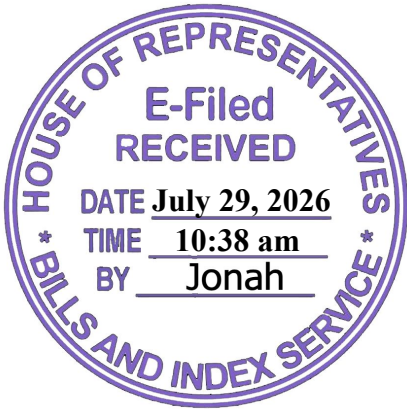


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session



HOUSE BILL NO. 10358

**Introduced by AKBAYAN Representatives PERCIVAL V. CENDAÑA,
JOSE MANUEL TADEO "CHEL" I. DIOKNO, and DADAH KIRAM ISMULA and
Dinagat Islands Representative KAKA BAG-AO**

**AN ACT INSTITUTING A POLICY ON BLOODBORNE VIRAL HEPATITIS
TESTING AND SCREENING**

EXPLANATORY NOTE

In line with Section 15, Article II of the 1987 Philippine Constitution, this proposed measure is anchored on two equally important state interests. First, it promotes the health and well-being of the population through the prevention, early detection, and treatment of diseases such as bloodborne viral hepatitis, which remains a significant public health concern and a leading cause of liver cirrhosis and liver cancer. Second, it protects the rights of Filipinos living with Hepatitis B and Hepatitis C, who continue to face stigma, discrimination, and even loss of livelihood on account of their health status, despite the existence of a safe vaccine and treatment modalities for both diseases. It ensures that persons living with these illnesses are able to live with dignity, free from fear, shame, or exclusion, and are treated not as carriers of disease but as Filipinos entitled to the same respect, opportunities, and protection under the law as everyone else.

To reconcile these two interests, the bill promotes voluntary and confidential testing as the standard approach to hepatitis diagnosis, while expressly prohibiting mandatory and routine screening as a pre-condition for employment, admission to school, or access to services. It likewise defines the limited and specific instances in which compulsory testing may still be allowed, such as for offenders charged under the Anti-Rape Law, blood and organ donation, and the surveillance of health workers who perform exposure-prone procedures, subject to safeguards against misuse of results.

By striking this balance between public health protection and the safeguarding of individual rights, this measure aims to encourage more Filipinos to come forward for testing without fear of discrimination, thereby improving early detection, expanding access to treatment, and ultimately reducing the incidence of liver disease attributable to Hepatitis B and Hepatitis C.

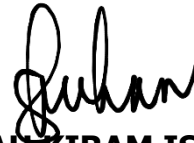
In view of the foregoing, the immediate passage of this bill is earnestly sought.



PERCIVAL V. CENDAÑA
Akbayan Representative



JOSE MANUEL TADEO
"CHEL" I. DIOKNO
Akbayan Representative



DADAH KIRAM ISMULA
Akbayan Representative



KAKA J. BAG-AO
Dinagat Islands Representative

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**AN ACT INSTITUTING A POLICY ON BLOODBORNE VIRAL HEPATITIS
TESTING AND SCREENING**

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 "Bloodborne Viral Hepatitis
2 Testing Act".
3

4 SEC. 2. *Declaration of Policy.* – It is hereby declared that the policy of the State is to
5 promote health and well-being of the population through prevention, early detection and
6 treatment of diseases like bloodborne viral hepatitis, as well as, to protect the rights of
7 people living with these diseases who suffer from stigma and discrimination through the
8 promotion of voluntary and confidential testing of bloodborne viral hepatitis and the
9 prohibition of mandatory and routine screening of the same.
10

11 SEC. 3. *Definition of Terms.* – For the purposes of this Act, the following definitions shall
12 apply:

- 13 a. Bloodborne Viral Hepatitis - refers to the disease caused by both Hepatitis B and
14 Hepatitis C virus which can be transmitted by exposure to infected blood and other
15 body fluids, producing, among others, jaundice and chronic inflammation of the
16 liver.
- 17 b. Exposure-prone Procedures (EPP) - refers to invasive procedures where there is a
18 risk that injury to the worker may result in the exposure of the patient's open
19 tissues to the blood of the worker, including procedures where the workers gloved
20 hands may be in contact with sharp instruments, needle tips or sharp tissues (e.g.
21 spicules of bone or teeth) inside.
- 22 c. Hepatitis B Virus (HBV) and Hepatitis C Virus (HCV) - refers to the virus that causes
23 Hepatitis B and Hepatitis C respectively. A safe and effective vaccine is available
24 for Hepatitis B, while there is none for Hepatitis C. Treatment modalities are
25 available to effectively manage the symptoms and to prevent complications caused
26 by these diseases.
- 27 d. Hepatitis Testing or Screening - refers to any facility-based or mobile medical
28 procedure that is conducted to determine the presence or absence of Hepatitis B
29 or C or the circulating viral burden in a person's body.

