 8179, OTHERWISE  
KNOWN AS THE MANILA CITY STI/AIDS COUNCIL ORDINANC OF  
2008 BY STRENGTHENING THE CITY OF MANILAS STI, HIV AND  
AIDS PREVENTION AND CONTROL MECHANISMS, PROVIDING  
FUNDS THEREFOR AND FOR OTHER PURPOSES**

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**EXPLANATORY NOTE**

WHEREAS, Article II, Section 15 of the 1987 Constitution provides that "The State shall promote the right to health of the people and instill health consciousness among them";

WHEREAS, Republic Act 8504 also known as "The Philippine AIDS Prevention and Control Act of 1998" has declared as one of its policies that the State shall promote public awareness about the causes, modes of transmission, consequences and means of prevention and control of HIV and AIDS through comprehensive nationwide educational and information campaign organized and conducted by the

State. It further declares that the State shall extend to every person suspected or known to be infected with HIV and AIDS full protection of his/ her human rights and civil liberties, including among others, the right against compulsory HIV testing, right to privacy, right against discrimination and provisions of basic health and social services for individuals with HIV.

WHEREAS, the same law, under Article IV, Section 23 mandates local government units, in coordination and in cooperation with concerned government agencies, non-governmental organizations, persons with HIV and AIDS and group most at risk of HIV Infection, to provide community based HIV prevention and care services;

WHEREAS, the Philippines has committed to address HIV and AIDS in the setting of Millennium Development Goals (MDG) in 2000 and consequently in the UN Political Declaration of HIV and AIDS in 2011. However in 2012, the Philippines has been identified by UNAIDS to be 1 in 9 countries to have increased HIV incidence by 25% since 2000;

WHEREAS, as of July 2013, The National Epidemiology Center of the Department of Health (DOH) has recorded a total number of 14,856 HIV cases since 1984, and 10% of which come from the City of Manila and most (91.44%) are male;

WHEREAS, trends and estimates from the DOH show that as of July 2013, thirteen (13) new people get infected by HIV every day, most of them in the reproductive age group (15-34 years old), in the City of Manila, 1 out of 4 reported cases is a young person aged 24 years old and below, the youngest being 9 years of age;

WHEREAS, addressing the prevention and control of HIV is among the priorities of the City of Manila and is part of its 10-point agenda;

WHEREAS, while there is an existing AIDS Ordinance (Ordinance No. 8179) that has created the City of Manila Council (CMAC) on HIV and AIDS, there is an urgent need to strengthen the city's STI, HIV and AIDS prevention and control mechanisms to address the alarming increase of HIV cases and approximately address the current incidence and trends that data are showing for the City of Manila: NOW, THEREFORE,

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

## **CHAPTER 1**

### **TITLE. SCOPE AND APPLICATION**

**SECTION 1. TITLE.** - This Ordinance shall be known as the 'City of Manila's STI, HIV and AIDS prevention and Control Ordinance of 2013".

**SEC 2. PURPOSE.** - **Pursuant to the City of Manila's mandate to promote the health and safety of all persons within its territorial jurisdiction and recognizing the city's vital role in implementing the provisions of Republic Act 8504. otherwise known as the Philippine AIDS Prevention and Control Act, it hereby enacts this Ordinance to amend its existing Ordinance No. 8179 in order to strengthen its STI, HIV and AIDS prevention and control mechanisms towards ensuring the general welfare of its people.**

**SEC 3. SCOPE AND APPLICATION.** - This Ordinance shall apply to all natural and juridical persons within the jurisdiction of the City of Manila with respect to the prevention and control of STI, HIV and AIDS; PROVIDED, HOWEVER, That, certain provisions herein shall specifically apply to business establishments that provide entertainment to its customer which include but not limited to bars, nightclub, disco house, cocktails, lounges, massage clinic, spa clinics and wellness centers, videoke bars, sing-along pub house, and other similar establishments that are required to secure a permit to operate within the City of Manila, PROVIDED, FURTHER, that, with regard to individuals and entertainment establishments, this Ordinance shall cover employees and trainees of the aforesaid of business establishments whose nature of work involve direct and/or bodily interaction with their customers, unless otherwise provided in this Ordinance: PROVIDED, FINALLY, That, this Ordinance shall also apply to freelance workers who may not be formally employed by these entertainment establishments but are engaged in similar nature of work.

