



Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL NORTE
Municipality of Siayan



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF
SIAYAN, ZAMBOANGA DEL NORTE HELD AT THE MUNICIPAL SESSION HALL ON THE
7TH DAY OF OCTOBER 2019.

PRESENT:

Hon. Primitivo D. Castillo, Presiding Officer,	Municipal Vice Mayor
Hon. Emelyn P. Tulawe, Presiding Officer Pro-Tempore	Sangguniang Bayan Member
Hon. Estrella S. Zapatos,	-do-
Hon. Rico V. Jamisola,	-do-
Hon. Rey L. Anugon, Assistant Floor Leader	-do-
Hon. Alfred R. Labastido	-do-
Hon. Phil A. Saraga, SK Fed. President,	-do-
Hon. Maribel C. Okay,	-do-
Hon. Johnny C. Anugon, Sr., IPMR,	-do-

SENT:

Hon. Vanessa Lyn B. Atuy,	-do-
Hon. Oliver A. Romero, Floor Leader	-do-
Hon. Ma. Roselyn G. Secretario,	-do-

**"MUNICIPAL ORDINANCE NO. 19-16
Series of 2019**

PREFATORY STATEMENT

Republic Act No. 8504 known as "An Act Promulgating Measures for the Prevention and Control HIV and AIDS in the Philippines".

Related laws, under Article 3 of the United Nations Convention of the Elimination of all Forms of discrimination against Women (UNCEDAW) states that the obligation of the state is to take all appropriate measures to ensure the full development and advancement of women, for the purposes of guaranteeing them the exercise and enjoyment of human rights and fundamental freedom on the basis equality with them.

BE IT ORDAINED BY the Sangguniang Bayan in session assembled:

SECTION 1. TITLE. This shall be known as *** AN ORDINANCE ON STI/HIV AND AIDS PREVENTION IN THE MUNICIPALITY OF SIAYAN, ZAMBOANGA DEL NORTE.***

SECTION 2. DECLARATION OF POLICIES AND PRINCIPLES. Acquired Immune deficiency Syndrome (AIDS) is a disease which has no known cure and which does not recognize territorial, social, political or economic boundaries. The gravity of the AIDS threat demands strong state action today, thus the Municipal Government of Siayan shall adopt the following and hereby declared the Policies and Principles of the Municipal Government, to wit:

- 2.1 The Local Government Unit is responsible to educate the community in preventing the spread of HIV and AIDS and other Sexually Transmitted Infections (STI).
- 2.2 It is the responsibility of the Local Government Unit to provide medical and social assistance to the local individuals and their families that may be affected by STI, HIV and AIDS.
- 2.3 The Local Government Unit of Siayan recognizes the fact that prostitution is a growing menace in the society and therefore, the LGU shall resolve to find ways and means to control it.
- 2.4 The LGU recognizes the efforts of the assisting NGO/CSOs, who advocated for the passage of this ordinance with the support of the Municipal Government Agencies like the Municipal Health Office, Municipal Social Welfare and Development Office and NGOs like the Philippine Red Cross, Zamboanga del

Norte Mass Blood Donation Team, Medical and Paramedical Associations, the religious organizations and other partners.

- 2.5 In compliance with the provisions of the 1987 Philippine Constitution, Republic Act No. 8504 and other existing International, national and local laws and directives, effort shall be made by the Municipal Government to enact policies and measures that will ensure the promotion of the right to health and protection of its constituents from any health and social ills that will hamper their full development.

