



Republika ng Pilipinas  
Lungsod Quezon  
SANGGUNIANG PANLUNGSOD  
(City Council)  
80th Regular Session

PO2001-50

ORDINANCE NO. SP-4053, S-2001

AN ORDINANCE STRENGTHENING THE QUEZON CITY STD/AIDS COUNCIL (QCSAC) IN IMPLEMENTING THE POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF STD/HIV/AIDS IN QUEZON CITY PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

Introduced by Councilor MA. FRESCA M. BIGLANG-AWA  
Co-Introduced by Councilors Wilma Amoranto-Sarino, Vincent P. Crisologo, George M. Canseco, Winston "Winnie T. Castelo, Marciano P. Medalla, Eric Z. Medina, Jorge L. Banal, Julian M.L. Coseteng and Ramon G. Mathay.

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED THAT:

**ARTICLE I**

**TITLE, POLICIES, PRINCIPLE AND DEFINITION OF TERMS**


SECTION 1. TITLE – This Ordinance shall be known as “The Quezon City AIDS Prevention and Control Ordinance”.

SECTION 2. DECLARATION OF POLICIES AND PRINCIPLES – Acquired Immune Deficiency Syndrome (AIDS) is a condition that recognizes no territorial, social, political and economic boundaries for which there is no known cure. The gravity of the AIDS threat demands strong state action today, thus, the Quezon City Government shall strictly adhere to the following local, national and international policies and principles:

- a. Section 1 of Quezon City Ordinance No. SP-938, S-99, entitled: “An Ordinance Creating the Quezon City Sexually Transmitted Disease/Acquired Immune Deficiency Syndrome (STD/AIDS) Council (QCSAC), Defining its Functions and Membership” states that the Council shall carry out proper planning, integration and coordination of programs and services on the prevention and control of STD and AIDS disease being implemented by government organizations and non-government organizations (Gos and NGOs) in the City.
- b. Section 1 of Quezon City Ordinance No. 380, S-95, “An Ordinance Requiring all Applicants for Health Certificates to Undergo an Awareness Seminar on Human Immuno-Deficiency Virus (HIV), Acquired Immune Deficiency Syndrome (AIDS) and/or Sexually Transmitted Diseases before the Proper Authorities”, provides that all applicants for health certificates are required to undergo an awareness seminar on HIV, AIDS and/or STD before the corresponding certificates are issued by the Department of Health.

- c. Section 1 of Quezon City Ordinance No. SP-784, S-99, "An Ordinance Penalizing the Owner/Operators of any Business and/or Entertainment Establishment Operating in Quezon City for Hiring/Employing Children and Minors", state that owner/operator of any business and/or entertainment establishment operating in Quezon City hiring/employing children is hereby penalized".
- d. Section 1. of Quezon City Ordinance No. NC-78, S-89 "An Ordinance Penalizing Patrons of Live Nude Shows", states that it shall be unlawful for a person to be present in a place in any establishments in Quezon City where nude shows are being performed by a man or woman before an audience.
- e. The Quezon City government recognizes the alarming effect of STD/HIV/AIDS and that it will meet the challenges of preventing and controlling the spread of the dreaded disease.
- f. The Quezon City government recognizes HIV/AIDS and other STDs as major health threats in the country and worldwide.
- g. The Quezon City government shall protect minors from sexual exploitation and abuse, including prostitution and involvement in pornography.
- h. Republic Act No. 8504 known as "An Act Promulgating Policies and Prescribing Measures for the Prevention and Control of HIV/AIDS in the Philippines" declared the following policies:
  1. The state shall promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV/AIDS through a comprehensive, citywide educational and information campaign organized and conducted by the city. Such campaigns shall promote value formation and employ scientifically proven approaches, focus on the family as a basic social unit, and be carried out in all schools and training centers, workplaces, and communities. This program shall involve individuals and groups who are concerned with the regulation and prevention of HIV.
  2. The state shall extend to every person suspected or was known to be infected with HIV/AIDS full protection of his/her human rights and civil liberties. Towards this end,
    - (a) Compulsory HIV testing shall be discouraged unless otherwise provided in this ordinance;
    - (b) The right to privacy of individuals with HIV shall be guaranteed;
    - (c) Discrimination in all its forms and subtleties, against individuals with HIV or persons perceived or suspected of having HIV, shall be considered inimical to individuals and national interest; and
    - (d) Provision of basic health and social services for individuals with HIV shall be assured.





