



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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **964**



Introduced by Representative Crispin Diego “Ping” D. Remulla

AN ACT
PROVIDING FOR COUNSELING AND TESTING OF PREGNANT WOMEN AND
NEWBORN INFANTS FOR INFECTION WITH HUMAN IMMUNODEFICIENCY
VIRUS AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Prenatal transmission remains the leading cause of pediatric HIV infections, including AIDS cases, in the Philippines. Alarming, recent data indicate that HIV-infected women continue to give birth each year, with many infants unknowingly born with the virus, often without timely intervention or awareness on the part of relevant government agencies, such as the Department of Health.

Medical advances have proven that prenatal HIV transmission can be nearly eliminated. Studies show that the timely administration of antiretroviral therapy (ART) during pregnancy, labor, and immediately after birth can drastically reduce the risk of mother-to-child transmission. However, these life-saving interventions are rendered ineffective without early detection of HIV among expectant mothers.

To help curb the rising incidence of HIV in the country, it is imperative that all pregnant women be counseled and offered voluntary HIV testing. In addition, mandatory HIV testing of newborns and universal HIV screening for pregnant women represent crucial strategies for identifying, treating, and preventing HIV infections in both mothers and children.

This proposed measure seeks to institutionalize routine HIV testing for pregnant women and newborn infants. By ensuring early detection, appropriate counseling, and timely medical intervention, the bill aims to reduce the number of pediatric HIV infections, improve access to health care for affected women and children, and create opportunities to break the chain of transmission to future generations.

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

A handwritten signature in black ink, appearing to read 'C. Remulla', with a stylized flourish at the end.

CRISPIN DIEGO "PING" D. REMULLA



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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 364

Introduced by Representative Crispin Diego “Ping” D. Remulla

AN ACT
PROVIDING FOR COUNSELING AND TESTING OF PREGNANT WOMEN AND
NEWBORN INFANTS FOR INFECTION WITH HUMAN IMMUNODEFICIENCY
VIRUS AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Short Title.*** - This Act shall also be known as the “*Women and Children’s*
2 *HIV Protection Act*”.

3 **SEC. 2. *Declaration of Policy.*** - It is the declared policy of the State to protect and
4 promote the right to health and instill health consciousness among them by sponsoring
5 programs that will address current health predicaments such as ADS prevention, with the end
6 in view of educating the public, particularly women and children, on various means to protect
7 themselves from the disease, and engaging the government to undertake special project aimed
8 at detecting, controlling and abating the spread of the virus on the other hand.

9 **SEC. 3. *Testing Requirement.*** - All government-funded hospitals under the
10 supervision of the Department of Health and those directly administered by local government
11 units shall undertake the following:

- 12 1. Provide all pregnant women receiving prenatal care with counseling and testing
13 regarding HIV disease;
- 14 2. Release the results of such testing and promptly disclose the same to the pregnant
15 woman involved;

1 3. In the case of newborn infants, and whose biological mothers have not undergone
2 prenatal testing for HIV disease, provide each such infant with comprehensive
3 testing for such disease;

4 4. Release the results of such testing of a newborn infant and promptly disclose the
5 same in accordance with the following, as applicable to the infant involved:

6 a. To the biological mother of the infant (without regard to whether she is
7 the legal guardian of the infant);

8 b. To the legal guardian of the infant in appropriate case; and,

9 c. To the child's health care provider.

10 **SEC. 4. Confidentiality and Informed Consent.** – All HIV testing conducted under
11 this Act shall be performed only after the pregnant woman has given her written informed
12 consent, following the provision of pre-test information and counseling. The results of any HIV
13 test administered under this Act shall be treated with utmost confidentiality. Disclosure of the
14 test results shall only be made to the person tested. In case of a minor, to the parent or legal
15 guardian. Any unauthorized disclosure of confidential HIV-related information by any health
16 worker, officer, or staff shall be subject to administrative, civil, or criminal liability in
17 accordance with applicable laws.

18 **SEC. 5. Liabilities.** – Any health officer, physician, or any other person working for
19 any government-funded hospital, who fails to comply with the mandatory requirements set
20 forth in the preceding section shall be held administratively and civilly liable, in accordance
21 with appropriate provisions of the Civil Code, the Rules of Court, and other pertinent laws.

22 **SEC. 6. Guidelines.** – The Department of Health shall issue appropriate guidelines,
23 within two months after the effectivity of this Act, making such testing, counseling, and
24 treatment the standard of care among government-funded hospitals.

25 **SEC. 7. Separability Clause.** – If any provision or part hereof, is held invalid or
26 unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain
27 valid and subsisting.

28 **SEC. 8. Repealing Clause.** – Any law, presidential decree or issuance, executive order,
29 letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the
30 provisions of this Act is hereby repealed, modified or amended accordingly.

31 **SEC. 9. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
32 publication in at least two (2) newspapers of general circulation.

Approved,