SECTION 3. DEFINITION OF TERMS. As used in this ordinance, the following terms are defined as follows:

- 3.1 **AIDS (Acquired Immune Deficiency Syndrome).** 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.
- 3.2 **Municipal Accredited NGOs.** The non-government organizations (NGOs) who have passed accreditation and annual updating by the Sangguniang Bayan and which organizations are acknowledged by the LGUSMSC-SHAPC as having knowledge on social health and expertise in advocacy, prevention and control of STI, HIV and AIDS.
- 3.3 **Condom.** It is a tool or device used in preventing/controlling the transmission of STI/HIV and AIDS. The use of "polyethylene" and "latex" brands of condom is hereby advised.
- 3.4 **Council.** This is the Municipal Multi-Sectorial Council for STI/HIV and AIDS Prevention and Control (MMSC-SHAPC) as defined in Section 4 of this ordinance.
- 3.5 **Decriminalize.** It shall mean to eliminate criminality and culpability on women prostitutes which should go hand in hand with the apprehension and prosecution of agents, recruiters, traffickers, pimps, procurers, establishment owners, customers and other who derive benefit from the prostitution of others.
- 3.6 **Entertainer.** Means a person who is employed in a entertainment establishment and renders entertainment service such as GROs, dancers, masseurs, cocktail waitresses and other similar occupations to customers.
- 3.7 **Entertainment Establishment Policies.** This refers to the statement of provisions of work and benefits of entertainers/employees within the establishment which shall be formulated by the concerned establishment and the Department of Labor and Employment (DOLE).
- 3.8 **Floor Managers.** Refer to individuals who supervise the activities of the entertainers.
- 3.9 **HIV and AIDS prevention and Control.** It refers to measures aimed at protecting non-infected persons from contracting HIV and minimize the impact of the condition of persons living with HIV.
- 3.10 **HIV (Human Immune Deficiency Virus).** It means the virus that causes AIDS.
- 3.11 **Information Dissemination.** It is the process of relaying the policies, manner of prevention causes and sources of infection of STI/HIV and AIDS to all persons, operators and workers in the entertainment industry.
- 3.12 **Lewd.** Action characterized by inciting to lust or lechery; obscene or indecent; and low of vulgar, which are cited in accordance with the offenses against Decency and Good Customs of Article 201 of the Revised Penal Code.
- 3.13 **Manager.** Refers to an individual who has the direct control and supervision of the employees working with the establishments.

- 3.14 **Medical Practitioner.** Shall mean any person engaged in health work in hospitals, clinic, sanitarium, health stations, barangay health centers and the like.
- 3.15 **Minor.** Any persons who is below eighteen (18) years of age or those above but are unable to fully take care of themselves or protect themselves because of physical or mental disability or condition.
- 3.16 **Operator.** Refers to any natural or juridical persons who is/are granted permit/license to operate an entertainment establishment.
- 3.17 **LGUSMSC-SHAPC.** (Local Government Unit of Siayan Multi-Sectoral Council on STI/HIV and AIDS Prevention and Control) is a juridical multi-sectoral body headed by the Local Chief Executive, who is given the authority to designate the representatives from different sectors apart from the regular membership of the Sangguniang Bayan Chairman, Committee on Health and Committee on Women and Family Welfare and the Municipal Health Officer as Chief Executive Officer (CEO).
- 3.18 **Person Living with HIV.** Refers to an individual whose HIV test indicates directly or indirectly that he/she is infected with HIV.
- 3.19 **Pink Health Card.** A card that certifies the entertainer's regularity in the weekly medical examinations as prescribed in this ordinance.
- 3.20 **registered Entertainment Establishment.** Any establishment that includes bars, nightclubs, disco. Houses, beer houses, cocktail lounges, massage clinics, karaoke/vedioke or vedio cinco bars/sing-along pub houses which are licensed to operate within Municipality of Sindangan.
- 3.21 **Reproductive Health.** Is the 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 system and its functions and processes; i.e. people are able to have a satisfying and safe sex life and have capability to reproduce.
- 3.22 **SRHWC (Siayan Reproductive Health and Wellness Clinic).** This is the new name of the Social Hygiene Clinic in the Office of the Rural Health Unit.