3. The state shall promote utmost safety and universal precautions in practices and procedures that carry the risk of HIV transmission.
  4. The state shall positively address and seek to eradicate conditions that aggravate the spread of HIV infection, including but not limited to poverty, gender and inequality, prostitution, marginalization, drug abuse and ignorance.
  5. The state shall recognize the potential role of affected individuals in propagating vital information and educational messages about HIV/AIDS and shall utilize their experience to warn the public about the disease.
- i. Presidential Executive Order No. 273, approved and adopted the Philippine Plan for Gender-Responsive Development 1995-2025 directs all government agencies at the national, regional and local levels to take appropriate steps to ensure that the policies, program, projects and strategies outlined thereat.
  - j. Article III, Section 1 of the 1987 Philippine Constitution sets forth that "No person shall be deprived of life, liberty or property without due process of law.
  - k. Article II, Section 10 of the 1987 Philippine Constitution sets forth that "The State values the dignity of every human person and guarantees full respect for human rights.
  - l. Article II, Section 14 of the 1987 Philippine Constitution sets forth that "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men".
  - m. Article II, Section 15 of the 1987 Philippine Constitution sets forth that shall protect and promote the right to health of the people and instill health consciousness among them".
  - n. Article II, Section 18 of the 1987 Philippine Constitution sets forth that "The State affirms labor as primary social economic force. It shall protect the rights of workers and promote their welfare".
  - o. Article II, Section 23 of the 1987 Philippine Constitution sets forth that "The State shall encourages non-governmental, community-based, or sectoral organizations that promote the welfare of the nation".
  - p. Article II, Section 25 of the 1987 Philippine Constitution sets that "The state shall ensure the autonomy of local governments".
  - q. Women and Health of the Strategic Objectives and Actions of THE BEIJING DECLARATION AND PLATFORM FOR ACTION, which was adopted by the United Nations of the Fourth World Conference on Women in Beijing, China, our country, being a signatory, committed to:



1. Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services;
  2. Strengthen preventive programs that promote women's health;
  3. Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS, and sexual and reproductive health issues;
  4. Promote Research and disseminate information on women's health;
  5. Increase resources and monitor follow-up for women's health;
- r. The United Nations Convention of the Elimination for all forms of Discrimination Against Women (UN-CEDAW) states that it is the obligation of the state to take all appropriate measures to ensure the full development and advancement for women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedom on the basis of equality with men.
  - s. Article 34, of the United Nations Convention on the Rights of the Child (CRC) sets forth that "The state shall protect children from sexual exploitation and abuse, including prostitution and involvement in pornography.
  - t. In compliance with the provisions of the Constitution, Republic Act No. 8504 and other existing international, national and local laws and directives, efforts should be made by the city 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:**

- a. **ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)** - 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.
- a. **ENTERTAINER** - a person who is employed in entertainment establishments who render entertainment services to customers, such as GROs, dancers, masseurs, cocktail waitresses and others with similar occupations.
- b. **HIRING** - The process of selecting an individual for a specific position or job
- c. **"HUMAN IMMUNO-DEFICIENCY VIRUS (HIV)"** - refers to the virus, which causes AIDS.
- d. **INFORMATION MATERIAL** - any written and/or printed material that educates the public.

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- f. MINOR – A person who is below 18 years of age.
- g. OPERATOR – refers to an individual who has a direct control and supervision of the employees working within the establishments: any person or juridical person who is granted permit/license to operate an entertainment establishment.
- h. PEER EDUCATOR – refers to a person who gives support and education to co-workers and friends and to others with their same age group.
- i. PERSON LIVING WITH HIV – refers to an individual whose HIV test indicates, direct or indirectly, that the latter is infected with HIV.
- j. PROPHYLACTIC – refers to an agent or devise such as condom, used to prevent the transmission of a disease.
- k. REGISTERED ENTERTAINMENT ESTABLISHMENT – any establishment, which includes bars, nightclubs, disco houses, cocktail lounges, massage clinics, videoke bar/sing along pub houses that secured permit to operate within Quezon City.
- l. STD/HIV/AIDS PREVENTION AND CONTROL – refers to the measures aimed at protecting non-infected persons from contracting HIV and minimizing the impact of the condition of persons living with HIV.
- m. SEXUALLY TRANSMITTED DISEASE (STD) – refers to any disease that may be acquired or passed through sexual contact.

**ARTICLE II**  
**STRENGTHENING OF THE QUEZON CITY STD/AIDS COUNCIL (QCSAC)**

**SECTION 4. QUEZON CITY STD/AIDS COUNCIL (QCSAC) –** The QCSAC created under City Ordinance No. SP 838, S-99, is a multi-sectoral organization committed to unify responsive effort on the prevention, care and control of STD/HIV/AIDS among the general population, especially the marginalized groups and reduction of its impact on the community. Among others, the following are the tasks and functions of the QCSAC:

- a. Ensures implementation of the policies and measures set forth by this ordinance;
- b. Provides education and information dissemination activities on the promotion of prevention and control of STD/HIV/AIDS;
- c. Organizes and encourage registered entertainment establishments' owners/operators to actively participate in the prevention and control of STD/HIV/AIDS;



- d. Assists in the conduct of seminars ON STD/HIV/AIDS and to make themselves available for similar purposes to such operators and entertainers, and other persons who may need their services and expertise.
- e. Monitors from time to time the compliance to Section 9 of this ordinance.
- f. Shall monitor and inspect the attendance of operators and entertainers on STD/HIV/AIDS training through certificates of attendance.

