



Republic of the Philippines
Province of Ilocos Norte
MUNICIPALITY OF SAN NICOLAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE THIRD REGULAR SESSION OF THE 9TH SANGGUNIANG BAYAN OF THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE HELD AT THE MUNICIPAL SESSION HALL ON THE 21ST DAY OF OCTOBER, 2013 AT 11:30 O'CLOCK IN THE MORNING.

PRESENT:

Hon. Alfredo P. Valdez, Jr.,	Vice-Mayor/Presiding Officer.
Hon. Aladine T. Santos,	Member;
Hon. Norberto S. Dadiz, Jr.,	Member;
Hon. Domingo C. Ambrocio, Jr.,	Member,
Hon. Ariel B. Villa,	Member;
Hon. Orlando B. Badua,	Member.
Hon. Oscar V. Domingo,	Member;
Hon. Reynaldo A. Corpuz,	Member;
Hon. Efren C. Butay,	Member;
Hon. Randy B. Andres,	Member/Liga ng mga Barangay Vice-President;
Hon. Edilon D. Ruiz,	Member/PPSK President.

ABSENT:

None.

“MUNICIPAL ORDINANCE NO. 2013-23

AN ORDINANCE CREATING THE SAN NICOLAS MULTI-SECTORAL LOCAL AIDS COUNCIL, DEFINING ITS FUNCTIONS, APPROPRIATING FUNDS THERETO, AND FOR OTHER PURPOSES.

Be it ordained by the Sangguniang Bayan in the duly session assembled that:

SECTION 1. *Short Title.* – This Ordinance shall also be known as the “San Nicolas Multi-Sectoral Local AIDS Council.”

SECTION 2. *Declaration of Objectives.* – This ordinance is enacted which aims to:

- a) Create responsive council that shall serve as central advisory, planning, and policy-making body on the prevention and control of sexually transmitted infection (STI), human immunodeficiency virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS);
- b) Define the functions of the council and its working group; and
- c) Provide response through programs, projects, and other related initiatives and purposes.

SECTION 3. *Definition of Terms.* – As used in this Ordinance, the following terms are defined as follows:

- a) "Acquired Immune Deficiency Syndrome (AIDS)" refers to 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;
- b) "Anonymous Testing" refers to an HIV testing procedure whereby the individual being tested does not reveal his/her true identity. An identifying number or symbol is used to substitute for the name and allows the laboratory

- c) conducting the test and the person on whom the test is conducted to match the test results with the identifying number or symbol;
- 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 or 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 sexually transmitted disease;
- f) "Human Immunodeficiency Virus (HIV)" refers to the virus which causes AIDS;
- g) "HIV/AIDS Monitoring" refers to the documentation and analysis of the number of HIV/AIDS infections and the pattern of its spread;
- h) "HIV/AIDS Prevention and Control" refers to measures aimed at protecting non-infected from contracting HIV and minimizing the impact of the condition of persons living with HIV;
- i) "HIV-positive" refers to the presence of HIV infection as documented by the presence of HIV or HIV antibodies in the sample being tested;
- j) "HIV-negative" denotes the absence of HIV or HIV antibodies upon HIV testing;
- k) "HIV Testing" refers to any laboratory procedure done on an individual to determine the presence or absence of HIV infection;
- l) "HIV Transmission" refers to the transfer of HIV from one infected person to an uninfected individual, most commonly through sexual intercourse, blood transfusion, sharing of intravenous needles and during pregnancy;
- m) "High-Risk Behavior" refers to a person's frequent involvement in certain activities which increase the risk of transmitting or acquiring HIV;
- n) "Informed Consent" refers to the voluntary agreement of a person to undergo or be subjected to a procedure based on full information, whether such permission is written, conveyed verbally, or expressed indirectly;
- o) "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 all other health workers or personnel involved in any counseling, testing or professional care of the former; it also applies to any person who, in any official capacity, has acquired or may have acquired such confidential information;
- p) "Person with HIV" refers to an individual whose HIV test indicates, directly or indirectly, that he/she is infected with HIV;
- q) "Pre-Test Counseling" refers to the process of providing an individual information on the biomedical aspects of HIV/AIDS and emotional support to any psychological implications of undergoing HIV testing and the test result itself before he/she is subjected to the test;
- r) "Post-Test Counseling" refers to the process of providing risk-reduction information and emotional support to a person who submitted to HIV testing at the time that the test result is released;
- s) "Prophylactic" refers to any agent or device used to prevent the transmission of a disease;