SECTION 4. CREATION OF THE COUNCIL. There shall be created a 9-15 members to be known as the Local Government Unit of Siayan Multi-Sectoral Council on STI/HIV and AIDS Prevention and Control (LGUSMSC-SHAPC) which shall be composed of the following:

Chairperson: Municipal Mayor
MEMBERS:

- 1. SB Member, Chairman Committee on HealthSB Member, Chairman on Committee on Women and Family Welfare
- 2. Sectoral Representatives: (to be appointed by the Municipal Mayor as the Council Chair from any of the following:
- 3. Government: Municipal Health Officer; Municipal Legal Office, MLGOO, MSWDO, Liga ng mga Barangay, MCASTDO, Municipal Legal Officer
- 4. Owner/proprietor/operator of clinical laboratories
- 5. Non-Government Organizations
- 6. Civic Clubs
- 7. Education: DepED, Private Colleges
- 8. Media
- 9. Medical Group: Medical Private Practitioner, Chief of Hospitals (Government and Private Hospitals)
- 10. Youth: SK Federation; the Chairperson on Parish Youth Apostolate
- 11. Business/Labor Sectors: Chamber of Commerce; KTV Bars, lodging inns, motel/pension houses/massage clinics/spa/wellness centers/barber/parlor shops/freelancers/beach and mountain resorts
- 12. Gay Association (SINAG)
- 13. Religious Sector: Interfaith; Priests, Imams, Pastors

SECTION 5. GOAL. The LGUSMSC-SHAPC shall aim to fully protect the people of Slayan from getting infected with all forms of social diseases and ultimately attain a "prostitution-free municipality".

SECTION 6. COUNCIL FUNCTIONS AND RESPONSIBILITIES. The council in coordination with the Slayan Reproductive Health and Wellness Clinic (SRHWC) shall have the following functions and responsibilities:

- 6.1 Design and develop local plans and programs incorporating therein the spiritual formation of persons to prevent, control and possibly eradicate the spread of STI/HIV and AIDS thus reduce the impact of the disease on individuals, families and communities;
- 6.2 Recommend local policies and legislation related to STI/HIV and AIDS;
- 6.3 Identify and recommend priorities and gaps in local HIV related cases;
- 6.4 Provide health care services and antibody test to entertainers and those with similar occupation on a voluntary basis;
- 6.5 Conduct periodic information, education and communication activities on the promotion of health prevention and control STI/HIV and AIDS;
- 6.6 Advocate for local prevention, care and social support programs, as well as non-discrimination program for people living with STI/HIV and AIDS;
- 6.7 Supervise the over-all implementation of local STI/HIV and AIDS programs regularly;
- 6.8 Monitor and evaluate local plans and programs;
- 6.9 Coordinate with other government agencies and the different sectors on STI/HIV and AIDS related activities;
- 6.10 Develop guidelines and procedures to ensure effective and efficient programs; and
- 6.11 Help source / request for funds and recommend allocation of resources.

SECTION 7. THE CHIEF EXECUTIVE OFFICER, FUNCTION AND DUTIES. The Chief Executive Officers functions and duties shall not be limited to the following:

- 7.1 Establish the organizational structure and staffing pattern of the council subject to the approval of the Municipal Mayor / Council Chairperson;
- 7.2 Direct and supervise the implementation of the plans and programs including spirituals formation and the internal operations of the council;
- 7.3 Submit the annual/supplemental budgets of the council to the Municipal Mayor/ Council Chairperson for appropriate action;
- 7.4 Perform such other functions as may be authorized by the Municipal Mayor/ Council Chairperson; and
- 7.5 Recommend the suspension, dismissal or otherwise discipline for cause of any member or members of the council.

SECTION 8. ASSISTING STAFF. The Executive Officer shall be assisted by an Administrative and Operations Staff in accordance with an approved organization and staffing structure of the council which shall be composed of such number of employees detached from other municipal offices and detailed by the approval of the Municipal Mayor / Council Chairperson.

