

Item No.: 06
Date: 17 2025 JUN



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE



Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: MAY 30 2025
By: [Signature]

2nd INDORSEMENT
May 26 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 119-25 of the Sangguniang Bayan of Leyte, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 119-25 entitled: “An Ordinance promulgating policies and measures for the prevention and control of HIV/AIDS in the Municipality of Leyte.”

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 23 of R.A. no. 8504¹ in consonance with RA 11166². Hence, we recommend for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.


ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer ✓

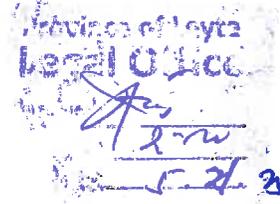
¹ **Section 23. Community-based services.** – Local government units, in coordination and in cooperation with concerned government agencies, non-government organizations, persons with HIV/AIDS and groups most at risk of HIV infection shall provide community-based HIV/AIDS prevention and care services. - Health Research and Development Act

² Philippine HIV and AIDS Policy Act

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
21 May 2025



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 119-25** of the **Municipality of Leyte, Leyte**, entitled: **An Ordinance promulgating policies and measures for the prevention and control of HIV/AIDS in the Municipality of Leyte.**


FLORINDA JIL S. DYVICO
Secretary to the Sanggunian



Republic of the Philippines

MUNICIPALITY OF LEYTE

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Office of the Sangguniang Bayan

1st ENDORSEMENT

May 20, 2025

Respectfully forwarded to the Honorable Sangguniang Panlalawigan in session, through the Sangguniang Panlalawigan Secretary, Province of Leyte, Palo, Leyte, the herein **Municipal Ordinance No. 119-25 Entitled "AN ORDINANCE PROMULGATING POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF HIV/AIDS IN THE MUNICIPALITY OF LEYTE"**.

Attached herewith are the following :

1. Municipal Ordinance No.119-25
2. Certificate of Posting


VILMA D. COMBATE
SB Secretary





Republic of the Philippines
 MUNICIPALITY OF LEYTE
 L E Y T E
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Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION BY THE SANGGUNIANG BAYAN HELD ON APRIL 28, 2025 AT THE SB SESSION HALL, MUNICIPAL BUILDING, LEYTE, LEYTE

Present:

Hon. Armando M. Ysidoro,	-----	Mun. Vice Mayor
Hon. Paquito D. Pelipel, Jr.	-----	SB Member
Hon. Lileth I. Gatchalian,	-----	-do-
Hon. Edward Jay A. Durante,	-----	-do-
Hon. Rowil G. Batan,	-----	-do-
Hon. Aida A. Delantar,	-----	-do-
Hon. Alex A. Dagandan,	-----	-do-
Hon. Eulogio E. Capacio,	-----	-do-
Hon. Gualberto G. Meracap,	-----	-do-
Hon. Jerry G. Apacible,	-----	Liga ng Mga Barangay President
Hon. Nellie Grace D. Dandan,	-----	SK Fed. President

MUNICIPAL ORDINANCE NO. 119-25

AN ORDINANCE PROMULGATING POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF HIV/AIDS IN THE MUNICIPALITY OF LEYTE.

Author: Hon. Edward Jay A. Durante

WHEREAS, Section 16 of RA 7160 states that every Local Government Unit shall exercise the powers expressly granted to them for the general welfare of their inhabitants like in the promotion of health and safety as well as the preservation of the comfort and convenience of their inhabitants;

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

WHEREAS, Acquired Immuno-Deficiency Syndrome (AIDS) is a disease that recognizes not territorial, social, political and economic boundaries for which there is no known cure;

WHEREAS, the Municipality of Leyte is committed to promote public health awareness about the causes, modes of transmission, consequences, means of prevention and control of STI, HIV and AIDS through a comprehensive municipal-wide educational and information campaign;

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of Leyte, Leyte, in a regular session duly assembled:

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 3. Signature with '11/16' written above it
 4. Signature with 'Dagandan' written below it
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ARTICLE I
TITLE, POLICY AND DEFINITION OF TERMS

SECTION 1. TITLE – This ordinance shall be known as the “ HIV/AIDS Ordinance of 2025”

SECTION 2. DECLARATION OF POLICY – Acquired Immune Deficiency Syndrome (AIDS) is a sexually transmitted 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 community participation and active involvement of the Municipality of Leyte, thus, the Municipality shall promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV/AIDS through a comprehensive education and information campaign, organized by the local government down to the barangay level.

