

**EXCERPT TAKEN FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON SEPTEMBER 2, 2011.****PRESENT: HON. JOSEPH T. BACAY**

Hon. Oscar A. Boling, C.E.  
 Hon. Carolyn D. Sison  
 Hon. Earl James C. Aquino  
 Hon. Margielou Orange D. Humilde  
 Hon. Constante R. Carasi, M.D.  
 Hon. Filemon R. Bacala, Jr.  
 Hon. Emerlina B. Ravarra, LBP  
 Hon. Moriah Diorella V. Ranoy, SKP

- **ACTING CITY VICE MAYOR/  
 ACTING PRESIDING OFFICER**  
 - Presiding Office Pro-Tempore  
 - Majority Floor Leader  
 - Member  
 - -do-  
 - -do-  
 - -do-  
 - Ex-Officio Member  
 - Ex-Officio Member

**ABSENT:**

Hon. Joselito O. Fontelera  
 Hon. Rufina J. Gabriel  
 Hon. Rany S. De Leon

- On Leave  
 - (O.B.)- Attended Seminar in Tagaytay City  
 - On Birthday Leave

**ORDINANCE NO. 2011-06**

**PROMULGATING POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF HIV/AIDS/STD IN THE CITY OF ALAMINOS, STRENGTHENING THE ALAMINOS CITY HIV/AIDS COUNCIL, PROVIDING PENALTIES FOR VIOLATIONS HEREOF AND FOR OTHER PURPOSES.**

On motion of **Councilor Constante R. Carasi** duly seconded by **Councilor Filemon R. Bacala, Jr.**, be it ordained by the Sangguniang Panlungsod of Alaminos City in its session assembled, That:

**ARTICLE I  
 TITLE OF THE ORDINANCE**

**SECTION 1. Title** – This ordinance shall be known as the **“AN ORDINANCE PROMULGATING POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF HIV/AIDS/STD IN THE CITY OF ALAMINOS, STRENGTHENING THE ALAMINOS CITY HIV/AIDS COUNCIL, PROVIDING PENALTIES FOR VIOLATIONS HEREOF AND FOR OTHER PURPOSES”**.

**ARTICLE II  
 DECLARATION OF POLICIES AND PRINCIPLES**

Human Immuno-deficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) and Sexually Transmitted Diseases are diseases/conditions that recognize no territorial, social, political, and economic boundaries. Since there is no known cure particular for AIDS, the gravity of the threat from this disease demands a strong and effective government response hence the City Government shall strictly adhere to the following local policies.

**SECTION 2.** Item C (Women and Health) of the Strategic Objectives and Actions of the Beijing Declaration and Platform for action, which was adopted by the United Nations during the Fourth World Conference on Women in Beijing, China, the Philippines being a signatory committed to:

- a.) Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services;
- b.) Strengthen preventive programs that promote women's health;
- c.) Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS, and sexual and reproductive health issues;
- d.) Promote research and disseminate information for women's health;
- e.) Increase resources and monitor follow-up women's health.

**SECTION 3.** Item D (Violence Against Women) of the Strategic Objectives and Actions of Beijing Declaration and Platform for Action, the Philippines, being a signatory committed to:

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- a.) Study the causes and consequences of violence against women and the effectiveness of Preventive measures;
- b.) Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.

**SECTION 4.** Article 34 of the United Nations Convention on the Rights of the Child (CRC), which provides that the State shall protect children from sexual exploitation and abuse, including prostitution and involvement in pornography.

