

20 JUL 19 1998

SENATE  
S. No. 1573

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

At its forty-ninth session in September 1998, the Regional Committee of the World Health Organization reported that there is a high incidence and prevalence of sexually transmitted infections (STIs) in the Western Pacific Region, thus, there is the potential for increased HIV transmission in many countries.

A sexually transmitted disease (STD) or venereal disease (VD), is an illness that has a significant probability of transmission between humans or animals by means of sexual contact, including vaginal intercourse, oral sex, and anal sex. Increasingly, the term sexually transmitted infection (STI) is used, as it has a broader range of meaning; a person may be *infected*, and may potentially infect others, without showing signs of *disease*. Some STIs can also be transmitted via use of an IV drug needle after its use by an infected person, as well as through childbirth or breastfeeding. Some common STDs include HIV (human immunodeficiency virus), Gonorrhea and Syphilis. HIV attacks the body's T-cells, and which damages the body's ability to fight off invading germs and disease. People with HIV become more susceptible to other infections and they may get certain types of cancer that a healthy body would normally be able to fight off. This weakened immunity (or immune deficiency) is known as AIDS and can result in severe life-threatening infections, some forms of cancer. Gonorrhea may cause sterility, arthritis, or heart problems if untreated. Women may develop pelvic inflammatory disease (infection of the reproductive organs that can cause infertility) and men may develop epididymis (inflammation of testicular tubes). Syphilis, if untreated, damage caused during later stages cannot be undone. Untreated syphilis may damage the nervous system, heart, brain, or other organs, and in some cases cause death.

The 1987 Constitution, Article 2, Section 15, provides:

Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

Further, we are a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Under Article 12 of this treaty, our obligations include the following:

Article 12.

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

This bill requires the Department of Health and local health departments to provide information to the public and health care professionals about the health consequences of untreated sexually transmitted diseases; medical options for treatment of sexually transmitted diseases; and services and medical benefits that are available for treatment of sexually transmitted diseases. In addition to this a government-sponsored website will be provided to help minimize the risks of STDs and to make medical support accessible and available to anyone needing help.

This bill is meant to complement R.A. 8504 which concentrates on the prevention and control of HIV/AIDS, as well as existing programs of the DOH on the prevention and control of HIV/AIDS and STIs. <sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*acs*

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<sup>1</sup> This bill was originally filed in the Fourteenth Congress, Second Regular Session

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1 AN ACT

2 INSTITUTING A COMPREHENSIVE NATIONAL HEALTH PROGRAM TO PREVENT  
3 AND ADDRESS SEXUALLY TRANSMITTED INFECTIONS IMPLEMENTING A  
4 NATIONWIDE AWARENESS PROGRAM, AND APPROPRIATING FUNDS THEREFORE  
5

6 *Be it enacted by the Senate and the House of Representatives of the Philippines in*  
7 *Congress assembled:*  
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9 SECTION 1. *Short Title.* – This Act shall be known as the “STD Prevention Act.”

10 SECTION 2. *Declaration of Policy.* -

11 (a) The State shall promote public awareness about the causes, modes of transmission,  
12 consequences, means of prevention and control of HIV/AIDS through a comprehensive  
13 nationwide educational and information campaign organized and conducted by the State. Such  
14 campaigns shall promote value formation and employ scientifically proven approaches, focus on  
15 the family as a basic social unit, and be carried out in all schools and training centers,  
16 workplaces, and communities. This program shall involve affected individuals and groups,  
17 including people living with HIV/AIDS.

18 (b) The state shall extend to every person suspected or known to be infected with  
19 HIV/AIDS full protection of his/her human rights and civil liberties. Towards this end,  
20 compulsory HIV testing shall be considered unlawful unless otherwise provided in this Act;

21 (c) The State shall promote utmost safety and universal precautions in practices and  
22 procedures that carry the risk of HIV transmission.

23 SECTION 3. *Definition of Terms.* – For purposes of this Act, the following terms:

24 (1) “DOH” – shall refer to the Department of Health.

