Republic of the Philippines
Province of Ilocos Sur
MUNICIPALITY OF SAN VICENTE
OFFICE OF THE SANGGUNIANG BAYAN

Sangguniang Bayan Members:

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HON. CONRADO R. ROJO

HON. FIDEL R. ALDOS

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HON. ALBERT R. ROLA

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Ex-Officio Members

HON. MELECIO G. DAQUEP SR.

HON. MARK JINDREI L. CAJIGAL

ORDINANCE NO. 7
SERIES 2024

"AN ORDINANCE ADOPTING THE IMPLEMENTATION OF THE "SAN VICENTE AIDS/HIV/STD PREVENTION AND CONTROL ORDINANCE OF 2024" IN THE MUNICIPALITY OF SAN VICENTE, ILOCOS SUR"

Be it enacted by the Sangguniang Bayan of San Vicente in session assembled that:

Section 1. ***Title.*** – This Act shall be known as the "***San Vicente AIDS/HIV/STD Prevention and Control Ordinance of 2024***"

Section 2. ***Declaration of policies.*** – Acquired Immune Deficiency Syndrome (AIDS) is a disease 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:

(a) The Municipality of San Vicente shall promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV/AIDS through a comprehensive educational and information campaign organized and conducted by the Municipality. 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 affected individuals and groups, including people living with HIV/AIDS.

(b) The Municipality shall extend to every person suspected or known to be infected with HIV/AIDS full protection of his/her human rights and civil liberties. Towards this end:

(1) Compulsory HIV testing shall be considered unlawful unless otherwise provided in this Ordinance;

(2) The right to privacy of individuals with AIDS/HIV/STD shall be guaranteed;

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(3) The right to privacy of individuals with AIDS/HIV/STD shall be guaranteed;

(4) Discrimination, in all its forms and subtleties, against individuals with HIV or persons perceived or suspected of having AIDS/HIV/STD shall be considered inimical to individual and national interest;

(5) Provision of basic health and social services for individuals with AIDS/HIV/STD shall be assured.

(c) The Municipality shall promote utmost safety and universal precautions in practices and procedures that carry the risk of AIDS/HIV/STD transmission.

(d) The Municipality shall positively address and seek to eradicate conditions that aggravate the spread of AIDS/HIV/STD infection, including but not limited to, poverty, gender inequality, prostitution, marginalization, drug abuse and ignorance.

(e) The Municipality shall recognize the potential role of affected individuals in propagating vital information and educational messages about AIDS/HIV/STD and shall utilize their experience to warn the public about the disease.

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 individual being tested does not reveal his/her true identity. An identifying number or symbol is used to substitute for the name and allows the laboratory conducting the test and the person on whom the test is conducted to match the test results with the identifying number or symbol.

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(b) ***"Compulsory HIV Testing"*** – refers to HIV testing imposed upon a person attended or characterized by the lack of or vitiated consent, use of physical force, intimidation or any form of compulsion.

(c) ***"Contact tracing"*** – refers to the method of finding and counselling the sexual partner(s) of a person who has been diagnosed as having sexually transmitted disease.

(d) ***"Human Immunodeficiency Virus (HIV)"*** – refers to the virus which causes AIDS.

(e) ***"HIV/AIDS Monitoring"*** – refers to the documentation and analysis of the number of HIV/AIDS infections and the pattern of its spread.

(f) ***"HIV/AIDS Prevention and Control"*** – refers to measures aimed at protecting non-infected from contracting HIV and minimizing the impact of the condition of persons living with HIV.

(g) ***"HIV-positive"*** – refers to the presence of HIV infection as documented by the presence of HIV or HIV antibodies in the sample being tested.

(h) ***"HIV-negative"*** – denotes the absence of HIV or HIV antibodies upon HIV testing.

(i) ***"HIV Testing"*** – refers to any laboratory procedure done on an individual to determine the presence or absence of HIV infection.

(j) ***"HIV Transmission"*** – refers to the transfer of HIV from one infected person to an uninfected individual, most commonly through sexual intercourse, blood transfusion, sharing of intravenous needles and during pregnancy.

(k) ***"High-Risk Behavior"*** – refers to a person's frequent involvement in certain activities which increase the risk of transmitting or acquiring HIV.

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l) ***"Informed Consent"*** – refers to the voluntary agreement of a person to undergo or be subjected to a procedure based on full information, whether such permission is written, conveyed verbally, or expressed indirectly.

(m) ***"Medical Confidentiality"*** – refers to the relationship of trust and confidence created or existing between a patient or a person 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.

