

SR

T
T

“A DRAFT ORDINANCE PROMULGATING POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF STI, HIV AND AIDS IN TUGUEGARAO CITY, CREATING TUGUEGARAO CITY STI, HIV AND AIDS COUNCIL (TCSHAC) AND PROVIDING FOR ITS POWERS AND FUNCTIONS AND FOR OTHER PURPOSES”

Author: Mary Marjorie P. Martin-Chan

WHEREAS, Article II Section 15 of the Philippine Constitution states that, “the State shall promote the right to health of the people and instill consciousness among them.”

WHEREAS, HIV remains a major global public health issue, having claimed 40.4 million [32.9–51.3 million] lives so far with ongoing transmission in all countries globally; with some countries reporting increasing trends in new infections when previously on the decline

WHEREAS, in 2018, the National Government enacted Republic Act No. 11166 or the Philippine HIV and AIDS Policy Act of 2018;

WHEREAS, the Tuguegarao City Government recognizes that STIs, HIV, and acquired immunodeficiency syndrome (AIDS) are public health concerns that have wide-ranging social, political, and economic repercussions, and that responding to the City's STI, HIV and AIDS situation is imbued with public interest;

ARTICLE 1. GENERAL PROVISIONS

SECTION 1. SHORT TITLE. This Ordinance shall be known as the "**TUGUEGARAO CITY STI, HIV, AND AIDS PREVENTION AND CONTROL ORDINANCE**"

SECTION 2. DECLARATION OF POLICIES. - The City recognizes that the enjoyment of the highest attainable standard of health is one of the fundamental human rights of every being without distinction as to race, religion, political belief, economic or social condition. In upholding this right, the City declares as its policy that:

- a. Sexually Transmitted Infections (STIs), Human Immunodeficiency Virus (HIV), and Acquired Immunodeficiency Syndrome (AIDS) are public health concerns that have wide-ranging social, political, and economic repercussions. Responding to the country's STI, HIV, and AIDS situation is imbued with public interest;
- b. The City's response to the STI, HIV, and AIDS situation shall be anchored on principles of human rights, upholding human dignity. The City shall respect, protect, and promote human rights as the cornerstone of an effective response to the City's STI, HIV, and AIDS situation;
- c. The City recognizes that the right to health includes the right to have access to sexual and reproductive information and services, that is free from violence and discrimination;
- d. The meaningful inclusion and participation of persons directly and indirectly affected by STI, HIV, and AIDS, especially persons living with STI or HIV, are

crucial in eliminating the infection/ virus. Policies and practices that discriminate based on perceived or actual STI or HIV status, sex, gender, sexual orientation, gender identity, age, economic status, disability, and ethnicity hamper the enjoyment of basic human rights and freedoms guaranteed by the Constitution and are inimical to the City's interests. Towards this end, the city ensures the delivery of non-discriminatory STI, HIV, and AIDS services by the government and private sector;

- e. Everyone has the right to privacy and to be treated with respect and dignity. Unless otherwise provided in this Ordinance, no person shall be required to undergo testing or treatment without informed consent, and the confidentiality of health records shall be maintained;
- f. The city recognizes that meaningful progress can only be achieved by addressing other socioeconomic factors that aggravate the spread of STIs and HIV infection, such as poverty, gender inequality, access to education, and marginalization. As such, the City shall adopt a health-in-all approach to policymaking, by considering at all times the health impact of policies it adopts.

SECTION 3. DEFINITION OF TERMS

- a. Acquired Immunodeficiency Syndrome (AIDS) - a health condition where there is a deficiency of the immune system that stems from infection with the Human Immunodeficiency Virus or HIV, making an individual susceptible to opportunistic infections.
- b. Sexually Transmitted Infections (STI) - infections that are spread through the transfer of organisms from one person to another as a result of sexual contact.
- c. Antiretroviral (ARV) - the treatment that stops or suppresses viral replication or replications of a retrovirus like HIV thereby slowing down the progression of infection.
- d. Bullying – refers to any severe or repeated used by one or more students of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his/her property; creating a hostile environment at school for the other student; infringing on the rights of another student at school; or materially and substantially disrupting the education process or the orderly operation of a school; such as, but not limited to, the following:
 - 1. Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting, and the use of available objects as weapons;
 - 2. Any act that causes damage to a victim's psyche and/or emotional well-being;
 - 3. Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes and body;
 - 4. "Cyber"-bullying or any bullying done through the use of technology or any electronic means. The term shall include any conduct resulting to harassment, intimidation or humiliation through the use of other forms of technology, such as, but not limited to, texting, email, instant messaging, chatting internet, social media, online games, or other platforms or formats as defined in DepEd Order No. 40, s. 2012; and,

