AN ORDINANCE PROMULGATING POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED INFECTION (STI)/HUMAN IMMUNODEFICIENCY VIRUS (HIV)/ACQUIRED IMMUNE DEFICIE...

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Sponsored by: Hon. Coun. Margarita Amythyst Patdu-Labios, MD
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WHEREAS, the Article II Sections 10, 15 and 18 of the 1987 Philippine Constitution states that, "The State values the dignity of every human person and guarantees full respect for human rights; promotes the right to health of the people and instill health consciousness among them; and affirms labor as primary social economic force. It shall protect the right of workers and promote their welfare";

WHEREAS, Article II Sections 20 and 23 of the 1987 Philippine Constitution also states that, "the State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments; and encourages nongovernment, community-based, of sectoral organizations that promote the welfare of the nation";

WHEREAS, Republic Act (RA) 8504, otherwise known as "An Act Promulgating Policies and Presenting Measures for the Prevention and Control of HIV/AIDS in the Philippines was enacted declaring the following policies:

- 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 formation and employ scientifically

proven approaches, focus on the family as the 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;

- The State shall extend to every person suspected or know to be infected with HIV/AIDS full protection of his/her human rights and civil liberties. Towards this end,

- Compulsory HIV testing shall be considered unlawful unless otherwise provided in the same law;

- The right to privacy of individuals with HIV shall guaranteed;

- Discrimination, in all Its forms against individuals with HIV or person perceived or suspected of having HIV shall be considered inimical to individual and national interest; and

- Provision of basic health and social services for individuals with HIV shall be assured.

- The State shall promote utmost safety and universal precautions in practices and procedures that carry the risk of HIV transmission.

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

WHEREAS, the abovementioned law provides for the establishment of a comprehensive HIV/AIDS monitoring system and strengthening of the Philippine National AIDS Council, and for other purposes;

WHEREAS, Article IV Section 23 of RA 8504 states that, "Local Government Units, In coordination and in cooperation with concerned government agencies, non-government organizations, persons living with HIV/AIDS (PLHIV) and group most at risk of HIV Infection shall provide community-based HIV/AIDS prevention and care services ";

WHEREAS, Presidential Executive Order No. 273 approving and adopting the Philippine Plan for Gender-Responsive Development for 1995 (PPGD), directs all government agencies at the National, Regional and Local levels to take appropriate steps to ensure implementation of the policies, programs, projects and strategies outlines thereat;

- Item 3 of the PPGD on Policies and Strategies, Policy Advocacy and legal Reforms states that, "women and children should no longer be arrested or fined like criminals" (ESCAP, 1991:57). "Decriminalization of the prostituted should go hand-in-hand with the 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 general and removing the culpability and criminality which the law places specifically on women prostitutes."

WHEREAS, Presidential Decree (PD) No. 856 or the Sanitation Code Chapter XIII, Section 60, 62 and 64.

WHEREAS, the City Government of Muntinlupa City recognizes that AIDS is an incurable disease that recognizes no territorial, social political and economic boundaries and has been declared as a worldwide emergency by the World Health Organization;

WHEREAS, the City Government of Muntinlupa City recognizes that education, information and communication are the best tools in prevention and control of HIV/AIDS/STI;

WHEREAS, the City Government of Muntinlupa City envisions an HIV/AIDS-free Muntinlupa City wherein a

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dynamic, multi-sectoral convergence of resources and services are in place, maintained and sustained for the prevention and control of HIV/AIDS/STI;

WHEREAS, the City Government of Muntinlupa believes that the success of HIV/AIDS/ STI prevention and control effort highly depends on the commitment and synchronized efforts of government and non-government organizations;

NOW THEREFORE, BE IT ORDIANED, AS ITS IS HEREBY ORDAINED, by the 7th Sangguniang Panlungsod of Muntinlupa in session duly assembled that:

ARTICLE 1
Title, Policy And Principles
SECTION 1. Title – This Ordinance shall be known as "An Ordinance Promulgating Policies and Measures for the prevention and control of Sexually Transmitted Infection (STI)/Human Immuno Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) in Muntinlupa City and providing penalties for violations thereof, and creating the Muntinlupa City Multi-City Local Aids Council, its Technical Working Group, Defining its Functions, appropriating funds and other related purposes".

