

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

THIRTEENTH CONGRESS  
Third Regular Session

HOUSE BILL NO. **5989**



Introduced by Representatives  
**NERISSA CORAZON C. SOON-RUIZ, M.D. and MARIO J. AGUJA**

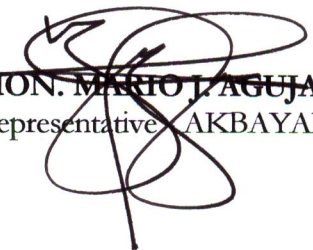
### EXPLANATORY NOTE

Eight years after the enactment of Republic Act 8504 otherwise known as the *Philippine AIDS Prevention and Control Act of 1998*, the spread of the Human Immunodeficiency Virus (HIV) which causes the dreaded disease called AIDS, has not been halted nor deterred. As of September 2006, the HIV and AIDS Registry of the Department of Health has reported that there were 2,655 HIV seropositive cases in the country. Of these figures, 929 (35%) were Overseas Filipino Workers (OFWs) with the seafarers registering at 34% (313), 17% (162) domestic helpers, 9% (81) employees, 8% (72) entertainers and 6% (82) were health workers such as nurses, caregivers, health educators, medical technologists, midwives, pharmacists, physical therapists and even physician. Majority of them are males and in the 25-39 year age group. Notably, sexual intercourse (93%) remains to be the predominant mode of transmission. This is the official report and is just the tip of the iceberg. The alarming side of the story is the unreported and undocumented cases now escalating at an estimated 11,000. Not to underestimate, the widespread and growing perception that this incidence is no longer regarded as "low and slow but hidden and growing".

As we join the global campaign to combat the spread of HIV and AIDS and the country's efforts to strengthen the existing comprehensive policy on its prevention and control, We introduce this measure with a three-fold aim: (a) enhance the existing HIV and AIDS information and educational program as well as its monitoring system in order to increase the level of awareness of the citizenry on the malady and encourage behavioural changes as well as intensify existing monitoring mechanisms; (b) appropriate for the care and support of the people living with HIV and AIDS (PLWHAs) and their affected families by improving existing support system and at the same time, address the issue of discrimination experienced by PLWHAs; and last but not the least, (c) provide an Augmentation Fund to increase the annual budget of the Philippine National Aids Council (PNAC), the frontline agency of the government to make it a more financially and administratively autonomous attached agency of the Department of Health.

With the foregoing reasons, the early passage of this bill is earnestly sought.

  
**HON. NERISSA CORAZON C. SOON-RUIZ, M.D.**  
Representative - 6<sup>th</sup> District, Cebu

  
**HON. MARIO J. AGUJA**  
Representative - AKBAYAN

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**AN ACT**

**STRENGTHENING FURTHER THE PHILIPPINE COMPREHENSIVE POLICY ON THE PREVENTION AND CONTROL OF AIDS BY ENHANCING THE EXISTING HIV AND AIDS INFORMATION AND EDUCATIONAL PROGRAM AND ITS MONITORING SYSTEM APPROPRIATING FOR THE CARE AND SUPPORT OF PEOPLE LIVING WITH HIV AND AIDS AND THEIR AFFECTED FAMILIES, AS WELL AS PROVIDE AN AUGMENTATION FUND TO INCREASE THE ANNUAL BUDGET OF THE PHILIPPINE NATIONAL AIDS COUNCIL (PNAC), AMENDING FOR THE PURPOSE SECTIONS 3, 4, 5, 7, 11, 25, 30, 32, 33, 34, 42, 43,45, 46, 47 AND 48, ADDING SECTION 49 AND RENAMING ARTICLE V – HIV AND AIDS SURVEILLANCE - OF REPUBLIC ACT NO. 8504, OTHERWISE KNOWN AS “THE PHILIPPINE AIDS PREVENTION AND CONTROL ACT OF 1998”**

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

SECTION 1. Section 3 of Republic Act No. 8504, otherwise known as the Philippine AIDS Prevention and Control Act of 1998 is hereby amended to include in the Definition of Terms the following and which shall read as:

“(o) Person with HIV – Refers to an individual whose HIV test indicates, directly or indirectly, that he / she is infected with HIV.

(p) AFFECTED FAMILIES – REFER TO THE IMMEDIATE MEMBERS OF THE FAMILY OF THE HIV POSITIVE.”