**SECTION 5.** Article II, Section 15, of the 1987 Philippine Constitution, which states that xxx *"The State shall protect and promote the right to health of the people and instill health consciousness among them."*

**SECTION 6.** Article II, Section 18, of the 1987 Philippine Constitution, which states that xxx *"The affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."*

**SECTION 7.** Republic Act No. 8504, otherwise known as *"An act Promulgating Policies and Measures for the Prevention and Control of HIV/AIDS in the Philippines,"* particularly declares the following policies:

- a.) The State shall promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV/AIDS through a comprehensive nationwide educational and information campaign organized and conducted by the State. Such campaigns shall promote value information 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 State shall extend to every person suspected or known to be infected with HIV/AIDS full protection of his/her human rights and civil liberties toward this end:
  - 1.) Compulsory HIV testing shall be considered unlawful unless otherwise provided in this Act;
  - 2.) The right to privacy of individuals with HIV shall be guaranteed;
  - 3.) Discrimination, in all its form and subtleties, against individuals with HIV or persons perceived or suspected of having HIV shall be considered inimical to individual and national interest; and
  - 4.) Provision of basic health and social services for individuals with HIV shall be assured.
- c.) The State shall promote utmost safety and universal precautions in practices and procedures that carry the risk of HIV transmission.
- d.) The state shall positively address and seek to eradicate conditions that aggravate the spread of HIV infection, including but not limited to, poverty, gender inequality, promotion, marginalization, drug abuse and ignorance.
- e.) The State shall recognize the potential role of affected individuals in propagating vital information and education messages about HIV/AIDS and shall utilize their experience to warn the public about the disease.

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**SECTION 8.** Presidential Executive Order No. 273 approved and adopted the Philippine Plan for Gender Responsive Development (1995-2025) directing all government agencies at the national, regional and local levels to take appropriate steps to ensure that the policies, programs, projects and strategies outlined there are implemented or complied with.

**SECTION 9.** Item 3 (Policies and Strategies) of the Policy Advocacy and Legal Reforms of the Philippine Plan for Gender-Responsive Development, which states that "Women and children should no longer be arrested or fined like criminals" (ESCAP,1991:57). "*Declaration of the Prostituted should go hand in hand with apprehension and prosecution of agents, recruiters, traffickers, pimps, procurers, establishment owners, customers and others who derive sexual gratification, financial gain and advancement, or any other benefit from the prostitution of others. Decriminalization means the abolition of sexist discrimination in the general and removing the culpability and criminality which the law places specifically on women prostitutes.*"

**SECTION 10. "URGING ALL LAW ENFORCEMENT AGENCIES IN THE CITY TO STEP UP EFFORTS AGAINST CHILD PROSTITUTION."**

### **ARTICLE III DEFINITION OF TERMS**

**SECTION 11. Definition of Terms** – As used in this ordinance, the following terms are defined thus:

- 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 an afflicted individual susceptible to other life-threatening infections.
- b.) **Condom** – a device used to prevent the transmission of HIV/AIDS/STD, usually made of thin rubber designed to cover the penis during sexual intercourse.
- c.) **Decriminalize** – to remove culpability which the law places specifically on women prostitutes.
- d.) **Entertainer** – a person who is employed in an entertainment establishment who renders entertainment service to customers such as GRO, CSW, dancer masseur, cocktail waitress and others with similar occupations.
- e.) **Entertainment Establishment** – a business establishments such as a bar, night club, disco house, beerhouse, cocktail lounge, massage clinic, videoke bar or sing-along pub house, and other similar establishments which have secured a permit from the city government to operate within the city.
- f.) **Floor Manager** – an individual who supervises the activities of the entertainers.
- g.) **High risk behavior** – refers to a person's frequent involvement in certain activities which increases the risk of transmitting or acquiring HIV.
- h.) **HIV/AIDS/STD prevention and control** – measures aimed at protecting non-infected persons from contracting HIV/AIDS/STD and minimizing the impact of the condition of persons living with HIV/AIDS/STD.
- i.) **HIV-negative** – denotes the absence of HIV or HIV anti-bodies upon testing.
- j.) **HIV-positive** – refers to the presence of HIV infection as documented by the presence of HIV or HIV anti-bodies in the sample being tested.
- k.) **HIV testing** – refers to any laboratory procedure done on an individual to determine the presence or absence of HIV infection.
- l.) **Human Immuno-deficiency Virus (HIV)** – the virus that causes AIDS.