The Municipality of Leyte shall promote value formation and employ scientifically proven approaches. The information and education campaign shall be carried out in schools, training centers, workplaces and communities.

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 persons and which attacks and weakens body’s immune system, making the afflicted individual susceptible to other life-threatening infections.

b) Human Immunodeficiency Virus (HIV) – refers to the virus which causes AIDS.

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

d) HIV positive – refers to the presence of HIV infection as documented by the presence of HIV or HIV antibodies in the sample being tested.

e) HIV negative – denotes the absence of HIV or HIV antibodies upon testing.

f) HIV testing – refers to any laboratory procedure done on an individual to determine the presence or absence of HIV infection.

g) HIV/AIDS monitoring – refers to the documentation and analysis of the number of HIV/AIDS infection and the pattern of its spread.

h) Contact Tracing – refers to the method of finding and counseling the sexual partner(s) of a person who has been diagnosed as having sexually transmitted disease.

i) Sexually Transmitted Infections (STIs) – refers to any disease that can be acquired or passed through sexual contact.

j) Anonymous Testing – refers to an HIV testing procedure whereby the individual being tested does not reveal his/her true identity.

k) Compulsory HIV Testing – refers to HIV testing imposed upon a person attended or characterized by the lack of consent, use of physical force, intimidation or any forms of compulsion.

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

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m) Informed Consent – refers to a voluntary agreement of a person to undergo or be subjected to a procedure based of full information.

n) 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 counseling, testing or professional care of the former, it also applies to any person who, in any official capacity, has acquired such confidential information.

o) Pre-test Counseling – refers to process of providing individual information on the biomedical aspects of HIV/AIDS and emotional support to any psychologist implications of undergoing HIV testing and the test result itself before he/she is subjected to the test.

p) Post-test Counseling – refers to the process of providing risk-education 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 of device use to prevent the transmission of a disease.

r) Voluntary HIV Testing – refers to HIV testing done on an individual who, after having undergone pre-test counseling, willingly submits himself/herself to such test.

s) Information Education and Communication (IEC) Materials – refers to any written and or printed materials for the purpose of information dissemination thereby educating the public.

t) Municipal AIDS Council (MAC) – refers to the central advisory, planning and policy-making body for the comprehensive and integrated HIV/AIDS prevention and control program at the municipal level.

u) Barangay AIDS Council (BAC) – refers to the central advisory, planning and policy-making body for the comprehensive and integrated HIV/AIDS prevention and control program at the barangay level.

v) Opportunistic infections – creating opportunity for microorganisms not usually capable of producing disease to become capable. People with HIV are particularly susceptible to such infections.

w) Ab seropositive – positive blood antibody reactions.

ARTICLE II
EDUCATION AND INFORMATION

SECTION 4. HIV/AIDS INFORMATION AND EDUCATION CAMPAIGN IN THE COMMUNITIES – Local government units, in collaboration with the Municipal Health Office, shall conduct an educational and information campaign on HIV/AIDS prevention and control down to the barangay level.

SECTION 5. HIV/AIDS INFORMATION AS A HEALTH SERVICE – HIV/AIDS 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 sectors to make available to the public such information necessary to control

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the spread of HIV/AIDS and to correct common misconceptions about this disease. The training of health workers shall include discussions on HIV-related ethical issues such as confidentiality, informed consent and the duty to private treatment.

SECTION 6. SEXUAL ABSTINENCE AND MUTUAL FIDELITY – Sexual abstinence and mutual fidelity shall be emphasized in all HIV/AIDS prevention and control strategies.

SECTION 7. HIV/AIDS GENDER SENSITIVE IEC MATERIALS AND EDUCATION MODULES – Information, education and communication (IEC) materials shall be designed appropriate to the needs and culture of groups being targeted in the campaign. Literatures on HIV/AIDS shall utilize the local lingo to encourage and facilitate easy understanding of terms and concepts. Modules on HIV/AIDS prevention and control shall be subjected to review by the Municipal AIDS Council. Proper consultations shall be held among heads, leaders and representatives of respective groups, organizations, institutions and individuals who are targets for application of any course content, scope and methodology.