25 (2) “PIA” – Philippine Information Agency

1 (3) "STD" – shall refer to sexually transmitted diseases, or infectious diseases acquired  
2 through sexual contact. The term shall include but is not limited to the following:

- 3 1. AIDS (Acquired Immune Deficiency Syndrome)
- 4 2. HIV (Human Immunodeficiency Virus which causes AIDS)
- 5 3. Herpes
- 6 4. Gonorrhea
- 7 5. Syphilis
- 8 6. Chlamydia
- 9 7. Genital warts
- 10 8. Trichomoniasis

11 SECTION 4. *National Program for STD and STI Prevention.* – The DOH shall distribute  
12 to the public and to health care professionals:

13 A. medically accurate information about sexually transmitted including:

- 14 1. the probable side effects resulting from an untreated sexually transmitted  
15 disease, including infertility and sterility;
- 16 2. medically accepted treatment for sexually transmitted diseases; and
- 17 3. the medical risks commonly associated with the medical treatment of  
18 sexually transmitted diseases.

19 B. public and private services and agencies available to assist individuals with obtaining  
20 treatment for the sexually transmitted disease;

21 C. medical assistance benefits that may be available to the individual with the sexually  
22 transmitted disease; and

23 D. The information referred to above shall be distributed

- 24 1. free of charge;
- 25 2. provided in English, Pilipino as well as other dialects that may be appropriate  
26 for the geographic area.

27 SECTION 5. *Establishment of a website* – The DOH, in cooperation with the PIA, shall  
28 establish an information site on the Internet, which shall serve as a public resource for Sexual

1 Health information. It shall include facts on STD symptoms, prevention, treatment, testing and  
2 all other topics.

3 SECTION 6. *Testing and Rehabilitation Services.* — The DOH is hereby mandated to  
4 establish testing centers for early detection of STDs. The centers must also provide referral  
5 services to patients, identifying medical expertise and facilities that are most appropriate to the  
6 needs of the patients.

7 SECTION 7. *Medical Confidentiality* - All health professional, medical instructions,  
8 workers, employers, recruitment agencies, insurance companies, data encoders, and other  
9 custodians of any medical record, file, data, or test results as directed to strictly observe  
10 confidentiality in the handling of all medical information, particularly the identify and status of  
11 persons with STD.

12 SECTION 8. *Implementing Agency.* — The Department of Health (DOH), in cooperation  
13 with the Philippine Information Agency (PIA), is hereby authorized and directed to adopt a  
14 system to implement and carry out the provisions of this Act. The DOH shall, within sixty (60)  
15 days from the effectivity of this Act, promulgate rules and regulations to carry out and enforce  
16 the provisions of this Act.

17 SECTION 9. *Penalties for Misleading Information* - Misinformation on HIV/AIDS  
18 prevention and control through false and misleading advertising and claims in any of the tri-  
19 media or the promotional marketing of drugs, devices, agents or procedures without prior  
20 approval from the Department of Health and Bureau of Food and Drugs and the requisite  
21 medical and scientific basis, including markings and indications in drugs and devices or agents,  
22 purporting to be a cure or a fail-safe prophylactic for HIV infection is punishable with a penalty  
23 of imprisonment for two (2) months to 2 (2) years, without prejudice to the imposition of  
24 administrative sanctions such as fines and suspension or revocation of professional or business  
25 license.

1           SECTION 10. *Penalties for Violations of Confidentiality* - Any violation of medical  
2 confidentiality as provided in Section 6 of this Act shall suffer the penalty of imprisonment for  
3 six (6) months to four (4) years, without prejudice to administrative sanctions such as fines and  
4 suspension or revocation of the violator's license to practice his/her profession, as well as the  
5 cancellation or withdrawal of the license to operate any business entity and the accreditation of  
6 hospitals, laboratories or clinics.

7           SECTION 11. *Appropriations*. – A special fund amounting to fifty million pesos (Php  
8 50,000,000.00) which shall be sourced from the funds of the Philippine Amusement and Gaming  
9 Corporation (PAGCOR) is hereby created. Other amounts as may be necessary to carry out the  
10 provisions of this Act, are hereby authorized to be appropriated from the National Treasury.

11           SECTION 12. *Separability Clause*. – If any provision or part hereof, is held invalid or  
12 unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain  
13 valid and subsisting.

14           SECTION 13. *Repealing Clause*. - Any law, presidential decree or issuance, executive  
15 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent  
16 with the provisions of this Act is hereby repealed, modified or amended accordingly.

17           SECTION 14. *Effectivity Clause*. - This Act shall take effect fifteen (15) days after its  
18 publication in at least two (2) newspapers of general circulation.

19           Approved,

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