

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

Sixteenth Congress
First Regular Session



House Bill No. **3243**

Introduced by AKBAYAN Representatives
Ibarra “Barry” M. Gutierrez III and Walden F. Bello

EXPLANATORY NOTE

With one Filipino contracting the *human immunodeficiency virus* or “HIV” every 1.5 hours, the increase in the number of HIV cases has become undeniably alarming. In a span of four years covering 2008 to 2012, HIV cases in the Philippines increased by five hundred twenty-three percent (523%).

For this year alone, and only as of August 2013, the Philippine National AIDS Council (“PNAC”) has recorded a total of 3,154 *new* HIV cases, sixty-eight percent (68%) higher compared to last year’s figures for the same period. Of these cases, six percent (6%) are AIDS cases.

Despite the epidemic affecting only a small proportion of the populace, there is no room for complacency. Aside from increasing awareness and understanding of how HIV and AIDS are contracted, testing, support and treatment of HIV and AIDS cases should be institutionalized.

This bill seeks to strengthen the country’s comprehensive policy on the prevention, treatment and care of HIV and AIDS patients, and their protection of the rights and freedoms of those afflicted with such diseases as well as to improve their living conditions. It seeks to restructure the legal framework by harmonizing evidence-informed strategies and approaches on the prevention, treatment, care and support for HIV and AIDS victims, with government response.

This bill also seeks to clarify the roles and responsibilities of State institutions involved in HIV and AIDS response from national agencies to the local level. It also provides for the strengthening of the stigma reduction mechanisms of the law which guarantees that the country's HIV and AIDS program is premised on the respect, recognition and promotion of human dignity.

For the above purposes, this bill seeks to strengthen the PNAC as the central planning and implementing agency for HIV and AIDS concerns by increasing its functions and providing a permanent secretariat to support its activities. Stiffer penalties are also provided for violations of the provisions of the law and its implementing rules and regulations.

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



IBARRA "BARRY" M. GUTIERREZ III



WALDEN F. BELLO

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AN ACT
STRENGTHENING THE PHILIPPINE COMPREHENSIVE POLICY ON
HIV AND AIDS PREVENTION, TREATMENT, CARE AND SUPPORT,
AND ESTABLISHING THE PHILIPPINE NATIONAL HIV AND AIDS
PLAN, AMENDING FOR THE PURPOSE, REPUBLIC ACT NO. 8504,
OTHERWISE KNOWN AS THE “PHILIPPINE AIDS PREVENTION AND
CONTROL ACT OF 1998,” AND APPROPRIATING FUNDS THEREFOR.

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

1 **SECTION 1. *Short Title.***—This Act shall be known as the “*Revised Philippine HIV and*
2 *AIDS Policy and Program Act of 2013.*”

3

4 **SECTION 2.** Section 2 of Republic Act No. 8504 otherwise known as the “*Philippine*
5 *AIDS Prevention and Control Act of 1998*” is hereby repealed and replaced with the
6 following provision:

7

8 “*Section 2. Declaration of policies.*—The Human
9 Immunodeficiency Virus and Acquired Immune Deficiency
10 Syndrome (“HIV and AIDS”) are public health concerns
11 that have wide-ranging social, political, and economic

1 repercussions. Responding to the HIV and AIDS epidemic
2 is therefore imbued with public interest.

3
4 Accordingly, the State shall:

- 5
- 6 (a) Establish policies and programs to prevent the spread
7 of HIV and deliver treatment, care, and support
8 services to Filipinos living with HIV in accordance
9 with evidence-based strategies and approaches that
10 follow the principles of human rights, gender equality,
11 and meaningful participation of communities affected
12 by the epidemic.
- 13
- 14 (b) Adopt a multi-sectoral approach in responding to the
15 HIV epidemic by ensuring that local communities, civil
16 society organizations, and persons living with HIV are
17 involved in the process.
- 18
- 19 (c) Remove all barriers to HIV and AIDS-related services
20 by eliminating the climate of stigma that surrounds the
21 epidemic and the people directly and indirectly affected
22 by it.
- 23
- 24 (d) Positively address and seek to eradicate conditions that
25 aggravate the spread of HIV infection, including but
26 not limited to, poverty, gender inequality, prostitution,
27 marginalization, drug abuse and ignorance.
- 28

29 Respect for, protection of and promotion of human rights
30 are the cornerstones of an effective response to the HIV
31 epidemic. The meaningful inclusion and participation of
32 persons directly and indirectly affected by the epidemic,
33 especially persons living with HIV, are crucial in eliminating
34 the virus. Thus, unless otherwise provided in this Act, the

1 confidentiality, anonymity, and non-compulsory nature of
2 HIV testing and HIV-related testing shall always be
3 guaranteed and protected by the State.
4

5 Policies and practices that discriminate on the basis of
6 perceived or actual HIV status, sex, gender, sexual
7 orientation, gender identity, age, economic status, disability
8 and ethnicity hamper the enjoyment of basic human rights
9 and freedoms guaranteed in the Constitution and are
10 deemed inimical to national interest.”
11

12 **SECTION 3.** Section 3 of Republic Act No. 8504 otherwise known as the “*Philippine*
13 *AIDS Prevention and Control Act of 1998*” is hereby amended to read as follows:
14

15 “*Section 3. Definition of Terms.*—As used in this Act, the
16 following terms are defined as follows:
17

18 (a) ‘*Acquired Immune Deficiency Syndrome (AIDS)*’ refers to a
19 health condition characterized by a combination of
20 signs and symptoms, caused by where there is a
21 deficiency of the immune system that stems from
22 infection with the Human Immunodeficiency Virus
23 or HIV contracted from another person which
24 attacks and weakens the body’s immune system,
25 making the afflicted an individual susceptible to other
26 life-threatening opportunistic infections.
27

28 (b) ~~*Anonymous testing* refers to an HIV testing~~
29 ~~procedure whereby the individual being tested does~~
30 ~~not reveal his/her true identity. An identifying~~
31 ~~number or symbol is used to substitute for the name~~
32 ~~and allows the laboratory conducting the test and the~~
33 ~~person on whom the test is conducted to match the~~
34 ~~test results with the identifying number or symbol.~~

- 1 (b) 'Antiretroviral' refers to the treatment that stops or
2 suppresses viral replication or replications of a
3 retrovirus like HIV thereby slowing down the
4 progression of infection.
5
6 (c) 'Civil society organizations' or 'CSOs' refer to a group or
7 groups of non-governmental and non-commercial
8 individuals or legal entities that are engaged in non-
9 coerced collective action around shared interests,
10 purpose and values.
11
12 (d) 'Community-based research' takes place in community
13 settings and involves community members in the
14 design and implementation of research projects.
15
16 (e) 'Compulsory HIV testing' refers to HIV testing imposed
17 upon ~~a person~~ an individual ~~attended or~~ characterized
18 by ~~the~~ lack of ~~vitiated~~ consent, use of ~~physical~~ force
19 or intimidation ~~or any form of compulsion~~, the use of
20 testing as a prerequisite for employment or other
21 purposes, and other circumstances when informed
22 choice is absent.
23
24 (f) 'Contact tracing' refers to the method of finding and
25 counseling the sexual partner or partners of a person
26 who has been diagnosed as having sexually
27 transmitted disease.
28
29 (g) 'Discrimination' refers to any action taken to distinguish,
30 exclude, restrict, or show preferences based on any
31 ground such as sex, gender, age, sexual orientation,
32 gender identity, economic status, disability, ethnicity,
33 and HIV status, whether actual or perceived, and
34 which has the purpose or effect of nullifying or

1 impairing the recognition, enjoyment or exercise by
2 all persons similarly situated, of all rights and
3 freedoms.

4
5 (h) 'Gender identity' refers to a person's internal and
6 individual experience of gender that may or may not
7 correspond with the sex assigned at birth, including
8 the person's sense of the body, which may involve, if
9 freely chosen, modification of bodily appearance or
10 function by medical, surgical and other means, and
11 experience of gender, among them, dress, speech, and
12 mannerism.

13
14 (i) 'Harm reduction' refers to evidence-based policies,
15 programs and approaches that aim to reduce
16 transmission of HIV and its harmful consequences on
17 health, social relations and economic conditions.

18
19 (j) 'High-risk behavior' refers to a person's frequent
20 involvement in certain activities that increase the risk
21 of transmitting or acquiring HIV.

22
23 (k) 'Human Immunodeficiency Virus (HIV)' refers to the
24 virus ~~which causes AIDS~~, of the type called *retrovirus*,
25 which infects cells of the human immune system—
26 mainly *CD4 positive T* cells and macrophages—key
27 components of the cellular immune system—and
28 destroys or impairs the cells' function. Infection with
29 HIV results in the progressive deterioration of the
30 immune system, leading to immune deficiency.

31
32 (l) 'HIV counseling' refers to the process by which an
33 individual is provided with an opportunity to learn
34 and accept their HIV serostatus in a confidential

1 environment with counseling and referral for ongoing
2 support and medical care.