- t) "Sexually Transmitted Diseases" refers to any disease that may be acquired or passed on through sexual contact;
- u) "Voluntary HIV Testing" refers to HIV testing done on an individual who, after having undergone pre-test counseling, willingly submits himself/herself to such test;
- v) "Window Period" refers to the period of time, usually lasting from two weeks to six (6) months during which an infected individual will test "negative" upon HIV testing but can actually transmit the infection.

SECTION 4. - *Composition.* – There is hereby created San Nicolas Multi-Sectoral Local AIDS Council which shall be composed of the following:

Chairperson - Municipal Mayor

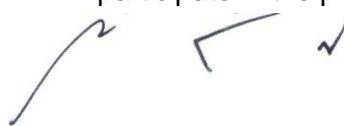
Members –

- Sangguniang Bayan Chairperson Committee on Health and Sanitation
- Municipal Health Officer;
- Municipal Social and Welfare Development Officer;
- Local Government Operations Officer
- Department of Health Representative;
- Public School's District Supervisor;
- One (1) Representative from an Organization of People Living with HIV;
- One (1) Representative from Faith-Based Organization who shall serve for a term of three (3) years) subject to renewal;
- Representative/s from Accredited NGOs/Pos representing or working with groups vulnerable or most at risk to HIV who shall serve for a term of three (3) years subject to renewal;
- One (1) Representative from business sector and academe who shall serve for a term of three (3) years subject to renewal;
- One (1) Representative from the academe who shall serve for a term of three (3) years subject to renewal.

SECTION 5. *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 6. *Powers and Functions.* - For the attainment of the aforesated objectives, the San Nicolas Multi-Sectoral STD, HIV and AIDS 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 municipality;
- b) Prepare short, medium, and long term plans for the prevention and control of STD/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 STD/HIV/AIDS;



- e) Identify and recommend priorities and gaps in the municipal 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 institutions from primary to secondary 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/forums/dialogues in all government institutions and agencies including government owned or controlled corporations found within the territorial jurisdiction of the municipality 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 STD/HIV/Aids Serological and Behavioral Surveillance, in coordination with the Department of Health (DOH) among the people with high-risk sexual behavior or those who by the nature of their work is prone to contacting STD/HIV/AIDS virus;
- i) Initiate skills training, advocacy program and development strategies to benefit the people with the high risk of contacting STD/HIV/AIDS virus;
- j) 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 municipality 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 diseases;
- k) Recommend to the Sangguniang Bayan ordinances and resolutions that shall assist in the control and prevention and containment of STD/HIV/AIDS;
- l) Recommend the closure or imposition of sanctions or penalties of any establishment found violating the prohibited acts as mentioned under this ordinance;
- m) Assist in the source/request for funding and recommend allocation of resources;
- n) Act as the primary agency that shall represent the municipality 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;
- o) Monitor in coordination with the Municipal Health Office STD/HIV/AIDS cases.
- p) Identify STD/HIV/AIDS cases through passive and active surveillance; and
- q) Reform all other task and functions related to the overall objective in the prevention and control of STD/HIV/AIDS in the municipality.

SECTION 8. Meetings. - 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 majority of all the members of the Council shall constitute a quorum for purpose of doing business.

SECTION 10. *Council Secretary.* - The Council shall have a Secretary who shall be designated as such by the municipal mayor to be taken from the organic personnel of the municipal 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. 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.

