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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.

  
MIRIAM DEFENSOR SANTIAGO

SENATE  
S.B. No. 2931

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1 AN ACT  
2 INSTITUTING A COMPREHENSIVE NATIONAL HEALTH PROGRAM TO  
3 PREVENT AND ADDRESS SEXUALLY TRANSMITTED INFECTIONS  
4 IMPLEMENTING A NATIONWIDE AWARENESS PROGRAM, AND  
5 APPROPRIATING FUNDS THEREFORE  
6

7 *Be it enacted by the Senate and the House of Representatives of the Philippines in*  
8 *Congress assembled:*  
9

10 SECTION 1. *Short Title.* – This Act shall be known as the “STD Prevention Act  
11 of 2008.”

12 SECTION 2. *Declaration of Policy.* -

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

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

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

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

- 3 (1) “DOH” – shall refer to the Department of Health.
- 4 (2) “PIA” – Philippine Information Agency
- 5 (3) “STD” – shall refer to sexually transmitted diseases, or infectious diseases  
6 acquired through sexual contact. The term shall include but is not limited to  
7 the following:

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

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

- 18 A. medically accurate information about sexually transmitted including:
  - 19 1. the probable side effects resulting from an untreated sexually  
20 transmitted disease, including infertility and sterility;
  - 21 2. medically accepted treatment for sexually transmitted diseases; and
  - 22 3. the medical risks commonly associated with the medical treatment of  
23 sexually transmitted diseases.
- 24 B. public and private services and agencies available to assist individuals with  
25 obtaining treatment for the sexually transmitted disease;
- 26 C. medical assistance benefits that may be available to the individual with the  
27 sexually transmitted disease; and
- 28 D. The information referred to above shall be distributed

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

4           SECTION 5. *Establishment of a website* – The DOH, in cooperation with the PIA,  
5 shall establish an information site on the Internet, which shall serve as a public resource  
6 for Sexual Health information. It shall include facts on STD symptoms, prevention,  
7 treatment, testing and all other topics.

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

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

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

22          SECTION 9. *Penalties for Misleading Information* - Misinformation on  
23 HIV/AIDS prevention and control through false and misleading advertising and claims in  
24 any of the tri-media or the promotional marketing of drugs, devices, agents or procedures  
25 without prior approval from the Department of Health and Bureau of Food and Drugs and  
26 the requisite medical and scientific basis, including markings and indications in drugs and

1 devices or agents, purporting to be a cure or a fail-safe prophylactic for HIV infection is  
2 punishable with a penalty of imprisonment for two (2) months to 2 (2) years, without  
3 prejudice to the imposition of administrative sanctions such as fines and suspension or  
4 revocation of professional or business license.

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

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

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

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

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

25 Approved,

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