SECTION 2. Declaration Of Policies And Principles – The City Government of Muntinlupa upholds the right to health of its constituents. As such, it exerts all efforts to enact policies and measure that will ensure the prevention and control of the rising incidence of STI/HIV/AIDS and hereby declares war against these diseases.

SECTION 3. Definition Of Terms – As used in this ordinance, the following terms shall be defined as follows:

- Acquired Immune Deficiency Syndrome (AIDS) – shall mean 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.

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

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

- Sexually Transmitted Infection (STI) – refers to any infections acquired from sexual contact.

- HIV Testing – a laboratory procedure done on an individual to determine the presence or absence of HIV infection.

- Compulsory HIV Testing – an HIV testing of a person attended by the lack on consent; lack of consent of the parent when said person is a minor or the legal guardians when the same is insane; or use of physical force, intimidation or any other form of compulsion to undertaken HIV testing.

- Voluntary HIV Testing – HIV testing done on an individual who, after having undergone non-infected persons from contracting HIV and minimizing the impact of persons living with HIV.

- Persons Living with HIV – refers to an individual whose HIV test indicates directly or indirectly that he/she is infected with HIV.

- Entertainment Establishment – refers to business establishments which include but are not limited to the following bars, nightclubs sauna, massage clinics or spas, discotheques, videoke/karaoke, bars/sing-along pub houses, cocktail lounges, beer houses/gardens, pub houses and other establishments engaged in business of similar nature wherein the patrons are entertained and thus, secured a permit to operate within the city.

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- Entertainers – those employed in the entertainment establishments who render entertainment service to customers such as but not limited to masseurs, cocktail waitresses/waiters.

- Muntinlupa City Local AIDS Council – refers to Muntinlupa City STI/HIV/AIDS prevention and control council.

- Prophylactic – shall mean any agent or device used to prevent the transmission of a disease e.g. condoms.

- Treatment or Care – a health.psychological, spiritual or social intervention extended to a person with STI/HIV/AIDS.

ARTICLE II
Administrative And General Powers
SECTION 4. Creation – The Muntinlupa City Local AIDS Council or MCLAC shall be created to oversee a concerned local multi-sectoral and comprehensive response to STI/HIV/AIDS that shall mobilize the citizenry to rally behind the challenges of this known cure disease.

SECTION 5. Composition – The MCAC shall be composed of the following, to wit:

1. Chairperson – City Mayor

2. Co-Chairperson – City Health Officer

3. Vice-Chairperson – City Council Chairman of the Committee Health

4. Members:

a. City Council Chairman of the Committee on Social Services

b. City Council Chairman of the Committee on education

c. City HIV/STI/AIDS Medical Officer

d. City Administrator

e. City Planning Officer

f. City Budget Officer

g. City Schools Superintendent DepEd

h. City Social Welfare Officer

i. City Local DILG Officer

j. City PNP Officer

k. ABC President

l. Representative from an accredited Civil Society Organization working with groups vulnerable or most at a risk to HIV

m. Representative from an agency/Institution as Identified by the concerned LGU (business sector/ academe/faith-based organization/women and youngpeople group)

n. Representative from an Organization of people Living with HIV

SECTION 6. Secretariat – The MCLAC shall appoint the Muntinlupa City Social Hygiene Clinic also to be

known as the Muntinlupa Reproductive Health Clinic and Wellness Center (MRHCWC) Room 101 as the Secretariat.