SECTION 9. SLAYAN REPRODUCTIVE HEALTH AND WELLNESS CENTER (SRHWC) AND ITS FUNCTIONS. The Social Hygiene Clinic in the Office of the Rural Health Unit Shall be renamed as Slayan Reproductive Health Wellness Center (SRHWC), and its function shall be the following:

- 9.1 Provide reproductive health care service exclusively to its clientele;
- 9.2 Provide education and information dissemination activities on the promotion of reproductive health, prevention and control of STI/HIV and AIDS;
- 9.3 Case management of its clientele for various necessary information;
- 9.4 Provide integration and renewal program/training/reprogramming for entertainers and others who have practiced high risk sexual activities, organizing and other needs of their clientele;
- 9.5 Monitor and evaluate the cases handled by the center;
- 9.6 Coordinate with other agencies of the Municipal Government for referral cases and provision of other health care services and other needs of its clientele like livelihood projects, alternative home, scholarships and other services;
- 9.7 The charge of the referrals of minors to concerned agencies (GOs and NGOs) for further assistance;

- 9.8 Conduct HIV Antibody Test for entertainers and with similar occupation and pregnant women on a voluntary and regular basis;
- 9.9 Administer pre and post test counseling before any examination is considered;
- 9.10 Advocate for appropriate spiritual formulation of the clientele.

SECTION 10. RULES REGARDING COMPULSORY STI/HIV AND AIDS EDUCATION AND ATTENDANCE TO SEMINARS BY THE CONCERNED SECTORS AS IDENTIFIED IN THIS SECTION.

- 10.1 It shall be mandatory/compulsory for all operator and . or managers and entertainers of registered entertainment establishments to attend seminars on STI/HIV and AIDS prevention and control to be conducted semi-annually by any of the agencies such as SRHWC, LGUSMSC-SHAPC and other municipal accredited NGOs, otherwise, NO PERMIT TO OPERATE shall be granted to the concerned registered entertainment establishment for violation thereof.
- 10.2 The SRHWC, LGUSMSC-SHAPC and municipal accredited NGOs are hereby tasked to conduct seminars on Reproductive Health, STI/HIV and AIDS semi-annually and to make themselves accessible and available for seminar purposes to such operators and/or managers and entertainers and other persons who may need such services. They shall monitor from time to time the compliance to Section 10 of Article III of this ordinance and monitoring shall include inspection of proof of certificate of attendance of operators and/or managers and entertainers through the attendance sheet.
- 10.3 Any person who shall falsify the certificate of attendance shall be penalized.

SECTION 11. REQUIREMENT FOR THE ISSUANCE OF PERMIT TO OPERATE.

- 11.1 No establishment shall be allowed to operate unless a certificate of attendance has been issued in compliance with Section 10 of this ordinance.
- 11.2 It shall further be mandatory to all operators/managers and supervisors of registered entertainment establishments to attend seminars and to secure a certificate of attendance before it can be issued a license to operate, which license is to be renewed annually.

SECTION 12. PEER EDUCATOR REQUIRED. It shall be a requirement for all entertainment establishments to have at least one (1) peer educator trained by LGUSMSC-SHAPC, which requirements shall take effect one (1) year after the effectivity of this ordinance, otherwise, no permit and license to operate shall be issued thereafter.

SECTION 13. REQUIRED AND CONTROLLED USE OF THE CONDOM AND OTHER INFORMATION MATERIALS. In the prevention and Control of STI/HIV and AIDS, these materials shall be available in all registered establishments like hotels, motels, lodging/pension houses, saunas, massage/spa clinics, wellness centers, traveller's inn, barber shops/parlors and registered entertainment establishments and the like.

- 13.1 The required use of the condom shall then be adopted in the Municipality for the control of STI/HIV and AIDS. It shall be required at all entertainment establishments, hotels motels, lodging/pension houses, saunas, massage/spa clinics, wellness centers, traveller's inn, barber shops and the like to make CONDOM use a requirement for costumers other than legally married couple or family, and to provide guidance on the correct and consistent use of the same;
- 13.2 Information and Education Materials. It shall be required of all registered entertainment establishments, hotels motels, lodging/pension houses, saunas, massage/spa clinics, wellness centers, traveller's inn, barber shops to make the information materials on STI/HIV and AIDS prevention and control available within their establishments and provide such information materials upon request of the costumers especially on the guidance of the correct and consistent use of prophylactic.
- 13.3 Visibility of Posters and Other Information Materials. All entertainment establishments, hotels motels, lodging/pension houses, saunas, massage/spa clinics, wellness centers, traveller's inn, barber shops are required to make their posters visible within their premises particularly in comfort rooms and dressing rooms.

