



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
19th City Council

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ORDINANCE NO. SP- **2504** , S-2016

AN ORDINANCE AMENDING ORDINANCE NO. SP-1053, S-2001, OTHERWISE KNOWN AS "THE STI, HIV, AND AIDS PREVENTION AND CONTROL" AND APPROPRIATING FUNDS IN THE AMOUNT OF FIVE MILLION PESOS (PHP5,000,000.00) FOR THE IMPLEMENTATION THEREOF.

*Introduced by Councilor EUFEMIO C. LAGUMBAY.
Co-Introduced by Councilors Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Lena Marie P. Juico, Victor V. Ferrer, Jr., Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Roderick M. Paulate, Ranulfo Z. Ludovica, Ramon P. Medalla, Estrella C. Valmocina, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Franz S. Pumaren, Jose Mario Don S. De Leon, Jaime F. Borres, Jesus Manuel C. Suntay, Marvin C. Rillo, Raquel S. Malañgen, Jessica Castelo Daza, Bayani V. Hipol, Jose A. Visaya, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Karl Edgar C. Castelo, Candy A. Medina, Diorella Maria G. Sotto, Marivic Co-Pilar, Rogelio "Roger" P. Juan, Donato C. Matias and Ricardo B. Corpuz.*

WHEREAS, the 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: χ

- a. Section 1 of Quezon City Ordinance No. 380, S-95, entitled "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 STI before the corresponding certificates are issued by the Department of Health.
- b. Section 1 of Quezon City Ordinance No. SP-784, S-99, entitled "An Ordinance Penalizing the Owner/Operator of any Business and/or Entertainment Establishment Operating in Quezon City for Hiring/Employing Children and Minors" states that "owner/operator of any business and/or entertainment establishment operating in Quezon City hiring/employing children and/or minor is hereby penalized";
- c. Section 1 of Quezon City Ordinance No. NC-78, S-89, entitled "An Ordinance Penalizing Patrons of Live Nude Shows" states that it shall be unlawful for a person to be present in a place or any establishment in Quezon City where nude shows are being performed by a man or a woman before an audience.
- d. Section 5 of the 2014 Gender-Fair Ordinance states that as one of its Affirmative Acts in development of modules for gender-sensitive and gender-responsive health care services and reproductive health care information including those used for Sexually Transmitted Infection (STI), Human Immuno-Deficiency Virus (HIV), and AIDS, and such shall be integrated in seminars, orientations and education activities. X



e. The Quezon City government recognizes the alarming effect of STI, HIV and AIDS and it will meet the challenges of preventing and controlling the spread of these infections.

f. The Quezon City Government recognizes HIV and AIDS and other STI's as major health threats in the country and worldwide.

g. Republic Act No. 8504, entitled "An Act Promulgating Policies and Prescribing Measures for the Prevention and Control of HIV and AIDS in the Philippines" declared the following policies:

1. The state shall promote public awareness about the causes, modes of transmission, consequences, and means of prevention and control of HIV and 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 all academic and training centers, workplaces and communities. This program shall involve individuals and groups who are concerned with the regulation of HIV.

2. The state shall extend to every person suspected or was known to be infected with HIV and AIDS full protection of his/her human rights and civil liabilities. Towards this end:

a) Compulsory HIV testing shall be discouraged;

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- 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 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.*
4. *The state shall recognize the potential role of affected individuals in propagating vital information and educational messages about HIV and AIDS and shall utilize their experience to warn the public of the disease.*
- h. *Presidential Executive Order No. 273 approved and adopted the Philippine Plan for Gender-Responsive Development which 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 are fully implemented.* A



- i. Section 1, Article III, of the 1987 Philippine Constitution provides that “No person shall be deprived of life, liberty or property without due process of law.”
- j. Section 11, Article II, of the 1987 Philippine Constitution provides that “The State values the dignity of every human person and guarantees full respect for human rights.”
- k. Section 15, Article II, of the 1987 Philippine Constitution provides that “The State shall protect and promote the right to health of the people and instill health consciousness among them.”
- l. Section 18, Article II, of the 1987 Philippine Constitution also provides that “The State shall encourage non-governmental, community-based or sectoral organizations that promote the welfare of the nation.
- m. “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 to appropriate, affordable and quality health care, information, and related services;