SECTION 12. *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 Municipal Health Office, San Nicolas STD, HIV, and AIDS Council, or NGO's accredited by the municipal government, otherwise no permit to operate shall be granted to the establishments.

SECTION 13. *Agencies Tasked To Conduct Seminars.*- The Municipal Health Office, San Nicolas Multi-Sectoral STD, HIV, and AIDS Council, or NGO's accredited by the municipal 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 may need such services.

SECTION 14. *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 STD/HIV/AIDS seminar has been issued to its operator and to all of its employees.

SECTION 15. *Availability Of Prophylactics.* - To prevent STD/HIV/AIDS, all entertainment establishments are required to make prophylactics or condoms available within their establishment.

SECTION 16. - *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 (gramstaining) to be conducted on regular basis at the Municipal Health Office.

SECTION 17. - *Compilation of Roster of Entertainers/Employees In Entertainment.* - The Municipal Health Office shall maintain a roster of entertainers/employees indicating their ages and place of employment. In relation thereto, all owners/operators/managers of entertainment establishments shall submit to the Municipal Health Office a quarterly updated list of their employees.

SECTION 18. *Monitoring Programs.* - The Council shall establish a comprehensive STD/HIV/AIDS monitoring program in coordination with the Municipal Health Office's similar monitoring program to determine and monitor the magnitude and progression of STD/HIV/AIDS infection in the municipality, and for the purpose of evaluating the adequacy and efficacy of the countermeasures being employed by the Council, Municipal Health Office and NGO's.



Further, the Council in coordination with the Municipal Health Office shall monitor STD/HIV/AIDS cases through passive and active surveillance. Active surveillance includes 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 19. Reporting. - All hospitals, clinics, laboratories, and testing centers for STD/HIV/AIDS is required to immediately report to the Municipal Health Office any identified STD/HIV/AIDS cases.

SECTION 20. Contact Tracing. - STD/HIV/AIDS contact tracing and all other related health intelligence activities may be pursued by the Council in coordination with the Municipal Health Office. Provided, such 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 21. 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 22. - Exceptions to the Mandate of Confidentiality. - Medical confidentiality shall not be considered breached 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 e Court with jurisdiction over a legal proceedings where the main issue in 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 23. 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 received such result in conjunction with the surveillance program of the City Health Office as provided in accordance with the provisions of in Section 27 of 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 of R.A. 8504.

SECTION 24. 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 Municipal Health Office.

SECTION 25. 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 26. 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 of being the World’s Aids Day.

SECTION 27. Appropriations. - The fund for the implementation of this Ordinance shall be sourced from available fund. Thereafter, the amount necessary to effectively carry out the provisions of this Ordinance shall be included in the annual budget of the municipality.

SECTION 28. Separability Clause. – If for any reason any section or provision of this Ordinance is declared as unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 29. Repealing Clause. – All ordinances, rules and regulations, and other issuances or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

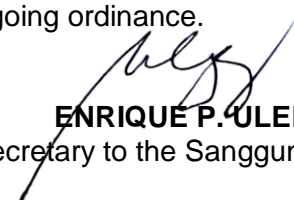
SECTION 30. Effectivity. – This Ordinance shall take effect immediately upon approval.

UNANIMOUSLY APPROVED.”


Voting on the foregoing resolution was as follows:

AYES	:	Members Santos, Dadiz, Jr., Ambrocio, Jr., Badua, Villa, Domingo, Corpuz, Butay, Andres, & Ruiz.
NAYS	:	None.
ABSTAINED	:	None.

I hereby certify to the correctness of the foregoing ordinance.


ENRIQUE P. ULEP, JR.
 Secretary to the Sangguniang Bayan I

ATTESTED:


ALFREDO P. VALDEZ, JR., M.D.
 Vice-Mayor/Presiding Officer

APPROVED:


MELANIE GRACE P. VALDEZ, M.D.
 Mayor

Approved on: _____