SECTION 7. Functions – The MCLAC shall serve as the coordinating, planning, implementing and monitoring body on STI/HIV/AIDS prevention and control program and policies in Muntinlupa City. The MCLAC shall have the following functions:

- To provide the necessary policy recommendations to appropriate government agencies for the effective and efficient implementation of STI/HIV/AIDS prevention programs;

- To engage in advocacy work geared towards the promotion of educational activities for the prevention of STIs and the control of HIV and AIDS within the City;

- To closely collaborate with the Local Health Board and other concerned offices in monitoring the prevalence of STI/HIV/AIDS in Muntinlupa City, as well as planning, monitoring and evaluating various STI/HIV/AIDS prevention and control programs in the city;

- To create Technical Working Group or committees if it deemed necessary to effectively implement this ordinance such as but not limited to Committee on Information, Education and Communication, Committee on Research, Surveillance and Monitoring, Committee on care and Support; and Committee on Management and Coordination, which composition and functions shall be enumerated in the Implementing Rules and Regulations of this Ordinance;

- To serve as avenue for network-building and strengthening of partnerships with government and non-government agencies in the implementation of various STI/HIV/ AIDS prevention and control programs in Muntinlupa City;

- To facilitate the provision of medical and social assistance to people infected with STIs including HIV and AIDS;

- To generate and mobilize resources and develop recommendations for the sustainability of local efforts towards STI/HIV/AIDS prevention and care.

- To organize activities aimed at enhancing the capabilities of interested parties in developing and implementing programs related to STIs, HIV and AIDS;

- To establish and maintain the necessary database and serve as a local resource pool for technical assistance among program partners;

- To accept aids, grants, donations, or request that will accrue for the general fund of the Council for exclusive use in sustaining its programs and projects;

- To recommend the closure or imposition of sanctions or penalties of any entertainment industries found violating the prohibited acts as mentioned under the existing laws or related ordinances;

- RA 8504 (AIDS Law) on Human rights and Confidentiality

- PD (DOLE and DSWD) on Hiring of Minors

- PD 856 (Sanitation Code) failure to undergo regular smearing

- PD 856 (Sanitation Code) on health education attendance

- To assist in the source/request for funding and recommend allocation of resources;

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- To act as the primary agency that shall represent the City in all conventions, conference, forums or gathering of other agencies, organizations, leagues, chambers or groupings whether national, local or international pertaining to the issue of STI, HIV and AIDS;

- To monitor in coordination with the City Health office, STI, HIV and AIDS cases;

- To perform all other tasks and functions related to the overall objective in the prevention and control of STI, HIV and AIDS in Muntinlupa City;

- To secure from the government agencies concerned recommendations on how their respective agencies could operationalize specific provisions of this ordinance;

- To develop a comprehensive long-term local HIV/AIDS prevention and control program and monitor its implementation;

- To coordinate and cooperate with foreign and international organizations regarding data gathering, research and treatment modalities concerning STI/HIV/AIDS;

- To evaluate the adequacy and make recommendations regarding the utilization of local resources for the prevention and control of STI/HIV/AIDS in Muntinlupa City; and

- To submit to the Office of the City Mayor an annual report of its activities and accomplishments, copy-furnished to the City Council.

SECTION 8. MEETING – the Council shall meet at least once every quarter or as often as may be necessary by serving notice to all members at least before the meeting;

SECTION 9. QUORUM – the presence of least half of the numbers of Council members plus one shall constitute a quorum for purposes of doing business;

SECTION 10. SECRETARIAT OF THE MCLAC – the secretariat of the council shall be from the staff of the Muntlnlupa Social Hygienic Clinic. They will perform the following duties and functions:

- Prepare the agenda of the meeting of the Council and record the minutes of the same:

- Shall keep all the record of the Council;

- Collate reports from member-agencies of the Council; and

- Submit to the Chair, copy furnish the Vice-Chair of the Council and Annual Accomplishment Report of the Council.