2. Strengthening preventive programs that promote women’s health;

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3. Undertake gender-sensitive initiatives that address sexually transmitted infections, HIV and AIDS, and sexual reproductive health issues;
 4. Promote research and disseminate information on women's health; and
 5. Increase resources and monitor follow-up for women's health.
- n. 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 freedoms on the basis of equality with men.
- o. Article 34 of the United Nation Convention on the Right of the Child (CRC) provides that "The State shall protect children from sexual exploitation and abuse, including prostitution and involvement in pornography. Likewise, the evolved reading of Article 12 of the CRC pertaining to respecting the views of the child, has now come to be interpreted as the right of the child to meaningful participation in decision-making.
- p. The provisions of Resolutions 67/9 and 66/10 of the UN Economic and Social Commission for Asia and the Pacific calls for member signatories, including the Philippines, to intensify efforts in addressing the heightening prevalence of HIV among key affected populations. y



q. 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.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSON ASSEMBLED:

ARTICLE I
TITLE AND DEFINITION OF TERMS

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

SECTION 2. DEFINITION OF TERMS – As used in this Ordinance, the following terms are defined as follows:

a. ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) – refers to 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. ANTIRETROVIRAL (ARV) – refers to the treatment that stops or suppresses viral replication or replications of a retrovirus like HIV thereby slowing down the progression of infection; *



- c. *CIVIL SOCIETY ORGANIZATIONS (CSO) – refer to 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;*
- d. *COMPULSORY HIV TESTING – refers to 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;*
- e. *DISCRIMINATION – refers to 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 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 HIV-related tests regardless of the outcome of the test(s);*
- f. *ENTERTAINER – refers to a person who is employed in entertainment establishments who render entertainment services to and/or directly interacts with customers such as Guest Relations Officer (GRO), dancers, masseuses, masseurs, cocktail waitresses and other similar occupations. The term “entertainers” for purposes of this Ordinance, includes both registered and non-registered entertainers;* x



- g. **ENTERTAINMENT ESTABLISHMENT** – refers to an establishment such as bars, nightclubs, disco house, cocktail lounges, massage clinics, videoke bar/pub houses who engage in providing recreation and entertainment to its customers. An entertainment establishment may either be registered or not registered. For purposes of this Ordinance, a registered entertainment establishment is one which has secured permit to operate and complied with all protocols as mandated by this Ordinance and/or other pertinent regulations in Quezon City. Otherwise, the entertainment establishment is deemed non-registered;
- h. **GENDER EXPRESSION** – refers to how a person publicly presents one’s gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person’s chosen name and pronoun are also common ways of expressing gender;
- i. **GENDER IDENTITY** – refers to 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 function by medical, surgical and other means, and other expressions of gender, including dress, speech, and mannerisms;
- j. **HARM REDUCTION** – refers to evidence-based policies, programs and approaches that aim to reduce transmission of HIV and its harmful consequences on health, social relations and economic conditions, such as 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 Quezon City;



- k. *HEALTH CERTIFICATE* – refers to a health card issued to all workers in entertainment establishments regardless of job description inside such establishment, upon compliance with all requisites set by the Quezon City Health Department (QCHD);
- l. *HEALTH SERVICE PROVIDER* – refers to an individual who is accredited by the government to provide preventive, curative, promotional or rehabilitative health care service in the city;
- m. *HIGH-RISK BEHAVIOR* – refers to a person’s frequent involvement in certain activities that increase the risk of transmitting or acquiring HIV;
- n. *HIRING* – refers to the process of selecting an individual for a specific position or job;
- o. *HIV TESTING* – refers to any facility-based, mobile medical procedure or community-based testing 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 counselling prior to, and after the testing, and conducted only with the informed consent of the person;
- p. *HUMAN IMMUNO-DEFICIENCY VIRUS (HIV)* – refers to the virus which causes AIDS;
- q. *INFORMATION MATERIAL* – refers to any material, written or printed, that educates the public, this includes those posted or uploaded online; λ