- e. Universal Precautions - refers to the practice of avoiding contact with bodily fluids, assuming it to be infected, by means of non-porous articles or other personal protective equipment.
- f. Workplace - refers to the office, premises or worksite, whether in the private or the public sector, including government agencies, their subdivisions, instrumentalities, and government-owned and controlled corporations, where a worker is temporarily or habitually assigned. Where there is a no fixed or definite workplace, the term shall include the place where a worker performs regular work, or where a worker regularly reports to render service or to take an assignment.

SEC. 4. *Voluntary Hepatitis Testing.* — As a matter of policy, the State shall encourage voluntary hepatitis testing. Written consent of the person taking the test or the parent or legal guardian of a minor or legally incapacitated taking the test must be obtained before such testing. The conduct of hepatitis testing as a pre-requisite for hiring, employment, renewal of employment or continued employment, or as part of a routine health check-up without clinical indication or medical justification, or as a pre-requisite for admission to, basis for expulsion from or any disciplinary action in educational institutions, shall be prohibited.

SEC. 5. *Confidentiality of Hepatitis Testing.* — In all cases, access to all information related to a persons' HBV or HCV status including the results of hepatitis testing shall be kept strictly confidential except when disclosed with the written consent of the individual or the parent or legal guardian of the minor or legally incapacitated whose HBV or HCV status is involved, unless otherwise required by law.

SEC. 6. *Counselling and Referral for Further Management.* — All hepatitis testing shall include counselling, which should be able to provide the individual who took the test information on measures to prevent transmission and, if necessary, a referral to a health practitioner for further evaluation and management.

SEC. 7. *Exceptions to Voluntary Hepatitis Screening and Testing.* — Compulsory testing for bloodborne viral hepatitis shall be allowed only in the following instances:

- a. When it is necessary to test a person, who is charged with any of the offenses punishable under Article 264, 266, 335 and 338 of the Revised Penal Code, as amended by Republic Act No. 8353, otherwise known as the Anti-Rape Law of 1997;
- b. As a prerequisite in the donation of blood in compliance with the provisions of Republic Act No. 7170, otherwise known as the Organ Donation Act, and Republic Act No. 7719, otherwise known as the National Blood Services Act;
- c. As part of surveillance and management of bloodborne hepatitis among health care workers involved in exposure prone procedures. Provided, That it shall not be a pre-requisite for admission to or a basis for expulsion or any disciplinary action in an educational institution for health care workers or for employment or re-employment in a health care facility, Provided, further, That positive results of such testing shall not be used as justification for the termination of a health care worker employed in a health facility.

SEC. 8. *Testing for Organ Donation.* — Lawful consent to HBV and HCV testing of a donated human body, organ, tissue, or blood shall be considered as having been given when:

- a. A person volunteers or freely agrees to donate one's blood, organ, or tissue for transfusion, transplantation, or research; and

- 1 b. A legacy and a donation are executed in accordance with Sections 3 and 4
2 respectively, of Republic Act No. 7170 otherwise known as the Organ Donation Act
3 of 1991.

4
5 SEC. 9. *Hepatitis Testing Among Individuals with Clinical Justification for Testing.* —
6 Hepatitis testing shall be highly encouraged among individuals who, based on a
7 reasonable assessment of a physician, shall benefit from the conduct of said testing.
8 Provided, That voluntary consent must be obtained prior to such testing, adequate
9 counselling must be provided, and that any individual who refuses to undergo such testing
10 shall not be subjected to discriminatory acts as defined in Section 12.

11
12 SEC. 10. *Prevention, Detection, and Management of Bloodborne Hepatitis in Workplace*
13 *Settings with High-Risk of Transmission.* – In institutions or workplace settings with high-
14 risk transmission like hospitals, health facilities, diagnostic clinics, blood donation centers,
15 among others, measures to interrupt transmission of bloodborne viral hepatitis from
16 health provider to patient and vice versa shall be adopted, including but not limited to:

- 17
18 a. Routine surveillance of personnel performing exposure prone procedures and
19 provision of support and access to treatment for those with positive results;
20 b. Hepatitis B vaccination for all personnel if they have no documented evidence of
21 pre-existing immunity;
22 c. Strict adherence and practice of universal precautions and provision of personal
23 protective equipment for workers whose work entails exposure to blood and other
24 body fluids;
25 d. Provision and maintenance of adequate hygiene facilities and mechanisms to
26 ensure proper disposal of infectious and potentially contaminated materials;
27 e. Development of protocols for the management of health workers exposed to
28 agents contaminated with bloodborne infectious diseases in all health care and
29 health care-related institutions and facilities;
30 f. Education and training on the prevention transmission of bloodborne hepatitis and
31 other infectious diseases in the workplace; and
32 g. Development of a protocol for the confidential management of restrictions on the
33 conduct of EPPs and reasonable reassignment of personnel with restrictions to
34 conduct EPP to other work assignments based on the persons clinical status and
35 based on best available scientific evidence.

