



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 731, S-2019

AN ORDINANCE CREATING A LOCAL AIDS COUNCIL, DEFINING ITS FUNCTIONS, ITS COMMITTEES, AND THE PROGRAMS THAT IT SHALL IMPLEMENT, FOR THE PREVENTION AND CONTROL OF HIV/AIDS IN THE CITY OF MANDALUYONG IN COMPLIANCE WITH REPUBLIC ACT 11166

WHEREAS, the increasing incidence of HIV/AIDS knows no territorial, social economic and political limits: the City of Mandaluyong recognizes the gravity of HIV/AIDS and demands strong action today;

WHEREAS, Republic Act 11166, otherwise known as "The Philippine HIV and AIDS Policy Act", aims to strengthen the Philippine Comprehensive Policy on HIV and AIDS. The local government, likewise, recognizes the need to strengthen its commitment in the prevention and control of STI, HIV and AIDS and identify the urgent necessity to proactively address the growing number of related cases in Mandaluyong City;

WHEREAS, the Philippines has committed to address HIV/AIDS in the setting of the Millennium Development Goals (MDG) in 2000 and consequently in the Political Declaration of HIV and AIDS in 2001. However, in 2012, the Philippines was identified by the UNAIDS to be one (1) in nine (9) countries to have increased HIV incidence by 25% since 2000;

WHEREAS, addressing the prevention and control of HIV is among the top priorities of the City of Mandaluyong.

BE IT ORDAINED by the City Council of Mandaluyong, in session, assembled, THAT:

- SECTION 1. **TITLE.** This Ordinance shall be known as the "Mandaluyong City STI-HIV/AIDS PREVENTION AND CONTROL PROGRAM".
- SECTION 2. **PURPOSE.** Pursuant to the City of Mandaluyong 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 11166, otherwise known as the Philippine AIDS and Prevention Control Act, it hereby enacts this Ordinance to amend its existing Ordinance No. 688, S-2017 in order to strengthen its STI, HIV and AIDS prevention and control mechanisms towards ensuring the general welfare of its people.
- SECTION 3. **DEFINITION OF TERMS.** As used in the Ordinance, the following terms are defined as follows:
- ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)** – refers to the most severe phase HIV infection characterized by deficient immune system, increasing an individual's susceptibility to opportunistic infections leading to life threatening conditions;
 - ANTIRETROVIRAL (AVR)** – refers to a class of drugs used to suppress replication of retroviruses such as Human Immunodeficiency Virus (HIV), thereby slowing diseases progression;

- c. **ANTIRETROVIRAL THERAPY (ART)** – refers to initiation of treatment with antiretrovirals (AVRs) for the purpose of suppressing viral activity in persons living with HIV (PLHIV);
- d. **CRUISING SITES** – refer to locations, places and establishments where high risk sexual behaviours are prevalent;
- e. **COMMUNITY-BASED ORGANIZATIONS** – refer to a group or groups of public/private non-profit organizations that is representative of a community, working to meet community needs;
- f. **COMPULSORY HIV TESTING** – refers to HIV testing imposed upon an individual, characterized by lack of consent, use of coercion, force or intimidation, and other circumstances where informed choice and consent are absent;
- g. **DISCLOSURE** – refers the process of revealing something that is unknown;
- h. **DISCRIMINATORY ACTS** – refers to unfair or unjust treatment/actions towards an individual based on grounds such as sex, gender, age, sexual orientation, gender identity, expression, economic status, disability, ethnicity and perceived/actual HIV status;
- i. **HIGH-RISK BEHAVIOUR** – refers to an individuals’ activities that increase the risk of transmitting or acquiring HIV/AIDS;
- j. **HUMAN IMMUNODEFICIENCY VIRUS (HIV)** – refers to the retrovirus that causes AIDS;
- k. **INFORMED CONSENT** – refers to the voluntary agreement of an individual to undergo a test/procedure based on full information, whether such permission is given in writing, conveyed verbally or expressed indirectly;
- l. **MEDICAL CONFIDENTIALITY** – refers to the protection of an individual’s personal information, inclusive of a person’s HIV status, by keeping such information private;
- m. **PERSON LIVING WITH HIV (PLHIV)** – refers to any individual diagnosed with HIV infection;
- n. **POST-TEST COUNSELLING** – refers to the procedure of providing prevention information and strategies to a person who has submitted for HIV testing at the time the result is provided;
- o. **PRETEST COUNSELLING** – refers to the process of providing HIV education and emotional support to the psychological implications of undergoing HIV testing and the test result itself.