SECTION 8. HIV/AIDS EDUCATION – In the Municipality of Leyte, the Department of Education (DepEd), the Technical Education and Skills Development Authority (TESDA) and Commission on Higher Education (CHED) through the existing colleges and universities shall take the lead in information dissemination and popularization on the nature of HIV/AIDS and its prevention, utilizing standardized information provided by the Municipal Health Office in all learning institutions and other indigenous learning system including non-formal system of education.

Teachers and instructors concerned shall be required to undergo seminar or training on HIV/AIDS prevention and control.

SECTION 9. EDUCATION IN THE WORKPLACE – Managers, supervisors and employees in workplaces shall be provided with the standardized basic information and instruction on HIV/AIDS which shall include topics on confidentiality in the workplace and attitude towards infected employees and workers.

SECTION 10. INFORMATION CAMPAIGN FOR TOURISTS AND TRANSIENTS – Informational AIDS or material on the cause, modes of transmission, prevention, and consequences of HIV infection shall be adequately provided at all entry and exit points and possible tourist destinations/places.

ARTICLE III
REFERRAL, TESTING AND COUNSELING

SECTION 11. CONSENT AS A REQUISITE FOR HIV TESTING – No compulsory HIV testing shall be allowed in pursuant to the Republic Act 8504. However, voluntary testing is encouraged to individuals with a high risk for contracting HIV: Provided, that written informed consent must be first obtained. Such consent shall be obtained from the person concerned if he/she is of legal age or from the parents of legal guardian in the case of minor or a mentally incapacitated individual.

SECTION 12. REFERRAL SYSTEM – There shall be an appropriate referral system established and a proper authority shall likewise be recognized in the municipality. Referrals to testing centers, hospitals, clinics, and laboratories offering HIV testing services shall be done by the Municipal Health Officer.

SECTION 13. PRE-TEST AND POST-TEST COUNSELING – Pre-test and post-test counseling shall be conducted to persons who wants to avail of the HIV/AIDS testing services. However, training on counseling must be conducted before a person can do the counseling services. Provided further the counselor shall meet the standards set by the DOH.

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ARTICLE IV
CREATION OF THE MUNICIPAL AIDS COUNCIL (MAC)

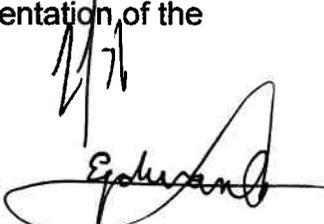
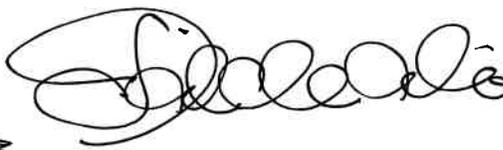
SECTION 14. COMPOSITION OF THE MUNICIPAL AIDS COUNCIL – The Municipal AIDS Council (MAC) shall be composed of following:

- a) Municipal Mayor – Chairman
- b) Municipal Health Officer – Vice-chairman
- c) SB Chairman, Committee on Health – Member
- d) ABC Chairman – Member
- e) SB Chairman, Committee on Tourism – Member
- f) SK Federation Pres. – Member
- g) DOH Representative – Member
- h) Municipal Planning and Development Officer – Member
- i) Municipal Social Welfare and Development Officer – Member
- j) Public Health Nurse – Member
- k) Manpower and Development Officer – Member
- l) School District Supervisor – Member
- m) Parish Priest – Member
- n) One (1) active Non-Government Organizations (NGOs) presently accredited by the municipality. – Members
- o) One (1) Overseas Filipino Worker / Dependent OFW (OFW/DOFW) per accredited Organization by the MAC – Member

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

SECTION 15. POWERS AND FUNCTIONS – For the attainment of the aforesaid HIV/AIDS program the Municipal AIDS Council (MAC) shall be charged and vested with the following power 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 HIV/AIDS.
- 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 HIV/AIDS.
- 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 HIV/AIDS prevention and control programs.
- 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 MAC.
- f) Accredite applications of certain organizations relevant to the HIV/AIDS 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 HIV/AIDS 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.

SECTION 16. SECRETARIAT OF MUNICIPAL AIDS COUNCIL (MAC). The secretariat shall be designated by the Municipal AIDS Council.