5. Any other form of bullying as may be provided in the school's child protection or anti-bullying policy, consistent with the Anti-Bullying Act and its Implementing Rules and Regulations.
- e. The term "bullying" shall also include:
 1. "Social Bullying" - refers to any deliberate, repetitive and aggressive social behavior intended to hurt others or to belittle another individual or group.
 2. "Gender-based bullying" - refers to any act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity (SOGI).
 - f. Civil Society Organizations - groups of non-governmental and non-commercial individuals or legal entities that are engaged in non-coerced collective action around shared interests, purpose and values.
 - g. Community-Based STI/HIV Screening - voluntary testing for STI or HIV infection made available at the community level, which may be conducted through the initiatives of community-based peer educators or counselors.
 - h. Comprehensive Health Intervention for Key Populations - evidence-based policies, programs and approaches that aim to reduce transmission of HIV and its harmful consequences on health, social relations and economic conditions.
 - i. Compulsory STI or HIV Testing - HIV testing imposed upon an individual characterized by lack of consent, use of force or intimidation, the use of testing as a prerequisite for employment or other purposes, and other circumstances where informed choice is absent.
 - j. Confidentiality of STI or HIV Status - the relationship of trust and confidence created or existing between a patient or a person living 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, such as peer educators, community-based counselors, school counselors, etc.
 - k. Discrimination - unfair or unjust treatment that distinguishes, excludes, restricts, or shows preferences based on any ground such as sex, gender, age, sexual orientation, gender identity, economic status, disability, ethnicity, and STI/HIV status, whether actual or perceived, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons similarly situated, of all rights and freedoms. This definition shall include discrimination against individuals undergoing STI/HIV related tests regardless of the outcome of the test(s).
 - l. Entertainer - a person who is employed or working in the entertainment establishments who render entertainment services to and/or directly interacts with customers, such as Guest Relations Officer (GRO), dancers, masseuses, masseurs, cocktail waitress and other similar occupations. The term "entertainers" for the purposes of this ordinance, includes both registered and non-registered entertainers.
 - m. Entertainment Establishments - any establishment/ businesses that employs people who render entertainment services to and/or directly interacts with customers, such as Guest Relations Officer (GRO), dancers, masseuses, masseurs, cocktail waitress and other similar occupations.

- n. Evolving Capacities of the Child - the concept enshrined in Article 5 of the Convention on the Rights of the Child recognizing the developmental changes and the corresponding progress in cognitive abilities and capacity for self-determination undergone by children as they grow up, thus requiring parents and others charged with the responsibility for the child to provide varying degrees of protection and to allow their participation in opportunities for autonomous decision-making in different contexts and across different areas of decision-making.
- o. Gender Identity - each person's deeply felt internal and individual experience of gender that may or may not correspond with the sex assigned at birth, including the person's sense of the body, which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical and other means, and other expressions of gender, including dress, speech, and mannerisms.
- p. Gender-Responsive - the ability to substantively address gender issues identified through gender analysis of sex-disaggregated data and gender-related information.
- q. Gender-Sensitive - the ability to recognize and acknowledge the differences in roles, needs, and perspectives of women and men, possible asymmetries in their relationship, and the possibility that actions or interventions will have different effects on, and results for, women and men based on their gender, but do not actively seek to address these issues.
- r. Harm Reduction evidence-based policies, programs and approaches that aim to reduce transmission of STI or HIV and its harmful consequences on health, social relations and economic conditions; such policies or programs shall be harmonized and coordinated with policies and actions of pertinent agencies who implement related mandates whether local or national when actions are required to be undertaken in Tuguegarao City.
- s. High-Risk Behavior - a person's frequent involvement in activities that increase the risk of transmitting or acquiring STI or HIV.
- t. HIV Testing - a facility-based, mobile medical procedure that is conducted to determine the presence or absence of HIV anti-bodies in a person's body. HIV testing is confidential, voluntary in nature and must be accompanied by counseling prior to, and after the testing, and conducted only with the informed consent of the person.
- u. HIV Transmission - the transfer of HIV from one infected person to an uninfected individual, through unprotected sexual intercourse, blood transfusion, sharing of contaminated intravenous needles, or which may occur during pregnancy, delivery, and breastfeeding.
- v. Human Immuno-Deficiency Virus (HIV) - the virus, of the type called retrovirus, which infects cells of the human immune system, and destroys or impairs the cells' function. Infection with HIV without treatment results in the progressive deterioration of the immune system, leading to immune deficiency.
- w. Informed Consent - the voluntary agreement of a person to undergo or be subjected to a procedure based on full information, whether such permission is written or conveyed verbally.