SECTION 4. COMPOSITION OF THE LOCAL AIDS COUNCIL OF THE CITY OF MANDALUYONG.

City Mayor	Chairman
City Health Officer	Vice-Chairman
Chairman, City Council Committee on Health	Member
Chairman, City Council Committee on Women and Family	Member
Medical Director, Mandaluyong City Medical Center	Member
City Health Department-STI-HIV/AIDS Program	Member
Coordinator/Social Hygiene Clinic and Treatment Hub	Member

City Director, Department of the Interior and Local Government	Member
City Superintendent, Department of Education	Member
Head, City Social Welfare and Development Department	Member
Head, Public Information Office	Member
Head, City Planning and Development Department	Member
Head, Bureau of Permits and Licensing Department	Member
Head, City Budget Department	Member
Head, Public Employment Service Office	Member
Head, City Youth Development Office	Member
Focal Person, Gender and Development	Member
President, Liga ng mga Barangay	Member
President, Sangguniang Kabataan Federation	Member
Head, Office of the Persons with Disabilities	Member
Faith Based Organization/Community Based Organization	Member
Accredited PLHIV Organization-Local	Member

The Council will set regular quarterly meetings with all members and shall serve as the coordinating, planning, implementing and monitoring body on STI-HIV/AIDS prevention programs and policies in the City of Mandaluyong.

A permanent alternate shall be designated by each member of the Council, who, in case of their absence, will represent them during meetings or activities of the Council.

The Council shall be divided into Committees to pursue the purpose of the Ordinance and for effective and efficient implementation of its powers and functions as mandated herein.

- A. COMMITTEE ON PROGRAMS AND ADVOCACY. The Committee shall formulate programs and develop plans and strategies that will increase awareness, education and prevention that will strengthen HIV/AIDS advocacy within the City.

Committee shall be composed of the following:

- a.1 Department of Education;
- a.2 City Social Welfare and Development;
- a.3 Office of the Persons with Disabilities;
- a.4 City Youth Development Office;
- a.5 Sangguniang Kabataan Federation;
- a.6 Public Information Office;
- a.7 Public Employment Service Office;
- a.8 Liga ng mga Barangay;
- a.9 Gender and Development;
- a.10 PLHIV Organization;
- a.11 Faith Based/Community Based Organization.

- B. COMMITTEE ON TREATMENT, CARE AND SUPPORT. The Committee shall formulate and provide an effective service delivery network by establishing and strengthening linkages with various partner organizations and stakeholders that are involved in HIV/AIDS prevention, control and treatment. This Committee shall, likewise, provide treatment and support, as prescribed by the Department of Health, for PLHIV and their families. It shall be composed of the following:

- b.1 Mandaluyong City Social Hygiene Clinic and Treatment Hub;
- b.2 Mandaluyong City **Medical** Center HIV/AIDS Core Team (HACT);
- b.3 City Social Welfare and Development;
- b.4 Office of the Persons with Disabilities.

C. **COMMITTEE ON MONITORING AND EVALUATION.** The Committee shall formulate an effective monitoring and reporting system that shall evaluate the progress and efficiency of the programs and activities, and shall act as the recommending body to the council and shall ensure timely assessment of the various programs and activities. It shall be composed of the following:

- c.1 City Mayor;
- c.2 City Health Officer;
- c.3 City Council Chairperson, Committee on Health;
- c.4 City Council Chairperson, Committee on Women and Family;
- c.5 City Director Department of the Interior and Local Government;
- c.6 City Budget Officer.

