

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



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SENATE
S. No. 970

RECORDED BY: 

Introduced by Senator Richard "Dick" J. Gordon

**AN ACT
AMENDING REPUBLIC ACT NO. 7719, AN ACT PROMOTING VOLUNTARY BLOOD
DONATION, PROVIDING FOR AN ADEQUATE SUPPLY OF SAFE BLOOD,
REGULATING BLOOD BANKS, AND PROVIDING PENALTIES FOR VIOLATION
THEREOF, OTHERWISE KNOWN AS THE NATIONAL BLOOD SERVICES ACT OF
1994, AND FOR OTHER PURPOSES.**

EXPLANATORY NOTE

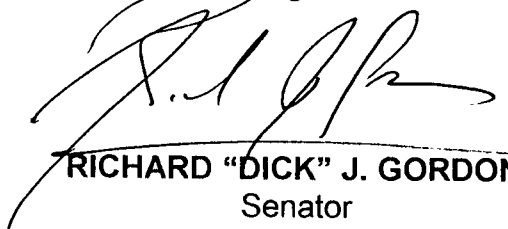
Blood donation is a vocation, not a business. The motivation to donate blood must be to save life, not to gain profit. According to the World Health Organization (WHO), blood transfusions are needed not only in areas of disasters and armed conflicts, but also in peaceful communities, where illnesses and accidents can land people in hospital rooms. Based on WHO data, an average of 112.5 million blood donations are conducted worldwide annually, but collection and supply are not the only problems in blood donation.

In the Philippines, it is estimated that almost 3,000 blood units are transfused to patients in our country every day. DOH and authorized LGU and private hospital blood service facilities supply the blood needs of hospitals and non-hospital-based facilities like renal dialysis centers and birthing homes, while the Philippine Red Cross (PRC) supplies 51% percent of the country's national blood requirements.

However, while DOH and PRC supply blood to the patients, many private medical facilities charge additional "re-testing fees" to donated blood before they perform blood transfusion. Worse, they reject the blood from authorized blood service facilities. In private hospitals, the charges may even depend on the type of room in which one is confined. Blood transfusion becomes a transactional enterprise rather than a transformational event. The supposedly valiant act of saving life is rendered illusory. The patient who is in dire need of blood supply due to a hemorrhagic emergency is left prey to the profit-making ventures of some enterprising hospitals.

Blood is essentially free. All blood comes from voluntary and unpaid donors. Blood service fees are charged to recover the expenses of blood service facilities in their 24-hour operation, including the cost of the reagents. Since it is donated, it should be affordable and should not be a source of profit. It must be readily available to everyone who will need it, especially the poor.

Blood saves lives. Every blood donation spells the difference between life and death. This bill prevents endangering the culture of sharing life.


RICHARD "DICK" J. GORDON
Senator

SENATE
S. No. 570

RECEIVED BY: 

Introduced by **Senator Richard "Dick" J. Gordon**

**AN ACT
AMENDING REPUBLIC ACT NO. 7719, AN ACT PROMOTING VOLUNTARY BLOOD
DONATION, PROVIDING FOR AN ADEQUATE SUPPLY OF SAFE BLOOD,
REGULATING BLOOD BANKS, AND PROVIDING PENALTIES FOR VIOLATION
THEREOF, OTHERWISE KNOWN AS THE NATIONAL BLOOD SERVICES ACT OF
1994, AND FOR OTHER PURPOSES.**

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

1 SECTION 1. Sec.3 of Republic Act No. 7719, otherwise known as the National
2 Blood Services Act of 1994, is hereby amended by adding the following definitions after
3 Subsection (j) to read as follows:

4 "SEC. 3. *Definitions.* – For purposes of this Act, the following terms shall mean:

5 "a) x x x;

6 "x x x;

7 "j) x x x.

8 "K) BLOOD SERVICE FACILITY – A UNIT, AGENCY OR INSTITUTION
9 PROVIDING BLOOD PRODUCTS, EITHER AS BLOOD STATION, BLOOD
10 COLLECTION UNIT, HOSPITAL BLOOD BANK AND BLOOD CENTER (NATIONAL,
11 SUB-NATIONAL AND REGIONAL);

12 "L) AUTHORIZED BLOOD SERVICE FACILITY – THE FOLLOWING ARE THE
13 AUTHORIZED BLOOD SERVICE FACILITIES IN THE PHILIPPINES: THE PHILIPPINE
14 BLOOD CENTER, SUB-NATIONAL BLOOD CENTERS, REGIONAL BLOOD
15 CENTERS (INCLUDING LOCAL GOVERNMENT UNITS), AND THE PHILIPPINE RED
16 CROSS UNDER THE PHILIPPINE NATIONAL BLOOD SERVICES NETWORK. THE
17 FOREGOING ENUMERATION SHALL NOT BE EXCLUSIVE AND MAY BE UPDATED
18 AS NECESSARY BY THE DEPARTMENT.

