

SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



Senate  
Office of the Secretary

'18 MAR -5 P4 :38

SENATE  
S. B. No. 1726

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Introduced by Senator Aquilino "Koko" Pimentel III

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AN ACT  
AMENDING REPUBLIC ACT NO. 8504, OR THE "PHILIPPINE  
AIDS PREVENTION AND CONTROL ACT OF 1998"

EXPLANATORY NOTE

In the almost twenty years since the enactment of *Republic Act No. 8504*, or the "*Philippine AIDS Prevention and Control Act of 1998*", individuals with human immunodeficiency virus (HIV) continue to face stigma and discrimination. This stigma and discrimination compound their affliction and discourage others who may be infected with the disease from submitting themselves to testing and treatment.

In the interest of protecting those already infected by HIV and to encourage those who may be infected to seek proper help, there is a need to ensure that their status as persons with HIV will remain confidential unless that information is needed for proper treatment, or unless they desire to disclose that information publicly. A wide-reaching mandate of confidentiality will also prevent the malicious or irresponsible disclosure of the HIV status of persons that will only fuel prejudice.

For the above-mentioned reasons, passage of this measure is earnestly sought.

AQUILINO "KOKO" PIMENTEL III



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AIDS PREVENTION AND CONTROL ACT OF 1998"

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

1        **SECTION 1. *Amendment to Confidentiality.*** - Section 30 of  
2        *Republic Act No. 8504* is hereby amended to read as follows:

3  
4        SEC. 30. [*Medical confidentiality*] **CONFIDENTIALITY.** –  
5        **ANY PERSON TO WHOM PERSONS WITH HIV**  
6        **DISCLOSE THEIR CONDITION** [All health  
7        professionals, medical instructors, workers, employers,  
8        recruitment agencies, insurance companies, data encoders,  
9        and other custodians of any medical record, file, data or test  
10       results are directed to] **SHALL** strictly observe  
11       confidentiality in the handling of [all medical information,  
12       particularly the identity and status of persons with HIV]  
13       **THAT INFORMATION AND SHALL REFRAIN FROM**  
14       **DISCLOSING THE SAME TO ANY UNAUTHORIZED**  
15       **PERSON OR MAKING THAT INFORMATION**  
16       **PUBLIC. THIS OBLIGATION TO OBSERVE**  
17       **CONFIDENTIALITY SHALL EXTEND TO ANY**  
18       **PERSON WHO SHALL BECOME AWARE OF THE**  
19       **CONDITION OF A PERSON WITH HIV.**



1  
2       **SEC. 2. Amendment to Exceptions to Confidentiality.** - Section  
3 31 of Republic Act No. 8504 is hereby amended to read as follows:  
4

5       SEC. 31. *Exceptions to the mandate of confidentiality.* –  
6 [Medical confidentiality] **CONFIDENTIALITY** shall not be  
7 considered breached in the following cases:  
8

9       (a) When complying with reportorial requirements in  
10 conjunction with the AIDSWATCH programs provided  
11 in Sec. 27 of this Act;  
12

13       (b) When informing [other] health workers directly  
14 involved or about to be involved in the treatment or  
15 care of a person with HIV/AIDS: *Provided*, That such  
16 treatment or care carry the risk of HIV transmission:  
17 *Provided, further*, That such workers shall be obliged to  
18 maintain the shared [medical] confidentiality;  
19

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

31       **(D) WHEN THE PERSON WITH HIV MAKES A**  
32 **PUBLIC STATEMENT ACKNOWLEDGING HIS**  
33 **OR HER CONDITION WITH THE SPECIFIC**  
34 **INTENT TO MAKE THE INFORMATION**  
35 **PUBLIC.**  
36

1           **SEC. 3. Amendment to Penalties.** - Section 33 of Republic Act No.  
2 8504 is hereby amended to read as follows:

3  
4           SEC. 33. *Penalties for violations of confidentiality.* – Any  
5 violation of [medical] confidentiality [as provided in Sections  
6 30 and 32 of this Act] shall [suffer] **BE METED** the [penalty  
7 of imprisonment for six (6) months to four (4) years, without  
8 prejudice to administrative sanctions such as fines and  
9 suspension or revocation of the violator's license to practice  
10 his/her profession, as well as the cancellation or withdrawal  
11 of the license to operate any business entity and the  
12 accreditation of hospitals, laboratories or clinics.]

13 **FOLLOWING PENALTIES:**

14  
15 **(A) SIX (6) MONTHS TO TWO (2) YEARS OF**  
16 **IMPRISONMENT FOR ANY PERSON WHO**  
17 **BREACHES CONFIDENTIALITY AS PROVIDED**  
18 **IN SECTION 30 OF THIS ACT;**

19  
20 **(B) TWO (2) YEARS AND ONE (1) DAY TO FIVE (5)**  
21 **YEARS OF IMPRISONMENT FOR ANY PERSON**  
22 **WHO CAUSES THE MASS DISSEMINATION OF**  
23 **THE HIV STATUS OF A PERSON, INCLUDING**  
24 **SPREADING THE INFORMATION ONLINE OR**  
25 **MAKING STATEMENTS TO THE MEDIA, IN**  
26 **VIOLATION OF SECTIONS 30 AND 32 OF THIS**  
27 **ACT; AND**

28  
29 **(C) FIVE (5) YEARS AND ONE (1) DAY TO SEVEN**  
30 **(7) YEARS OF IMPRISONMENT FOR ANY**  
31 **HEALTH PROFESSIONAL, MEDICAL**  
32 **INSTRUCTOR, WORKER, EMPLOYER,**  
33 **RECRUITMENT AGENCY, INSURANCE**  
34 **COMPANY, DATA ENCODER, AND OTHER**  
35 **CUSTODIAN OF ANY MEDICAL RECORD,**  
36 **FILE, DATA, OR TEST RESULT WHO**



1                   **BREACHES CONFIDENTIALITY AS PROVIDED**  
2                   **IN SECTIONS 30 AND 32 OF THIS ACT.**

3  
4                   **THESE           PENALTIES           ARE           WITHOUT**  
5                   **PREJUDICE           TO           ANY           ADMINISTRATIVE**  
6                   **SANCTIONS           OR           CIVIL           SUITS           THAT           MAY           BE**  
7                   **BROUGHT           AGAINST           PERSONS           WHO           VIOLATE**  
8                   **CONFIDENTIALITY           UNDER           THIS           ACT.**

9  
10                   **SEC. 4. *Implementing Rules and Regulations.*** - Within three (3)  
11 months of the effectivity of this Act, the Philippine National Aids  
12 Council shall issue revised rules and regulations to fully implement the  
13 amendments introduced by this Act. In the interim, all persons with HIV  
14 shall already enjoy the expanded right of confidentiality provided under  
15 this Act.

16  
17                   **SEC. 5. *Separability Clause.*** - If any provision of this Act is  
18 declared invalid, any provision not affected thereby shall remain in force  
19 and effect.

20  
21                   **SEC. 6. *Repealing Clause.*** - All laws, decrees, executive orders,  
22 rules and regulations, and issuances inconsistent with the provisions of  
23 this Act are hereby repealed, amended, or modified accordingly.

24  
25                   **SEC. 7. *Effectivity.*** - This Act shall take effect fifteen (15) days  
26 after its publication in the *Official Gazette* or in two (2) newspapers of  
27 general circulation.

*Approved,*