SEC.2. Section 4 of Republic Act No. 8504, otherwise known as the Philippine AIDS Prevention and Control Act of 1998 is hereby amended to read as follows:

*“Sec. 4. HIV and AIDS Education in Schools. – The DEPARTMENT OF EDUCATION (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA), utilizing official information provided by the Philippine National AIDS Council (PNAC), shall integrate instruction on the causes, modes of transmission and ways of preventing HIV/AIDS and other sexually transmitted diseases, WITH SPECIAL FOCUS ON HOW THE ACQUIRED INFORMATION CAN TRANSLATE TO CHANGES IN BEHAVIOR TO REDUCE RISK AND VULNERABILITY TO HIV and AIDS, in subjects taught in public and private schools at intermediate grades, secondary and tertiary levels, including non-formal and indigenous learning systems: Provided, That if the integration of HIV and AIDS education is not appropriate or feasible, the DepEd and the TESDA shall design special modules on HIV and AIDS*

prevention and control: *Provided, further,* That it shall not be used as an excuse to propagate birth control or the sale or distribution of birth control devices: *Provided, finally,* That it does not utilize sexually explicit materials.

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

All teachers and instructors of HIV and AIDS courses shall be required to undergo a seminar or training on HIV and AIDS prevention and control to be supervised by PNAC, particularly by **DepEd**, CHED and TESDA, and in coordination with the DOH before they are allowed to teach on the subject.”

SEC.3. Section 5 of the same law is hereby amended to read as follows:

“Sec. 5. *HIV and AIDS Information as a RIGHT TO HEALTH* – HIV and AIDS education and information dissemination shall form part of the RIGHT TO HEALTH. - The knowledge and capabilities of all public health PRACTITIONERS, workers AND PERSONNEL shall be enhanced to include skills for proper information dissemination and education on HIV/AIDS. It shall likewise be considered a civic duty of health providers in the private sector to make available to the public such information necessary to control the spread of HIV and AIDS and to correct common misconceptions about the disease. The training of health workers shall include discussions on HIV-related ethical issues such as confidentiality, informed consent and the duty to provide treatment.”

SEC. 4. Section 7 of the same law is hereby amended to read as follows:

“Sec. 7. *HIV and AIDS Education for Filipinos Going Abroad.* – The State shall ensure that all overseas Filipino workers and diplomatic, military, trade, and labor officials and personnel to be assigned overseas shall undergo or attend a seminar on the cause, prevention and consequences of HIV/AIDS AND HOW TO ACCESS HEALTH SERVICES AND FACILITIES ON-SITE before certification for overseas assignment. The PNAC, particularly the Department of Labor and Employment, or the Department of Foreign Affairs, the Department of Tourism and the Department of Justice through the Bureau of Immigration AND DEPORTATION, as the case may be, in collaboration with the Department of Health (DOH), shall oversee the implementation of this section.”

SEC. 5. Section 11 of the same law is hereby amended to read as follows:

“Sec. 11. *Penalties for Misleading Information.* Misinformation on HIV and AIDS prevention and control through false and misleading advertising and claims in any of the tri-media or the promotional marketing of drugs, devices, agents or procedures without prior approval from the PHILIPPINE NATIONAL AIDS COUNCIL (PNAC), AS INSTITUTED IN THIS ACT AND UNDER THE SUPERVISION OF Department of Health and the Bureau of Food and Drugs and the requisite medical and scientific basis, including markings and indications in drugs and devices or agents, purporting to be a cure or a fail-safe prophylactic for HIV infection is

punishable with a penalty of imprisonment for two (2) months to two (2) years, without prejudice to the imposition of administrative sanctions such as fines and suspension or revocation of professional or business license.”

SEC. 6. Section 25 of the same law is hereby amended to read as follows:

“Sec. 25. *Control of Sexually Transmitted Diseases.* – THE LOCAL GOVERNMENT UNITS (LGUs), IN COORDINATION AND IN COOPERATION WITH PNAC AND concerned government agencies and non-government organizations shall pursue the prevention and control of sexually transmitted diseases to help contain the spread of HIV infection.”

SEC. 7. Section 30 of the same law is hereby amended to read as follows:

“Sec. 30. *Medical Confidentiality.* All health AND ALLIED professionals, COUNSELORS, medical instructors, workers, employers, recruitment agencies, insurance companies, data encoders, and other custodians of any medical record, file, data, or test results are directed to strictly observe confidentiality in the handling of all medical information, particularly the identity and status of persons with HIV.”