**SEC 4. DEFINITION OF TERMS.** - As used in this Ordinance, following terms are defined as follows;

- a. **Acquired Immune Deficiency Syndrome (AIDS)** - a condition characterized a combination of signs and symptoms, caused by HIV contracted from persons, which attack and weaken the body's immune system, making the affected individuals susceptible to other life-threatening infections
- b. **Cruising Sites** - are locations, places, and establishments where high risk behavior of contracting STI, HIV and AIDS is prevalent.
- c. **Entertainment establishments** - are business establishments that include but not limited to bars, night club, disco houses, cocktail lounges, massages clinics, spa clinics and wellness centers, 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. **Free Lance Sex Worker** - any person who offers sex in exchange for money or materials in any form and who is not directly or indirectly employed by an entertainment establishments.
- e. **Human Immunodeficiency Virus (HIV)** - refers to the virus which causes aids.
- f. **Minor/Child** - refers to a person below 18 years of age, or those over but are unable to fully protect and take care of themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition.
- g. **Peer Educator** - a person belonging to the same group or same social network to the target population, who is trained to conduct STI, HIV and AIDS health education activities.
- h. **Prevention of Mother to Child Transmission** - set of interventions with an aim of preventing the spread of HIV among infants and children.

- i. **Prophylactic** - refers to any agent or device used to prevent the transmission of the disease, i.e. condom.
- j. **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.
- k. **Serological Surveillance** - a systematic and regular collection of blood samples to identify the distribution and trends of HIV infections among selective groups.
- l. **Sexually Transmitted Infection (STI)** - an infection that is acquired or transmitted through sexual contact.
- m. **Social Worker** - refers to a licensed social worker who focuses on the activity of helping individuals, group or community, to enhance or restore their capacity for social functioning.
- n. **STI, HIV and AIDS Education** - the provision of information on the causes, prevention and consequences of STI, HIV and 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 STI, HIV and AIDS.
- o. **STI, HIV and AIDS Prevention and Control** - the programs, strategies and measure aimed at protecting non-infected persons from contracting STI, HIV and AIDS and minimizing the impact of the condition on people living with STI, HIV and AIDS.

## **CHAPTER 2**

### **CITY OF MANILA AIDS COUNCIL**

**SEC. 5. STRENGTHENING OF THE CITY OF MANILA MULTI-SECTORAL STI, HIV, AND AIDS COUNCIL. - The City of Manila's Multi-Sectoral STI, HIV and AIDS Council is hereby strengthened for the prevention and control of STI, HIV and AIDS in the City of Manila. It shall be known as the CMAC, and shall be hereinafter also referred to as Council for brevity. The CMAC shall be the central advisory, planning and policy making body on the prevention and control of STI, HIV and AIDS in the City of Manila.**

**SEC. 6. COMPOSITION. -** The CMAC shall 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                       |
|             | - | <b><u>City Director, DILG</u></b>                                 |
|             | - | <b><u>City Budget Officer</u></b>                                 |
|             | - | <b><u>Director Head. City Planning and Development Office</u></b> |

- Director Manila Barangay Bureau
- School Division Superintendent,  
Department of Education
- District Director, Manila Police Office
- License Officer, Bureau of Permits
- Director, Youth Development and Welfare Bureau
- City Director Department of Tourism
- City Public Employment Service Office
- Five (5) representatives from government accredited NGO's
- actively involved in programs, activities, and advocacies with STI, HIV and AIDS prevention, treatment care and support.

A permanent alternate 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.

**The CMAC, may constitute such Committees as it may deem necessary to pursue the purpose of this Ordinance and for effective and efficient performance of its powers and functions as mandated herein.**

**SEC. 7. TERM OF OFFICE - REPRESENTATIVE FROM NON- GOVERNMENT ORGANIZATION (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 which they represent must continue to exist and must maintain the purpose for which they were chosen.

**SEC. 8. 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 and AIDS** within the City of Manila;
- 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) **Mandate**-owners/operators/managers of registered entertainment establishment, sauna and massage parlors to actively participate in the prevention and control of STI, HIV and AIDS **in the workplace and assists them in orderly organizing themselves**;
- e) Identify priorities and gaps in local STI, HIV and AIDS related cases **and make the appropriate recommendations**;
- f) **Ensure the** conduct of periodic public information, education and