- m.) **Illegal entertainment establishment** – an entertainment establishment which operates without a business permit.
- n.) **Information dissemination** – the process of relaying the policies, manner of prevention, causes and sources of infection of HIV/AIDS/STD among operators and workers in entertainment establishment and the general public as well.
- o.) **Lewd** – inclined to, characterized by, or inching to, lust or lechery; obscene or incident; low or vulgar; or shall mean in accordance with the Offenses Against Decency and Good Customs in Article 201 of the Revised Penal Code.
- p.) **Manager** – an individual who has direct control and supervision of the employees working in an entertainment establishment.
- q.) **Minor** – a person who is below 18 years of age.
- r.) **Operator** – any natural or judicial persons who or which is/are granted permit/license to operate an entertainment establishment.
- s.) **Patron** – a person seeking enjoyment from an entertainment establishment for a fee.
- t.) **Peer educator** – a person who gives support and education to co-workers and friends and others of the same age group.
- u.) **Person living with HIV/AIDS/STD** – an individual whose HIV/AIDS/STD test indicates directly or indirectly, that he/she is infected with HIV/AIDS/STD.
- v.) **Prophylactic** – an agent or device, such as condom, used to prevent the transmission of HIV/AIDS/STD.
- w.) **Reproductive Health** – As defined in the Cairo International conference on Population and Development and World Health Organization and as affirmed during the Beijing Conference of the United Nations, reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease and affirmity in all matters relating to the reproductive system and its functions and processes; that is, people are able to have a satisfying and safe sex life and have the capability to reproduce and the freedom to decide it, when and how to do so.
- x.) **Sexually Transmitted Disease** – disease acquired or passed through sexual contact, such as, but not limited to, gonorrhea, syphilis, trichomoniasis, Chlamydia, genital herpes, genital warts, candidiasis, hepatitis B, bacteria vaginosis, scabies, public ticks or lice, and HIV/AIDS.

#### **ARTICLE IV**

##### **STRENGTHENING OF THE ALAMINOS CITY HIV/AIDS COUNCIL**

**SECTION 12.** Expansion of the Council's Coverage. The Alaminos City HIV/AIDS Council shall henceforth be known as "Alaminos City HIV/AIDS/STD Council" so that its coverage shall include other Sexually Transmitted Diseases (STDs)

**SECTION 13.** Composition of the Alaminos City HIV/AIDS/STD Council. The Alaminos City HIV/AIDS/STD Council shall be composed of the heads of multi-sectoral organizations and agencies from the national and local governments and the private sector, with the City Mayor as Chairman and the City Health Officer as Vice Chairman. The Member of the Council are as follows:

- a.) The Chief of the Social Hygiene Clinic of the Department of Health based in the city who shall also be its Executive Secretary;

- b.) The Chairman, Committee on Health, Sanitation, Environment and Natural Resources, Sangguniang Panlungsod;
- c.) The Chairman, Committee on Women, Children and Family;
- d.) Representative, City Mayor's Office;
- e.) The Chief of Police, Alaminos City Police Station;
- f.) The City Social Welfare and Development Officer;
- g.) Representative of the Western Pangasinan District Hospital;
- h.) The Chief, Public Order and Safety Office;
- i.) The City Information Office;
- j.) The City Director, Department of the Interior and Local Government;
- k.) The City Schools Division Superintendent, Department of Education;
- l.) The President, Liga ng mga Barangay;
- m.) The President, Pederasyon ng mga Sangguniang Kabataan;
- n.) The City Tourism Officer;
- o.) Representative of three (3) Non-Governmental Organizations (NGO's) concerned with HIV/AIDS/STD prevention;
- p.) The President, Local Association of Entertainment Establishments; and
- q.) The President, Local Associations of Entertainers.