SECTION 17. FUNCTIONS OF THE SECRETARIAT OF THE MUNICIPAL AIDS COUNCIL – The secretariat of the Council shall perform the following functions:

- a) Coordinate the activities of the council.
- b) Shall keep all records of the council
- c) Record minutes during meetings and document other activities of the council.
- d) Serve as the center of communication by receiving and disseminating information from and to the members of the council.
- e) Perform other secretariat functions as may be assigned by the chairman of the council.

SECTION 18. COMPENSATION AND REMUNERATION OF THE SECRETARIAT OF THE COUNCIL – Members and secretariat of the Municipal AIDS Council shall perform their duties as such and shall be entitled to the necessary traveling expenses, allowances or honorarium chargeable against the funds of the MAC depending upon the availability of funds, subject to existing accounting and auditing rules and regulations.

**ARTICLE V
CREATION OF THE BARANGAY AIDS COUNCIL (BAC)**

SECTION 19. 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) SB Chairman, Committee on Tourism – Member
- d) SK Chairman – Member
- e) Public Health Midwife – Member
- f) School Principal – Member
- g) One (1) Overseas Filipino Worker /Dependent OFW (OFW/DOFW) per accredited Organization by the BAC – Member
- h) One (1) Barangay Health Workers – Members
- i) Purok Chairman of the Barangay – Member
- j) Senior Citizens representative – Member
- k) Religious Sector Representative – Member
- l) Business or Private Sector Representative – Member
- m) NGO Representative – Member

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

SECTION 20. REPRESENTATIONS – Members may designate a representative to represent them in their absence.

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SECTION 21. 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 HIV/AIDS 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 HIV/AIDS at the barangay level.
- c) Take the lead in undertaking information, education and communication campaign on HIV/AIDS prevention and control program at the barangay level.
- d) Monitor in the implementation of this code and other policies approved and adopted by MAC/BAC.
- e) Accredite applications of certain organizations relevant to the HIV/AIDS 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

SECTION 22. COMMUNITY-BASED SERVICES – The Municipality in coordination and cooperation with concerned government agencies, non-government organizations, person with HIV/AIDS and groups most at risk of HIV infection shall provide community-based HIV/AIDS prevention and care services.

SECTION 23. LIVELIHOOD PROGRAMS AND TRAININGS – Trainings for livelihood programs, self-help cooperative programs shall be made accessible and available to all persons with HIV/AIDS. Persons infected with HIV/AIDS shall not be deprived of full participation in any livelihood, self-help and cooperative programs for reason of their health condition.

SECTION 24. INTEGRATION OF HIV/AIDS PROGRAM TO THE MUNICIPAL/ BARANGAY DEVELOPMENT PLAN – HIV/AIDS 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.

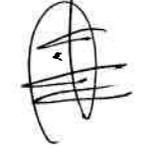
SECTION 25. ORGANIZING/STRENGTHENING OVERSEAS FILIPINO WORKERS AND DEPENDENTS (OFW/DOFW) – Organizing/strengthening of Overseas Filipino Workers and Dependents shall be pursued for database establishment and coordinate with the MAC/BAC for the program implementation. The Organization shall register, be accredited, and apply for membership to the MAC/BAC.

SECTION 26. CREATION OF VOLUNTEER GROUPS – Volunteer groups can be created by the MAC/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.

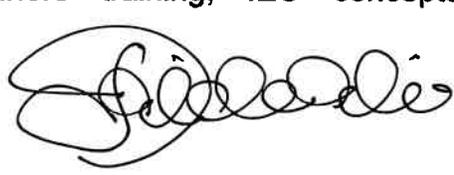
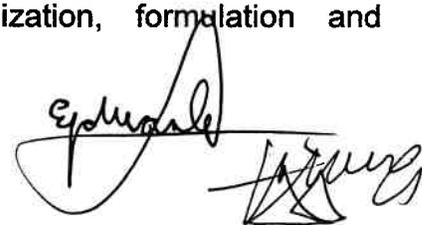








SECTION 27. VOLUNTEER NON-GOVERNMENT ORGANIZATIONS (NGOs). Volunteer Non-government Organizations shall support in the implementation, sourcing-out of funds and providing technical capabilities particularly but not limited to trainings of the Volunteer Groups.

ARTICLE VII
HIV/AIDS MONITORING

SECTION 28. MONITORING PROGRAM AND REPORTING MECHANISMS – The Municipal AIDS Council shall develop a comprehensive HIV/AIDS 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 29. 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 30. RESEARCH INVESTIGATIONS – All research investigations related to HIV/AIDS should observe strict adherence to the ethical guidelines set by the Philippine National AIDS Council.

