

Republic of the Philippines
HOUSE OF REPRESENTATIVES
THIRTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 4357

Introduced by Reps. SATUR C. OCAMPO, TEODORO A. CASIÑO, JOEL G. VIRADOR, CRISPIN B. BELTRAN, RAFAEL V. MARIANO, LIZA L. MAZA

Explanatory Note

Two primary impediments to proper health care are the lack of clear and appropriate information and the absence of devoted resources. These affect, among others, our country's response to the increasing problem of HIV/AIDS in the Philippines.

Information can be obscured through political influence such as that of the Church, of which involvement in issues of population and birth control has steered any campaign conceived and launched by the government. Promoting a solid value system is vital to our citizenry, but it must not subvert access to knowledge of other methods of birth control, particularly artificial birth control, such as the Philippine AIDS Prevention and Control Act of 1998 fails to incorporate.

There are dogmatic absolutes, but individuals must act morally based on well-formed consciences, informed by clear, detailed, and appropriate information. Without this, people cannot independently and responsibly decide for themselves. Even contraceptive awareness and distributing campaigns, considered practical by many governments, are frowned upon by the Philippine Catholic Church. Because of the Church's historical, cultural, and political influence, such a directive restricts the options of citizens.

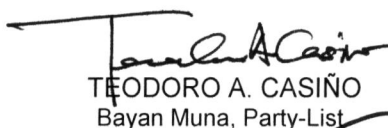
The second impediment to HIV/AIDS healthcare concerns the absence of devoted resources. It is common knowledge that the Department of Health, based on its budgetary needs, is among the most deprived agencies in government. Besides deficiencies in health care delivery, there is a severe dearth in medicine supply.

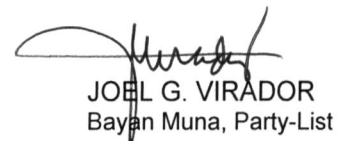
Anti-retroviral drugs, vital in treatments of HIV/AIDS patients and are currently produced by various countries at low-priced generic versions, are expensive and scarce in the country. Yet countries like Cuba and Thailand have proven that political will and perseverance enable ways to supply citizens with much-needed medications.

Section 15 of the Constitution's State Policies directs the state to protect and promote the right to health, which includes the right to health care and medications to preserve life. Therefore, the government must prioritize its resources for such life-preserving services.

In the light of the foregoing, approval of this bill is earnestly sought.

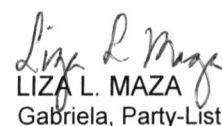

SATUR C. OCAMPO
Bayan Muna, Party-List


TEODORO A. CASIÑO
Bayan Muna, Party-List


JOEL G. VIRADOR
Bayan Muna, Party-List


CRISPIN B. BELTRAN
Anak Pawis, Party-List


RAFAEL V. MARIANO
Anak Pawis, Party-List


LIZA L. MAZA
Gabriela, Party-List

Republic of the Philippines
HOUSE OF REPRESENTATIVES
THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4357

Introduced by Reps. SATUR C. OCAMPO, TEODORO A. CASIÑO, JOEL G. VIRADOR, CRISPIN B. BELTRAN, RAFAEL V. MARIANO, LIZA L. MAZA

AN ACT
AMENDING REPUBLIC ACT 8504, OTHERWISE KNOWN AS THE PHILIPPINE AIDS PREVENTION AND
CONTROL ACT OF 1998, AND ITS IMPLEMENTING RULES AND REGULATIONS
AND APPROPRIATING FUNDS THEREFOR

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 4 of Republic Act 8504, entitled, "The Philippine AIDS Prevention and Control Act of 1998" is hereby amended to read as follows:

Section 4. "*HIV/AIDS Education in Schools.* – The Department of Education (DEPED) [, Culture and Sports (DECS)], 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 HIV/AIDS and other sexually transmitted diseases, INCLUDING THE HUMAN RIGHTS OF PERSONS LIVING WITH HIV/AIDS AND INTEGRATED CONCEPTS OF RESPONSIBLE SEXUALITY, REPRODUCTIVE RIGHTS, GENDER EQUALITY AND RESPONSIVENESS, AND ETHICS in subjects taught in public and private schools at ALL LEVELS AND FOR ALL AGES, AS APPROPRIATE FOR VARIOUS GENDER ORIENTATIONS AND LEVELS OF MATURITY, [intermediate grades, secondary and tertiary levels.] including non-formal and indigenous learning systems: *Provided*, That if the integration of HIV/AIDS education is not appropriate or feasible, the DEPED [DECS] and the TESDA shall design special modules on HIV/AIDS prevention and control. *Provided, further*, That it shall DISSEMINATE INFORMATION ON THE VARIOUS WAYS OF PREVENTING TRANSMISSION [not be used as an excuse to propagate birth control or the sale or distribution of birth control devices:] *Provided, finally*, THAT THE MODE OF INSTRUCTION IS CLEAR, DETAILED, AND GIVES DUE DIGNITY TO THE HUMAN PERSON [That it does not utilize sexually explicit materials].

SECTION 2. Section 6 of Republic Act 8504 is hereby amended to read as follows:

SEC. 6. *HIV/AIDS Education in the Workplace.* – "All government and private employees, workers, managers, and supervisors, including members of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP), shall be provided with [the standardized basic] information and instruction on HIV/AIDS which shall include topics on confidentiality in the workplace, [and] ON PROPER attitude towards infected employees and workers, AND ON THE HUMAN RIGHTS OF PERSONS LIVING WITH HIV/AIDS AND INTEGRATED CONCEPTS OF RESPONSIBLE SEXUALITY, REPRODUCTIVE RIGHTS, GENDER EQUALITY AND RESPONSIVENESS, AND ETHICS. In collaboration with the Department of Health (DOH), the Secretary of the Department of Labor and Employment (DOLE) shall oversee the anti-HIV/AIDS campaign in all private companies while the Armed Forces Chief of Staff and the Director General of the PNP shall oversee the implementation of this section."

1
2 **SECTION 3.** Section 7 of Republic Act 8504 is hereby amended to read as follows:
3

4 SEC. 7. *"HIV/AIDS Education for Filipinos Going Abroad.* – The State shall ensure, THROUGH
5 PERIODIC INSPECTIONS, that all overseas Filipino workers and diplomatic, military, trade, and
6 labor officials and personnel to be assigned overseas shall undergo or attend a seminar on the
7 cause, prevention and consequences of HIV/AIDS AND OTHER SEXUALLY TRANSMITTED
8 DISEASES, INCLUDING THE HUMAN RIGHTS OF PERSONS LIVING WITH HIV/AIDS AND
9 INTEGRATED CONCEPTS OF RESPONSIBLE SEXUALITY, REPRODUCTIVE RIGHTS, GENDER
10 EQUALITY AND RESPONSIVENESS, AND ETHICS before certification for overseas assignment.
11 The Department of Labor and Employment, [or] UNDER THE LEAD OF the Department of Foreign
12 Affairs, AND THE COOPERATION OF the Department of Tourism and the Department of Justice
13 through the Bureau of Immigration, as the case may be, in collaboration with the Department of
14 Health (DOH), shall oversee the implementation of this section. THESE SEMINARS SHALL BE
15 STANDARDIZED BY THE DEPARTMENT OF HEALTH, IN COORDINATION WITH THE
16 PHILIPPINE NATIONAL AIDS COUNCIL, AS INSTITUTED IN ARTICLE VIII OF THIS ACT."
17

18 **SECTION 4.** Section 8 of Republic Act 8504 is hereby amended to read as follows:
19

20 SEC. 8. *Information Campaigns for Tourists and Transients.* – "Informational aids or materials on the
21 cause, modes of transmission and prevention and consequences of HIV infection shall be
22 adequately provided at all international ports of entry and exit. UNDER THE LEAD OF THE [The]
23 Department of Tourism, the Department of Foreign Affairs, AND the Department of Justice through
24 the Bureau of Immigration, AND in collaboration with the Department of Health (DOH), shall oversee
25 the implementation of this Act."
26

27 **SECTION 4.** Section 11 of Republic Act 8504 is hereby amended to read as follows:
28