- r. *CONFIDENTIALITY OF HIV STATUS* – refers to 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 counselling, 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. For the purpose of this Ordinance, any person who comes by, in any manner, the information of a person's HIV status shall be, under pain of penalty be bound by the same confidentiality herein defined;
- s. *MINOR* – refers to a person who is below eighteen (18) years of age;
- t. *MSM (Males having sex with males)* – refers to male persons who engage in sexual activity with members of the same sex, regardless of how they identify themselves;
- u. *OPERATOR* – refers to an individual who has a direct control and supervision of the employees working within the establishment he or she may or may not be the same person granted the permit/license to operate an entertainment establishment;
- v. *OWNER OF ENTERTAINMENT ESTABLISHMENT* – refers to a person or a juridical entity whose name and particulars appear in the public/official documents as the owner of the establishment;



- w. *PARTNER NOTIFICATION* – refers to the process by which the ‘index client’, ‘source’ or ‘patient’, who has a sexually transmitted infection (STI) including HIV, is given support in order to inform and advise the partner(s) who have been exposed to infection. Support includes giving the index client a mechanism to encourage the client’s partner to attend counselling, testing and other prevention and treatment services. Confidentiality shall be observed in the entire process;
- x. *PEER EDUCATOR* – refers to a person who, belonging to the same community, gives support and education to co-workers and friends and to others with their same peer group. Peer educators must be trained by an accredited institution;
- y. *PERSON LIVING WITH HIV (PLHIV)* – refers to an individual whose HIV test indicates that he/she is infected with HIV;
- z. *PERSONS WITH DISABILITIES (PWDs)* – include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;
- aa. *PROPHYLACTIC* – refers to an agent or device such as condom, used to prevent the transmission of STIs, including HIV and AIDS;
- bb. *SEXUAL ORIENTATION* – refers to each person’s capacity for profound, emotional, affectional, and sexual attraction to and intimate and sexual relations with, individuals of a different gender, or the same gender, or more than one gender; ✕

- cc. *STI/HIV AND AIDS PREVENTION AND CONTROL* – refers to the measure aimed at protecting non-infected persons from contracting HIV and minimizing the impact of the condition of persons living with HIV;
- dd. *SEXUALLY TRANSMITTED INFECTION (STI)* – refers to any infection that may be acquired or passed through sexual contact;
- ee. *STIGMA* – refers to the dynamic devaluation and dehumanization of an individual in the eyes of others which may be based on attributes that are arbitrarily defined by others as discreditable or unworthy and which result in discrimination when acted upon, whether it is done on the basis of a person's sexual orientation and gender identity, health status or any other arbitrary categorization;
- ff. *SOCIAL HYGIENE CLINIC* – refers to the primary implementers of HIV prevention programs in local government;
- gg. *STI SCREENING* – refers to insert operational definition from QCHD;
- hh. *SUNDOWN CLINIC* – refers to the Quezon City program of extending operational hours of certain clinics that cater to STI, HIV and AIDS health care needs, extending up to 11:00 in the evening;
- ii. *TREATMENT HUBS* – refer to private and public hospitals or medical establishments accredited by the DOH to have trained personnel, facility, and equipment to provide anti-retroviral treatment;

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- jj. *TRANSGENDER* - refers to persons who identify themselves in a different gender rather than that assigned to them at birth. They may express their identity differently to that expected of the gender role assigned to them at birth. Transgender persons often identify themselves in ways that are locally, socially, culturally, religiously, or spiritually defined.

ARTICLE II

THE QUEZON CITY STI, HIV AND AIDS COUNCIL (QCSAC)

SECTION 3. QUEZON CITY STI, HIV AND AIDS COUNCIL (QCSAC).