SECTION 5. DEVELOPMENT PLAN - Integrate the QCSAC programs in the Quezon City Development Plan by 2002.

SECTION 6. ACCREDITATION OF ASSOCIATIONS - QCSAC shall invite officers of recognized bar owners and managers / entertainment organizations to become members of the council.

### ARTICLE III STD/HIV/AIDS PREVENTION AND CONTROL POLICIES

SECTION 7. COMPULSORY STD/HIV/AIDS EDUCATION - In compliance with Quezon City Ordinance Number SP 380, S-95 and as stated in Section 2 (b) of this Ordinance, it shall be mandatory/compulsory for all operators and/or managers and entertainers of registered entertainment establishments to attend seminars on STD/HIV/AIDS prevention conducted by the City Health Department or agencies recognized by the city government. Otherwise, no permit to operate shall be granted to said registered entertainment establishments for violation thereof.

SECTION 8. REQUIREMENT FOR THE ISSUANCE OF PERMIT TO OPERATE - No entertainment establishment shall be allowed to operate unless a certificate of attendance on STD/HIV/AIDS has been issued to the operator. Any person who shall falsify the certificate of attendance shall be penalized in this ordinance.

- a. ATTENDANCE TO SEMINARS - No entertainment establishment shall be given a license or permit to operate unless the operator and entertainers shall have attended the seminar as required by this ordinance.
- b. NEWLY REGISTERED ENTERTAINMENT ESTABLISHMENTS - It shall further be mandatory for all operators/managers and supervisors of newly registered entertainment establishments to attend seminars and secure a certificate of attendance before it can be issued a license to operate.

SECTION 9. PEER EDUCATOR REQUIREMENT - All registered entertainment establishments should be required to have at least one (1) peer educator. However, this provision shall take effect only one (1) year after the effectivity of this ordinance, otherwise, no permit to operate shall be issued in its behalf.



**SECTION 10. AVAILABILITY OF PROPHYLACTICS AND OTHER INFORMATION MATERIALS FOR THE PREVENTION AND CONTROL OF STD/HIV/AIDS**

- a. **AVAILABILITY OF PROPHYLACTICS** - It shall be required that all registered entertainment establishments to make prophylactics or condoms available within their establishments and provide guidance on the correct and consistent use of the same.
- b. **INFORMATION MATERIALS** - It shall be required for all registered entertainment establishments, saunas, hotels, motels, lodging houses and others to make information materials on STD/HIV/AIDS prevention and control available within the premises and to provide such information materials when requested by customers specifically on the guidance on the correct use of condom.
- c. **VISIBILITY OF POSTERS and other INFORMATION MATERIALS** - All entertainment establishments, saunas, hotels, motels, lodging houses are required to make their posters visible within their premises particularly located in comfort rooms and dressing rooms.

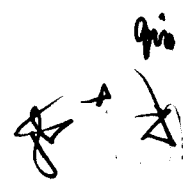
**SECTION 11. REGULAR STD SCREENING FOR ENTERTAINERS AND OTHERS WITH SIMILAR OCCUPATION** - All entertainers, masseurs and others with similar occupations shall undergo a weekly medical check-up to be conducted on a regular basis at the Social Hygiene Clinic.

**SECTION 12. REQUIREMENT FOR THE ISSUANCE OF HEALTH CERTIFICATE** - In compliance with Quezon City Ordinance Number SP-380, S-95 and as stated in Section 2 (b) of this Ordinance, all applicants seeking employment in any registered entertainment establishment must secure a health certificate. Any person who shall falsify the certificate of attendance shall be penalized in this ordinance.

All entertainers, masseurs and others with similar occupation shall attend seminars conducted by the City Health Department and/or any authorized agencies upon issuance/renewal of Health Certificate.

**SECTION 13. NON-HIRING OF MINORS** - In compliance with Article 139 of the Labor Code (Minimum Employable Age) and to the Quezon City Ordinance no. SP 784, S-99 and as stated in Section 2(c) of this ordinance, no registered entertainment establishment shall be allowed to hire minors as entertainers and others with similar occupation.

**SECTION 14. EMPLOYMENT APPLICATION PROCESS IN REGISTERED ENTERTAINMENT ESTABLISHMENTS** - All applicants seeking employment in registered entertainment establishments shall submit an application for working permit at the Permit and Licensing Office. As a prerequisite to the approval of the said permit, applicants must:



- a. Present an original copy of the National Statistics Office's (NSO) authenticated birth certificate.
- b. Present a health certificate issued by the Social Hygiene Clinic.