29 SEC. 11. *Penalties for Misleading Information.* – "Misinformation on HIV/AIDS prevention and control
30 through false and misleading advertising and claims in any of the tri-media or the promotional
31 marketing of drugs, devices, agents or procedures without prior approval from the PHILIPPINE
32 NATIONAL AIDS COUNCIL, AS INSTITUTED IN THIS ACT AND UNDER THE SUPERVISION OF
33 THE Department of Health, and the Bureau of Food and Drugs and the requisite medical and
34 scientific basis, including markings and indications in drugs and devises or agents, purporting to be a
35 cure or a fail-safe prophylactic for HIV infection is punishable with a penalty of imprisonment for two
36 (2) months to two (2) years, without prejudice to the imposition of administrative sanctions such as
37 fines and suspension or revocation of professional or business license."
38

39 **SECTION 5.** Section 19 of Republic Act 8504 is hereby amended to read as follows:
40

41 SEC. 19. *Accreditation of HIV Testing Centers.* – "All testing centers, hospitals, clinics, and
42 laboratories offering HIV testing services are mandated to seek accreditation from the PHILIPPINE
43 NATIONAL AIDS COUNCIL, AS INSTITUTED IN THIS ACT AND UNDER THE SUPERVISION OF
44 THE Department of Health, which shall set and maintain reasonable accreditation standards."
45

46 **SECTION 6.** Section 17 of Republic Act 8504 is hereby amended to read as follows:
47

48 SEC. 17 *"Exception to the Prohibition on Compulsory Testing.* – Compulsory HIV testing may be
49 allowed only in the following instances:
50

- 51 (a) When a person is charged with any of the crimes punishable under [Articles 264 and 266]
52 ARTICLE 266 as amended by Republic Act No. 8353, 335 [and 338] of Republic Act No.3815,
53 otherwise known as the "Revised Penal Code" or under Republic Act No.7659;"
54 (b) XXX
55 (c) XXX
56 (d) IN NO WAY SHALL COMPULSORY HIV/AIDS TESTING, UNDER ANY CONTRACT
57 PROVISION BETWEEN DOMESTIC OR OVERSEAS WORKERS AND CONCERNED

1 EMPLOYERS, BE USED TO DEPRIVE PRESENTLY EMPLOYED FILIPINOS, OF DOMESTIC
2 OR OVERSEAS EMPLOYMENT, OF MUTUALLY AGREED, CONTRACTUAL
3 COMPENSATION AND BENEFITS.
4

5 **SECTION 7.** Section 29 of Republic Act 8504 is hereby amended to read as follows:
6

7 Section 29. "*Contact Tracing.* – THE DEPARTMENT OF HEALTH IS REQUIRED TO PURSUE
8 HIV/AIDS CONTACT TRACING AND ALL OTHER RELATED HEALTH INTELLIGENCE
9 ACTIVITIES: [HIV/AIDS contact tracing and all other related health intelligence activities may be
10 pursued by the Department of Health:] *Provided.* That these do not run counter to the general
11 purpose of this Act: *Provided, further* That any gathered information shall remain confidential and
12 classified, and can only be used for statistical and monitoring purposes and not as a basis or
13 qualification for any employment, school attendance, freedom of abode or travel."
14

15 **SECTION 8.** The title of Article IV of Republic Act 8504 is hereby revised to read as follows:
16

17 ARTICLE IV.
18 HEALTH, DRUG, AND SUPPORT SERVICES [HEALTH AND SUPPORT SERVICES]
19

20 **SECTION 9.** Section 20 of Republic Act 8504 is hereby amended to read as follows:
21