**SECTION 14. Expanded Powers, Functions and Responsibilities of the Council** – The Alaminos City HIV/AIDS/STD Council shall have the following powers, functions and responsibilities:

- a.) Prepare short-term, medium-term and long-term plans for the prevention and control of HIV/AIDS/STD;
- b.) Identify and prepare remedies to problems in program implementation, program coordinator, gaps in policy guidelines and enhance local multi-sectoral response to HIV/AIDS/STD concerns;
- c.) Initiate skills training and advocacy programs and development strategies to benefit people with high-risk sexual behavior to STD;
- d.) Recommend to the Sangguniang Panlungsod enactment of laws that shall prevent and control the spread of HIV/AIDS/STD in the City;
- e.) Conduct studies as to the causes of HIV/AIDS/STD incidence in the city;
- f.) Ensure that education and information dissemination activities on Reproductive Health and on HIV/AIDS/STD prevention shall reach all the city's 39 barangays;
- g.) Recommend the closure of any establishment found committing any of the prohibited acts mentioned or enumerated under Article VII of this ordinance.

**SECTION 15.** Secretariat of the HIV/AIDS/STD Council. The personnel of the Social Hygiene Clinic of the DOH based at the City Hall shall serve as secretariat of the Council.

#### **ARTICLE V** **FUNCTIONS OF THE SOCIAL HYGIENE CLINIC**

**SECTION 16.** The Social Hygiene Clinic, an adjunct of the Department of Health, shall have the following functions:

- a.) Provide reproductive health care services.
- b.) Provide education and information dissemination activities on the promotion of reproductive health and the prevention and control of HIV/AIDS/STD.
- c.) Case management of clientele for various necessary information.

- d.) Provide reintegration and renewal program, conduct livelihood training programs, counseling and crisis intervention, and provide organizational and other forms of assistance to entertainers and other persons with high risk sexual behavior.
- e.) Monitor and evaluate handled cases.
- f.) Coordinate with the appropriate City Government offices for referral of cases and provision of health care services and other needs of its clientele.
- g.) Conduct HIV Antibody Test for entertainers and other persons with high risk sexual behavior on a voluntary basis. Counseling shall likewise be administered before any examination may be considered.

## **ARTICLE VI**

### **RULES AND REGULATIONS FOR THE PREVENTION OF HIV/AIDS/STD**

**SECTION 17. RULE REGARDING COMPULSORY HIV/AIDS/STD EDUCATION.** It shall be mandatory/compulsory for all operators and/or managers and entertainers of entertainment establishment to attend seminars on HIV/AIDS/STD prevention conducted semi-annually by any of such agencies as the Social Hygiene Clinic, Alaminos City Council, and NGO's accredited by the city government; otherwise, no permit to operate shall be granted to the entertainment establishment concerned.

**SECTION 18. REQUIREMENTS FOR THE ISSUANCE OF PERMIT TO OPERATE.** No entertainment establishment shall be allowed to operate unless a Certificate of Attendance shall have been issued to all its employees in compliance with Section 22 (supra).

**SECTION 19. PEER EDUCATOR REQUIRED.** It shall be required of all entertainment establishments to train at least one (1) peer educator, however, this provision shall take effect only after one (1) year from the effectivity of this ordinance; otherwise, no permit to operate shall be issued in its behalf.

**SECTION 20. AVAILABILITY OF CONDOMS AND INFORMATION MATERIALS FOR THE PREVENTION OF HIV/AIDS/STD AT ENTERTAINMENT ESTABLISHMENTS, HOTELS, MOTELS, LODGING HOUSES, SAUNA PARLORS AND SIMILAR ESTABLISHMENTS.**

- a.) All entertainment establishments, hotels, motels, lodging houses, sauna parlors, and similar establishments shall make condoms available within their respective establishments and provide guidance on the correct and consistent use of the same.
- b.) Information materials on HIV/AIDS/STD prevention and control shall also be made available at all entertainment establishments, hotels, motels, lodging houses, sauna parlors and similar establishments. Such materials, which may be in the form of leaflets, pamphlets, handbills or posters shall be provided to any patron when so requested, especially on guidance on the correct and consistent use of condoms.
- c.) All entertainment establishments, hotels, motels, lodging houses, sauna parlors and similar places are required to make information materials, such as posters, visible within their respective premises, including comfort rooms and dressing rooms.