SEC. 8. Section 32 of the same law is hereby amended to read as follows:

“Sec. 32. *Release of HIV AND AIDS Test Results.* – All results of HIV AND AIDS testing shall be confidential and shall be released only to the following persons:

- (a) the person who submitted himself/herself to such a test;
- (b) either parent of a minor child who has been tested;
- (c) a legal guardian in the case of insane persons or orphans;
- (d) THE SPOUSE OR SEXUAL PARTNER;
- (e) a person authorized to receive such results in conjunction with the AIDSWATCH program as provided in Section 27 of this Act;
- (f) a justice of the Court of Appeals or the Supreme Court, as provided under subsection (c) of this Act and in accordance with the provision of Section 16 hereof.

SEC. 9. Section 33 of the same law is hereby amended to read as follows:

“Sec. 33. *Penalties for Violation of Confidentiality.* – Any violation of medical confidentiality as provided in Sections 30 and Section 32 of this Act shall suffer the penalty of imprisonment for six (6) months to FIVE (5) years, without prejudice to administrative sanctions such as fines and suspension or revocation of the violator’s license to practice his/her profession, as well as the cancellation or withdrawal of the license to operate any business entity and the accreditation of hospitals, laboratories and clinics.”

SEC. 10. Section 34 of the same law is hereby amended to read as follows:

“Sec. 34. *Disclosure to Sexual Partners.* – Any person with HIV is obliged to disclose his/her HIV status and health condition to his/her spouse or sexual partner BEFORE SEXUAL CONTACT OR BEFORE EXCHANGE OF BODY FLUIDS OCCURS. FAILURE TO DO THIS, THE AGGRIEVED SPOUSE OR SEXUAL

PARTNER HAS THE RIGHT TO FILE DAMAGES AGAINST HIS/HER PARTNER.

IN SUCH OTHER CIRCUMSTANCES, A PERSON WITH HIV WHO CANNOT DISCLOSE TO HIS/HER PARTNER, MAY CHOOSE TO ASK HELP FROM A TRUSTED PERSON TO DISCLOSE TO HIS/HER PARTNER ABOUT HIS/HER CONDITION.”

Sec. 11. Section 42 of the same law is hereby amended to read as follows:

“Sec 42. *Penalties of Discriminatory Acts and Policies* - All discriminatory acts and policies referred to in this act shall be punishable with a penalty of imprisonment for six (6) months to five (5) years and a fine not less than Thirty Thousand Pesos (P 30,000.00). In addition, licenses/permits of schools, hospitals and other institutions found guilty of committing discriminatory acts and policies described in this Act shall be revoked.

Sec. 12. Section 43 of the same law is hereby amended to read as follows:

“Sec. 43. *Establishment. The Philippine National AIDS Council (PNAC)* created by virtue of Executive Order No. 39 dated 3 December 1992, shall be reconstituted and strengthened to enable the Council to oversee an integrated and comprehensive approach to HIV/AIDS prevention and control in the Philippines. IT SHALL BE AN ATTACHED AUTONOMOUS AGENCY UNDER THE DEPARTMENT OF HEALTH WITH A SEPARATE ADMINISTRATIVE AND FINANCE SECTIONS.”

SEC. 13. Section 45 of the same law is amended to read as follows:

“Sec. 45. *Membership and Composition* - (a) The Council shall be composed of TWENTY-SEVEN (27) members as follows:

- (1) The Secretary of the Department of Health;
- (2) The Secretary of the DEPARTMENT OF EDUCATION or his representative;
- (3) The Chairperson of the Commission on Higher Education or his representative;
- (4) The Director-General of the Technical Education and Skills development Authority or his representative;
- (5) The Secretary of the Department of Labor and Employment or his representative;
- (6) The Secretary of the Department of Social Welfare and Development or his representative;
- (7) The Secretary of the Department of Interior and Local Government or his representative;
- (8) The Secretary of the Department of Justice or his representative;
- (9) The Director-General of the National Economic and Development Authority or his representative;
- (10) The Secretary of the Department of Tourism or his representative;
- (11) The Secretary of the Department of Budget and Management or his representative;
- (12) The Secretary of the Department of Foreign Affairs or his representative;
- (13) The Head of the Philippine Information Agency or his representative;
- (14) The President of the League of Governors or his representative;

- (15) The President of the League of City Mayors or his representative;
- (16) The Chairperson of the Committee on Health of the Senate of the Philippines or his representative;
- (17) The Chairperson of the Committee on Health of the House of Representatives of the Philippines or his representative;
- (18) Two(2) representatives from organizations of medical/health professionals;
- (19) Six (6) representatives from non-government organizations involved in HIV and AIDS prevention and control efforts and activities;
- (20) A REPRESENTATIVE OF FAITH-BASED ORGANIZATIONS; and
- (21) A representative of an organization of persons dealing with HIV and AIDS.