3
4 (m) 'HIV and AIDS counselor' refers to any individual
5 trained by an institution or organization accredited by
6 the Department of Health ("DOH") to provide
7 counseling services on HIV and AIDS with emphasis
8 on behavior modification.

9
10 (n) 'HIV/AIDS monitoring' refers to the documentation
11 and analysis of the number of HIV/AIDS infections
12 and the pattern of its spread.

13
14 (o) 'HIV/AIDS prevention and control' refers to measures
15 aimed at protecting non-infected persons from
16 contracting HIV and minimizing the impact of the
17 condition of persons living with HIV.

18
19 (p) 'HIV-negative' denotes the absence of HIV or HIV
20 antibodies upon HIV testing.

21
22 (q) 'HIV-positive' refers to the presence of HIV infection
23 as documented by the presence of HIV or HIV
24 antibodies in the sample being tested.

25
26 (r) 'HIV-related testing' refers to any laboratory testing or
27 procedure done on an individual regardless of
28 whether the person is HIV positive or negative.

29
30 (s) 'HIV testing' refers to any ~~laboratory~~ facility-based or
31 mobile medical procedure done on an individual that
32 is conducted to determine the presence or absence of
33 HIV infection in a person's body. HIV testing is
34 confidential, voluntary in nature and must be

1 accompanied by counseling prior to, and after the
2 testing, and conducted only with the informed
3 consent of the person.

4
5 (t) 'HIV testing facility' refers to any DOH accredited in-
6 site or mobile testing center, hospital, clinic,
7 laboratory and other facility that has the capacity to
8 conduct voluntary HIV counseling and HIV testing.

9
10 (u) 'HIV transmission' refers to the transfer of HIV from
11 one infected person to an uninfected individual, most
12 commonly through sexual intercourse, blood
13 transfusion, sharing of intravenous needles and during
14 pregnancy.

15
16 (v) 'Key affected populations at higher risk of HIV exposure' or
17 'key populations' refer to those groups of persons, as
18 determined by the Philippine National AIDS Council
19 (hereinafter referred to as the "Council"), whose
20 behavior make them more likely to be exposed to
21 HIV or to transmit the virus, as determined by the
22 Council.

23
24 Key populations include, among others, (1) children
25 below the age of eighteen years, (2) youth and adults
26 living with HIV, (3) males who have sex with males,
27 (4) transgender persons, (5) people who use and/or
28 inject drugs, and (6) persons who sell sexual services.

29
30 (w) 'Laboratory' refers to areas or places, including, but not
31 limited to, community-based settings, where research
32 studies are being undertaken to further develop local
33 evidence base for effective HIV programs.
34

1 (x) *'Medical confidentiality'* refers to the relationship of trust
2 and confidence created or existing between a patient
3 or a person living with HIV and his attending
4 physical, consulting medical specialist, nurse, medical
5 technologist and all other health workers or personnel
6 involved in any counseling, testing or professional
7 care of the former. It also applies to any person who,
8 in any official capacity, has acquired or may have
9 acquired such confidential information.

10
11 (y) *'Opportunistic infections'* refers to illnesses caused by
12 various organisms, many of which do not cause
13 disease in persons with healthy immune system.

14
15 (z) *'Opt-out HIV testing'* means a normally performed HIV
16 test which the patient may elect to decline or defer.

17
18 (aa) *'Partner counseling'* includes partner notification, partner
19 management, contact tracing and refers to the process of
20 contacting the sexual or drug-injecting partners of an
21 individual, identified as the 'source,' 'index client,' or
22 'patient,' who has a sexually transmitted infection
23 (STI) including HIV, and advising the partners that
24 they have been exposed to infection. It is a process by
25 which persons who are at high risk of STI and/or
26 HIV, many of whom are unaware that they have been
27 exposed, are contacted and encouraged to attend
28 counseling, testing and other prevention and
29 treatment services: Provided, That whenever possible,
30 confidentiality is maintained by not providing the
31 name of the 'source,' 'index client,' or 'patient' to
32 partners.

1 (bb) 'Person living with HIV' refers to any individual
2 whose ~~HIV test indicates, directly or indirectly, that~~
3 ~~he/she is~~ diagnosed to be infected with HIV.
4

5 (cc) 'Pre-test counseling' refers to the process of providing an
6 individual information on the biomedical aspects of
7 HIV/AIDS and emotional support to any
8 psychological implications of undergoing HIV testing
9 and the test result itself before ~~he/she~~ the individual
10 is subjected to the test.
11

12 (dd) 'Post-test counseling' refers to the process of
13 providing risk-reduction information and emotional
14 support to a person who submitted to HIV testing at
15 the time the result is released.
16

17 (ee) 'Prophylactic' refers to any agent or device used to
18 prevent the transmission of a disease.
19

20 (ff) 'Provider-initiated testing and counseling' refers to a health
21 care provider initiating HIV anti-body testing to a
22 person practicing high-risk behavior or vulnerable to
23 HIV after conducting HIV pre-test counseling. A
24 person may elect to decline or defer testing such that
25 consent is conditional.
26

27 (gg) 'Safer sex practices' refers to choices made and
28 behaviors adopted by a person to reduce or minimize
29 the risk of HIV transmission. Safer sex practices include,
30 but are not limited to, postponing sexual debut, non-
31 penetrative sex, correct and consistent use of male or
32 female condoms, and reducing the number of sexual
33 partners.
34

- (hh) 'Sexually transmitted ~~diseases~~ infections (STIs)' refer to any disease infections that may be acquired or passed are spread through the transfer of organisms from one person to another as a result of sexual contact.
- (ii) 'Sexual orientation' refers to a person's sexual and emotional attraction to, or intimate and sexual relationship with, individuals of different, the same, or both sexes.
- (ji) 'Social protection' refers to a set of policies and programs designed to reduce poverty and vulnerability by promoting efficient labor markets, diminishing people's exposure to risks, and enhancing their capacity to protect themselves against hazards and interruptions/loss of income.
- (kk) 'Stigma' refers to the dynamic devaluation and dehumanization of an individual in the eyes of others which may be based on attributes that are arbitrarily defined by others as discreditable or unworthy and which results in discrimination when acted upon.
- (ll) 'Treatment hubs' refer to private and public hospitals or medical establishments accredited by the DOH to have the capacity and facility to provide anti-retroviral treatment.
- (mm) 'Voluntary HIV testing' refers to HIV testing done on an individual who, after having undergone pre-test counseling, willingly submits ~~himself/herself~~ to such test.

(nn) 'Vulnerable communities' refers to communities and groups suffering from vulnerabilities such as unequal opportunities, social exclusion, poverty, unemployment, and other similar social, economic, cultural and political conditions, making them more susceptible to HIV infection and to developing AIDS.

(oo) 'Window period' refers to the period of time, usually lasting from two (2) weeks to six (6) months during which an infected individual will test 'negative' upon HIV testing but can actually transmit the infection.

(pp) 'Work place' refers to the office, premises and work site where workers are habitually employed and shall include the office or place where workers, with no fixed or definite work site, regularly report for assignment in the course of their employment."

SECTION 4. There shall be incorporated two new provisions after Section 3 of Republic Act No. 8504 otherwise known as the "*Philippine AIDS Prevention and Control Act of 1998*" to read as follows:

"Section 3-A. HIV Prevention.—The government shall promote and adopt a range of measures and interventions, in partnership with civil society organizations, that aim to prevent, halt, or control the spread of HIV, especially among key populations and vulnerable communities. These measures shall likewise promote the rights, welfare, and participation of persons living with HIV and the affected children, young people, families and partners of persons living with HIV."

"Section 3-B. Evidence-informed, gender sensitive, age-appropriate, and human rights-based preventive measures.—The HIV and

1 AIDS prevention programs shall be based on up-to-date
2 evidence and scientific strategies and shall be age-
3 appropriate.