The QCSAC created under City Ordinance No. SP. 838, S-99, is 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. Among others, the following are the tasks and functions of the QCSAC:

- a. Ensure implementation of the policies and measures set forth by this Ordinance and the related programs of the City;
- b. Review and approve planned education and information dissemination and activities;
- c. Encourages registered entertainment establishment owners/operator to actively participate in the prevention and control of STI, HIV and AIDS;
- d. Monitor the activities of PEER Educators in the entertainment establishments;✕



- e. Review reports submitted by other agencies and committees and make recommendations;
- f. Create procedural requirements, forms and standards and amend these in furtherance of a more efficient system of compliance to policies and provisions set forth in this Ordinance;
- g. Formulate, review and monitor progress of the annual Work Plan that implements this Ordinance. Such work plan must indicate corresponding budget allocation for its programs and projects;
- h. Conduct periodic review of related policies;
- i. Advocate for the passage of related policies and budget proposals for the HIV programs and services in the City;
- j. Develop midterm (6 years) city investment plan for AIDS (CIPA) with corresponding annual work plan;
- k. Represent as a subcommittee in the local health board;
- l. Participate in the conduct of joint inspections of entertainment establishments by the City government related to the implementation of the City's STI, HIV, and AIDS program.

SECTION 4. MEMBERSHIP AND COMPOSITION – The QCSAC shall have its Committee composed of representatives from the following agencies:

A. PERMANENT MEMBERS:

- 1. Office of the City Mayor as Chairperson



2. *Quezon City Health Department as Co-Chairperson*
3. *Office of the City Vice Mayor*
4. *Office of the Councilor For Health*
5. *Division of City Schools*
6. *Department of Public Order and Safety*
7. *Social Services Development Department*
8. *Barangay Operation Center*
9. *Liga ng mga Barangay*
10. *City Legal Department*
11. *City Planning*
12. *Representative from the Gender and Development Council*
13. *Public Employment Service Office*
14. *Quezon City Medical Center and General Hospital*
15. *Business Permits and Licensing Office*
16. *Novaliches District Hospital*
17. *Quezon City Police District*
18. *Local Department of Interior and Local Government*
19. *Representative from Department of Health-National Capital Region Office*
20. *Representative from the Quezon City Pride Council*

B. NON-PERMANENT MEMBERS:

1. *Representative from the Association of Bar Owners.*
2. *Representatives from the City Budget Department, Non-Governmental Organization, Private Sector, with related mandate to STI, HIV, and AIDS programs.*

C. THE SECRETARIAT:

The Council shall be supported by a secretariat, members of which shall be appointed by the Office of the Mayor. ✕



ARTICLE III

STI, HIV, AND AIDS PREVENTION AND CONTROL POLICIES

A. GENERAL POLICIES.

SECTION 5. STI, HIV, AND AIDS EDUCATION – HIV and AIDS, including topics on confidentiality and reduction or elimination of stigma and discrimination shall be provided in the workplace, academic and training institutions and communities in Quezon City.

SECTION 6. BEST PRACTICES – QCSAC, in close coordination with the City's law enforcement bodies and in partnership with the key affected population and pertinent sectors, shall employ best practices in human rights and evidence-based HIV prevention and alleviation policy and programs for key affected population in the city. Efforts to engage national law enforcement officials in dialogues to harmonize national and local policies must likewise be made. The presence of used or unused condoms and other safe sex paraphernalia, shall not be used as basis to conduct raids or similar police operation in sites and venues of HIV prevention interventions.

SECTION 7. PROHIBITION ON DISCRIMINATION BY HEALTH SERVICE PROVIDERS – No health service provider 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. Health service providers shall inform the patient/client of his/her right to file charges for abuses committed against them. *✓*

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SECTION 8. MISINFORMATION ON HIV AND AIDS – *Misinformation on HIV and AIDS, purporting to be a cure, treatment or a fail-safe prophylactic for HIV infection, which includes false and misleading advertisement and claims in any of the multimedia or the promotional marketing of drugs, device, agents or procedures without prior approval from the proper government agencies and without the requisite medical and scientific basis, including markings and indications in drugs and devices or agents, shall be prohibited.*

SECTION 9. PROTECTION OF HEALTH SERVICE PROVIDERS FROM ANY FORM OF HARASSMENT IN THE CONDUCT OF THEIR DUTIES – *Any person involved in the provision of HIV and AIDS services, including peer educators, shall be protected from malicious suit, arrest or prosecution arising from civil, criminal or administrative liability, on the basis of their delivery of such services in HIV prevention, or in relation to the legitimate exercise of protective custody of children, whenever applicable. This immunity does not cover acts which are committed in violation of this Ordinance.*

