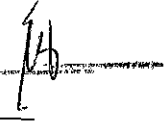


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SENATE
P.S. Res. 686

RECEIVED BY: _____



Introduced by Senator Villar

RESOLUTION
URGING THE SENATE COMMITTEE ON HEALTH AND DEMOGRAPHY TO CONDUCT AN INQUIRY AND ASSESSMENT, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF HIV/AIDS IN THE COUNTRY UNDER REPUBLIC ACT 8504, IN THE LIGHT OF THE RECENT REPORTS OF LAX AND UNSAFE HIV TESTING, CLINICAL PRACTICES AND PROCEDURES ADMINISTERED BY SOME HOSPITALS, CLINICS AND LABORATORIES

Whereas, the 1987 Philippine Constitution provides that, "The State shall protect and promote the right to health of the people and instill health consciousness among them"¹;

Whereas, on February 13, 1988, Republic Act No. 8504 was enacted, serving as the most important framework of the Philippines for the prevention and control of HIV/AIDS;

Whereas, the said statute is highlighted by the following provisions:

1. It declares that *Acquired Immune deficiency Syndrome (AIDS)* is a disease that recognizes no territorial, social, political, and economic boundaries for which there is no known cure;
2. That the gravity of AIDS threat demands strong State action-
 - Massive public awareness campaign about the causes, modes of transmission, consequences, means of prevention and control of HIV/AIDS
 - A comprehensive national campaign promoting value formation and employ scientifically proven approaches, focus on the family as a basic social unit and be carried out in all schools and training centers, workplaces and communities;
 - The State shall extend to every person suspected or known to be infected with HIV/AIDS full protection of his/her human rights and civil liberties, with the proscriptions and guarantees-

¹ Article II, Section 15

- a. compulsory HIV testing shall be considered unlawful unless provided by law;
 - b. the right to privacy of individuals with HIV shall be guaranteed;
 - c. discrimination, in all of its forms and subtleties, against individuals with HIV or persons perceived or suspected of having HIV shall be considered inimical to individual and national interest; and
 - d. provisions of basic health and social services for individuals with HIV shall be assured.
3. That the government must promote safety and universal precautions in practices and procedures that carry the risk of HIV transmission.
 4. The government must positively address and seek and eradicate conditions that aggravate the spread of HIV infection, including but not limited to poverty, gender inequality, prostitution, marginalization, drug abuse and ignorance.
 5. The government must recognize the significant roles played by affected individuals in serving as campaign spokespersons to forewarn the public about the illness.

Whereas, in a study conducted by the Philippine National AIDS Council (PNAC)², it was reported that HIV infections in the country have been significantly picking up pace since 2000 and that an average 10 new cases are being reported each month;

Whereas, the following statistics are relevant to the issue at hand:

- That from January 1984 to August 2005, there were 2,333 HIV Ab seropositive cases reported, of which 1,636 (70 %) are asymptomatic and 697 (30 %) were AIDS cases;
- Majority (69 %) of cases were in the 20-39 years age group and sixty-four percent (64 %) were males.
- Most of the reported infections (86 %) are from sexual intercourse).
- Overseas workers account for about a third of total reported HIV cases, considering that most OFWs are required by their recruitment agencies to take an HIV test.

Whereas, very recently, it was reported that there are consummated blood donations involving HIV-positive donors, the same in violation of the requirement provided in RA 8504, viz:

“Section 12. Requirement on the donation of blood, tissue or organ. No laboratory or institution shall accept a donation of tissue, or organ, whether such donation is gratuitous or onerous, unless a sample from the donor has been tested negative for HIV. All donated blood shall also be subjected to

² Situationer on Children and HIV AIDS in the Philippines, Country Report: Philippines, East Asia and Pacific Regional Consultation on Children and HIV/AIDS, Hanoi, Vietnam, 22-24 March 2006

HIV testing and HIV (+) blood shall be disposed of properly and immediately. A second testing may be demanded as a matter of right by the blood, tissue or organ recipient or his immediate relatives before transfusion or transplant, except during emergency cases: Provided, That donations of blood, tissue, or organ testing positive for HIV may be accepted for research purposes only, and subject to strict sanitary disposal requirements.”

Whereas, an inquiry and assessment of the existing governing law must be made in the light of reports that there a number of hospitals, clinics, laboratories conducting HIV testing with unsafe and relaxed procedures and practices, with the end objective of protecting the health of the citizens: Now therefore be it

Resolved by the Senate of the Philippines, To urge the Senate Committee on Health and Demography to conduct an inquiry and assessment, in aid of legislation, on the implementation of policies and measures for the prevention and control of HIV/AIDS in the country under Republic Act 8504, in the light of the recent reports of lax and unsafe HIV testing, clinical practices and procedures administered by some hospitals, clinics and laboratories.

Adopted,


MANNY VILLAR