


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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OF THE SECRETARY
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SENATE

S. B. No. 1789

RECEIVED BY: 

Introduced by Senator LUISA "LOI" P. EJERCITO ESTRADA

EXPLANATORY NOTE

Prenatal transmission is the leading cause of pediatric HIV infections, including AIDS cases. In fact, recent studies suggest that HIV-infected women give birth and many babies continue to be born with HIV infection each year, without the knowledge of appropriate government agencies like the Department of Health.

While medical advances have made it possible to nearly eliminate prenatal HIV transmission, as research studies have demonstrated that the administration of antiviral medication during pregnancy, during labor, and immediately following birth can significantly reduce the transmission of HIV from an infected mother to her baby, the same could not be effectively employed if there is failure to detect who among pregnant women are inflicted with the disease.

If only to abate the alarming increase of HIV cases in the country, all pregnant women should be counseled and offered voluntary HIV testing. Certainly, mandatory testing of newborns and universal HIV testing of pregnant woman are the best approaches for identifying, treating, and preventing HIV among pregnant women and children.

The proposed measure seeks to provide for HIV testing of pregnant women and newly born infants, considering that appropriate counseling and treatment can significantly reduce the number of pediatric HIV infections, including AIDS cases, can improve access to and medical care for the woman and children, and can provide opportunities to further reduce transmission among adults.

Hence, immediate passage of the bill is earnestly sought.


LUISA "LOI" P. EJERCITO ESTRADA
Senator

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SEP 14 9 33 AM '04

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S. B. No. 1789

Introduced by Senator LUISA "LOI" P. EJERCITO ESTRADA

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

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

SECTION 1. *Short Title* – This Act shall also be known as the “Women and Children’s HIV Protection Act of 2004.”

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

SECTION 3. *Testing Requirement* – All government funded hospitals under the supervision of the Department of Health and those directly administered by local government units shall undertake the following:

1. Provide all pregnant women receiving prenatal care with counseling and testing regarding HIV disease.

2. Release the results of such testing and promptly disclose the same to the pregnant woman involved.
3. In the case of newborn infants, and whose biological mothers have not undergone prenatal testing for HIV disease, provide each such infant with comprehensive testing for such disease.
4. Release the results of such testing of a newborn infant and promptly disclose the same in accordance with the following, as applicable to the infant involved:
 - a. To the biological mother of the infant (without regard to whether she is the legal guardian of the infant;
 - b. To the legal guardian of the infant in appropriate case; and
 - c. To the child's health care provider.

SECTION 4. *Liabilities* – Any health officer, physician or any other person working for any government funded hospital, who fails to comply with the mandatory requirements set forth in the preceding section shall be held administratively and civilly liable, in accordance with appropriate provisions of the Civil Code, the Rules of Court and other pertinent laws.

SECTION 5. *Guidelines* – The Department of Health shall issue appropriate guidelines, within two months after the effectivity of this Act making such testing, counseling, and treatment the standard of care among government-funded hospitals.

SECTION 6. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.