4
5 The State shall therefore actively promote (1) safer sex
6 practices, especially among key populations; (2) safer
7 practices that reduce risk of HIV infection; (3) access to
8 treatment; (4) consistent sexual abstinence and sexual
9 fidelity; and (5) consistent and correct condom use.”
10

11 **SECTION 5.** There shall be incorporated a new provision before Section 4 of Republic
12 Act No. 8504 otherwise known as the “*Philippine AIDS Prevention and Control Act of 1998*”
13 to read as follows:
14

15 “Section 4-A. HIV and AIDS education and information.—
16 The State shall educate the public, especially the key
17 populations and vulnerable communities, on HIV and
18 AIDS and other sexually transmitted infections, with the
19 goal of reducing risky behavior, lowering vulnerabilities,
20 and promoting the human rights of persons living with
21 HIV.”
22

23 **SECTION 6.** Section 4 of Republic Act No. 8504 otherwise known as the “*Philippine*
24 *AIDS Prevention and Control Act of 1998*” is hereby amended to read as follows:
25

26 “Section 4. HIV and AIDS education in schools.—Using
27 official information and data from the Council, the
28 Department of Education (DepEd) ~~Culture and Sports,~~
29 the Commission on Higher Education (CHED), and the
30 Technical Education and Skills Development Authority
31 (TESDA), ~~utilizing official information provided by the~~
32 ~~Department of Health,~~ shall integrate basic and age-
33 appropriate instruction on the causes, modes of
34 transmission and ways of preventing the spread of HIV

1 and AIDS and other sexually transmitted ~~diseases~~
2 infections in subjects taught in public and private schools
3 at intermediate grades, secondary and tertiary levels,
4 including non-formal and indigenous learning systems.
5 ~~Provided, That if the integration of HIV/AIDS education~~
6 ~~is not appropriate or feasible, the DECS and the TESDA~~
7 ~~shall design special modules on HIV/AIDS prevention~~
8 ~~and control: *Provided, finally, That it does not utilize*~~
9 ~~sexually-explicit materials.~~

10
11 ~~Flexibility in the formulation and adoption of appropriate~~
12 ~~course content, scope, and methodology in each teaching~~
13 ~~level or group shall be allowed after consultations with~~
14 ~~Parent-Teachers-Community Associations, Private School~~
15 ~~Associations, school officials, and other interest groups.~~
16 ~~As such, no instruction shall be offered to minors without~~
17 ~~the adequate prior consultation with parents who must~~
18 ~~agree to the thrust and content of the instruction~~
19 ~~materials.~~

20
21 ~~All teachers and instructors of HIV/AIDS courses shall~~
22 ~~be required to undergo a seminar or training on~~
23 ~~HIV/AIDS prevention and control to be supervised by~~
24 ~~DECS, CHED and TESDA, in coordination with the~~
25 ~~Department of Health (DOH) before they are allowed to~~
26 ~~teach on the subject.~~

27
28 The learning modules shall include information on
29 treatment, care and support to promote stigma reduction.

30
31 The learning modules that shall be developed to
32 implement this Section shall be done in coordination with
33 the Council and stakeholders in the education sector.
34 Referral mechanisms, including but not limited to, the

1 Department of Social Welfare and Development
2 (DSWD) Referral System, shall be included in the
3 modules for key populations and vulnerable communities.
4

5 All teachers and instructors to be assigned to handle these
6 learning modules shall be required to undergo seminars or
7 trainings on HIV and AIDS prevention that shall be
8 supervised by the Council, through its Secretariat, and in
9 coordination with concerned agencies.
10

11 **SECTION 7.** Section 5 of Republic Act No. 8504 otherwise known as the "*Philippine*
12 *AIDS Prevention and Control Act of 1998*" is hereby amended to read as follows:
13

14 "Section 5. HIV and AIDS education as a right to health and
15 information as a health service.—HIV and AIDS education
16 and information dissemination shall form part of the
17 ~~delivery of health services by health practitioners, workers~~
18 ~~and personnel~~ right to health. The knowledge and
19 capabilities of all public health ~~practitioners, workers and~~
20 ~~personnel~~ shall be enhanced to include skills for proper
21 information dissemination and education on HIV and
22 AIDS. It shall likewise be considered a civic duty of
23 health providers in the private sector to make available to
24 the public such information necessary to control the
25 spread of HIV and AIDS and to correct common
26 misconceptions about this disease. The training of health
27 workers shall include discussions on HIV-related ethical
28 issues such as confidentiality, informed consent and the
29 duty to provide treatment."
30

31 **SECTION 8.** Section 6 of Republic Act No. 8504 otherwise known as the "*Philippine*
32 *AIDS Prevention and Control Act of 1998*" is hereby amended to read as follows:
33

1 “*Section 6. HIV and AIDS education in the workplace.*—All
2 ~~government public~~ and private employees, workers,
3 managers, and supervisors, including members of the
4 Armed Forces of the Philippines (AFP) and the
5 Philippine National Police (PNP), shall be provided with
6 standardized basic information and instruction on HIV
7 and AIDS, including topics on confidentiality in the
8 workplace and ~~attitude towards infected employees and~~
9 ~~workers. In collaboration with the Department of Health~~
10 ~~(DOH), the Secretary of the Department of Labor and~~
11 ~~Employment (DOLE) shall oversee the anti-HIV/AIDS~~
12 ~~campaign in all private companies while the Armed~~
13 ~~Forces Chief of Staff and the Director General of the~~
14 ~~PNP shall oversee the implementation of this section~~
15 reduction or elimination of stigma and discrimination.

16
17 The Department of Labor and Employment (DOLE) for
18 the private sector and the Civil Service Commission
19 (CSC) for the public sector shall implement this
20 provision. The DOLE and the CSC shall ensure that the
21 HIV and AIDS education program in the workplace is
22 industry or sector-appropriate and shall ensure the full
23 participation of employers and workers in designing the
24 content of the program. Referral mechanisms for key
25 populations and vulnerable communities shall also be
26 developed and instituted by the DOLE and the CSC in
27 coordination with the Council.”

28
29 **SECTION 9.** Section 7 of Republic Act No. 8504 otherwise known as the “*Philippine*
30 *AIDS Prevention and Control Act of 1998*” is hereby amended to read as follows:

31
32 “*Section 7. HIV and AIDS education for Filipinos going*
33 *abroad.*—~~The State~~ In coordination with the Council, the
34 Department of Foreign Affairs (DFA) and the DOLE

1 shall ensure that all overseas Filipino workers, ~~and~~
2 including diplomatic, military, trade, labor officials, and
3 personnel and their families to be assigned overseas, shall
4 undergo or attend a seminar on ~~the cause, prevention and~~
5 ~~consequences of~~ HIV and AIDS and shall be provided
6 with information on how to access on-site HIV-related
7 services and facilities before certification for overseas
8 assignment ~~The Department of Labor and Employment,~~
9 ~~or the Department of Foreign Affairs, the Department of~~
10 ~~Tourism and the Department of Justice through the~~
11 ~~Bureau of Immigration, as the case may be, in~~
12 ~~collaboration with the Department of Health (DOH),~~
13 ~~shall oversee the implementation of this section."~~
14

15 **SECTION 10.** Section 8 of Republic Act No. 8504 otherwise known as the "*Philippine*
16 *AIDS Prevention and Control Act of 1998*" is hereby amended to read as follows:
17

18 "*Section 8. Information ~~campaigns~~ for tourists and transients.—*
19 Educational ~~Informational aids or~~ materials on the cause,
20 modes of transmission, prevention, and consequences of
21 HIV infection and list of HIV counseling testing facilities
22 shall be adequately provided at all international and local
23 ports of entry and exit. The Department of Tourism
24 (DOT), the DFA, ~~the Department of Justice through the~~
25 and the Bureau of Immigration (BI), in collaboration
26 coordination with the ~~Department of Health Council and~~
27 stakeholders in the tourism industry, shall oversee lead
28 the implementation of this Act Section."
29

30 **SECTION 11.** Section 9 of Republic Act No. 8504 otherwise known as the "*Philippine*
31 *AIDS Prevention and Control Act of 1998*" is hereby amended to read as follows:
32

33 "*Section 9. HIV and AIDS education in communities.—The*
34 DILG, League of Governors and League of Mayors,

1 through the Local HIV and AIDS Council (LAC) or the
2 Local Health Board and, in coordination with the
3 Council, local governments, units, in collaboration with
4 the Department of Health (DOH) shall ensure
5 implementation of a multi-sectoral local HIV and AIDS
6 response which includes, but is not limited to, the
7 conduct educational and information of public awareness
8 campaigns on HIV and AIDS and shall educate local
9 communities, through various channels, on evidence-
10 based, gender-sensitive, age-appropriate and human
11 rights-oriented prevention tools to stop the spread of
12 HIV. The provincial governor, city or municipal mayor
13 and the barangay captain shall coordinate such campaign
14 among concerned government agencies, non-government
15 organizations and church-based groups For this purpose,
16 the LGUs are hereby authorized to utilize the Gender and
17 Development (GAD) Funds for HIV and AIDS
18 education in communities.

19
20 In coordination with the DSWD, local governments shall
21 also conduct age-appropriate HIV and AIDS education
22 for out-of-school youths."