- 13.4 Only persons 18 years old and above are allowed admission to any hotel, motel, inn, pension houses or establishments of similar in the Municipality of Slayan, Zamboanga del Norte.

Minors may not be admitted, registered or allowed to enter, stay in any of these establishments when in the company of their parents who, upon registration must show proof of their true relationship as parent and child.

- 13.5 Children unauthorized women and minors shall be apprehended by any authorized public official or barangay official, aside from PNP, found within the premises of the above-mentioned establishments.
- 13.6 Any person who shall insist to stay in an establishment when he has been requested to leave by reason of exhibiting behavior contrary to public norms shall be penalized under this ordinance.
- 13.7 No registered entertainment establishment shall be allowed to hire a minor.

SECTION 14. CONDUCT OF MEDICAL EXAMINATION OF ENTERTAINERS AND OTHERS WITH SIMILAR OCCUPATION. All entertainers and others with similar occupation shall undergo a weekly medical examination (gram staining) to be conducted on a regular basis by the SRKWC. The pink card or the Social Hygiene Card is now renamed PINK HEALTH CARD.

SECTION 15. ELIMINATION OF SOCIAL STIGMA. All activities to be undertaken for the prevention and control of STI/HIV and AIDS shall be addressed towards both women and men clientele. Women and children's vulnerability to STI/HIV and AIDS infection based on their reproductive and physiological attributes should be highlighted; this shall mean women and children within clientele's family.

SECTION 16. SUBMISSION OF POLICIES. It shall be compulsory for all operators and/or managers of registered entertainment establishments to provide the LGUSMSC-SHAPC and the entertainers copies of the entertainment establishment policies in accordance with labor laws and other related national and local policies, rules and regulations.

SECTION 17. BIRTH CERTIFICATES AND OTHER LEGAL DOCUMENTS:

- 17.1 All applicants seeking employment in a registered entertainment establishment shall submit an application for working permit at the Permits and License Division, Office of the Municipal Mayor.
- 17.2 As a prerequisite for the approval of said permit, she/he must present an authenticated birth certificate or in the absence of the same, an affidavit of two (2) witnesses duly authenticated by the Municipal Civil Registry Office (MCRO), which office shall then process the request with corresponding line agencies concerned upon payment of a processing fee.

SECTION 18. COMPILATION OF A ROSTER OF ENTERTAINERS/EMPLOYEES. The Municipal Health Office (MHO) shall maintain a master list of employees particularly indicating their ages, and place of employment.

SECTION 19. CLEARANCE FOR TRANSFER. The authenticated PINK HEALTH CARD of any entertainer may be used as clearance for the intended transfer.

SECTION 20. COMMEMORATION OF AIDS CANDELIGHT MEMORIAL AND WORLD AIDS DAY.

- 20.1 Commemoration of AIDS Candelight Memorial happens every 3rd Sunday of May in memory of those who have died of AIDS and for those persons living with HIV and AIDS (PLHIV). This also coincides with the Women's Health Advocacy Month.
- 20.2 World AIDS Day is celebrated every 1st day of December where different agencies (GOs/NGOs/religious groups/schools, entertainment establishment workers, etc.) convene and conduct advocacy program to disseminate information on the prevention and control of STI/HIV and AIDS to be spearheaded by the LGUSMSC-SHAPC.

