

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS

First Regular Session

House Bill No. **1663**



Introduced by **HON. IMELDA ROMUALDEZ-MARCOS**

EXPLANATORY NOTE

More than a decade has elapsed since the enactment of Republic Act 8504, otherwise known as the *Philippine AIDS Prevention and Control Act of 1998*, and yet the spread of the Human Immunodeficiency Virus (HIV) which causes the dreaded disease called AIDS has not been halted nor deterred. From 1984 to 2013, the HIV and AIDS Registry of the Department of Health has reported a cumulative number of 13,594 HIV Ab sero-positive cases in the country today. Of these figures, 12,322 (90%) were asymptomatic and 1,272 (10%) were AIDS cases, 11,878 were males, and 1,716 were females. The age groups with the most number of cases were: 20-24 years (22%), 25-29 (30%), and 30-34 years (19%).

From January – May 2013 alone, a total of 1,892 cases were reported, 1,802 of which are males aged 16-29 years old. Ninety-seven percent (1,844) were infected through sexual contact and 3% (48) through needle sharing among injecting drug users. There were 1,755 males and 89 females infected through sexual contact within the age group 16-79.

This is the official report and it is just the tip of the iceberg. The alarming side of the story is the unreported and undocumented cases now escalating at an estimated 12,000. 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 halt and reverse the spread of HIV and AIDS by 2015 pursuant to the Millennium Development Goals (MDGs) particularly Goal No. 6 - *Combat HIV and AIDS, malaria and other diseases*, and the country's efforts to strengthen the existing comprehensive policy on its prevention and control, we strongly push for the approval of 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 behavioral changes as well as intensify existing monitoring mechanisms; (b) appropriate

for the care and support of the people living with HIV (PLHIV) and their affected families by improving existing support system and at the same time, address the issue of discrimination experienced by PLHIV; and last but not the least, (c) provide an Augmentation Fund to increase the annual budget of the Philippine National AIDS Council (PNAC) and its Secretariat, the frontline agency of the government to make it a more financially and administratively autonomous attached agency of the Department of Health.

The meager annual budgetary allocation for PNAC over the past eight (8) years (2002-2010) ranging from P12 million to P7.984 Million earmarked for 2010 is insufficient to operationalize the spirit of Republic Act 8504 (AIDS Law). Said law appropriates an initial 20 Million pesos for its implementation (Sec48, RA8504).

For more than 10 years now, said annual appropriation is no longer realistic and financially sound for PNAC to perform and sustain its core functions, hence, the urgency to increase its yearly budget.

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


IMELDA ROMUALDEZ-MARCOS
Representative
2nd District, Ilocos Norte

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Sixteenth Congress

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HOUSE BILL NO. 1663

Introduced by **HON. IMELDA ROMUALDEZ-MARCOS**

AN ACT
STRENGTHENING FURTHER THE PHILIPPINE COMPREHENSIVE POLICY ON THE
PREVENTION AND CONTROL OF AIDS, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 8504, OTHERWISE KNOWN AS "THE PHILIPPINE AIDS
PREVENTION AND CONTROL ACT OF 1998"

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

SECTION 1. Section 3 of Republic Act No. 8504, is hereby amended to include a new sub-section B and amendments to sub-section f, g, l, o, u to read as follows:

- (B) "Affected Families" refer to the immediate members of the family of the person living with HIV (PLHIV)."
- (f) "HIV and AIDS Monitoring" refers to the documentation and analysis of the number of HIV and AIDS infections and the pattern of its spread.
- (g) "HIV and 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.
- (l) "High-Risk Behavior" – refers to a person's involvement in certain activities which increase the risk of transmitting or acquiring HIV.
- (o) "Person living with HIV" refers to an individual whose HIV test indicates, that he or she is infected with HIV.
- (u) "Window Period" refers to the period of time, usually lasting from two (2) weeks to six (6) months during which an HIV infected individual will test "negative" upon HIV testing but can actually transmit the infection.

The letter of the sub-sections shall be amended accordingly.

SEC. 2. Section 4 of the same law is hereby amended to read as follows:

"SEC. 4. *HIV and AIDS Education in Schools.* – The Department of Education (DEPED) [Culture and Sports (DECS)], the Commission of 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 and AIDS and other sexually transmitted infections with special focus on how the acquired information can translate to changes in behavior to reduce risk and vulnerability to HIV and AIDS, and on the basic human rights of PLHIV 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, in coordination with the Philippine National AIDS Council Secretariat, 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.