23
24 **SECTION 12.** There shall be incorporated a new section after Section 9 of Republic Act
25 No. 8504 otherwise known as the "*Philippine AIDS Prevention and Control Act of 1998*" to
26 read as follows:

27
28 "Section 9-A. HIV and AIDS education for key populations and
29 vulnerable communities.—To ensure that HIV services reach
30 populations at higher risk, the State, through the Council
31 and in collaboration with HIV and AIDS civil society
32 organizations, shall support and provide funding for HIV
33 and AIDS education programs, such as peer education,
34 support groups, outreach activities and community-based

1 research. The Council shall likewise craft the guidelines
2 for peer education, support group and outreach activities
3 which may be undertaken in various settings including
4 laboratory-based activities.”
5

6 **SECTION 13.** Section 11 of Republic Act No. 8504 otherwise known as the “*Philippine*
7 *AIDS Prevention and Control Act of 1998*” is hereby amended to read as follows:
8

9 “*Section 11. Misinformation on HIV and AIDS as a prohibited*
10 act.—Misinformation on HIV and AIDS ~~prevention and~~
11 ~~control~~ through false and misleading advertising and
12 claims in any of the tri-media or the promotional
13 marketing of drugs, devices, agents or procedures without
14 prior approval from the ~~Department of Health and the~~
15 ~~Bureau of Food and Drugs~~ Council and the Food and
16 Drug Authority (FDA) and without the requisite medical
17 and scientific basis, including markings and indications in
18 drugs and devices or agents, purporting to be a cure or a
19 fail-safe prophylactic for HIV infection ~~is punishable with~~
20 ~~a penalty of imprisonment of two (2) months to two (2)~~
21 ~~years, without prejudice to the imposition of~~
22 ~~administrative sanctions such as fines and suspension or~~
23 ~~revocation of professional or business license, shall be~~
24 prohibited.”
25

26 **SECTION 14.** Article II of Republic Act No. 8504 otherwise known as the “*Philippine*
27 *AIDS Prevention and Control Act of 1998*” shall hereafter be entitled “Prevention, Safe
28 Practices and Procedures”.
29

30 **SECTION 15.** There shall be incorporated before Section 12 of Republic Act No. 8504
31 otherwise known as the “*Philippine AIDS Prevention and Control Act of 1998*” two new
32 provisions to read as follows:
33

1 "Section 12-A. Positive Prevention.—The DOH shall lead, in
2 coordination with the local government units, and other
3 relevant government agencies, private sector, civil society
4 organizations, and persons living with HIV in promoting
5 preventive measures that shall focus on the positive roles
6 of persons living with HIV. Such preventive measures
7 shall cover, among others, the following:

- 8
- 9 (a) The creation of rights-based and community-led
10 behavior modification programs that seek to
11 encourage HIV risk reduction behavior among
12 persons living with HIV;
- 13
- 14 (b) The establishment and enforcement of rights-based
15 mechanisms to encourage through partner counseling
16 newly tested HIV-positive individuals to conduct
17 sexual contact tracing and to promote HIV status
18 disclosure to sexual partners;
- 19
- 20 (c) The establishment of standard precautionary
21 measures in public and private health facilities;
- 22
- 23 (d) The accessibility of anti-retroviral treatment,
24 management of opportunistic infections; and
- 25
- 26 (e) The mobilization of communities of persons living
27 with HIV, for public awareness campaigns and stigma
28 reduction activities.

29

30 The enforcement of this Section shall not lead to or result
31 in the discrimination or violation of the rights of persons
32 living with HIV."

33

1 "Section 12-B. Preventing mother-to-child HIV transmission.—
2 The DOH shall integrate a program to prevent mother-
3 to-child HIV transmission that shall be integrated in its
4 maternal and child health services."

5
6 **SECTION 16.** Section 12 of Republic Act No. 8504 otherwise known as the "*Philippine*
7 *AIDS Prevention and Control Act of 1998*" is hereby amended to read as follows:

8
9 "Section 12. *Standard precaution requirement on the donation of*
10 *blood, tissue, or organ.—The DOH shall establish guidelines*
11 *on donation of blood, tissue or organ based on the*
12 *following:*

13
14 Donation of tissue or organs, whether ~~No laboratory or~~
15 ~~institution shall accept a donation of tissue or organ;~~
16 ~~whether such a donation is~~ gratuitous or onerous, shall be
17 accepted by a laboratory or institution only after ~~unless~~ a
18 sample from the donor has been tested negative for HIV.
19 All donated blood shall also be subject to HIV testing.
20 ~~and~~ HIV-positive blood shall be disposed of properly and
21 immediately. A second testing may be demanded as a
22 matter of right by the blood, tissue, or organ recipient or
23 his immediate relatives before transfusion or transplant,
24 except during emergency cases.

25
26 ~~Provided, That~~ Donations of blood, tissue or organ testing
27 positive for HIV may be accepted for research purposes
28 only, and shall be subject to strict sanitary disposal
29 requirements."
30

31 **SECTION 17.** Section 13 of Republic Act No. 8504 otherwise known as the "*Philippine*
32 *AIDS Prevention and Control Act of 1998*" is hereby amended to read as follows:

1 “*Section 13. Standard precaution guidelines on surgical and other*
2 *similar procedures.*—The DOH shall establish guidelines on
3 surgical and other similar procedures based on the
4 following:

5
6 The DOH, in consultation ~~and in coordination~~ with
7 concerned professional organizations and hospital
8 associations, shall issue guidelines on precautions against
9 HIV transmission during surgical, dental, embalming,
10 tattooing or similar procedures. ~~The DOH shall likewise~~
11 ~~issue guidelines on the handling and disposition of~~
12 ~~cadavers, body fluids or wastes of persons known or~~
13 ~~believed to be HIV-positive.~~ The necessary protective
14 equipment such as gloves, goggles and gowns shall be
15 made available to all physicians and health care providers
16 ~~workers~~ and similarly exposed personnel at all times.”

17
18 **SECTION 18.** Section 14 of Republic Act No. 8504 otherwise known as the “*Philippine*
19 *AIDS Prevention and Control Act of 1998*” is hereby repealed and removed from Article II
20 of the same Act. It shall be replaced with the following provision, which shall fall under
21 Article III (Testing, Screening and Counseling), and shall read as follows:

22
23 “*Section 14. HIV counseling and HIV testing.*—The State
24 shall ensure opt-out HIV testing. All HIV testing facilities
25 shall be required to provide free HIV counseling to
26 individuals who wish to avail of HIV testing and
27 counseling which shall likewise be confidential. To
28 implement this provision:

29
30 (a) The DOH shall accredit public and private HIV
31 testing facilities based on capacity to deliver testing
32 services including HIV counseling. Only DOH-
33 accredited HIV testing facilities shall be allowed to
34 conduct HIV testing.

(b) The DOH shall lead the development of the guidelines for the conduct of HIV counseling and testing, including mobile HIV counseling and testing, by testing facilities. The guidelines shall ensure, among others, that HIV testing is voluntary and confidential and that HIV counseling is available at all times and provided by qualified persons and DOH-accredited providers

(c) The DOH shall accredit institutions or organizations that train HIV and AIDS counselors.

(d) The Council shall set the standards for HIV counseling and shall work closely with HIV and AIDS civil society organizations that train HIV and AIDS counselors and peer educators.”

SECTION 19. *Stigma reduction and human rights.*—The country’s response to the HIV and AIDS phenomena shall be anchored on the principles of human rights and human dignity, and public health concerns shall be aligned with internationally-recognized human rights instruments and standards as provided in Sections 15, 16 and 17 of Republic Act No. 8504 otherwise known as the “*Philippine AIDS Prevention and Control Act of 1998.*”

SECTION 20. Section 15 of Republic Act No. 8504 otherwise known as the “*Philippine AIDS Prevention and Control Act of 1998*” is hereby repealed and replaced with the following provision:

“Section 15. *Voluntary HIV testing.*—As a policy, the State shall encourage voluntary HIV testing. Written consent from the person taking the test must be obtained before HIV testing. If the person is below fifteen (15) years of age or is mentally incapacitated, such consent shall be

1 obtained from the child's parents, legal guardian, or
2 whenever applicable, from the licensed social worker,
3 licensed health service providers, or a DOH-accredited
4 health service provider assigned to provide health services
5 to the child.

6
7 In keeping with the principle of 'evolving capacities of the
8 child,' HIV testing and counseling shall be made available
9 to a child who submit to HIV testing and counseling and
10 other related services under any of the following
11 conditions:

12
13 (a) The child, who is fifteen (15) years but below
14 eighteen (18) years, expresses the intention to submit
15 to HIV testing and counseling and other related
16 services;

17
18 (b) Reasonable efforts were undertaken to locate, provide
19 counseling to, and to obtain the consent of, the
20 parents, but the parents are absent or cannot be
21 located, or otherwise refuse to give their consent; or

22
23 (c) Proper counseling shall be conducted by a
24 psychologist, a social worker, a health care provider
25 or other health care professional, trained in a DOH
26 accredited facility."