B. ENTERTAINMENT ESTABLISHMENTS

SECTION 10. COMPULSORY STI, HIV, AND AIDS EDUCATION IN ESTABLISHMENTS – *In compliance with Quezon City Ordinance Number SP-380, S-1995, and as required by Presidential Decree No. 856, otherwise known as the Sanitation Code of the Philippines, it shall be mandatory for all owners, operators and/or managers and entertainers to attend seminars on STI, HIV and AIDS prevention conducted by the City Health Department or agencies recognized through Memorandum of Agreement entered into with the City government. Otherwise, no permit shall issue upon applying establishment.*

SECTION 11. PEER EDUCATOR REQUIREMENT – *All entertainment establishments are encouraged to have at least one (1) peer educator, who has been trained by the Quezon City Health Department (QCHD) and has passed the qualifications set by the Education/Health Advocacy team of the QCSAC.* ✕



SECTION 12. AVAILABILITY OF PROPHYLACTICS AND OTHER INFORMATION MATERIALS FOR THE PREVENTION AND CONTROL OF STI, HIV AND AIDS.

- a. **INFORMATION ON PROPHYLACTICS** – Appropriate information shall be attached to or provided with every prophylactic offered for sale or given as a donation. Such information shall be legibly printed in English and Filipino, and contain literature on the proper use of the prophylactic device or agent, its efficacy against HIV and STI, as well as the importance of sexual abstinence and mutual fidelity.
- b. **AVAILABILITY AND VISIBILITY OF MATERIALS ON STI, HIV AND AIDS** – It shall be required for all registered entertainment establishments, saunas / bathhouses. Hotels, lodging houses and others to make information materials on STI, HIV and AIDS prevention and control available within the premises and to provide such information materials when requested by customers specifically guidance on the correct use of condom.

Information materials shall either be those sourced from government or those that are endorsed by government, such as but not limited to those from DOH and/or the QCHD. These entertainment establishments are likewise required to make STI, HIV and AIDS posters visible in strategic locations within their premises.

SECTION 13. NON-HIRING OF MINORS – In compliance with Article 139 of the Labor Code (Minimum Employable Age), as well as to the Quezon City Ordinance No. SP-784, S-99, and as stated in Section 2 of this Ordinance, no entertainment establishment shall be allowed to hire minors as entertainers as defined in Section 2(f) of this Ordinance. Anyone who assists in the falsification of documents of minors shall likewise be liable. γ



ARTICLE IV
COMPREHENSIVE PACKAGE OF INTERVENTIONS

SECTION 14. ACCESS TO COMPREHENSIVE PACKAGE OF INTERVENTIONS FOR STI, HIV / AIDS – All Social Hygiene Clinics and Sundown Clinics in the City shall provide a comprehensive package of interventions, which shall include comprehensive condom and lubricant programming, behavioural interventions, HIV testing and counselling, HIV treatment and care, prevention and management of co-infections and other co-morbidities, and sexual and reproductive health interventions: provided that these services shall likewise be extended by private health facilities to paying patients with the option to grant free care and services to indigents; provided, further, that health facilities unable to provide the comprehensive package shall refer the person seeking such care and services to another health facility which is conveniently accessible; provided, finally, that a functional service delivery network will be established to ensure access to any or all of these interventions.

No person shall be denied access to these services. Key populations, those in prisons and others in closed settings shall have the same level of access and shall not be neglected.

SECTION 15. PEER EDUCATION PROGRAM – The City Health Department shall establish a Peer Education Program as a strategy to effect behaviour change and empower communities and key population groups to adopt changes that support risk reduction, prevent HIV transmission, and increase uptake of services among key populations including those in close settings. The design of the program shall adhere to culturally-acceptable and gender-sensitive norms and based on good formative analysis of the local situation. ✓

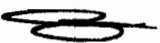


SECTION 16. PROCUREMENT AND DISTRIBUTION OF STI, HIV / AIDS SUPPLIES – The City Health Department shall procure and distribute to health facilities and monitor the usage of STI, HIV/AIDS supplies for the whole city. The CHD shall coordinate with all appropriate city government offices to plan and implement this procurement and distribution program. The supply and budget allotments shall be based on, among others, the current levels and projections of STI, HIV/AIDS prevalence among the general public and most at-risk populations.