(n) ***"Person with HIV"*** – refers to an individual whose HIV test indicates, directly or indirectly, that he/she is infected with HIV.

(o) ***"Pre-Test Counselling"*** – refers to the process of providing an individual information on the biomedical aspects of HIV/AIDS and emotional support to any psychological implications of undergoing HIV testing and the test result itself before he/she is subjected to the test.

(p) ***"Post-Test Counselling"*** – refers to the process of providing risk-reduction information and emotional support to a person who submitted to HIV testing at the time that the test result is released.

(q) ***"Prophylactic"*** – refers to any agent or device used to prevent the transmission of a disease.

(r) **"*Sexually Transmitted Diseases*"** – refers to any disease that may be acquired or passed on through sexual contact.

(s) ***"Voluntary HIV Testing"*** – refers to HIV testing done on an individual who, after having undergone pre-test counselling, willingly submits himself/herself to such test.

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(t) ***"Voluntary HIV Testing"*** – refers to HIV testing done on an individual who, after having undergone pre-test counselling, willingly submits himself/herself to such test.

(u) ***"Window Period"*** – refers to the period of time, usually lasting from two weeks to six (6) months during which an infected individual will test "negative" upon HIV testing but can actually transmit the infection.

ARTICLE I
EDUCATION AND INFORMATION

Section 4. AIDS/HIV/STD E*ducation in Schools.* – The Department of Education (DEPED), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA), utilizing official information provided by the Department of Health, shall integrate instruction on the causes, modes of transmission and ways of preventing AIDS/HIV/STD and other sexually transmitted diseases in subjects taught in public and private schools at intermediate grades, secondary and tertiary levels, including non-formal and indigenous learning systems: *Provided,* That if the integration of AIDS/HIV/STD education is not appropriate or feasible, the DEPED and TESDA shall design special modules on HIV/AIDS prevention and control: *Provided, further,* That it shall not be used as an excuse to propagate birth control or the sale or distribution of birth control devices: *Provided, finally*, That it does not utilize sexually explicit materials.

Flexibility in the formulation and adoption of appropriate course content, scope, and methodology in each educational level or group shall be allowed after consultations with Parent-Teachers-Community Associations, Private School Associations, school officials, and other interest groups. As such, no instruction shall be offered to minors without adequate prior consultation with parents who must agree to the thrust and content of the instruction materials.

All teachers and instructors of said AIDS/HIV/STD courses shall be required to undergo a seminar or training on AIDS/HIV/STD prevention and control to be supervised by DEPED, CHED and TESDA, in coordination with the Department of Health (DOH) and the Municipality of San Vicente, before they are allowed to teach on the subject.

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Section 5. AIDS/HIV/STD *Information as a Health Service.* – AIDS/HIV/STD education and information dissemination shall form part of the delivery of health services by health practitioners, workers and personnel. The knowledge and capabilities of all public health workers shall be enhanced to include skills for proper information dissemination and education on HIV/AIDS. It shall likewise be considered a civic duty of health providers in the private sector to make available to the public such information necessary to control the spread of AIDS/HIV/STD and to correct common misconceptions about this disease. The training or health workers shall include discussions on HIV-related ethical issues such as confidentiality, informed consent and the duty to provide treatment.

Section 6. AIDS/HIV/STD E*ducation in the Workplace.* – All government and private employees, workers, managers, and supervisors, including the Philippine National Police (PNP), shall be provided with the standardized basic information and instruction on AIDS/HIV/STD which shall include topics on confidentiality in the workplace and attitude towards infected employees and workers. In collaboration with the Department of Health (DOH), the LAP Council, and the Municipality of San Vicente shall oversee the anti-AIDS/HIV/STD campaign in all private companies while the PNP shall oversee the implementation of this Section.

Section 7. AIDS/HIV/STD *Education for Filipinos Going Abroad.* – The Municipality shall ensure that all overseas Filipino workers and diplomatic, military, trade, and labor officials and personnel to be assigned overseas shall undergo or attend a seminar on the cause, prevention and consequences of HIV/AIDS before certification for overseas assignment.

The Department of Labor and Employment or the Department of Foreign Affairs, the Department of Tourism and the Department of Justice through the Bureau of Immigration, as the case may be, in collaboration with the Department of Health (DOH), shall oversee the implementation of this Section.

Section 8. *Information Campaign for Tourists and Transients.* – Informational aids or materials on the cause, modes of transmission, prevention, and consequences of HIV infection shall be adequately

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provided at all international ports of entry and exit. The Chairman on Tourism and Affairs, in collaboration with the Department of Health (DOH),the RHU shall oversee the implementation of this Act.