SECTION 21. PROHIBITED ACTS IN ENTERTAINMENT ESTABLISHMENTS. No entertainment establishments shall practice any of the following prohibited acts:

- 21.1 Offering entertainment that appeals exclusively to the prurient interest of people and therefore must be in accordance with the entertainment for public and general patronage as provided for by the Revised Penal Code;
- 21.2 Allowing presentation of lewd shows and other entertainment activities that degrades the status of women or men and violates generally accepted standards of the community on morals, decency and obscenity;
- 21.3 Facilities such as private entertainment rooms with locks from the inside and the outside and window glass that are non-transparent or with any form of obstructions from public view that facilitates the practice of illegal activities such as prostitution, use of illegal drugs, acts of lasciviousness and other illegal acts that violate women's rights. Establishments are given six (6) months to comply upon passage of this ordinance;
- 21.4 Tolerating the activities of pimps or any person soliciting money for sexual favors;
- 21.5 Any patron, pimp, manager or operator, government officials/employees or any person caught watching or participating in any way during the conduct or showing of a lewd show likewise be penalized.

SECTION 22. PROHIBITING AGAINST MEDICAL MALPRACTICE. No medical practitioner or other staff assisting or directly providing medical services/exams to clientele is allowed to discriminate or inhumanely treat a clientele/patient who is suffering from STI/HIV and AIDS.

SECTION 23. PROHIBITING AGAINST DIVULGING OF CONFIDENTIAL INFORMATION OF PERSONS LIVING WITH STI/HIV AND AIDS. Any person working in the government or any NGO who has access to confidential information acquired by reason of his/her position in the implementation of this ordinance, and who shall divulge the same to the public, shall be penalized.

SECTION 24. PENAL PROVISIONS. Any person / establishment found guilty of violating section 10, 16 and 21, 22 & 23 of this ordinance shall be meted with the following penalties:

First Offense	-	to pay a fine of P1,000.00
Second Offense	-	to pay a fine of P2,000.00
Third Offense	-	to pay a fine of P2,500.00
Fourth Offense	-	revocation of permits and closure of establishment

SECTION 25. Any person / establishment found guilty of violating section 11, 13 & 14 of this ordinance shall be meted with the following penalties:

First Offense	-	to pay a fine of P500.00
Second Offense	-	to pay a fine of P1,500.00
Third Offense	-	to pay a fine of P2,500.00
Fourth Offense	-	revocation of permits and closure of establishment

SECTION 26. IMPLEMENTING RULES AND REGULATION (IRR) FORMULATION. The LGUSMSC-SHAPC spearheads the formulation and passage of the IRR of this Municipal Ordinance.

SECTION 27. ENFORCEMENT AND MONITORING. The following agencies are tasked to coordinate in the strict enforcement/compliance and monitoring of this ordinance.

- 27.1 LGUSMSC-SHAPC
- 27.2 SRHWC
- 27.3 Municipal PNP-Women Desk
- 27.4 Gender and Development Council / Office
- 27.5 Municipal Social Welfare & Development Office (MSWDO)
- 27.6 Municipal License & Permit Division, Municipal Mayor's Office
- 27.7 Accredited NGOs, POs and Private Sector
- 27.8 Commission on Human Rights (CHR)

SECTION 28. APPROPRIATIONS. The sum of One Hundred Thousand (P100,000.00) Pesos shall be appropriated out of the Municipal General Funds to cover expenditures to fund projects mentioned in this ordinance which includes purchase of information materials in the prevention and control of STI/HIV & AIDS. This annual budgetary allocation may be increased as maybe necessary upon evaluation and recommendation by the LGUSMSC-SHAPC.

SECTION 29. CURRENT YEAR FUND ALLOCATION. The sum of One Hundred Thousand (P100,000.00) Pesos or so as may be necessary is hereby appropriated out of any funds existing in the Municipal Treasurer's Office to cover the expenditures for the current year operations of the LGUSMSC-SHAPC.

SECTION 30. 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 31. EFFECTIVITY CLAUSE. This ordinance shall take effect upon approval of the Sangguniang Panlalawigan of Zamboanga del Norte and publication of official gazette.

ENACTED this 7th day of October 2019.

I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.

**CERTIFIED CORRECT
AS TO ITS PASSAGE:**


PRIMITIVO D. CASTILLO
Municipal Vice Mayor
(Presiding Officer)


WILFREDO O. DOMPALES
Sangguniang Bayan Secretary

APPROVED:


JOSECOR S. GEPOLONGCA
Municipal Mayor