**SECTION 21. CONDUCT OF MEDICAL EXAMINATION OF ENTERTAINERS AND OTHER PERSONS WITH SIMILAR OCCUPATIONS.** All entertainers and others with similar occupations shall undergo a weekly medical examination (Gram Staining) to be conducted on a regular basis by the Social Hygiene Clinic.

**SECTION 22. ELIMINATION OF SOCIAL STIGMA.** All the activities to be undertaken for the prevention and control of HIV/AIDS/STD shall be addressed toward both men and women. Women's and children's vulnerability to HIV/AIDS/STD infection base on their reproductive and physiological attributes shall be highlighted.

**SECTION 23. SUBMISSIONS OF POLICIES.** It shall be compulsory for all operators and/or managers of entertainment establishment within Alaminos City to provide the city government and their respective entertainers copies of each entertainment establishment's policies in accordance with labor laws and other related national and local policies.

**SECTION 24. BIRTH CERTIFICATES AND OTHER LEGAL DOCUMENTS.** All applicants seeking employment in any entertainment establishment within the City of Alaminos shall submit an application for working permit at the Licensing Department. As a prerequisite to the approval of said permit, he/she must present an original copy of the National Statistic Office (NSO) authenticated birth certificate and other legal documents duly authenticated by the City Health Office. An applicant who has not acquired the original copy of his/her birth certificate shall apply for a duly certified true copy at the City Civil Registrar's Office. This office shall process the latter's application with corresponding line agencies concerned upon payment of a processing fee.

**SECTION 25. MASTER LIST OF ENTERTAINERS/EMPLOYEES.** The Social Hygiene Clinic shall maintain an updated master list of all entertainers and employees of entertainment establishments within the City of Alaminos, particularly indicating their respective establishment where they are employed.

**SECTION 26. CLEARANCE TRANSFER.** It shall be compulsory for any entertainer to secure health clearance from Social Hygiene Clinic before transferring from one establishment to another within the city.

## **ARTICLE VII PROHIBITED ACTS**

**SECTION 27. PROHIBITED ACTS IN THE ENTERTAINMENT ESTABLISHMENTS.** No entertainment establishment shall practice any of the following prohibited acts:

- a.) Offering entertainment that appeal exclusively to the prurient interest of the people and not for public and general patronage as provided for by the Revised Penal Code;
- b.) Allowing presentation of lewd shows and other entertainment activities that violate gender-sensitive and accepted standards and are offensive to morals and decency;
- c.) Providing facilities such as private entertainment rooms with locks from the inside and outside and glass partitions/walls that are non-transparent or with any form of obstruction from public view that facilitate the practice of illegal activities, such as prostitution, use of illegal drugs, acts of lasciviousness and other acts that violate human rights. Establishments are allowed only to put a three-foot-base for glass partitions and six-month duration from the approval of this ordinance within which to comply;
- d.) Tolerating the activities of pimps or any persona soliciting money for sexual favors;
- e.) Dismissing or penalizing an entertainer by reason of rejection of a client;
- f.) Refusing entry to an unescorted lady/woman.

**SECTION 28. PROHIBITION AGAINST MEDICAL MALPRACTICE.** No medical practitioner or any other person engaged in the practice of an auxiliary medical profession or vocation, such as nursing, medical technology, midwifery, and the like shall be insensitive and/or inhumane in their treatment of entertainer-patients. Such entertainers-patients should be made aware of their rights to file charges for abuses committed against them.