Section 9. AIDS/HIV/STD *Education in Communities.* – Local government units, in collaboration with the Department of Health (DOH), shall conduct an educational and information campaign on AIDS/HIV/STD. The Provincial Governor, Municipal Mayor and the barangay captain shall coordinate such campaign among concerned government agencies, non-government organizations and church-based groups.

Section 10. *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 STD infection, as well as the importance of sexual abstinence and mutual fidelity.

ARTICLE II
SAFE PRACTICES AND PROCEDURES

Section 11. *Requirement on the Donation of Blood, Tissue, or Organ.* – No laboratory or institution shall accept a donation of tissue or organ, whether such donation is gratuitous or onerous, unless a sample from the donor has been tested negative for HIV. All donated blood shall also be subjected to HIV testing and HIV(+) blood shall be disposed of properly and immediately.

A second testing may be demanded as a matter of right by the blood, tissue, or organ recipient or his immediate relatives before transfusion or transplant, except during emergency cases: Provided, that donations of blood, tissue, or organ testing positive for HIV may be accepted for research purposes only, and subject to strict sanitary disposal requirements.

Section 12. *Guidelines on Surgical and Similar Procedures.* – The Department of Health (DOH), in consultation and in coordination with concerned professional organizations and hospital associations, shall issue guidelines on precautions against HIV transmission during

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surgical, dental, embalming, tattooing or similar procedures. The DOH shall likewise issue guidelines on the handling and disposition of cadavers, body fluids or wastes of persons known or believed to be HIV-positive.

The necessary protective equipment such as gloves, goggles and gowns, shall be made available to all physicians and health care providers and similarly exposed personnel at all times.

Section 13. ***Sexual Abstinence and Mutual Fidelity*** – Sexual abstinence and mutual fidelity shall be emphasized in all AIDS/HIV/STD prevention and control strategies.

ARTICLE III
TESTING, SCREENING AND COUNSELLING

Section 14. ***Consent as a Requisite for HIV Testing.*** – No compulsory HIV testing shall be allowed. However, the State shall encourage voluntary testing for individuals with a high risk for contracting HIV: *Provided,* that written informed consent must first be obtained. Such consent shall be obtained from the person concerned if he/she is of legal age or from the parents or legal guardian in the case of a minor or a mentally incapacitated individual. Lawful consent to HIV testing of a donated human body, organ, tissue, or blood shall be considered as having been given when:

(a) a person volunteers or freely agrees to donate his/her blood, organ, or tissue for transfusion, transplantation, or research;

(b) a person has executed a legacy in accordance with Sec. 3 of Republic Act No. 7170, also known as the *"Organ Donation Act of 1991"*;

(c) a donation is executed in accordance with Sec. 4 of Republic Act No. 7170.

Section 15. ***Prohibitions on compulsory HIV testing.*** – Compulsory HIV testing as a precondition to employment, admission to educational institutions, the exercise of freedom of abode, entry or continued stay in the country, or the right to travel, the provision of medical service or any other kind of service, or the continued enjoyment of said undertakings shall be deemed unlawful.

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Section 16. ***Exception to the Prohibition on Compulsory Testing.*** – Compulsory HIV testing may be allowed only in the following instances:

a) When a person is charged with any of the crimes punishable under Articles 264 and 266 as amended by Republic Act No. 8353, 335 and 338 of Republic Act No. 3815, otherwise known as the *"Revised Penal Code"* or under Republic Act No. 7659;
b) When the determination of the HIV status is necessary to resolve the relevant issues under Executive Order No. 309, otherwise known as the "Family Code of the Philippines"; and
c) When complying 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".*

Section 17. ***Anonymous HIV Testing.*** – The Municipality shall provide a mechanism for anonymous HIV testing and shall guarantee anonymity and medical confidentiality in the conduct of such tests.

Section 18. ***Accreditation of HIV Testing Centers.*** – All testing centers, hospitals, clinics, and laboratories offering HIV testing services are mandated to seek accreditation from the Department of Health which shall set and maintain reasonable accreditation standards.

Section 19. ***Pre-test and Post-test Counselling.*** – All testing centers, clinics, or laboratories which perform any HIV test shall be required to provide and conduct free pre-test counselling and post-test counselling for persons who avail of their HIV/AIDS testing services. However, such counselling services must be provided only by persons who meet the standards set by the DOH.