27
28 **SECTION 21.** Section 17 of Republic Act No. 8504 otherwise known as the "*Philippine*
29 *AIDS Prevention and Control Act of 1998*" is hereby amended to read as follows:

30
31 "*Section 17. ~~Exceptions to the prohibition on Compulsory HIV~~*
32 *testing.*—Compulsory HIV testing ~~may~~ shall be allowed
33 only in the following instances:
34

- 1 (a) When a person is charged with any of the ~~crimes~~
2 offenses punishable under Article 264, ~~and~~ 266, as
3 ~~amended by Republic Act No. 8353, 335 and 338 of~~
4 ~~Republic Act No. 3815, otherwise known as the~~
5 ~~'Revised Penal Code,' as amended by Republic Act No.~~
6 ~~8353 otherwise known as the 'Anti-Rape Law of 1997;~~
7 ~~or under Republic Act No. 7659;~~
8
9 (b) ~~When~~ The determination of ~~the~~ HIV status is
10 necessary to resolve relevant issues under Executive
11 Order No. 209, otherwise known as '*Family Code of the*
12 *Philippines;* ~~and~~
13
14 (c) To ~~When~~ comply ~~ing~~ with the provisions of Republic
15 Act No, 7170, otherwise known as the '*Organ Donation*
16 *Act;*'
17
18 (d) To comply with the provisions of Republic Act No.
19 7719, otherwise known as the 'National Blood Services
20 Act; and
21
22 (e) Pre-surgical informed screening test as a precaution
23 against transmission of blood-borne infections."
24

25 **SECTION 22.** Sections 22, 23, 24 and 25 of Republic Act No. 8504 otherwise known
26 as the "*Philippine AIDS Prevention and Control Act of 1998*" are hereby repealed and
27 replaced with the following provisions:
28

29 "Section 22. Access to HIV and AIDS treatment.—The DOH
30 shall establish a program to provide free and accessible
31 anti-retroviral treatment to all indigents living with HIV
32 and living with HIV who are enrolled in the program. It
33 shall likewise establish or accredit public and private
34 treatment hubs and shall have the authority to develop

1 guidelines in the clinical management of people living
2 with HIV.”

3
4 “Section 23. Economic Empowerment and Support.—Persons
5 living with HIV shall not be deprived of any employment,
6 livelihood, micro-finance, self-help, and cooperative
7 programs by reason of their HIV status. The DOLE, and
8 the DSWD, in coordination with the TESDA and with
9 local government units, shall develop programs to ensure
10 economic empowerment and provide economic support
11 to persons living with HIV.”

12
13 “Section 24. Care and Support for Persons Living with HIV.—
14 The DSWD shall develop care and support programs for
15 persons living with HIV, which shall include peer-led
16 counseling and support, social protection, welfare
17 assistance, and mechanisms for case management. These
18 programs shall include care and support for the affected
19 children, families and partners of persons living with
20 HIV.”

21
22 “Section 25. Care and Support for Overseas Workers Living with
23 HIV.—The Overseas Workers Welfare Administration
24 (OWWA), in coordination with the DSWD and the DFA,
25 shall develop a program to provide a stigma-free
26 comprehensive reintegration, care and support program,
27 including economic, social and medical support, for
28 overseas workers, regardless of employment status
29 and/or stage in the migration process.”

30
31 **SECTION 23.** There shall be incorporated five (5) new provisions after Section 25 of
32 Republic Act No. 8504 otherwise known as the “*Philippine AIDS Prevention and Control Act*
33 *of 1998*” to read as follows:
34

1 “Section 25-A. Stigma-Free HIV and AIDS Services.—The
2 Council, in cooperation with public and private HIV and
3 AIDS service providers and civil society organizations,
4 and in collaboration with the Department of Justice and
5 (DOJ) the Commission on Human Rights (CHR), shall
6 ensure the delivery of stigma-free HIV and AIDS services
7 by government and private HIV and AIDS service
8 providers.”

9
10 “Section 25-B. Testing of Organ Donation.—Lawful consent
11 to HIV testing of a donated human body, organ, tissue or
12 blood shall be considered as having been given when:

13
14 (a) A person volunteers or freely agrees to donate his or
15 her blood, organ, or tissue for transfusion,
16 transplantation, or research;

17
18 (b) A person has executed a legacy in accordance with
19 Section 3 of Republic Act No. 7170 otherwise known
20 as the ‘Organ Donation Act of 1991’; and

21
22 (c) A donation is executed in accordance with Section 4
23 of Republic Act No. 7170 otherwise known as the
24 ‘Organ Donation Act of 1991’.”

25
26 “Section 25-C. HIV Anti-Body Testing for Pregnant Women –
27 A health care provider who offers pre-natal medical care
28 shall make a non-mandatory HIV anti-body testing
29 available for pregnant women. The DOH shall provide
30 the necessary guidelines for healthcare providers in the
31 conduct of the screening procedure.”

32
33 “Section 25-D. Redress Mechanism. – The DOJ and CHR, in
34 consultation with persons living with HIV, shall take the

1 lead in developing redress mechanisms for persons living
2 with HIV to ensure that their civil, political, economic
3 and social rights are protected.”
4

5 “Section 25-E. Immunity for HIV educators, licensed social
6 workers, health workers and other HIV and AIDS service
7 providers.—Any person availing of HIV and AIDS services
8 or involved in the provision of HIV and AIDS services,
9 including peer educators, shall be immune from suit,
10 arrest or prosecution, and from civil, criminal or
11 administrative liability, on the basis of their delivery of
12 such services in HIV prevention, or in relation to the
13 legitimate exercise of protective custody of children,
14 whenever applicable. The DOJ, the DILG, the DOH and
15 the PNP, in coordination with the Council, shall develop
16 the mechanism for the implementation of this provision.”
17

18 **SECTION 24.** Section 26 of Republic Act No. 8504 otherwise known as the “*Philippine*
19 *AIDS Prevention and Control Act of 1998*” is hereby amended to read as follows:
20

21 “Section 26. ~~Health Insurance for persons with HIV.~~—The
22 Secretary of Health, in cooperation with the
23 Commissioner of the Insurance Commission and other
24 public and private insurance agencies, shall conduct a
25 study on the feasibility and viability of setting up a
26 package of insurance benefits and, should such study
27 warrant it, implement an insurance coverage program for
28 Philippine National Health Insurance Corporation
29 (“Philhealth”) shall develop an insurance package for
30 persons living with HIV that shall include coverage for
31 in-patient and out-patient medical and diagnostic services,
32 including medication and treatment. The study shall be
33 guided by the principle that access to health insurance is
34 part of an individual’s right to health and is the

1 ~~responsibility of the State and of society as a whole. The~~
2 ~~Philhealth shall enforce confidentiality in the provision of~~
3 ~~these packages to persons living with HIV.”~~

4
5 No person living with HIV shall be denied or deferred of
6 private health and life insurance coverage on the basis of
7 the person’s HIV status. The Insurance Commission shall
8 implement this provision and shall develop the necessary
9 policies to ensure compliance.”

10
11 **SECTION 25.** Section 27 of Republic Act No. 8504 otherwise known as the “*Philippine*
12 *AIDS Prevention and Control Act of 1998*” is hereby amended to read as follows:

13
14 “Section 27. HIV and AIDS monitoring and evaluation
15 programs.—A comprehensive HIV/AIDS monitoring
16 program or ‘AIDSWATCH’ shall be established under
17 The DOH shall maintain a comprehensive HIV and
18 AIDS monitoring and evaluation program that shall serve
19 the following purposes:

20
21 (a) ~~To~~ Determine and monitor the magnitude and
22 progression of HIV ~~infection~~ and AIDS in the
23 Philippines to help the national response determine
24 ~~and for the purpose of evaluating~~ the adequacy and
25 efficacy of the countermeasures being employed HIV
26 prevention and treatment programs;

27
28 (b) Receive, collate, process and evaluate all HIV and
29 AIDS-related medical reports from all hospitals,
30 clinics, laboratories and testing centers, including
31 HIV-related deaths and relevant data from public and
32 private hospitals, various databanks or information
33 systems: *Provided, That* it shall adopt a coding system
34 that ensures anonymity and confidentiality; and

- 1
2 (c) Submit an annual report to the Office of the
3 President, Congress, and members of the Council the
4 findings of its monitoring and evaluation activities in
5 compliance with this mandate.”
6

7 **SECTION 26.** Section 30 of Republic Act No. 8504 otherwise known as the “*Philippine*
8 *AIDS Prevention and Control Act of 1998*” is repealed and replaced with the following
9 provision:
10

11 “Section 30. Confidentiality.—The State shall guarantee the
12 confidentiality and privacy of any individual, who has
13 been tested for HIV, has been exposed to HIV, has HIV
14 infection or HIV and AIDS-related illnesses, or has been
15 treated for HIV-related illnesses.
16

- 17 (a) Confidential HIV and AIDS information.—Unless
18 otherwise provided in Section 31 of this Act, it shall
19 be unlawful to disclose, without written consent,
20 information that a person:
21

- 22 (1) Had an HIV-related test;
23 (2) Has HIV infection, HIV-related illnesses, or
24 AIDS; or
25 (3) Has been exposed to HIV.
26

27 The prohibition shall apply to any person, natural or
28 juridical, whose work or function involves the
29 implementation of this Act or the delivery of HIV-
30 related services, including those who handle or have
31 access to personal data or information in the
32 workplace, and who, pursuant to the receipt of the
33 required written consent from the subject of
34 confidential HIV and AIDS information, have

1 subsequently been granted access to the same
2 confidential information.