22 Section 20. "*Pre-test and Post-test Counseling.* – All testing centers, clinics, or laboratories which
23 perform any HIV test DOMESTICALLY shall be required to provide and conduct free pre-test
24 counseling for persons who avail of their HIV/AIDS testing services. THE SAME FREE PRE-TEST
25 COUNSELING SERVICES SHALL BE MADE AVAILABLE TO OVERSEAS FILIPINO WORKERS
26 (OFWS) ABROAD THROUGH MIGRANT WORKERS AND OTHER OVERSEAS FILIPINO
27 RESOURCE CENTERS PROVIDED FOR IN REPUBLIC ACT 8042, OTHERWISE KNOWN AS THE
28 'MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT'. However, such counseling services
29 MUST BE SUBJECT TO THE WRITTEN AND INFORMED CONSENT OF THE COUNSELEE. AND
30 must be provided only by persons AND INSTUTIONS THAT [who] meet the standards set by the
31 DOH, INCLUDING EDUCATION ON THE HUMAN RIGHTS OF PERSONS LIVING WITH HIV/AIDS
32 AND INTEGRATED CONCEPTS OF RESPONSIBLE SEXUALITY, REPRODUCTIVE RIGHTS,
33 GENDER EQUALITY AND RESPONSIVENESS, AND ETHICS."
34

35 **SECTION 10.** Section 21 of Republic Act 8504 is hereby amended to read as follows:
36

37 SEC. 21. *Support for HIV Testing Centers.* – "The PHILIPPINE NATIONAL AIDS COUNCIL, AS
38 INSTITUTED IN THIS ACT AND UNDER THE SUPERVISION OF THE Department of Health, shall
39 strategically build and enhance the capabilities for HIV testing of hospitals, clinics, laboratories, and
40 other testing centers primarily, by ensuring the training of competent personnel who will provide such
41 services in said testing sites."
42

43 **SECTION 11.** Section 27 of Republic Act 8504 is hereby amended to read as follows:
44

45 SEC. 27. *Monitoring Programs.* – "A comprehensive HIV/AIDS monitoring program or "AIDSWATCH"
46 shall be established under the PHILIPPINE NATIONAL AIDS COUNCIL, AS INSTITUTED IN THIS
47 ACT AND UNDER THE SUPERVISION OF THE Department of Health, to determine and monitor
48 the magnitude and progression of HIV infection in the Philippines, and for the purpose of evaluating
49 the adequacy and efficacy of the countermeasures being employed."
50

51 **SECTION 12.** Section 29 of Republic Act 8504 is hereby amended to read as follows:
52

53 SEC. 29. *Contact Tracing.* – "HIV/AIDS contact tracing and all other related health intelligence
54 activities may be pursued by the PHILIPPINE NATIONAL AIDS COUNCIL, AS INSTITUTED IN THIS
55 ACT AND UNDER THE SUPERVISION OF THE Department of Health: *Provided.* That these do not
56 run counter to the general purpose of this Act: *Provided, further,* That any gathered information shall
57 remain confidential and classified, and can only be used for statistical and monitoring purposes and

not as a basis or qualification for any employment, school attendance, freedom of abode or travel.”

SECTION 13. A new section between Section 22 and Section 23 shall be inserted to now read as Section 23. Its contents shall read as follows.

Section 22. XXX

SECTION 23. ANTI-RETROVIRAL DRUGS. – TO HELP COMBAT THE DISEASE, DRUGS AND MEDICINES SHALL BE MADE AVAILABLE THROUGH THE FOLLOWING:

(A) OUTSOURCING OF LOW-PRICED GENERIC ANTI-RETROVIRAL DRUGS, MEDICINES FOR OPPORTUNISTIC INFECTIONS, AND COMMON MEDICINES FROM DRUG-PRODUCING COUNTRIES, CONDUCTED BY THE DEPARTMENT OF HEALTH, IN COOPERATION WITH THE DEPARTMENT OF FOREIGN AFFAIRS AND/OR THE NATIONAL ECONOMIC DEVELOPMENT AUTHORITY, WITH THE INVOLVED FOREIGN CORPORATION AND THE CORRESPONDING FOREIGN BUREAUS AND AGENCIES. BIDDING SHALL BE CONDUCTED AMONG POSSIBLE SOURCES. TRADE CONTRACTS MAY ALSO BE ENTERED AS PART OF THE AGREEMENT.