36
37 SEC. 11. *Regulation of Hepatitis Testing Services.* — To ensure access to voluntary and
38 confidential hepatitis testing, the DOH shall:

- 39 a. Regulate public and private facilities that conduct hepatitis testing services.
40 Provided, That only DOH-accredited hepatitis testing facilities shall be allowed to
41 conduct such testing;
42 b. Develop the guidelines for voluntary and confidential hepatitis testing including
43 protocols for counselling and referral to health providers for further evaluation and
44 management;

45
46 SEC. 12. *Discriminatory Acts.* — The following discriminatory acts and practices shall be
47 prohibited:

- 48
49 a. Discrimination in any form, from pre-employment to post-employment, including
50 hiring, assignment, promotion, based on the actual or perceived HBV or HCV status
51 of an individual, non-disclosure of one's own or another person's HBV and HCV
52 status, or refusal to undergo hepatitis testing;
53 b. Termination from work on the sole basis of actual, perceived, or suspected HBV or
54 HCV, non-disclosure of one's own or another person's HBV and HCV status, or

- 1 refusal to undergo hepatitis testing;
- 2 c. Refusal of admission, expulsion, segregation, imposition of harsher disciplinary
- 3 actions, or denial of benefits or services of a student or a prospective student
- 4 solely or partially on the basis of actual, perceived or suspected HBV or HCV, non-
- 5 disclosure of said status, or refusal to undergo hepatitis testing;
- 6 d. Exclusion from health, accident, or life insurance, credit and loan services,
- 7 including the extension of such loan or insurance facilities, of an individual solely
- 8 or partially on the basis of actual, perceived, or suspected HBV and HCV status:
- 9 Provided, That the person with positive HBV and HCV has not misrepresented the
- 10 fact to the insurance company or loan or credit service provider upon application;
- 11 e. Denial of or provision of subpar health services or being charged with a higher fee,
- 12 on the basis of actual, perceived or suspected HBV or HCV status, nondisclosure
- 13 of said status, or refusal to undergo hepatitis testing;
- 14 f. Denial and deprivation of private health insurance under a Health Maintenance
- 15 Organization (HMO) and private life insurance coverage under a life insurance
- 16 company on the basis of the person's HBV and HCV status: Provided, That the
- 17 person with positive HBV and HCV has not misrepresented such fact to the HMO
- 18 and private life insurance company upon application; and
- 19 g. Other similar or analogous discriminatory acts.

20
21 SEC. 13. *Protection of Workers with Bloodborne Viral Hepatitis.* – Employers shall adopt
22 all reasonable measures to accommodate workers who are HBV-positive, HCV-positive,
23 or affected by a Hepatitis B or Hepatitis C -related illness who voluntarily disclose their
24 status to their employers, including but not limited to flexible leave arrangements, re-
25 scheduling of work hours, and workforce re-integration assistance, and facilitation of
26 access to treatment.

27
28 SEC. 14. *Education on Bloodborne Viral Hepatitis.* – The DOH, together with other
29 partners in the health sector, shall strengthen the nationwide program on prevention of
30 bloodborne viral hepatitis by raising awareness on the disease and disease prevention,
31 promoting universal coverage of Hepatitis B vaccination, and advocating for voluntary
32 hepatitis testing in the general population.

33
34 SEC. 15. *Penalties.* – Violations of any provision of this Act including, but not limited to,
35 those related to the non-compulsory nature of Hepatitis B and C testing, discrimination
36 in the workplace and confidentiality, shall be punished with imprisonment of not less than
37 six (6) months but not greater than four (4) years, and a fine not exceeding Fifty
38 Thousand pesos (Php 50,000.00). In addition, the licenses or permits of establishments,
39 companies and other institutions found guilty of committing the discriminatory acts and
40 policies described in this Act, shall be revoked.

41
42 SEC. 16. *Implementing Rules and Regulations.* – The DOH and DOLE, in coordination with
43 other relevant government agencies, non-governmental organizations, and private
44 organizations, shall issue the Implementing Rules and Regulations necessary for the
45 effective implementation of this Act within ninety (90) days from the effectivity thereof.

46
47 SEC. 17. *Appropriations.* – The amounts necessary for the initial implementation of the
48 provisions of this Act shall be charged against the current year's appropriations of the
49 DOH. Thereafter, the expenses for its continued implementation shall be included in the
50 General Appropriations Act from funds appropriated to the DOH.

51
52 SEC. 18. *Separability Clause.* – If any provision of this Act is declared unconstitutional or
53 invalid by a court of competent jurisdiction, the remaining provisions not affected thereby
54 shall continue to be in full force and effect.

1 SEC. 19. *Repealing Clause.* — All laws, decrees, executive orders, department or
2 memorandum orders and other administrative issuances, or parts thereof, which are
3 inconsistent with the provisions of this Act are hereby modified, superseded or repealed
4 accordingly.
5
6 SEC. 20. *Effectivity.* — This Act shall take effect fifteen (15) days after publication in the
7 Official Gazette or in at least two (2) newspapers of general circulation.

Approved,