ARTICLE III
Intensification Of Functions Of
Muntlnlupa City Social Hygiene Clinic
(Also To Be Known As The Muntlnlupa Reproductive
Health Clinic And Wellness Center (MRHCWC)

SECTION 12. Composition – the Muntinlupa Social Hygiene Clinic and Wellness Center (MSHC) Muntinlupa Reproductive Health Clinic and Wellness Center (MRHCWC) Room 101 shall be an INDEPENDENT section directly under the City Health Office, deployed with the following personnel, functioning EXCLUSIVELY under the Social Hygiene Clinic:

- STI/HIV/AIDS Medical Coordinator (Registered Physician)

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- One (1) Registered Nurse

- Two (2) Registered Midwife

- One (1) Registered Medical Technologist

- One (1) Laboratory Aide

- One (1) Utility

- Five (S) Peer Educators

SECTION 13. All activities of the MRHCWC Room 101, specifically laboratory examination and procedures, will be strictly done at the premises of the said section, except during follow-up smears (Gram stain) at the establishments. These examinations include RPR, Gram Stain, Hepatitis 6 screening, Urinalysis, Fecalysis and Voluntary HIV Counseling & Testing. A list of accredited laboratories, including the City Laboratory, should be posted at the MRHCWC Room 101 in case of conflicts of logistics.

SECTION 14. The MRHCWC Room 101 will be supplied with the necessary materials for the laboratory examinations such as HIV Antibody Screening Testing Kits, laboratory instruments and chemical reagents; as well as vehicle that will transport the MRHCWC staff to night establishments during follow-up smears and seminars.

SECTION 15. Functions. The MRHCWC Room 101 shall function but not limited to the following:

- Shall provide reproductive health care services;

- Shall provide education and information dissemination activities on the promotion of reproductive health, prevention and control of STI/HIV/AIDS;

- Case management of clienteles for various necessary information;

- Shall provide reintegration and renewal program for entertainers and other person who have practiced high risk behavior, livelihood programs, counseling and crisis intervention, training, organizing and other needs of their clientele;

- Shall monitor and evaluate cases handled;

- Shall coordinate with other agencies of the city government for referral of cases and provisions of other health care services and other needs of its clienteles;

- Minors shall be referred to concerned agencies (GOs and NGOs) for further assistance; and

- Shall conduct FREE HIV Antibody Screening Test in a voluntary, regular basis to include the pregnant and patients with Tuberculosis. Further, pre and post test counseling shall likewise be administered before any examination may be considered.

SECTION 16. Mandatory Sti/Hiv/Aids Education – Attendance to AIDS/STI Awareness seminar is pre-requisite for issuance/renewal of a Mayor's Work Permit/License or Occupational Health/Certificates as provided for under City Ordinance No. 236 s. 1993. Thus, all operators/ managers, entertainers, and other employees of entertainment establishments shall be required to undergo HIV/AIDS/STI education regularly conducted by Muntinlupa City Social Hygiene Clinic.

SECTION 17. Availability And Accessibility Of Prophylactics And Information Materials On STI/HIVIAids Prevention And Control

- Prophylactic devise or agent such as condom and lubricants shall at all times be made available and accessible in lodging place of all kinds as well as in all entertainers establishments. Information on the proper use and its efficacy against STI/HIV/AIDS shall also be disseminated.

- Informational aids or materials such as brochures, leaflets and flyers on the cause, modes of transmission, prevention and consequences of STI/HIV/AIDS shall be adequately provided at all entertainment establishments including hotels, motels, inns or any lodging place.

- Posters bearing prevention messages and other STI/HIV/AIDS information shall be posted within the premises of entertainment establishments and lodging places particularly in the dressing and comfort rooms.