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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, DEPED, CHED and TESDA or any PNAC member agency and in coordination with the Philippine National AIDS Council Secretariat 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 and 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 6 of the same law is hereby amended to read as follows:

"SEC. 6. HIV and 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 standardized basic information and instruction on HIV and AIDS which shall include topics on confidentiality in the workplace and attitude towards infected employees and workers. In collaboration with the Department of Health (DOH), Secretary of the Department of Labor and Employment (DOLE) shall oversee the anti-HIV and 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. "

SEC. 5. 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 and AIDS and how to access health services and health 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, as the case may be, in collaboration with the Department of Health (DOH), shall oversee the implementation of this section.”

SEC. 6. Section 9 of the same law is hereby amended to read as follows:

“SEC. 9. *HIV and AIDS Education in Communities.* Local government units, in collaboration with the Philippine National AIDS Council (PNAC) shall conduct an educational and information campaign on HIV and AIDS. The provincial governor, city or municipal mayor and the barangay captain through a multi-sectoral local coordinative body like the Local AIDS Council (LAC), Local Health Board (LHB) or Inter-Local Health Zone (ILHZ), shall coordinate such campaign among concerned government agencies, non-government organizations and church-based groups.”

SEC. 7. 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 under the supervision of the department of health and the food and drug administration 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. 8. Section 13 of the same law is hereby amended to read as follows:

“SEC. 13. *Guidelines on Surgical and Similar Procedures.* -The Department of Health (DOH), in consultation and in coordination with concerned professional organizations and hospital associations, shall subscribe to the principles of universal precaution against HIV transmission during surgical, dental, embalming, tattooing or similar procedures. The DOH shall likewise issue guidelines on the handling and disposition of cadavers, body fluids or wastes of persons known or believed to be HIV-positive.”

SEC. 9. Section of 20 of the same law is hereby amended to read as follows:

"SEC. 20. *Pre-test and Post-test Counseling* - All testing centers, clinics, or laboratories which perform any HIV test shall be required to provide and conduct free-test counseling and post-test counseling for persons who avail of their HIV and AIDS testing services. However, such counseling services must be provided only by person who meet the standards set by the DOH."

SEC. 10. Section of 22 of the same law is hereby amended to read as follows:

"SEC. 22. *Hospital-Based Services* - Persons with HIV and AIDS shall be afforded basic health services in all government hospitals, without prejudice to optimum care which may be provided by special AIDS wards and hospitals."

SEC. 11. Section 23 of the same law is amended hereby to read as follows:

SEC. 23. *Community-Based Services* - Local Government units, in coordination and in cooperation with concerned government agencies, non-government organizations, persons with HIV and AIDS and groups most at risk of HIV infection shall provide community-based HIV and AIDS prevention and care services.

SEC. 12. Section 24 of the same law is hereby amended to read as follows"

SEC. 24. *Livelihood Programs and Trainings* - Trainings for livelihood, self-help cooperative programs shall be made accessible and available to all persons with HIV and AIDS. Persons infected with HIV and AIDS shall not be deprived of full participation in any livelihood, self-help and cooperative programs for reason of their health conditions.

SEC. 13. Section 25 of the same law is hereby amended to read as follows:

"SEC. 25. *Control of Sexually Transmitted Infections* - The Local Government Units (LGUs), in coordination with the Philippine National AIDS Council (PNAC) and other 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. 14. Section 27 under a renamed Article V of the same law is hereby amended to read as follows:

ARTICLE V HIV AND AIDS SURVEILLANCE

"SEC. 27. *Monitoring Program* - A comprehensive HIV and AIDS monitoring program or "AIDSWATCH" shall be established under the Department of Health to determine and monitor the magnitude and progression of HIV infection in the Philippines, and for the purpose of evaluating the adequacy and efficacy of the countermeasures being employed."

SEC. 15. Section 28 of the same law is hereby amended to read as follows:

SEC. 28. *Reporting Procedures* - All hospitals, clinics, laboratories, and testing centers for HIV and AIDS shall adopt measures in assuring the reporting and confidentiality of any medical record, personal data, file, including all data which may be accessed from various data banks or information systems. The Department of Health through its AIDSWATCH monitoring program shall receive, collate and evaluate all HIV and AIDS related medical reports. The AIDSWATCH data base shall utilize a coding system that promotes client anonymity.

SEC. 16. Section 29 of the same law is hereby amended to read as follows:

"SEC. 29. *Contact Tracing* – HIV and AIDS contact tracing and all other related health intelligence activities may be pursued by the Department of Health: *Provided*, That these do not run counter to the general purpose of this Act: *Provided, further*, That any gathered information shall 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."