- x. Key Affected Populations or Key Population - those groups or persons at higher risk of HIV exposure or affected populations whose behavior make them more likely to be exposed to HIV or to transmit the virus.
- y. Minor - a person who is below 18 years of age.
- z. Operator the person who exercises direct control and supervision over employees in an entertainment establishment, regardless of who is named in the business permit or license to operate.
- aa. Outpatient HIV and AIDS Treatment (OHAT) - the benefit package for outpatient treatment of HIV and AIDS offered by PhilHealth.
- bb. Peer Educator - a person trained by an accredited institution who, belonging to the same community, gives support and education to co-workers and friends and to others with their same peer group.
- cc. Person Living with HIV (PLI-HIV) - an individual diagnosed to be infected with HIV.
- kk. Tuguegarao City STI, HIV, and AIDS Council (TCSAC) a multisectoral organization. committed to unify responsive effort on the prevention, care, and control of STI, HIV and AIDS among the general population especially the marginalized groups and reduction of its impact on the community.

EDUCATION AND INFORMATION

SECTION 4. Comprehensive STI, HIV and AIDS Education. Comprehensive education and information strategies shall be design, integrated and adopted in various levels geared towards the purpose of providing substantial information/ knowledge, improving attitudes and skills in the prevention and control of STI, HIV and AIDS, in both public and private sphere.

SECTION 5. Sexual Abstinence and Mutual Fidelity. Sexual abstinence and mutual fidelity shall be emphasized as the most effective measure for STI, HIV/AIDS prevention.

SECTION 6. STI, HIV and AIDS Gender sensitive IEC Materials and Education Modules. Information, Education and Communication (IEC) Materials shall be designed appropriate to the needs and culture of group being targeted in the campaign. Literatures on STI, HIV and AIDS shall utilize the local lingo to encourage and facilitate easy understanding of terms and concepts. Modules on STI, HIV and AIDS prevention and control shall not in any way be used as excuse to propagate birth control or sale or distribution of birth control devices. Proper consultations shall be held among individuals who are targets for application for any course content, scope and methodology

SECTION 7. STI, HIV/AIDS Education in Schools. The City Health Board in cooperation with the Department of Education, the Technical Education and Skills Development Authority (TESDA) and Commission on Higher Education (CHED) shall take the lead in information dissemination and popularization on the nature STI, HIV and AIDS and its prevention, utilizing standardized information provided by the Department of Health in all schools, and to include non-formal system of education.

All teachers and instructors of said STI, HIV and AIDS courses shall be required to undergo seminar or training on STI, HIV and AIDS prevention and control to be supervised by the Department of Education, CHED, TESDA or any accredited institution/organization, in coordination with the Department of Health, before they are allowed to teach on the subject.

SECTION 8. STI, HIV and Education in the Workplace. All employees of the City of Tuguegarao, regardless of their status, shall be required to undergo basic orientation on STI, HIV and AIDS to be conducted by the City Health Office and the Human Resources Office of the City of Tuguegarao. Managers, supervisors and employees in the private workplaces shall be provided with standardized basic information and instructor on STI, HIV and AIDS which shall include topics on confidentiality in the workplace an attitude towards infected employees and workers. The City Health Office (CHO) and Public Employment Service Office (PESO) with the coordination to the department of Labor and Employment and its attached agencies shall undertake measures in the implementation and monitoring of the same.