SECTION 18. Workplace Policy And Education Programme On Sti, Hiv And Aids – in compliance to Memorandum Circular No. 11 series of 2013 by the Civil Service Commission, all government agencies/institutions are urged to implement a Workplace Policy and Education Program on STI, HIV and AIDS. Members of the Muntinlupa City Multi-Sectoral STI, HIV and AIDS Council and civil society organizations accredited by the Muntinlupa City are hereby tasked to promote STI, HIV, and AIDS in the workplace awareness activities e.g seminars periodically and to make themselves accessible for seminar purposes to individuals or groups who may need STI, HIV and AIDS services.

SECTION 19. Regular Examination (Before Section 5. Regular Examination) – to ensure personal and public safety, all entertainers and others with similar nature of occupation shall undergo regular STI examination every two (2) weeks by the Social Hygiene Clinic.

SECTION 20. Development And Submission Of Health Care Policies – All operators/ managers of entertainments shall be required to develop a set of establishment health care particularly City Ordinance No. 180 series of 1992 and to submit the same to the City Government.

SECTION 21. Employment Pro-Requisites – Prior to issuance of working permits, all applicants for employment in entertainment establishments shall be required to present an original copy of his/her birth certificate duly authenticated by the National Statistics Office (NSO) and other legal documents duly authenticated by the City health Office. Applicants who have not acquired an original copy of their birth certificate shall apply through the City Registry Office of origin.

SECTION 22. Roster Of Entertainer/Employees – The Sanitation Division of the City Health Office shall maintain an up-to-date master list of entertainers and other employees indicating their names, ages and establishment where employed every six months. Similarly, all entertainment establishments shall be required to keep a daily time record of its entertainers/employees and to make this record book available for inspection at all times.

SECTION 23. Regular STI Screening For Entertainers And Other With Similar Occupations – all entertainers and other with similar occupations shall undergo compulsory weekly medical check-up (gram straining) at the Muntinlupa Social Hygiene Clinic;

SECTION 24. Peer Educator – all registered entertainment establishments shall be required to have at least one peer educator. This requirement shall take effect immediately after the effectivity of this ordinance. This provision shall be part of the requirements for the renewal of Annual Permit to Operate of all entertainment establishments.

SECTION 25. Promotion Of Prophylactivs (Before Section 4. Availability And Accessibility Of Prophylactics And Information Materials On HIV/STI Prevention And Control)

- Reinforcing City Ordinance No. 482 series 1995 prophylactic devise or agent such as condom shall at all times

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be made available and accessible in lodging place of all kinds as well as in all entertainment establishments, information on the proper use and its efficacy against HIV and STI shall also be disseminated.

- Information aids or materials such as brochures, leaflets and flyers on the cause, modes of transmission, prevention and consequences of HIV infection shall be adequately provided at all entertainment establishments including hotels, motels, inns or any lodging place.

- Posters bearing prevention messages and other HIV/AIDS information shall be posted within the premises of entertainment establishments and lodging places particularly in the dressing and comfort rooms.

SECTION 26. Medical Records Confidetiality – the Council shall ensure that all health professionals, medical instructors, workers, employees, hospitals laboratory personnel, recruitment agencies, insurance companies, data encoders and other custodians of any medical record, file, data or testresult are STRICTLY TREATED CONFIDENTIAL the handling of all medical information particularly the identity and status of person with STI, HIV and AIDS;

SECTION 27. Declaration Of Aids Awareness Month – the Council shall spearhead the commemoration of national events pertaining to HIV and AIDS. These shall be the observance of Candle Memorial during the 3rd Sunday of May and the World AIDS day on December 1. The Council shall ensure that appropriate funds for these events shall be appropriated/allocated or sourced out;

SECTION 28. Monitoring Program – the Council shall establish a comprehensive STI, HIV and AIDS monitoring programs in coordination with Muntinlupa Social Hygiene Clinic similar in monitoring programs, to determine the monitor the magnitude and progression of STI, HIV infections in Muntinlupa City, and for the purpose of evaluating the adequacy and efficacy of the counter measures being employed by the Council;

SECTION 29. Issuance Of Permit To Operate – in compliance with this ordinance, the establishment mentioned in this ordinance should not allowed to operate unless a certificate of attendance in STI, HIV and AIDS seminar has been issued to each operators and to all its employees.