SECTION 17. VOLUNTARY HIV TESTING – As a policy, the City shall encourage voluntary HIV testing. Written consent from the person taking the test must be obtained before HIV testing. If the person is below fifteen (15) years of age or is mentally incapacitated, such consent shall be obtained from the child’s parents, legal guardian, or whenever applicable, from the licensed social worker, licensed health service providers, or a DOH-accredited health service provider assigned to provide health services to a child.

HIV testing and counselling shall be made available to a minor who requests to undergo testing and counselling and other related services under any of the following conditions:

- a. The child expresses the intention to submit to HIV testing and counselling and other related services;
- b. Reasonable efforts were undertaken to locate, provide counselling to, and obtain consent of parents, but the parents are absent or cannot be located, or otherwise refuse to give their consent. In this case, consent shall be obtained from the child’s legal guardian or whenever applicable, from licensed social worker, licensed health service providers or a DOH accredited health service provider assigned to provide health services to a child. The licensed social worker, health care provider or other health care professional shall determine if the child is



“at higher risk HIV exposure” as defined in this Ordinance, and that the conduct of the testing and counselling is in the child’s best interest and welfare. In instances where parents of the minor were located and parents refused to give consent, social worker or healthcare provider shall execute an attestation that he/she has found the parents and advised them of the risks of not allowing their minor child to get tested.

- c. In every circumstance, proper counseling shall be conducted by a social worker, a healthcare provider or other health care professional, accredited by the DOH or DSWD.*

SECTION 18. COMPULSORY HIV TESTING –
Compulsory HIV testing shall be allowed only in the following instances. Compulsory testing for other purposes other than herein enumerated shall not be allowed.

- a. When it is necessary to test a person who is charged with any of the offenses punishable under Articles 264, 266, 3334 and 338 of the Revised Penal Code, as amended by Republic Act No. 8353, otherwise known as the Anti-Rape Law of 1997;*
- b. When it is necessary to resolve relevant issues under Executive Order No. 209, otherwise known as the Family Code of the Philippines, specifically, Article 45 (6) and 46 (3) thereof;*
- c. As a prerequisite in the donation of blood and in compliance with the provisions of Republic Act No. 7170, otherwise known as the Organ Donation Act and Republic Act No. 7719, otherwise known as the National Blood Services Act.*

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ARTICLE V

CONFIDENTIALITY

SECTION 19. CONFIDENTIALITY – The confidentiality and privacy of any individual who has been tested for HIV, exposed to HIV, has HIV infection or HIV- and AIDS-related illnesses or was treated for AIDS-related illnesses shall be guaranteed.

SECTION 20. MEDICAL CONFIDENTIALITY – All health professionals, medical instructors, workers, employers, 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 HIV.

SECTION 21. EXCEPTIONS TO THE MANDATE OF CONFIDENTIALITY – Medical confidentiality shall not be considered breached in the following cases:




- (a) When complying with reportorial requirements in conjunction with the AIDS WATCH Programs established under the Department of Health to determine and monitor the magnitude and progression of HIV infection in the Philippines, and for the purpose of evaluating the adequacy and efficacy of the countermeasures being employed;
- (b) 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 information confidentiality; x




- (c) *When responding to subpoena duces tecum and subpoena ad testificandum issued by a Court with jurisdiction over a legal proceeding where the main issue is 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 22. RELEASE OF HIV-RELATED TEST RESULTS – *The result of a confirmatory HIV TEST shall be released only by a trained health worker, who provides pre-test and post-test counselling only to the individual who submitted to the test. If the patient is a minor, an orphan, or is mentally incapacitated, the result may be released to either of the patient’s parents, legal guardian, or a duly-assigned licensed social worker, whichever is applicable. If the parents of the minor refused consent but the test is nevertheless continued, the results will be released to the minor with the assistance of the accredited health worker who provided him/her with counselling.*