ARTICLE IV

CREATION OF THE SAN VICENTE AIDS/HIV/STD COUNCIL

(LAP Council)

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SECTION 20. COMPOSITION OF THE SAN VICENTE AIDS/HIV/STD COUNCIL (LAP Council)– The SAN VICENTE AIDS/HIV/STD COUNCIL (LAP Council) shall be composed of following:

a) Municipal Mayor - Chairman
b) SB Chairman, Committee on Health - Vice-chairman
c) Municipal Health Officer - Member
d) MLGOO - Member
e) SK Federation President – Member
f) DOH Representative – Member
g) Municipal Planning and Development Officer - Member
h) Municipal Social Welfare and Development Officer - Member)
I) Public Health Nurse – Member
j) School District Supervisor - Member
K) Local Youth Development Officer - Member
l) One (1) active Non-Government Organizations (NGOs) presently accredited by the municipality. - Member

The LAP Council may, from time to time, expand or reduce its membership as the need arises.

SECTION 21. POWERS AND FUNCTIONS – For the attainment of the aforesaid AIDS/HIV/STD program the LAP Council shall be charged and vested with the following powers and functions.

a) Recommend to the Sangguniang Bayan in the formulation/development of policy, program conceptualization, planning and monitoring towards the prevention and control of AIDS/HIV/STD.

b) Recommend to the Sangguniang Bayan enactment of ordinances and resolutions that shall assist in the control and prevention including the provision of care and support of people living with AIDS/HIV/STD.

c) Collaborate in establishing, mobilizing, and strengthening linkages at the local, national, international government agencies and non-government organizations (NGOs) and other stakeholders involved in the AIDS/HIV/STD prevention and control programs

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d) The Council is primarily a Policy-making body and implementation of AIDS- related activities shall be mainstreamed, institutionalized and carried out by the respective mandated agencies.

e) Monitor in the implementation of this code and other policies approved and adopted by LAP Council.

f) Accredit applications of certain organizations relevant to the AIDS/HIV/STD program.

g) May Source-out funds to the national, international government agencies and non-government organizations (NGOs) necessary for the implementation of the HIV/AIDS prevention and control program.

h) Formulate and submit project proposals to the national, international government agencies and non-government organizations (NGOs) necessary for the implementation of the AIDS/HIV/STD program.

i) Create Volunteer Groups as an arm for the prevention, control, information dissemination and education to the community.

j) Representations. Members may designate a representative to represent them in their absence.

ARTICLE V

CREATION OF THE BARANGAY AIDS COUNCIL (BAC)

SECTION 22. ***COMPOSITION OF THE BARANGAY AIDS COUNCIL***. The Barangay AIDS Council shall be composed of following:

a) Barangay Captain - Chairman
b) SB Chairman, Committee on Health - Vice-Chairman
c) SK Chairman - Member
d) Public Health Midwife - Member
e) School Principal – Member

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f) One (1) Barangay Health Workers - Member
g) Senior Citizens representative - Member
h) Religious Sector Representative - Member
i) Business or Private Sector Representative - Member
j) NGO Representative – Member

The BAC may, from time to time, expand or reduce its membership as the need arises.

SECTION 23. ***REPRESENTATIONS*** – Members may designate a representative to represent them in their absence.

SECTION 24. ***POWERS AND FUNCTIONS*** – The Barangay AIDS Council (BAC) shall have the following powers and functions:

a) Recommend to the Sangguniang Barangay in the formulation/development of policy, program conceptualization, planning and monitoring towards the prevention and control of AIDS/HIV/STD at the barangay level.

b) Recommend to the Sangguniang Barangay enactment of ordinances and resolutions that shall assist in the control and prevention including the provision of care and support of people living with AIDS/HIV/STD at the barangay level.

c) Take the lead in undertaking information, education and communication campaign on AIDS/HIV/STD prevention and control program at the barangay level.

d) Monitor in the implementation of this code and other policies approved and adopted by LAP Council/BAC.

e) Accredit applications of certain organizations relevant to the AIDS/HIV/STD program at the barangay level.

f) Create Volunteer Groups as an arm for the prevention, control, information dissemination and education to the community.

ARTICLE VI
SUPPORT PROGRAMS AND SERVICES

Sangguniang Bayan Members:

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SECTION 25. ***COMMUNITY- BASED SERVICES*** – The Municipality in coordination and cooperation with concerned government agencies, non-government organizations, person with AIDS/HIV/STD and groups most at risk of HIV infection shall provide community-based AIDS/HIV/STD prevention and care services.

SECTION 26. ***LIVELIHOOD PROGRAMS AND TRAININGS*** – Trainings for livelihood programs, self-help cooperative programs shall be made accessible and available to all persons with AIDS/HIV/STD. Persons infected with AIDS/HIV/STD shall not be deprived of full participation in any livelihood, self-help and cooperative programs for reason of their health condition.