ARTICLE III
Prohibited Acts And Practices
SECTION 30. Prohibited Acts In The Entertainer Establishments – the following shall constitute prohibited acts and practices:

- Offering entertainment that appeals exclusively to the prurient interest of people and does not conform with the Revised Penal Code provision for "entertainment for public and general patronage".

- Allowing presentation of lewd shows and other entertainment activities that violate gender-sensitive accepted standards of morality and decency.

- Maintaining facilities such as private entertainment rooms with locks, non-transparent partitions/walls or with any form of obstruction from public view that may facilitate performance of illegal activities such as prostitution, use of illegal drugs, acts of lasciviousness or any other acts that violate women's rights.

- Exhibiting behavior contrary to public norms.

SECTION 31. Prohibition Against Hiring Of Minors – Operators/Managers of entertainment establishments shall in no case allow the employment of a person below eighteen (18) years of age.

SECTION 32. Penalties – Any person found executing any of these prohibited acts shall be meted the following penalties:

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- First Offense – a fine of P2,000.00 and/or imprisonment of one (1) month

- Second Offense – a fine of P3,000.00 and/or imprisonment of three (3) months

- Third Offense – a fine of P5,000.00 and/or Imprisonment of six (6) months and/or permanent closure of establishment.

ARTICLE IV
APPROPRIATION
SECTION 33. Appropriation – The amount of One Million Five Hundred Thousand Pesos (Php1,500,000.00) shall be appropriated by the City Government of Muntinlupa in the Executive Budget for the Muntinlupa City Local Aides Council's (MCLAC) annual operation and surveillance activities.

SECTION 34. Grants Or Donations (Before Section 20. Grants/Donation) – The MCLAC shall be authorized to directly manage funds from grants, donations or any other sources for the implementation of activities related to STI/HIV/AIDS prevention and control in Muntinlupa City

ARTICLE V
MISCELLANEOUS PROVISIONS
SECTION 35. Implementing Rules And Regulations – within THREE (3) months after its constitution, the MCLAC shall formulate and issue an Implementing Rules and Regulations appropriate of this Ordinance providing detailed plans and guidelines to effectively implement this Ordinance.

SECTION 36. Separability Clause – if for any reason(s) a provision of this Ordinance is declared invalid or unconstitutional, all other provisions hereof not affected thereby shall continue to remain in full force and effect.

SECTION 37. Repealing Clause – All Ordinances, Executive Orders, Resolutions and other local memoranda or rules inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 38. Effective Clause – This Ordinance shall take effect fifteen (15) days following the completion of its full publication in any local newspaper of general circulation within the Muntinlupa City.

ENACTED, by the 7th Sangguniang Panlungsod of Muntinlupa this 2[nd> day of November 2015, on its 102nd] Regular Session.

CONCURRED:

DISTRICT I:

(Sgd.) COUN. ATTY. PATRICIO L. BONCAYAO, JR.
Member

(Sgd.) COUN. BAL NIEFES
Member (Sgd.) COUN. STEPHANIE G. TEVES
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(Sgd.) COUN. LOUISITO A. ARCIAGA
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(Sgd.) COUN. ROBERT A. ABAS
Member (Sgd.) COUN. ROBERT P. BAES
Member

(Sgd.) COUN. CELSO C. DIOKO
Sectoral Representative
President
Association of Barangay Captains

ABSENT:

COUN. ATTY. RAUL R. CORRO
Member

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I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

(Sgd.) CECILIA C. LAZARTE
Secretary

ATTESTED:

(Sgd.) ARTEMIO A. SIMUDAC
City Vice-Mayor/Presiding Officer

APPROVED:

(Sgd.) ATTY. JAME R. FRESNEDI
City Mayor

Date : NOV 09 2015

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