D. **SECRETARIAT.** The Mandaluyong City Social Hygiene Clinic and Treatment Hub shall serve as the Secretariat of the Council, tasked to coordinate and facilitate quarterly meetings of the Council, to be held every last Friday of the month of the quarter. The Secretariat shall, likewise, be the record keeper of the Council, in charge of documenting all meetings and activities of the Council. The Secretariat shall also provide updates as to the local trends of HIV/AIDS incidence within the City of Mandaluyong, and shall submit an annual report to the Council within a month after the closing of each fiscal year, subject to the approval of the Chair of the Council. The Secretariat shall, likewise, perform other functions as may be assigned by the Chair of the Council.

SECTION 5. HIV EDUCATION IN SCHOOL. The Department of Education, in cooperation with the Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), shall integrate STI-HIV/AIDS education, including high-risk behaviours, causes, modes of transmission and prevention of STI-HIV/AIDS, in subjects taught in all learning institutions, provided that instructional modules, upon approval of the School Board and Parents-Teachers' Association, are age appropriate and does not contain sexually explicit materials, and are in accordance with the guidelines set by the Department of Health.

All teachers and instructors of such modules shall be required to undergo a training on STI-HIV/AIDS prevention and control, supervised by the Department of Education, Commission on Higher Education and Technical Education and Skills Development Authority and in coordination with the Department of Health.

SECTION 6. STI-HIV/AIDS EDUCATION IN THE WORKPLACE. All government and private offices shall integrate STI-HIV/AIDS education and awareness programs, which shall include topics on confidentiality and non-discriminatory acts towards infected employees, workers and personnel.

SECTION 7. **STI-HIV/AIDS EDUCATION AS A HEALTH SERVICE.** All health practitioners, workers and personnel shall integrate STI-HIV/AIDS education in their health services. All public health workers shall undergo training, supervised by the Department of Health, to enhance skills for proper information dissemination, and to correct common misconceptions about HIV/AIDS. Such training shall include discussions on ethical issues, such as confidentiality, informed consent and duty to provide treatment, and mental health issues associated with HIV/AIDS.

SECTION 8. **SOCIAL/COMMUNITY MOBILIZATION.** The City, in coordination with the Liga ng mga Barangay, SK Federation, and other partner organizations and stakeholders shall empower STI-HIV/AIDS education by incorporating STI-HIV/AIDS lectures, inclusive of cruising sites, high risk behaviours, prevention strategies, in different community activities.

SECTION 9. **ANNUAL CANDLELIGHT MEMORIAL.** The City shall hold the Annual Candlelight Memorial, every May of each year, to commemorate the lives lost due to HIV/AIDS. The Social Hygiene Clinic shall spearhead the event.

SECTION 10. **ANNUAL WORLD AIDS DAY CELEBRATION.** The City shall actively participate in the celebration of the World AIDS Day, as directed by the Department of Health, by encouraging its constituents to attend the said event.

SECTION 11. **WRITTEN INFORMED CONSENT.** A written informed consent shall be obtained prior to testing. Such consent shall be signed by the person to be tested, or from the parents or legal guardians of a minor or mentally incapacitated individual. Lawful consent to HIV testing shall be considered as having been given when a person voluntarily agrees to donate blood, organ or tissue for medical or research purposes.

SECTION 12. **PROHIBITION ON MANDATORY HIV TESTING.** HIV testing shall not be regarded as a prerequisite for employment, admission to educational institution and in the exercise of freedom of abode.

All pregnant patients shall be offered and encouraged to undergo HIV testing as part of the routine prenatal care recommended by the Department of Health, but shall not be carried out without the patient's written informed consent.

SECTION 13. **ACCREDITATION OF HIV TESTING CENTERS.** All HIV testing centers within the City shall seek accreditation from the Department of Health, which shall set and provide rational accreditation standards. The City shall, likewise, provide opportunities for improving the capabilities for HIV testing of hospitals, clinics and laboratories and other testing facilities by training of competent personnel providing such services.