**SECTION 29. PROHIBITION AGAINST HIRING OF MINORS.** No entertainment establishment shall be allowed to hire any minor.

**SECTION 30. REGULATIONS CONCERNING MINOR WITHIN AND NEAR THE VICINITY OF AN ENTERTAINMENT ESTABLISHMENT.**

- a.) No person shall be allowed to enter an establishment in the company of a minor;
- b.) Minors shall be prohibited to enter an entertainment establishment and anywhere within a five-meter radius from an entertainment establishment, unless accompanied by a parent, relative, or a person of the age of majority;
- c.) Any parent found neglecting his/her parental authority resulting in a minor child violating Section 35 (b) hereof shall be liable and charged accordingly under Article VIII of this ordinance.

**SECTION 31. PROHIBITION AGAINST DIVULGING OF CONFIDENTIAL INFORMATION OF PERSONS LIVING WITH HIV/AIDS/STD.** 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 held liable under article VIII of this ordinance.

#### **ARTICLE VIII** **PENALTY PROVISIONS**

**SECTION 32.** Any persons found guilty of violating any or all of the provisions of the ordinance shall be meted with the following penalties:

- a.) **First Offense** - a fine of two thousand pesos (P2,000.00) and/or imprisonment of one (1) month.
- b.) **Second Offense** - a fine of three thousand pesos (P3,000.00) and/or imprisonment of three (3) months.
- c.) **Third Offense** - a fine of five thousand pesos (P5,000.00) and/or imprisonment of six (6) months and/or permanent closure of establishment.

In any case, If the offender or violator is a business establishment, imprisonment shall be imposed on the owner, manager or operator thereof.

#### **ARTICLE IX** **FINAL PROVISIONS**

**SECTION 33. APPROPRIATION.** The amount of Five Hundred Thousand Pesos (P500,000.00) shall be initially appropriated out of any available source under the General Fund of the current annual budget of the city. Subsequent appropriations shall be provided in the ensuing annual budgets as determined by the local finance committee based on the recommendation of HIV/AIDS/STD council.

**SECTION 34. SEPARABILITY CLAUSE.** If, for any reason, any section or provision of this ordinance is declared unconstitutional or invalid, the other sections or provision hereof which are not affected thereby shall continue to be in full force and effect.


**SECTION 35. REPEALING CLAUSE.** All ordinances, local executive order issuances, rules and regulations, or any part thereof inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

**SECTION 36. EFFECTIVITY CLAUSE.** This ordinance shall take effect fifteen (15) days after its publication in a local newspaper of general circulation.


**APPROVED.....**

I **HEREBY CERTIFY** to the correctness of the foregoing ordinance which consist some nine (9) pages including this page.

ATTESTED:

  
**JOSEPH T. BACAY**  
*Acting City Vice Mayor/  
Acting Presiding Officer*

  
**VIRGILIO O. MONTEMAYOR**  
*Secretary*


  
**OSCAR A. BOLING, C.E.**  
*Presiding Officer Pro-Tempore*

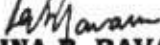
  
**CAROLYN D. SISON**  
*Majority Floor Leader*


  
**EARL JAMES C. AQUINO**  
*Member*

  
**MARGIELOU ORANGE D. HUMILDE**  
*Member*

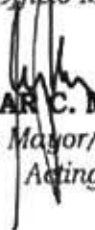
  
**CONSTANTE R. CARASI, M.D.**  
*Member*

  
**FILEMON R. BACALA, JR.**  
*Member*

  
**EMERLINA B. RAVARRA, LBP**  
*Ex-Officio Member*

  
**MORIAH DIORELLA V. RANOY, SKP**  
*Ex-Officio Member*

APPROVED:

  
**COL. CESAR C. MANZANO, PAF (Ret.)**  
*(City Vice Mayor/ SP Presiding Officer)  
Acting City Mayor*