SECTION 27. ***INTEGRATION OF HIV/AIDS PROGRAM TO THE MUNICIPAL/BARANGAY DEVELOPMENT PLAN*** – AIDS/HIV/STD program shall be incorporated to the Municipal Development Plan and Barangay Development Plan for the formulation of a comprehensive, integrated and sustainable policy and program particularly but not limited to the prevention, control, information dissemination and education.

SECTION 28. ***ORGANIZING/STRENGTHENING OVERSEAS FILIPINO WORKERS AND DEPENDENTS (OFW/DOFW)*** – Organizing/strengthening of Overseas Filipino Workers and Dependents shall be pursued for database establishment and coordinate with the LAP Council/BAC for the program implementation. The Organization shall register, be accredited, and apply for membership to the LAP Council/BAC.

SECTION 29. ***CREATION OF VOLUNTEER GROUPS*** – Volunteer groups can be created by the LAP Council/BAC for the prevention, control, information dissemination and education to the community. The volunteer group shall undergo trainings on capacity building, counseling, trainers training, IEC conceptualization, formulation and dissemination.

SECTION 30. ***VOLUNTEER NON-GOVERNMENT ORGANIZATIONS (NGOs)***. Volunteer Non-government Organizations shall support in the implementation, sourcing-out of funds and providing technical capabilities particularly but not limited to trainings of the Volunteer Groups.

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ARTICLE VII

HIV/AIDS MONITORING

SECTION 31. ***MONITORING PROGRAM AND REPORTING MECHANISMS*** – The LAP Council shall develop a comprehensive AIDS/HIV/STD monitoring program and reporting procedures on the magnitude of and progression of HIV infection in the Municipality.

ARTICLE VIII

CONFIDENTIALITY, RESEARCH INVESTIGATION, DISCRIMINATORY AND PENAL PROVISIONS

SECTION 32. *CONFIDENTIALITY* – All results of HIV testing and any information gathered shall remain confidential and classified, and shall not be used in any way to become basis or restriction for any employment, school attendance, freedom of abode, or travel.

SECTION 33. *RESEARCH INVESTIGATIONS* – All research investigations related to AIDS/HIV/STD should observe strict adherence to the ethical guidelines set by the Philippine National AIDS Council.

SECTION 34. D*ISCRIMINATORY ACTS* – Discrimination any form and place of person perceived or suspected with HIV (i.e. employment process, promotion, assignment or termination from work, schools, hospitals, health institution, travel and habitation) shall be unlawful.

SECTION 35. *DIVULGING OF CONFIDENTIAL INFORMATION OF PERSONS WITH AIDS/HIV/STD* – Any person who divulge confidential information about the HIV status of a person shall be penalized hereunder.

SECTION 36*. PENALTIES* – Any person found guilty of violating any provisions of this Ordinance shall be penalized in accordance with the following, to wit;

a.) **First Offense** – a fine of Php 1,000.00 and/or an imprisonment of one (1) month, depending upon the discretion of the Court.

b.) **Second Offense** – a fine of Php 2,000.00 and/or an imprisonment of three (3) months, depending upon the discretion of the Court.

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HON. WARLITO R. RIDULME

HON. RENATO T. ROJAS

HON. LOU BERNARD R. LAZO

Ex-Officio Members

HON. MELECIO G. DAQUEP SR.

HON. MARK JINDREI L. CAJIGAL

ORDINANCE NO. 7
SERIES 2024

c.) Third Offense – a fine of Php 2,500.00 and/or an imprisonment of six (6) months, depending upon the discretion of the Court.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 37. *Implementing rules and regulations.* – Within six (6) months after it is fully reconstituted, the Council shall formulate and issue the appropriate rules and regulations necessary for the implementation of this Ordinance.

Section 38. *Separability Clause.* – If any provision of this Ordinance is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

Section 39. *Repealing clause.* – All laws, presidential decrees, executive orders and their implementing rules inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

Section 40. *Effectivity.* This Ordinance shall take effect upon approval by the Sangguniang Panlalawigan of Ilocos Sur and after publication in a newspaper of general circulation.

ENACTED: May 21, 2024.

Certified Correct:

Sgd.
MARIUS CLIFFORD R. BILLEDO
SB Secretary

ATTESTED:

Sgd.
JOSE C. TABANDA III
Vice Mayor/Presiding Officer

APPROVED:

Sgd.
JONAN D. TABANDA
Municipal Mayor