(B) THE GOVERNMENT SHALL SUBSIDIZE LOCAL PHARMACEUTICALS IN RESEARCH, DEVELOPMENT, AND PRODUCTION OF GENERIC ANTI-RETROVIRAL AND/OR TRADITIONAL DRUGS FOR TREATMENT. IN THE CASE OF PATENT RESTRICTIONS, THE GOVERNMENT SHALL INVOKE THE DOHA DECLARATION THAT THE TRIPS (TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS) PROVISION IN WTO AGREEMENTS BE INTERPRETED TO PROMOTE PUBLIC HEALTH, ESPECIALLY IN TERMS OF ACCESS TO MEDICINES, TO IMPOSE COMPULSORY LICENSES ON MULTINATIONAL PATENT-HOLDERS.

Section [23] 24. XXX

SECTION 14. A new section between Section 26 (now 27) and Section 27 shall be inserted to now read as Section 28. Its contents shall read as follows.

Section [26] 27. XXX

Within the premises and under the administrative jurisdiction of the Philippine Embassy in countries where there are large concentrations of Filipino migrant workers, there shall be established a Migrant Workers and Other Overseas Filipinos Resource Center with the following services

SECTION 28. HEALTH AND SUPPORT SERVICES FOR OFWS. – THE SERVICES AND BENEFITS UNDER SECTIONS 22-26 OF THIS ACT SHALL BE MADE AVAILABLE TO OFWS ABROAD THROUGH MIGRANT WORKERS AND OTHER OVERSEAS FILIPINO RESOURCE CENTERS PROVIDED FOR IN REPUBLIC ACT 8042, OTHERWISE KNOWN AS THE “MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT”.

Section [27] 29. XXX

SECTION 15. Section 31 of of the Implementing Rules and Regulations of Republic Act 8504 is hereby amended to read as follows:

Section 31. “*Pre-Test and Post-Test Counseling* – When tests are undertaken of OFWs prior to their employment overseas, group pre-test and post-test counseling may be done, SUBJECT TO THE WRITTEN AND INFORMED CONSENT OF THE COUNSELEE. However, individual counseling shall be provided for an OFW with an HIV positive (+) result, SIMILARLY SUBJECT TO THE WRITTEN AND INFORMED CONSENT OF THE COUNSELEE.”

SECTION 16. Section 44 of Republic Act 8504 is hereby amended to read as follows:

SEC. 44. *Functions.* – “The Council shall be the central advisory, planning and policy making body for the comprehensive and integrated HIV/AIDS prevention and control program in the Philippines. The Council shall perform the following functions:

- (a) Secure from government agencies AND NON-GOVERNMENT ORGANIZATIONS concerned recommendations on how [their] respective GOVERNMENT AND NON-GOVERNMENT agencies could operationalize specific provisions of this Act. The Council shall integrate and coordinate such recommendations and issue implementing rules and regulations of this Act. The Council shall likewise ensure that there is adequate coverage of the following:
 - 1) XXX
 - 2) XXX
 - 3) XXX
 - 4) The provision of accessible and affordable HIV testing and counseling services to those who are in need of it AND HAVE EXPRESSED WRITTEN AND INFORMED CONSENT TO ITS ADMINISTRATION;
 - 5) The provision of [acceptable] health, MEDICINE, and support services for persons with HIV/AIDS in hospitals and in communities;
 - 6) XXX
 - 7) XXX
- (b) XXXX
- (c) XXXX
- (d) XXXX
- (e) XXXX
- (f) Evaluate the adequacy of and make recommendations regarding the utilization of national resources for the prevention and control of HIV/AIDS, ESPECIALLY THROUGH LOW-PRICED GENERIC ANTI-RETROVIRAL DRUGS, MEDICINES FOR OPPORTUNISTIC INFECTIONS, AND COMMON MEDICINES, in the Philippines.”

SECTION 17. New Subsections to Section 45 of Republic Act 8504 shall be inserted and Section 45 is hereby amended to read as follows:

SEC. 45. *Membership and Composition.*–

- (a) The Council shall be composed of thirty-one (31) to thirty-six (36) members as follows:

- (1) XXX
- (2) XXX

XXX

(20) A representative of an organization of persons dealing with HIV/AIDS; and

(21) FIVE (5) – TEN (10) PERMANENT STAFF COMPOSED OF SENIOR AND JUNIOR PERSONNEL TO UNDERTAKE TECHNICAL AND ADMINISTRATIVE MATTERS OF THE COUNCIL.