3
4 It shall be unlawful for any editor, publisher, and
5 reporter or columnist in case of printed materials,
6 announcer or producer in case of television and radio
7 broadcasting, producer and director of films in case
8 of the movie industry, to disclose the name, picture,
9 or any information that would reasonably identify any
10 person living with HIV or AIDS, or any confidential
11 HIV and AIDS information, without the prior written
12 consent of their subject.

13
14 (b) Civil liability.—Any person who has obtained
15 knowledge of confidential HIV and AIDS
16 information and has used such information to malign
17 or cause damage, injury or loss to another person may
18 face liability under Articles 19, 20, 21, and 26 of the
19 new Civil Code of the Philippines.

20
21 (c) Prohibition on the use of condoms, other safe sex paraphernalia,
22 and sterile injecting equipment as basis for raids and similar
23 police operations.—Condoms and safer sex
24 paraphernalia are not, by themselves, contraband.
25 Therefore, the presence of used or unused condoms,
26 other safer sex paraphernalia and sterile injecting
27 equipment, shall not be used to conduct raids or
28 similar police operations in sites and venues of HIV
29 prevention interventions. The DILG and DOH, in
30 coordination with the Dangerous Drugs Board, shall
31 establish a national policy to guarantee the
32 implementation of this Subsection.”

33
34 **SECTION 27.** Section 31 of Republic Act No. 8504 otherwise known as the “*Philippine*

1 *AIDS Prevention and Control Act of 1998* is hereby amended to read as follows:

2
3 ~~"Section 31. Exceptions to the mandate of confidentiality.—~~
4 ~~Medical Confidential HIV and AIDS information may be~~
5 ~~released by HIV testing facilities without written consent~~
6 ~~on shall not be considered breached in the following~~
7 ~~cases grounds:~~

8
9 (a) When complying with reportorial requirements ~~in~~
10 ~~conjunction with the AIDSWATCH programs~~
11 ~~provided in Section 27 of this Act of the national~~
12 ~~active and passive surveillance system of the DOH:~~
13 ~~Provided, that the information related to a person's~~
14 ~~identity shall remain confidential;~~

15
16 (b) When informing other health workers directly
17 ~~involved or about to be involved in the treatment or~~
18 ~~care of a person living with HIV/AIDS: Provided, that~~
19 ~~such treatment or care carry the risk of HIV~~
20 ~~transmission: Provided, further, That such worker shall~~
21 ~~be obliged to maintain the~~ required to perform the
22 duty of shared medical confidentiality;

23
24 (c) When responding to a subpoena *duces tecum* and
25 subpoena *ad testificandum* issued by a court with
26 jurisdiction over a legal proceeding where the main
27 issue is the HIV status of an individual: *Provided, That*
28 *the confidential medical record, after having been*
29 *verified for accuracy by the head of the office or*
30 *department, shall be properly sealed by its lawful*
31 *custodian, after being double-checked for accuracy by*
32 *the head of the office or department, hand delivered*
33 *to the court, and personally opened by the judge:*
34 *Provided, further, That the judicial proceedings be held*

1 in executive session.”

2
3 **SECTION 28.** Section 32 of Republic Act No. 8504 otherwise known as the “*Philippine*
4 *AIDS Prevention and Control Act of 1998*” is hereby amended to read as follows:

5
6 “*Section 32. Release of HIV and ~~AIDS~~ HIV-related test*
7 *results.—The All result of any HIV/~~AIDS~~ testing or HIV-*
8 *related testing shall be confidential and shall be released*
9 *only to the following persons (a) the person individual*
10 *who submitted himself/herself to the such a test. If the*
11 *patient is a minor, an orphan, or is mentally incapacitated,*
12 *the result may be released to (b) either of the patient’s*
13 *parents, of a minor child who has been tested; (c) A legal*
14 *guardian, or in the case of insane persons or orphans; (d)*
15 *A person authorized to receive such results in*
16 *conjunction with the AIDSWATCH program as provided*
17 *in Section 27 of this Act; or (e) A justice of the Court of*
18 *Appeals or the Supreme Court, as provided under*
19 *subsection (c) of this Act and in accordance with the*
20 *provision of Section 16 hereof a duly assigned social*
21 *worker, whichever is applicable.”*

22
23 **SECTION 29.** Section 34 of Republic Act No. 8504 otherwise known as the “*Philippine*
24 *AIDS Prevention and Control Act of 1998*” shall be amended to read as follows:

25
26 “*Section 34. Disclosure to sexual partners.—Any person who,*
27 *after having been tested, is found to be infected with*
28 *HIV, is obliged strongly encouraged to disclose his/her*
29 *HIV status and this health condition to his/her the*
30 *spouse or sexual partner prior to engaging in penetrative*
31 *sex or any potential exposure to HIV at the earliest*
32 *opportune time. A person living with HIV may opt to*
33 *seek help from qualified professionals including medical*
34 *professionals, health workers, peer educators, or social*

1 workers when disclosing this health condition to one's
2 partner or spouse."

3
4 **SECTION 30.** There shall be incorporated a new provision before Section 35 of
5 Republic Act No. 8504 otherwise known as the "*Philippine AIDS Prevention and Control Act*
6 *of 1998*" to read as follows:

7
8 "Section 35-A. Duty of employers, heads of government offices,
9 heads of public and private schools or training institutions, and local
10 chief executives.—It shall be the duty of private employers,
11 heads of government offices, heads of private and public
12 schools or training institutions, and local chief executives
13 over all private establishments within their territorial
14 jurisdiction, to prevent or deter acts of discrimination
15 against persons living with HIV, and to provide for
16 procedures for the resolution, settlement, or prosecution
17 of acts of discrimination. Towards this end, the employer,
18 head of office or local chief executive shall:

- 19
20 (a) Promulgate rules and regulations prescribing the
21 procedure for the investigation of discrimination
22 cases and the administrative sanctions thereof; and
23
24 (b) Create a permanent committee on the investigation of
25 discrimination cases. The committee shall conduct
26 meetings to increase the members' knowledge and
27 understanding of HIV and AIDS, and to prevent
28 incidents of discrimination. It shall also conduct the
29 administrative investigation of alleged cases of
30 discrimination."

31
32 **SECTION 31.** Section 35 of Republic Act No. 8504 otherwise known as the "*Philippine*
33 *AIDS Prevention and Control Act of 1998*" shall be amended to read as follows:
34

1 ~~"Section 35. Discrimination in the workplace.—Discrimination~~
2 ~~in any form from pre-employment to employment,~~
3 ~~including The rejection of job application, termination of~~
4 ~~employment, or other discriminatory policies in hiring,~~
5 ~~provision of employment and other related benefits,~~
6 ~~promotion or assignment of an individual solely or~~
7 ~~partially on the based on~~ basis of actual, perceived, or
8 ~~suspected HIV status, of an individual shall be prohibited~~
9 ~~Termination from work on the sole basis of actual,~~
10 ~~perceived or suspected HIV status is deemed unlawful."~~

11
12 **SECTION 32.** Section 36 of Republic Act No. 8504 otherwise known as the "*Philippine*
13 *AIDS Prevention and Control Act of 1998*" shall be amended to read as follows:
14

15 ~~"Section 36. Discrimination in schools.—No educational~~
16 ~~institution shall refuse Refusal of admission, expulsion,~~
17 ~~segregation, imposition of harsher disciplinary actions, or~~
18 ~~denial of or expel, discipline, segregate, deny~~
19 ~~participation, benefits or services, to of a student or a~~
20 ~~prospective student solely or partially~~ on the basis of
21 ~~his/her~~ actual, perceived or suspected HIV status is
22 prohibited."
23

24 **SECTION 33.** Section 37 of Republic Act No. 8504 otherwise known as the "*Philippine*
25 *AIDS Prevention and Control Act of 1998*" shall be amended to read as follows:
26

27 ~~"Section 37. Restriction on travel and habitation.—Restrictions~~
28 ~~on travel within the Philippines, refusal of lawful entry to~~
29 ~~The freedom of abode, lodging and travel of a person~~
30 ~~with HIV shall not be abridged. No person shall be~~
31 ~~quarantined, put in isolation, or refused lawful entry or~~
32 ~~deported from Philippine territory, deportation from the~~
33 ~~Philippines, or the quarantine or enforced isolation of~~
34 ~~travelers solely or partially~~ on account of ~~his/her~~ actual,

1 perceived or suspected HIV status is a discriminatory act
2 and is prohibited.

3
4 Restrictions on housing or lodging solely or partially on
5 the basis of actual, perceived or suspected HIV status is
6 prohibited.”

7
8 **SECTION 34.** Section 38 of Republic Act No. 8504 otherwise known as the “*Philippine*
9 *AIDS Prevention and Control Act of 1998*” shall be amended to read as follows:

10
11 “*Section 38. Inhibition from public services.—*Prohibition on
12 the right to seek an elective or appointive public office
13 solely or partially on the basis of actual, perceived or
14 suspected shall not be denied to a person with HIV status
15 is a discriminatory act and shall be prohibited.”