SECTION 23. DISCLOSURE TO SEXUAL PARTNERS – *Any person who, after having been tested, is found to be infected with HIV, is obliged to disclose this health condition to their spouse or sexual partner prior to engaging in penetrative sex or any potential exposure to HIV. A person living with HIV may opt to seek help from qualified professionals, health workers, peer educators, or social workers to support him in disclosing this health condition to one’s partner or spouse- confidentiality of which shall likewise be observed. X*



ARTICLE VII

DISCRIMINATORY ACTS AND PRACTICES

SECTION 24. DISCRIMINATORY ACTS AND PRACTICES
– The following are discriminatory acts and practices and shall be prohibited in Quezon City:

- a. *Discrimination in the Workplace.* – As stipulated in Ordinance No. SP-2210, S- 2013, the rejection of job application, termination of employment, or other discriminatory policies in hiring, provision of employment and other related benefits, promotion or assignment of an individual solely or partially the basis of actual, perceived, or suspected HIV status;
- b. *Discrimination in Learning Institutions.* – Refusal of admission, expulsion, segregation, imposition of harsher disciplinary action, or denial of benefits or services, of a student or a prospective student solely or partially on the basis of actual, perceived or suspected HIV status;
- c. *Restrictions on housing or lodging solely or partially on the basis of actual, perceived or suspected HIV status;*
- d. *Inhibition from Public Participation.* – Prohibition on the right to seek an elective or appointive public office solely or partially on the basis of actual, perceived or suspected HIV status;
- e. *Discrimination in Hospitals and Health Institutions.* – Denial of health services, or be charged with a high fee, on the basis of actual, perceived or suspected HIV status;
- f. *Denial of Burial Services.* – Denial of embalming and burial services for a deceased person who had HIV and AIDS or who was known, suspected or perceived to be HIV positive; ✓



- g. Denial of Insurance or Health Maintenance Coverage. – No person living with HIV shall be denied or deprived of private health insurance by a Health Maintenance Organization (HMO) and private life insurance coverage by a life insurance company on the basis of the person’s HIV status.*


SECTION 25. DUTY OF EMPLOYERS, HEADS OF GOVERNMENT OFFICES AND HEADS OF PUBLIC AND PRIVATE SCHOOLS OR TRAINING INSTITUTIONS IN THE CITY – It shall be the duty of private employers, heads of government offices and head of public and private academic or training institutions to prevent or deter acts of discrimination against persons living with HIV and to provide procedures for the resolution, settlement, or prosecution of acts of discrimination.

ARTICLE VIII

PENALTIES

SECTION 26. PENALTIES – The corresponding penalties shall be imposed upon:

- a. Any person who commits the prohibited acts under the provisions on Misinformation and Medical Malpractice (Sections 10 and 11) shall upon conviction suffer the penalty of a fine in the amount of Five Thousand Pesos (P5,000.00), or imprisonment of one (1) to two (2) months, or both, at the discretion of the court, without prejudice to the suspension or revocation of his/her professional license in administrative proceedings. X*



- b. *Any person who violates the provision on protection of health service providers (Section 12) shall, upon conviction, suffer the penalty of a fine of Three Thousand Pesos (P3,000.00), or imprisonment of one (1) month, or both, at the discretion of the court. Provided, That if the person who violates these provisions is a law enforcement agent or a public official, administrative sanction may be imposed, in addition to imprisonment and/or fine, at the discretion of the court.*

- c. *Any person who violates Section 23 of this Ordinance by forcibly testing, or requiring the HIV testing of an individual in accessing services or rights shall, upon conviction, suffer the penalty of imprisonment of two (2) to three (3) months and/or a fine of Five Thousand Pesos (P5,000.00) at the discretion of the court, and without prejudice to the imposition of administrative sanction such as suspension or revocation of business permit, business license or accreditation, and professional license;*

- d. *Any person, natural or juridical, who violates Section 25 shall, upon conviction, suffer the penalty of imprisonment of two (2) to three (3) months and/or of a fine of Five Thousand Pesos (P5,000.00) at the discretion of the court, and without prejudice to the imposition of administrative sanction such as suspension or revocation of business permit, business license or accreditation, and professional license;*