**SECTION 15. UNIVERSAL ACCESS TO STD HEALTHCARE - The Quezon City Government shall strengthen the Social Hygiene Clinic (SHC) through provisions of sufficient equipment, reagents and supplies and adequate personnel.**

- a. Access to healthcare services/assistance shall be extended to all individuals working in entertainment establishments, organizations and entities.
- b. Health Care Plan operators of entertainment establishments shall develop and maintain a written Health Care Plan to address the reproductive health needs of the entertainers and employees.
- c. Submission of Policies - It shall be compulsory for all operators and/or managers of registered entertainment establishments to provide the city government and the entertainers, copies of the entertainment establishments' policies in accordance with labor laws and other related national and local policies.

**SECTION 16. COMPILATION OF ROSTER OF ENTERTAINERS/EMPLOYEES - The City Health Office shall maintain a regular compilation of all entertainers and employees (master list) particularly their ages and the respective establishment where they are employed.**

**SECTION 17. PROHIBITION OF MEDICAL MALPRACTICE - No medical practitioner or other staff assisting or directly providing medical services/examinations to clients shall be insensitive and/or inhumane in their treatment of their patients/clients. Patients/Clients should be made aware by medical practitioners of their rights to file charges for abuses committed against them.**

**SECTION 18. PROHIBITION AGAINST DIVULGING OF CONFIDENTIAL INFORMATION OF PERSONS LIVING WITH STD/HIV/AIDS - With compliance to the Article VI (Confidentiality) of the Republic Act 8504 or better known as "AIDS LAW", any person working in the government or any NGO who shall have 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 19. PROHIBITION FOR ILLEGAL OPERATION OF ENTERTAINMENT ESTABLISHMENTS - Entertainment establishments operating without business permit/license to operate shall be deemed illegal.**





**ARTICLE IV  
PENAL PROVISION**

SECTION 20. Any person found guilty of violating all the provisions of this ordinance shall be meted with the following penalties:

- a. First Offense - a fine of P 2,000.00 and/or an imprisonment of one (1) month.
- b. Second Offense - a fine of P 3,000.00 and/or an imprisonment of three (3) months.
- c. Third Offense - a fine of P 5,000.00 and/or an imprisonment of six (6) months and/or permanent closure of establishment.

**ARTICLE V  
IMPLEMENTATION AND MONITORING**

SECTION 21. IMPLEMENTING AND MONITORING AGENCIES - The QCSAC is tasked to coordinate in the strict compliance and enforcement of this ordinance.

**ARTICLE VI  
APPROPRIATION**

SECTION 22. APPROPRIATION - An amount of two million pesos (2,000,000.00) from the executive budget of the next calendar year shall be allotted for the implementation and monitoring of this ordinance.

**ARTICLE VII  
TRUST FUND**

SECTION 23. COLLECTION OF PENALTIES - All collections by the City Treasurer's Office pursuant to Article IV of this ordinance shall be deposited in a Trust Fund.

SECTION 24. TRUST FUNDS - Collections shall be used in providing medical and social assistance for the entertainers infected by Sexually Transmitted Diseases (STD).

**ARTICLE V111  
FINAL PROVISIONS**

SECTION 25. IMPLEMENTING RULES AND REGULATIONS - Within six (6) months after it is fully reenacted, the QCSAC shall formulate and issue the appropriate Rules and Regulations necessary for the implementation of this Ordinance.




SECTION 26. SEPARABILITY CLAUSE - If for any reason, any provision of this Ordinance is declared unconstitutional or invalid, the remaining provisions not affected thereby shall continue to be in full legal force and effect.


SECTION 27. REPEALING CLAUSE - All ordinances, local issuances or rules inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 28. EFFECTIVITY - This Ordinance shall take effect immediately right after its publication in the Official Gazette or in a newspaper of general circulation.

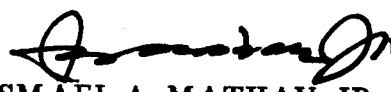
ENACTED: March 20, 2001.

  
GODOFREDO T. LIBAN II  
Majority Floor Leader  
Acting Presiding Officer

ATTESTED:

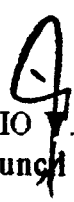
  
EUGENIO V. JURILLA  
City Council Secretary  
QWA

APPROVED: MAY 04 2001

  
ISMAEL A. MATHAY, JR.  
City Mayor  
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**CERTIFICATION**

This is to certify that this Ordinance which was approved on third and final reading on March 20, 2001 under SUSPENDED RULES was confirmed by the City Council on April 17, 2001.

  
EUGENIO V. JURILLA  
City Council Secretary  
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