SEC. 17. 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. 18. Section 31 of the same law is hereby amended to read as follows:

"SEC. 31. *Exceptions to the Mandate of Confidentiality* – Medical confidentiality shall not be considered breached in the following cases:

- (a) When complying with reportorial requirements in conjunction with the National HIV Surveillance System of the Department of Health. *Provided*, that the active surveillance system should be kept anonymous and unlinked;
- (b) when informing other health workers directly involved or about to be involved in the treatment or care of a person living with HIV and AIDS: *Provided*, That such treatment or care carries the risk of HIV transmission: *Provided, further*, That such workers shall be obliged to maintain the shared medical confidentiality;

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SEC. 19. 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) a person authorized to receive such results in conjunction with the AIDSWATCH program as provided in Sec. 27 of this Act; and
- (e) 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 Sec. 16 hereof.

SEC. 20. 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. 21. 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 of not less than Thirty Thousand Pesos (PHP 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. 22. 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 and AIDS prevention and control in the Philippines. It shall be an autonomous agency attached to the DOH."

SEC. 23. 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 as the Chairperson;
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. A representative from an organization of medical/health professionals;
19. A representative from the Armed Forces of the Philippines;
20. Six (6) representatives from non-government organizations involved in HIV and AIDS prevention and control efforts and activities, including representative of faith-based organizations;
21. A representative of an organization of persons living with HIV and AIDS; and,
22. A representative from the private sector.

- (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) IN response to the trend of the epidemic, membership to PNAC shall be for a period of five (5) years, renewable upon recommendation of the Council;
- (d) 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;
- (e) The members of the Council shall be appointed not later than thirty (30) days after the date of the enactment of this Act;
- (f) The Secretary of Health shall be the permanent chairperson of the Council; the vice-chairperson shall be

elected by its members from among themselves, and shall serve for a term of five (5) years; and

- (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. 24. 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 comprehensive reports on the activities and accomplishments of the AIDS Medium Term Plan. Such reports shall contain assessments and evaluation of programs relative to the medium or long-term plans for the prevention and control of STI, HIV and AIDS and the progress of related projects being conducted in the country."

SEC. 25. Section 47 of the same law is hereby amended to read as follows:

"SEC. 47. *Creation of the National HIV and AIDS and STI Prevention and Control Program and the Philippine National AIDS Council (PNAC) Secretariat* -

- (A) The National HIV AND AIDS and STI Prevention and Control Program (NASPCP). There shall be created in the DOH, the National HIV and AIDS and STI Prevention and Control Program staffed by qualified medical specialists and support staff with permanent appointment and supported with an adequate yearly budget. It shall implement and oversee programs on HIV and AIDS and STI prevention and control in the health sector.
- (B) The PNAC Secretariat. The PNAC shall be supported by a secretariat from the DOH. It shall be staffed by technically equipped and capable personnel with permanent appointment and adequate operational budget. the Secretariat shall perform the following functions and shall be under the direct supervision of the Chairperson of the Council:
1. coordinate the formulation, monitoring and evaluation of plans, programs, policies, and strategies to ensure effective and efficient implementation of the national HIV and AIDS response;
 2. provide technical assistance and advisory services to the council and its external partners;
 3. assist the council in identifying and building internal and external networks and partnerships;
 4. coordinate and support the efforts of the council to mobilize resources in support to the country's aids response;
 5. serve as the clearing house and repository of information on HIV and AIDS situation and responses, projects, strategies or its

revisions/abolitions, as well as procedures and other matters which will improve the national aids response;

6. disseminate updated, accurate, relevant, comprehensive information about the epidemic to PNAC members, policy makers, program managers/implementers and general public through media and other avenues of communications;
7. provide administrative support to the council by developing and enhancing management system and procedures; and
8. perform other functions as provided by law or appropriately assigned by the Council.

SEC.26. 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) for the operations of PNAC Secretariat shall be appropriated in the General Appropriations Act (GAA) in the year following its enactment into law. Subsequent appropriations shall be provided by Congress in the budget of the Department of Health under the annual GAA.

Funds may be augmented by grants, donations, endowment from various sources, domestic or foreign.

SEC. 27. A new section 49 shall be added to read as follows:

“SEC. 49. *HIV and AIDS budget of concerned agencies* – all concerned government agencies or parties involved shall develop and implement action plans anchored to the AIDS Medium Term Plan with appropriation from their annual budget as provided by the Congress in the annual budget of concerned government agencies. This amount shall be utilized but not limited to support any of the following HIV and AIDS related programs and activities:

- a. To establish their workplace policy and programme on HIV and AIDS in their own agency and their regional/provincial offices; and
- b. To advocate and support HIV and AIDS appropriate prevention, treatment care and support programs and services with their counterparts anchored on the aids medium term plan.

In addition, the Department of Health shall provide funds for the purchase of anti-retroviral (ARV) drugs, medicine for opportunistic infections and laboratory equipment and supplies.”

Succeeding sections are renumbered accordingly.

SEC. 28. Repealing Clause. – All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 29. Separability Clause. If for any reason, a provision or part hereof is declared invalid, other provisions not affected hereby shall remain in full force and effect

SEC. 30. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,