16
17 **SECTION 35.** Section 39 of Republic Act No. 8504 otherwise known as the “*Philippine*
18 *AIDS Prevention and Control Act of 1998*” shall be amended to read as follows:

19
20 “*Section 39. Exclusion from credit and insurance services.—*
21 Exclusion from all credit and loan services, including
22 health, accident, ~~and or~~ or life insurance, credit and loan
23 services, including the extension of such loan or
24 insurance facilities, of an individual solely or partially shall
25 ~~not denied to a person~~ on the basis of ~~his/her~~ actual,
26 perceived, or suspected HIV status is prohibited: Provided,
27 That the person living with HIV has not ~~concealed or~~
28 misrepresented the fact to the insurance company or loan
29 or credit service provider upon application. ~~Extension~~
30 ~~and continuation of credit and loan shall likewise not be~~
31 ~~denied solely on the basis of said health condition.”~~

32
33 **SECTION 36.** Section 40 of Republic Act No. 8504 otherwise known as the “*Philippine*
34 *AIDS Prevention and Control Act of 1998*” shall be amended to read as follows:

1
2 *"Section 40. Discrimination in hospitals and health institutions.—*

3 Denial ~~No person shall be denied of health care services,~~
4 or be charged with a higher fee, on ~~account~~ the basis of
5 actual, perceived or suspected HIV status is a
6 discriminatory act and is prohibited."

7
8 **SECTION 37.** Section 41 of Republic Act No. 8504 otherwise known as the "*Philippine*
9 *AIDS Prevention and Control Act of 1998*" shall be amended to read as follows:

10
11 *"Section 41. Denial of burial services.—*Denial of burial
12 services for a deceased person who had HIV and AIDS
13 or who was known, suspected or perceived to be HIV
14 positive ~~shall not be denied any kind of decent burial~~
15 ~~services~~ is a discriminatory act and shall be prohibited."

16
17 **SECTION 38.** Section 42 of Republic Act No. 8504 otherwise known as the "*Philippine*
18 *AIDS Prevention and Control Act of 1998*" shall be repealed and replaced with the following
19 provision:

20
21 *"Section 42. Other similar and analogous discriminatory*
22 acts shall be prohibited."

23
24 **SECTION 39.** Section 43 of Republic Act No. 8504 otherwise known as the "*Philippine*
25 *AIDS Prevention and Control Act of 1998*" is hereby amended to read as follows:

26
27 *"Section 43. Establishment.—*The Philippine National AIDS
28 Council (PNAC) ~~created by virtue of Executive Order~~
29 ~~No. 39 dated 3 December 1992 shall be,~~ hereinafter
30 referred to as the 'Council,' reconstituted and
31 ~~strengthened to enable the Council to oversee an~~
32 ~~integrated and comprehensive approach to HIV/AIDS~~
33 ~~prevention and control in the Philippines by virtue of~~
34 Section 43 of Republic Act No. 8504 otherwise known as

1 the "Philippine AIDS Prevention and Control Act of 1998," is
2 hereby further strengthened to ensure the implementation
3 of the country's response to the HIV and AIDS epidemic.
4 The Council shall be the central policy-making, planning,
5 coordinating and advisory body for Philippine National
6 HIV and AIDS Program. It shall be an agency attached to
7 the Department of Health.

8
9 In situations where a gap in the national response has
10 been identified, the Council may catalyze or develop the
11 intervention required for endorsement to appropriate
12 agencies."

13
14 **SECTION 40.** Section 44 of Republic Act No. 8504 otherwise known as the "*Philippine*
15 *AIDS Prevention and Control Act of 1998*" is hereby repealed and replaced with the
16 following provision:

17
18 "Section 44. Functions of the Council.—The Council shall
19 perform the following functions:

- 20
21 (a) Develop the National Multi-Sectoral HIV and AIDS
22 Program in collaboration with relevant government
23 agencies and civil society organizations;
24
25 (b) Ensure the operationalization and implementation of
26 the National HIV and AIDS Program;
27
28 (c) Coordinate with government agencies that are
29 mandated to implement the provisions of this Act;
30
31 (d) Develop, enforce, and ensure the implementation of
32 the guidelines and policies provided in this Act,
33 including other policies that may be necessary to
34 implement the National HIV and AIDS Program;

- 1
- 2 (e) Monitor the progress of the epidemic;
- 3
- 4 (f) Monitor the implementation of the National HIV and
- 5 AIDS Program, undertake mid-term assessments and
- 6 evaluate its impact;
- 7
- 8 (g) Strengthen the collaboration between government
- 9 agencies and civil society organizations involved in
- 10 the implementation of the National HIV and AIDS
- 11 program, including the delivery of the HIV and AIDS
- 12 related services;
- 13
- 14 (h) Organize itself to enhance the efficiency of the multi-
- 15 agency and multi-sectoral structure;
- 16
- 17 (i) Mobilize domestic and international sources of fund
- 18 to finance the National HIV and AIDS Program;
- 19
- 20 (j) Coordinate and cooperate with foreign and
- 21 international organizations regarding funding, data
- 22 collection, research, and prevention and treatment
- 23 modalities on HIV and AIDS; and
- 24
- 25 (k) Recommend policy reforms to Congress, DOH and
- 26 other government agencies to strengthen the
- 27 country's response to the epidemic."
- 28

29 **SECTION 41.** Section 45 of Republic Act No. 8504 otherwise known as the "*Philippine*

30 *AIDS Prevention and Control Act of 1998*" is amended to read as follows:

31

32 "Section 45. *Membership and Composition.*—

33

- 34 (a) The Council shall be composed of ~~twenty-six~~ (26)

1 twenty-five (25) members as follows:

- 2
- 3 (1) The Secretary of the Department of Health;
- 4 (2) The Secretary of the Department of Education;
- 5 ~~Culture and Sports or his representative~~
- 6 (3) The Chairperson of the Commission on Higher
- 7 ~~Education or his representative;~~
- 8 (4) The Director-General of the Technical Education
- 9 ~~and Skills Development Authority or his~~
- 10 ~~representative;~~
- 11 (5) The Secretary of the Department of Labor and
- 12 ~~Employment or his representative;~~
- 13 (6) The Secretary of the Department of Social
- 14 ~~Welfare and Development or his representative;~~
- 15 (7) The Secretary of the Department of the Interior
- 16 ~~and Local Government or his representative;~~
- 17 (8) The Secretary of the Department of Justice ~~or his~~
- 18 ~~representative;~~
- 19 (9) The Director-General of the National Economic
- 20 ~~and Development Authority or his representative;~~
- 21 (10) The Secretary of the Department of
- 22 ~~Tourism or his representative;~~
- 23 (11) The Secretary of the Department of
- 24 ~~Budget and Management or his representative;~~
- 25 (12) The Secretary of the Department of
- 26 ~~Foreign Affairs or his representative;~~
- 27 (13) The Head of the Philippine Information
- 28 ~~Agency or his representative;~~
- 29 (14) The President of the League of
- 30 ~~Governors or his representative;~~
- 31 (15) The President of the League of City
- 32 ~~Mayors or his representative;~~
- 33 (16) ~~The Chairperson of the Committee on~~
- 34 ~~Health of the Senate of the Philippines or his~~

1 ~~representative~~ A representative from the Civil
2 Service Commission;

3 (17) ~~The Chairperson of the Committee on~~
4 ~~Health of the House of Representative of the~~
5 ~~Philippines or his representative~~ Two (2)
6 representatives from organizations of
7 medical/health professionals;

8 (18) Six (6) representatives from non-
9 government organizations involved in
10 HIV/AIDS prevention and control efforts or
11 activities; and

12 (19) A representative of an organization of
13 persons dealing with HIV/AIDS.

14
15 (b) The heads of government agencies may be
16 represented by an official from their respective
17 agencies with a rank not lower than an
18 Undersecretary.

19
20 (c) The presence of the Chairperson or the Vice
21 Chairperson of the Council, and at least seven (7)
22 other Council members and/or permanent alternates
23 shall constitute a quorum to do business, and a
24 majority vote of those present shall be sufficient to
25 pass resolutions or render decisions.

26
27 (d) To the greatest extent possible, appointment to the
28 Council must ensure sufficient and discernible
29 representation from the fields of medicine, education,
30 health care, law, labor, ethics and social services.