(b) XXXX

(c) XXXX

(d) XXXX

- (e) The [Secretary of Health shall be the permanent] Chairperson of the Council SHALL, UPON NOMINATION BY THE SECRETARY OF HEALTH, BE APPOINTED BY THE PRESIDENT; however, the vice-chairperson shall be elected by its members from among themselves, and shall serve for a term of two (2) years. THE PHILIPPINE NATIONAL AIDS COUNCIL SHALL BE AN AGENCY DIRECTLY UNDER THE OFFICE OF THE PRESIDENT;

- (f) For members representing medical/health professional groups and the six (6) non-government organizations, they shall serve for a term of two (2) years, renewable upon recommendation of the Council; and

- (g) FOR ASSIGNED PERMANENT STAFF, THE RULES OF THE CIVIL SERVICE COMMISSION SHALL APPLY FOR THE LENGTH OF TENURE.

1 (h) THERE SHALL BE A CENTRAL COUNCIL, WHICH WILL CONVENE REGULARLY FOR
2 MATTERS OF GENERAL AND LOCAL CONCERN. THE COMPLETE BODY OF THE
3 COUNCIL AND THE OTHER NON-MEMBERS OF THE CENTRAL COUNCIL SHALL ONLY
4 BE REQUIRED TO CONVENE ON MATTERS OF SPECIFIC/TECHNICAL AND POLICY-
5 BEARING CONCERN. THE CENTRAL COUNCIL SHALL BE COMPOSED OF THE
6 CHAIRPERSON OF THE COUNCIL; THE SECRETARY OF THE DEPARTMENT OF
7 HEALTH; THE SECRETARY OF THE DEPARTMENT OF EDUCATION, CULTURE, AND
8 SPORTS OR HIS REPRESENTATIVE; THE CHAIRPERSON OF THE COMMISSION ON
9 HIGHER EDUCATION OR HIS REPRESENTATIVE; THE DIRECTOR GENERAL OF THE
10 TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY OR HIS
11 REPRESENTATIVE; THE SECRETARY OF THE DEPARTMENT OF INTERIOR AND LOCAL
12 GOVERNMENT; THE SECRETARY OF THE DEPARTMENT OF SOCIAL WELFARE AND
13 DEVELOPMENT OR HIS REPRESENTATIVE; AT LEAST THREE (3) OF THE SIX (6)
14 REPRESENTATIVES FROM NON-GOVERNMENT ORGANIZATIONS INVOLVED IN
15 HIV/AIDS PREVENTION AND CONTROL EFFORTS OR ACTIVITIES; AND THE
16 REPRESENTATIVE OF AN ORGANIZATION OF PERSONS DEALING WITH HIV/AIDS.”
17

18 **SECTION 18.** A new section between Section 48 and Section 49 shall be inserted to now read as Section
19 50. Its contents shall read as follows.
20

21 Section [48] 50. XXX
22

23 SECTION 51. *ADDITIONAL APPROPRIATIONS.* – AN ADDITIONAL AMOUNT OF FIVE MILLION
24 PESOS (P5,000,000) SHALL BE INITIALLY APPROPRIATED TO THE NATIONAL PHILIPPINE
25 AIDS COUNCIL OUT OF THE FUNDS OF THE NATIONAL TREASURY FOR THE (ANTI-
26 RETROVIRAL, OPPORTUNISTIC INFECTION, AND COMMON AILMENTS) MEDICAL TREATMENT
27 AND RESEARCH PROGRAM FOR PERSONS WITH HIV/AIDS AND FOR PRE-HIV TEST
28 COUNSELING FOR OFWS ABROAD. SUBSEQUENT APPROPRIATIONS SHALL BE PROVIDED
29 BY CONGRESS IN THE ANNUAL BUDGET OF THE DEPARTMENT OF HEALTH UNDER THE
30 GENERAL APPROPRIATIONS ACT.
31

32 Section [49] 52. XXX
33

34 Approved,