- e. *Any person, natural or juridical, who shall violate any of the provisions under discriminatory acts (Section 28) shall, upon conviction, suffer the penalty of imprisonment of two (2) to three (3) months and/or of a fine of Five Thousand Pesos (P5,000.00) at the*

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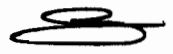
discretion of the court, and without prejudice to the imposition of administrative sanction such as suspension or revocation of business permit, business license or accreditation, and professional license;

- f. Any person who has obtained knowledge of confidential HIV and AIDS information and uses such information to malign or cause damage, injury or loss to another person shall face liability under Articles 19, 20, 21 and 26 of the New Civil Code of the Philippines;*

- g. Except for the acts of falsification of requirements, hiring of minors and operating without permit which shall be meted with the punishment listed in the 3rd offense, any person, natural or juridical, who shall violate the Sections under Article III B on Registered Entertainment Establishment in this Ordinance shall be subject to the following penalties:*
 - 1. In its first offense, the QCSAC shall strongly reprimand in writing such person, and such reprimand shall be posted on the pertinent establishment for a period of one week or until such failure to comply has been complied with.*

 - 2. In the event of a 2nd offense, the penalty is a fine of Two Thousand Pesos (P2,000.00) and/or an imprisonment of one (1) month, at the discretion of the court.*

 - 3. In the event of a 3rd offense, a fine of Five Thousand Pesos (P5,000.00) and/or an imprisonment of six (6) months at the discretion of the court and/or permanent closure of establishment and loss of capacity to conduct business in Quezon City perpetually.*



ARTICLE IX

IMPLEMENTATION AND MONITORING

SECTION 27. IMPLEMENTING AND MONITORING AGENCIES – *The QCSAC is tasked to coordinate in the strict compliance and enforcement of this Ordinance.*

ARTICLE X

APPROPRIATION

SECTION 28. APPROPRIATION – *An amount of Five Million Pesos (P5,000,000.00) from the executive budget of the next calendar year and every year thereafter shall be allotted for the implementation of this Ordinance.*

ARTICLE XI

TRUST FUND

SECTION 29. COLLECTION OF PENALTIES – *All collections by the City Treasurer’s Office pursuant to Article VIII of this Ordinance shall be deposited in a Trust Fund.*

SECTION 30. TRUST FUND – *Collections shall be used in providing medical and social assistance for entertainers infected by Sexually Transmitted Infections, HIV, and AIDS, and for the implementation of this Ordinance.*

ARTICLE XII

FINAL PROVISIONS

SECTION 31. IMPLEMENTING RULES AND REGULATIONS – *Within six (6) months after it is fully re-enacted the QCSAC shall formulate and issue the appropriate Rules and Regulations necessary for the implementation of this Ordinance.*

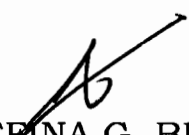
SECTION 32. REPEALING CLAUSE – *All ordinances, local issuances, or rules inconsistent with the provisions of this Ordinance are hereby repealed, or modified accordingly. x*




SECTION 33. 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 force and effect.

SECTION 34. EFFECTIVITY CLAUSE – This Ordinance shall take effect immediately right after its publication in the Official Gazette, or in a newspaper of general circulation.

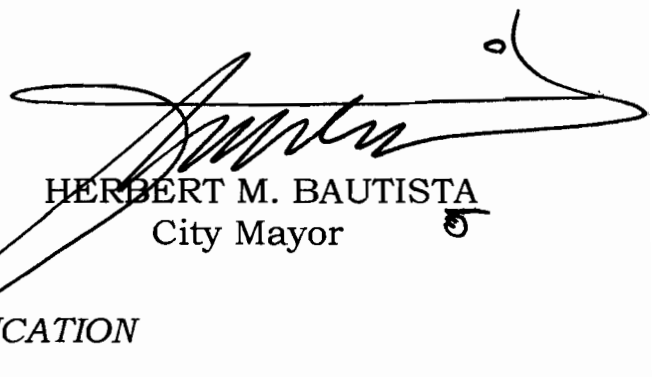
ENACTED: March 7, 2016.


MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:



Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 20 MAY 2016


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on March 7, 2016 and was PASSED on Third/Final Reading March 14, 2016.


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III 