SECTION 31. DISCRIMINATORY 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 32. DIVULGING OF CONFIDENTIAL INFORMATION OF PERSONS WITH HIV/AIDS – Any person who divulge confidential information about the HIV status of a person shall be penalized hereunder.

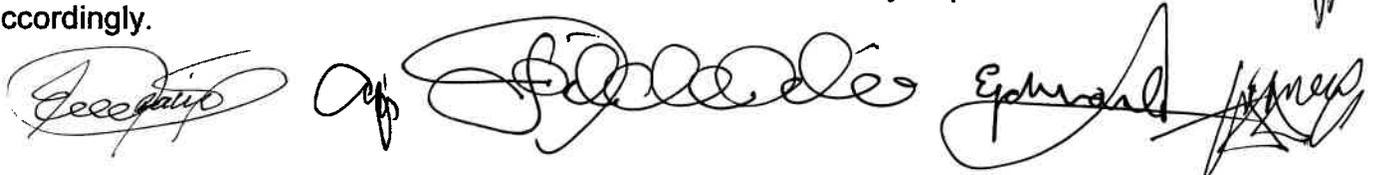
SECTION 33. PENALTIES – Any person found guilty of violating any provisions of this Ordinance shall be penalized in accordance with the following, to wit;

- First Offense – a fine of 1,000.00 and/or an imprisonment of one (1) month, depending upon the discretion of the court.
- Second Offense – a fine of 2,000.00 and/or an imprisonment of three (3) month, depending upon the discretion of the court.
- Third Offense – a fine of 2,500.00 and/or an imprisonment of six (6) month, depending upon the discretion of the court.

ARTICLE IX
FINAL PROVISION

SECTION 34. SEPARABILITY CLAUSE – If for any reason, any section or provision of this Ordinance is declared unconstitutional or invalid, all other sections or provisions hereof which are not affected by such declaration shall continue to be in full force and effect.

SECTION 35. REPEALING CLAUSE – All Ordinances, local issuances or rules, inconsistent with the provision of this Ordinance are hereby repealed or modified accordingly.







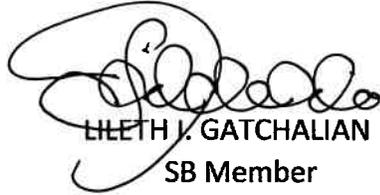


SECTION 36. EFFECTIVITY CLAUSE – This Ordinance shall take effect immediately upon approval and publication in a local newspaper of general circulation.

APPROVED UNANIMOUSLY. April 28, 2025



PAQUITO D. PELIPEL, JR.
SB Member



LILETH I. GATCHALIAN
SB Member



EDWARD JAY A. DURANTE
SB Member



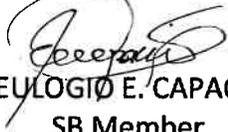
ROWIL G. BATAN
SB Member



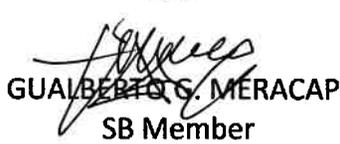
AIDA A. DELANTAR
SB Member



ALEX A. DAGANDAN
SB Member



EULOGIO E. CAPACIO
SB Member



GUALBERTO G. MERACAP
SB Member



JERRY G. APACIBLE
LMB President



NELLIE GRACE D. DANDAN
SK Fed. President

Certified Correct:



VILMA D. COMBATE
MGDH 1(Secretary to the Sanggunian)

Attested:



ARMANDO M. YSIDORO
Municipal Vice Mayor
Presiding Officer

Approved:



ARNOLD JAMES M. YSIDORO
Municipal Mayor



Republic of the Philippines
MUNICIPALITY OF LEYTE
L E Y T E
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Office of the Sangguniang Bayan

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Municipal Ordinance No. 119-25: " AN ORDINANCE PROMULGATING POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF HIV/AIDS IN THE MUNICIPALITY OF LEYTE", was posted in three (3) conspicuous places in this Municipality.

This certification is issued this 19th day of May , 2025 at Leyte, Leyte, Philippines.


VILMA D. COMBATE
Secretary to the Sangguniang Bayan