31
32 (e) All members of the Council shall be appointed by the
33 President of the Republic of the Philippines ~~except~~
34 ~~for the representatives of the Senate and the House~~

1 of Representatives, who shall be appointed by the
2 Senate President and the House Speaker, respectively;
3

4 (f) The members of the Council shall be appointed not
5 later than thirty (30) days after the date of the
6 enactment of this Act.
7

8 (g) The Secretary of Health shall be the permanent
9 Chairperson of the Council. However, the Vice-
10 Chairperson shall be elected ~~by its~~ from among the
11 ~~members from among themselves~~, and shall serve for
12 a term of ~~two (2)~~ five (5) years ~~and~~.
13

14 (h) ~~For~~ Members representing medical or health
15 professional groups and the six (6) non-government
16 organizations shall serve for a term of ~~two (2)~~ three
17 (3) years, renewable upon recommendation of the
18 Council for a maximum of two (2) consecutive
19 terms."
20

21 **SECTION 42.** Section 47 of Republic Act No. 8504 otherwise known as the "*Philippine*
22 *AIDS Prevention and Control Act of 1998*" is hereby repealed and replaced with the
23 following provision:
24

25 "Section 47. Secretariat.—The Council shall be supported by
26 a Secretariat consisting of personnel with the necessary
27 technical expertise and capability that shall be conferred
28 permanent appointments, subject to Civil Service rules
29 and regulations. The Secretariat shall be headed by an
30 Executive Director who shall be under the direct
31 supervision of the Chairperson of the Council.
32

33 The Secretariat shall perform the following functions:
34

- 1 (a) Coordinate and manage the day-to-day affair of the
2 Council;
3
4 (b) Assist in the formulation, monitoring, and evaluation
5 of the National HIV and AIDS programs and
6 policies;
7
8 (c) Provide technical assistance, support, and advisory
9 services to the Council and its external partners;
10
11 (d) Assist the Council in identifying and building internal
12 and external networks and partnerships;
13
14 (e) Coordinate and support the efforts of the Council
15 and its members to mobilize resources;
16
17 (f) Serve as the clearing house and repository of HIV
18 and AIDS-related information;
19
20 (g) Disseminate updated, accurate, relevant, and
21 comprehensive information about the epidemic to
22 Council members, policy makers, and the media;
23
24 (h) Provide administrative support to the Council; and
25
26 (i) Perform other functions as may be provided by the
27 Council.”
28

29 **SECTION 43.** There shall be incorporated two new provisions after Section 47 of
30 Republic Act No. 8504 otherwise known as the “*Philippine AIDS Prevention and Control Act*
31 *of 1998*” to read as follows:
32

33 “Section 47-A. National HIV and AIDS program.—A six
34 year national multi-sectoral HIV and AIDS program

(hereinafter "Program") shall be formulated and periodically updated by the Council. The Program shall comprise of the following:

- (a) The country's targets and strategies in addressing the epidemic;
- (b) The prevention, treatment, care and support, and other components of the country's response;
- (c) The six year operationalization of the program and identification of the government agencies that shall implement the program from the national to the local levels; and
- (d) The budgetary requirements and a corollary investment plan that shall identify the sources of funds for its implementation."

"Section 47-B. National HIV and AIDS and STI prevention and control program of the DOH.—The National HIV and AIDS and STI prevention and control program (hereinafter 'NASPCP') of the DOH, which shall be staffed by qualified medical specialists and support personnel with permanent appointments, shall coordinate with the Council for the implementation of the health sector's HIV and AIDS and STI response, as identified in the national HIV and AIDS program."

SECTION 44. *Penalties.*—The following penalties and sanctions shall be imposed for violations of prohibited acts in Republic Act No. 8504 otherwise known as the "*Philippine AIDS Prevention and Control Act of 1998*," as amended:

- (a) Imprisonment for six months to five years and/or a fine of not less than fifty

1 thousand pesos (PhP50,000.00) but not more than five hundred thousand pesos
2 (PhP500,000.00), in the discretion of the court, and without prejudice to the
3 imposition of administrative sanctions such as fines, suspension or revocation of
4 business permit, business license or accreditation, and professional license, shall be
5 imposed upon a person who committed a violation of the following provisions:

- 6
7 (1) Second paragraph of Section 26 of RA 8504,
8 (2) Section 17 of RA 8504,
9 (3) Sections 35, 36, 37, 38, 39, 40, 41 and 42 of RA 8504, or
10 (4) Sections 30, 31 and 32 of RA 8504.

11
12 (b) Liability under Articles 19, 20 and 21 of the *Civil Code of the Philippines* may be allowed
13 for a violation of any of the acts of discrimination as provided in Sections 35, 36, 36,
14 38, 39, 40, 41 and 42 of RA 8504.

15
16 (c) Imprisonment for six months to five years and a fine of not less than one hundred
17 thousand pesos (PhP100,000.00) but not more than five hundred thousand pesos
18 (PhP500,000.00) for a violation of Section 25-E of RA 8504: *Provided*, That if the
19 person violating the following provisions is a law enforcement agent or a public
20 official, administrative sanctions may be imposed in addition to imprisonment
21 and/or fine, in the discretion of the court.

22
23 (d) Imprisonment of two month to two years, without prejudice to the imposition of
24 administrative sanctions, fines, suspension or revocation of professional or business
25 license, for a violation of Section 11 of RA 8504.

26
27 (e) Imprisonment of one year to five years and a fine of not less than one hundred
28 thousand pesos (PhP100,000.00) but not more than five hundred thousand pesos
29 (PhP500,000.00) shall be imposed upon any person or law enforcement agent for
30 violation of Section 30-C of RA 8504: *Provided*, That law enforcement agents found
31 guilty of violating the said Section 30-C shall be removed from public service.

32
33 (f) Imprisonment of six years to twelve years, without prejudice to the imposition of
34 administrative sanctions such as fine, suspension or revocation of professional

1 license, shall be imposed upon a person who, knowingly or negligently, causes
2 another to get infected with HIV in the course of the practice of profession through
3 unsafe and unsanitary practice and procedures.
4

5 The permit or license of any business entity and the accreditation of HIV testing
6 centers may be cancelled or withdrawn if said establishments fail to maintain such
7 safe practices and procedures as may be required by the guidelines formulated in
8 compliance with Sections 12 and 13 of RA 8504.
9

10 (g) Imprisonment of six year to twelve years, upon a person living with HIV who, after
11 having been tested and found to be infected with HIV, knowingly causes a sexual
12 partner to get infected with HIV: *Provided*, That prior disclosure under Section 34 is a
13 valid defense: *Provided, further*, That prosecution under this Subsection shall be at the
14 instance of the private offended party and shall be prosecuted *de officio*: *Provided, finally*,
15 That prosecution under this Subsection shall not be used to defeat the rights of a
16 person living with HIV against discrimination.
17

18 Fines and penalties collected pursuant to this Section shall be deposited in the National
19 Treasury as income of the General Fund.
20

21 **SECTION 45. Appropriations.**—The initial amount of at least twenty million pesos
22 (PhP20,000,000.00) necessary to implement the provisions of this Act shall be charged
23 against the current year's appropriation for each of the agencies represented by the
24 members of the Council, as enumerated in Section 45 of Republic Act No. 8504, in
25 amounts to be determined by the Council, taking into consideration the number of
26 representatives each agency has to the Council. For this purpose, each of the agencies
27 represented in Section 45 shall include in their annual budget an item for the
28 implementation of Republic Act No. 8504 and the implementation of the National HIV
29 and AIDS Program in Section 47-A.
30

31 The appropriations herein contained shall include budgets for the services of the
32 members of the Secretariat as provided in Section 47 of Republic Act No. 8504.
33

1 Thereafter, such sums as may be necessary for the continued implementation of this Act,
2 but not lower than the initial amount as provided herein, shall be included in the annual
3 General Appropriations Act.

4
5 **SECTION 46. *Implementing rules and regulations.***—Within sixty (60) days from the
6 effectivity of this Act, the Council shall promulgate the necessary implementing rules and
7 regulations for the implementation of the provisions of this Act.

8
9 **SECTION 47. *Transitory provisions.***—The personnel designated by the DOH as
10 Secretariat of the Council under Section 47 of Republic Act No. 8504 otherwise known
11 as the “*Philippine AIDS Prevention and Control Act of 1998*” shall be absorbed as permanent
12 personnel to fulfill the positions of the Secretariat as provided in this Act.

13
14 **SECTION 48. *Separability clause.***—If any portion or provision of this Act is, for any
15 reason, declared unconstitutional or invalid, the same shall not affect the constitutionality
16 and validity of the other portions or provisions or have the effect of nullifying the other
17 portions and provisions hereof, and such remaining portions or provisions shall subsist
18 and be given full force and effect.

19
20 **SECTION 49. *Repealing clause.***—Republic Act No. 8504, otherwise known as the
21 “*Philippine AIDS Prevention and Control Act of 1998*,” is hereby amended.

22
23 All decrees, executive orders, proclamations and administrative regulations or parts
24 thereof, particularly in the Revised Penal Code (R.A. No. 3815), Anti-Rape Law of 1997
25 (R.A. No. 8353), Family Code of the Philippines (E.O. No. 209), National Blood
26 Services Act (R.A. No. 7719), and the Organ Donation Act of 1991 (R.A. No. 7170),
27 inconsistent with the provisions of this Act are hereby repealed, amended or modified
28 accordingly.

29
30 **SECTION 50. *Effectivity clause.***—This Act shall take effect fifteen (15) days after its
31 publication in any national paper of general circulation.

32
33 Approved,