(b) To the greatest extent possible, appointment to the Council must ensure sufficient and discernible representation from the fields of medicine, education, health care, law, labor, ethics and social services; THIS SHALL BE DECIDED UPON BY PNAC;

(c) All members of the Council shall be appointed by the President of the Republic of the Philippines, except for the representatives of the Senate and the House of Representatives, who shall be appointed by the Senate President and House Speaker, respectively;

(d) The members of the Council shall be appointed not later than thirty (30) days after the date of the enactment of this Act;

(e) THE CHAIRPERSON OF THE COUNCIL SHALL BE ELECTED FROM AMONG THE MEMBERS AND SHALL HAVE A TERM OF THREE (3) YEARS; the vice-chairperson shall ALSO BE ELECTED IN THE SAME MANNER AND SHALL HAVE A TERM OF THREE (3) YEARS, AS WELL;

(f) THE VICE-CHAIR SHALL TAKE OVER THE CHAIRMANSHIP OF THE COUNCIL IN THE EVENT OF DEATH, PERMANENT INCAPACITY, REMOVAL OR RESIGNATION OF THE CHAIR;

(g) For members representing SECTORS, MEDICAL/ HEALTH PROFESSIONAL GROUPS AND NGOs, they shall serve for a term of two (2) years, renewable upon recommendation of the Council.”

Sec. 14. Section 46 of the same law is hereby amended to read as follows:

“Sec. 46. *Reports* - The Council shall submit to the President and to both Houses of Congress the annual comprehensive reports on the activities and accomplishments of the Council. Such report shall contain assessment and evaluation of programs relative to the medium or long-term plans for prevention and control of STI / HIV and AIDS and the progress of related projects being conducted in the country.”

Sec. 15. Section 47 of the same law is hereby amended to read as follows:

“Sec. 47. *Special STI/HIV and AIDS Prevention and Control Service* – There shall be created in the Department of Health a Special STI / HIV and AIDS Prevention and Control Service staffed by technically qualified and capable personnel with permanent appointment and supported with an adequate yearly budget. It shall implement programs on HIV AND AIDS AND STI. It shall also serve as the Secretariat of the Council and shall be under the direct supervision of the office who assumes chairmanship of the council.

SEC. 16. Section 48 of the same law is hereby further amended to read as follows:

“Sec. 48. *Appropriations* – The amount of **NO LESS THAN** Twenty million pesos (P20, 000,000.00) shall be annually appropriated out of the funds of the National Treasury. Subsequent appropriations shall be provided by Congress in the annual budget of the Department of Health under the General Appropriations Act.

IN ADDITION, THERE IS HEREBY PROVIDED AN AUGMENTATION FUND TO INCREASE THE EXISTING ANNUAL BUDGET OF THE PHILIPPINE NATIONAL AIDS COUNCIL (PNAC) TO BE GENERATED FROM THE FOLLOWING SOURCES:

1. Fines in relation to the violation of this Act;
2. Foreign Grants;
3. Donations and contributions from private individuals and businesses in their social corporate responsibilities;
4. Two (2) percent of the annual net earnings of Philippine Amusement and Gaming Corporation (PAGCOR) ;
5. Two (2) percent of the annual net earnings of Philippine Charity Sweepstakes Office (PCSO);.
6. Other government funds not otherwise appropriated. “

Sec 17. Section 49 shall be an added provision of this Act and read as follows:

“SEC. 49. *HIV AND AIDS BUDGET OF CONCERNED AGENCIES* - ALL CONCERNED AGENCIES OR PARTIES INVOLVED IN THE IMPLEMENTATION OF THIS ACT SHALL INCLUDE IN THEIR ANNUAL BUDGET THE NECESSARY APPROPRIATIONS FOR THEIR RESPECTIVE PROGRAMS ON HIV AND AIDS.”

Approved,