- SECTION 14. **PRETEST AND POST-TEST COUNSELLING.** All HIV testing centers shall provide and conduct free pretest and post-test counselling, provided only by individuals trained by the Department of Health or any of its authorized partners.
- SECTION 15. **TREATMENT OF HIV POSITIVE INDIVIDUALS.** All individuals who tested Reactive on HIV screening at any accredited HIV testing centers shall be referred to the Mandaluyong City Social Hygiene Clinic and Treatment Hub for further management. Such would include counselling, confirmatory HIV testing, baseline laboratory testing, ARV enrolment and ARV adherence counselling, as prescribed by the Department of Health, for confirmed positive cases.
- SECTION 16. **MONITORING OF TREATMENT RESPONSE.** Whereas viral suppression is the goal treatment, CD4 and viral load cartridges shall be provided for monitoring of ARV adherence and treatment response among PLHIV.
- SECTION 17. **REPORTING OF HIV REACTIVITY AND POSITIVITY.** All HIV/AIDS testing and treatment centers shall report to the Mandaluyong City Social Hygiene Clinic all Reactive and Positive cases seen in their respective centers, to facilitate easy consolidation of data for reporting to the Council and to the Department of Health.
- SECTION 18. **EVALUATION OF STI-HIV/AIDS PROGRAMS.** A comprehensive evaluation system shall be established to determine the efficiency and adequacy of STI-HIV/AIDS programs being employed.
- SECTION 19. **REGULAR QUARTERLY MEETING.** The Council shall hold regular quarterly meeting every last Friday of the last month of the quarter, to be facilitated by the Social Hygiene Clinic, to discuss local statistics as well as efficacy of the STI-HIV/AIDS programs, for the purpose of improving the City's STI-HIV/AIDS Prevention and Treatment Programs.
- SECTION 20. **DOCUMENTATION OF ACTIVITIES.** The Social Hygiene Clinic, being the Secretariat of the Council, shall document and record all the activities of the Council.
- SECTION 21. **MEDICAL CONFIDENTIALITY.** Healthcare professionals, providers, recruitment agencies, insurance companies, employers and medical records personnel shall strictly observe confidentiality and ensure anonymity and privacy of individuals who has been tested for HIV, exposed to HIV and has HIV infection or other HIV-related infection, or treated for HIV-related illnesses.
- SECTION 22. **DISCLOSURE OF HIV AND HIV-RELATED TEST RESULT.** All result of HIV testing shall be strictly confidential and shall only be disclosed to the person who submitted for testing, to either parent or legal guardians of a minor or a mentally incapacitated individual who has been tested. It is, likewise, considered unlawful to disclose,

without the individuals consent, information that an individual has undergone HIV-related test, been exposed to HIV/AIDS, has HIV/AIDS or HIV/AIDS-related illness. However, it is strongly encouraged that any person who has been tested positive for HIV to disclose his/her health condition to the spouse, sexual partner, or any person prior to penetrative sex or any potential exposure to HIV.

SECTION 23. BUDGETARY REQUIREMENT. An initial operational budget of TWO MILLION PESOS (P2,000,000.00) shall be appropriated for the implementation of this Ordinance. An additional 10% increase in annual budget for the annual operation shall be allotted, subject to the approval of the Chair of the Council and the Sangguniang Panlungsod.

SECTION 24. REPEALING CLAUSE. This Ordinance hereby repeals Ordinance No. 508, S-2012, Ordinance No. 541, S-2014, Ordinance No. 688, S-2017, all of which pertain to the creation of Local AIDS Council of the City of Mandaluyong and all other Ordinances, or parts thereof which are inconsistent with any of the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 25. EFFECTIVITY. This Ordinance shall take effect upon approval and after publication in a newspaper of general circulation in Metro Manila.

ENACTED on this 18th day of March, 2019 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED AND APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:

APPROVED:

ANTONIO DLS. SUVA
Vice Mayor &
Presiding Officer

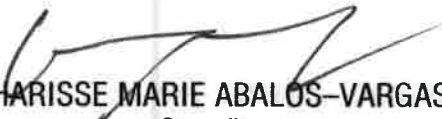
CARMELITA A. ABALOS
City Mayor

Date: 27 MAR 2019

Ordinance No. 731, S-2019

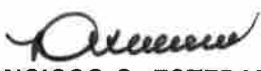
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