SECTION 9. STI, HIV and AIDS Education in Communities. In partnership with the City Health Office, all barangays shall conduct educational and information campaign on STI, HIV and AIDS prevention. The Barangay Officials and Barangay Health Workers shall coordinate such campaign among concerned government agencies, non-government organizations and church-based groups.

SECTION 10. Peer Educational Required. The owner and/or manager of all establishments shall have at least one (1) peer educator within the establishment trained by the City Health Office or accredited Non-government Organization to sustain STI, HIV/AIDS prevention campaign among the workers.

TUGUEGARAO HIV AND AIDS COUNCIL (TCSHAC)

SECTION 11. Establishment- the Tuguegarao STI, HIV and AIDS Council (TCSHAC) shall be created to oversee a concerted local multi-sectoral and comprehensive response to HIV/AIDS that shall mobilize the citizenry to rally behind the challenges of this no known cure disease

SECTION 12. Composition. The TCSHAC shall be composed of the following:

- a) City Mayor - Chairman
- b) City Health Officer - Co-Chair
- c) SP Committee on Health Chairperson - Vice-Chair
- d) Tuguegarao City Planning Officer – Member
- e) CSWDO - Member
- f) Dep-Ed Representative - Member
- g) ABC President - Member
- h) SK Federation President - Member
- i) LGBTQIA+ Federation President - Member
- j) One (1) representative from each of the civil society organization/group (Duly recognized by the local accrediting mechanism and certified by the local executive.), Entertaining establishment, Faith base Group, Women and young people Group
- k) Other organization (base on the local strand of STI and HIV Epidemic)

The TCSHAC may, from time to time, expand its membership as the need arises upon the approval of the council.

SECTION 13. The Secretariat and its function. The City Health Officer being the Co-Chair shall also serve as Secretariat to the council and shall have the following function;

- a. responsible for the day-to-day administrative and operational functions.
- b. responsible for organizing meetings, contacting members, and taking minutes.
- c. manages the collection of information, including reports submitted by the council

SECTION 14. Powers and function of the council. The Tuguegarao City STI, HIV and AIDS Council (TCSHAC) shall have the following powers and function;

- a. Formulate policies and strategies for the prevention and control of STI, HIV and AIDS within the City
- b. Direct and require members to conduct monitoring and evaluation in all of the HIV-related programs, policies, and services, undertaken within their respective mandates, and to submit an annual report
- c. Prepare short, medium and long term plans for the prevention and control of STI, HIV and AIDS
- d. Monitor and evaluate the implementation of its program and plans, campaigns and strategies
- e. Organize and encourage owner/operators/managers of night entertainment establishments or any establishments that may cater to commercial sex work actively participate in prevention and control of STI, HIV and AIDS
- f. Identify and recommended properties and gaps in local of STI, HIV and AIDS related cases
- g. Skills Capability building advocacy programs and develop strategies to benefit the people with high risk of contracting STI and HIV
- h. Recommend to the Sangguniang Bayan enactment of laws and ordinances that shall assists in the control and prevention of STI and HIV;
- i. To act as the primary agency that shall represent the city in all conventions, conferences, forums or gathering of other agencies, organizations, leagues, chambers or grouping whether national, local or international pertaining to the issues of STI, HIV and AIDS
- j. To perform all over tasks and functions related to the overall objective in the prevention and control of STI, HIV and AIDS in the City
- k. Secretariat: CHO will serve as a secretariat.

IMPLEMENTING RULES AND REGULATION

SECTION 15. Implementing Rules and Regulation. The City Mayor upon the recommendation of the City Health Office with the consultation from TUGUEGARAO STI, HIV and AIDS Council shall formulate and issue appropriate rules and regulations in form of Executive Order (EO) necessary for the implementation of this Ordinance immediately from approval thereof.

SECTION 16. Funding and Appropriations. The appropriation shall be allocated in any annual budget and succeeding supplemental budgets.

SECTION 17. Separability Clause — In case any provision of this Ordinance is declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 18. Repealing Clause — All Ordinances, Resolutions, Local Executive Orders, Rules and Regulations, or any part thereof inconsistent herewith are hereby deemed repealed, modified or amended accordingly.

SECTION 19. EFFECTIVITY CLAUSE. - This Ordinance shall take effect immediately upon approval.