19 "M) EMERGENCY SITUATIONS – EMERGENCY BLOOD TRANSFUSIONS AS
20 DEFINED BY DEPARTMENT OF HEALT STANDARDS

21 Sec. 2. A new SEC. 12 is hereby inserted in Republic Act No. 7719, otherwise
22 known as the National Blood Services Act of 1994, and shall read as follows:

23 "SEC. 12. *PROHIBITED ACTS.* – FOR PURPOSES OF THIS ACT, THE
24 FOLLOWING SHALL BE PROHIBITED:

1 (1) RETESTING FOR BLOOD TRANSFUSION TRANSMISSIBLE DISEASES,
2 FOR A FEE, BY THE END-USER HOSPITAL OR OTHER HEALTH
3 FACILITY OF ALL BLOOD/BLOOD PRODUCTS ISSUED BY AUTHORIZED
4 BLOOD SERVICE FACILITIES UNDER THE PHILIPPINE NATIONAL
5 BLOOD SERVICES NETWORK. REASONABLE CROSS-MATCHING FEES
6 ARE ALLOWED.

7 (2) REFUSING TO ACCEPT ANY BLOOD/BLOOD PRODUCTS ISSUED BY
8 AUTHORIZED BLOOD SERVICE FACILITIES UNDER THE PHILIPPINE
9 NATIONAL BLOOD SERVICES NETWORK DUE TO PREFERENCE OF
10 BLOOD/BLOOD PRODUCTS SOURCED FROM THEIR OWN BLOOD
11 BANKS OR A DIFFERENT BLOOD BANK AS DESIGNATED BY THE END-
12 USER HOSPITAL OR OTHER HEALTH FACILITY. THIS SHALL INCLUDE
13 THE PRACTICE OF REPLACEMENT DONATIONS WHEREIN PATIENTS
14 ARE REQUIRED TO BRING ACTUAL BLOOD DONORS TO SOURCE
15 THEIR BLOOD/BLOOD PRODUCT NEEDS;

16 (3) CHARGING ADDITIONAL/HIGHER FEES FOR BLOOD UNITS DISPENSED
17 WHICH EXCEED THE MAXIMUM ALLOWABLE BLOOD SERVICE FEES,
18 AS DETERMINED BY THE DEPARTMENT;

19 (4) RESELLING ANY UNUSED BLOOD/BLOOD PRODUCTS ISSUED BY
20 AUTHORIZED BLOOD SERVICE FACILITIES UNDER THE PHILIPPINE
21 NATIONAL BLOOD SERVICES NETWORK; AND

22 (5) RECEIVING PAYMENT IN EXCHANGE FOR DONATING BLOOD ;

23 (6) REQUIRING REPLACEMENT BLOOD DONATIONS BY ANY BLOOD
24 SERVICE FACILITY TO AVOID COMPROMISING BLOOD SAFETY.

25 NO OTHER FEES RELATED TO BLOOD SERVICES SHALL BE COLLECTED
26 FROM THE PATIENT OR THE RELATIVES OF THE PATIENT (E.G. DEPOSITS,
27 BLOOD BOND OR NON-REPLACEMENT FEE – PAYMENT OR BOND FOR
28 BLOOD/BLOOD PRODUCTS WHEN THE PATIENT CANNOT BRING VOLUNTARY
29 NON-REMUNERATED BLOOD DONORS).

30 Sec. 3. A new SEC. 13 is hereby inserted in Republic Act No. 7719, otherwise
31 known as the National Blood Services Act of 1994, and shall read as follows:

32 "SEC. 13. SAFEGUARDS AND PROPER HANDLING. – IT IS THE
33 RESPONSIBILITY OF THE ISSUING BLOOD SERVICE FACILITY TO ENSURE THAT
34 ALL BLOOD/BLOOD PRODUCTS ISSUED HAVE BEEN TESTED AND FOUND TO BE
35 NEGATIVE OF BLOOD TRANSFUSION TRANSMISSIBLE DISEASES.

36 THE BLOOD SERVICE FACILITY SHALL LIKEWISE MAKE SURE THAT
37 EVERY BLOOD/BLOOD PRODUCT SHALL BE LABELED ACCORDINGLY,
38 INDICATING AMONG OTHERS: THE UNIQUE BLOOD DONATION NUMBER; DATE

1 AND TIME OF COLLECTION; NAME OR INITIAL OF PHLEBOTOMIST; AND SUCH
2 OTHER INFORMATION WHICH MAY BE PRESCRIBED BY THE DEPARTMENT.

3 TO ENSURE THAT THE BLOOD/BLOOD PRODUCTS TO BE TRANSFUSED
4 IS SAFE, THE BLOOD SERVICE FACILITY FROM WHICH THE BLOOD/BLOOD
5 PRODUCTS ORIGINATED MUST ESTABLISH A CHAIN OF CUSTODY TO
6 GUARANTEE THE INTEGRITY OF THE BLOOD/BLOOD PRODUCTS AND TO
7 PREVENT THE INTRODUCTION OF CONTAMINATED BLOOD/BLOOD PRODUCTS
8 TO END-USER HOSPITALS, HEALTH FACILITIES AND ULTIMATELY, TO THE
9 PATIENTS. FOR THIS PURPOSE, BLOOD SERVICE FACILITIES SHALL
10 DOCUMENT EVERY STAGE OF THE TRANSFER OF THE BLOOD/BLOOD
11 PRODUCTS, INCLUDING BUT NOT LIMITED TO THOSE WHO ACTUALLY
12 HANDLED OR HAD CUSTODY OF THE SAME, HOW HE RECEIVED THE
13 BLOOD/BLOOD PRODUCTS, HOW HE HANDLED IT TO PREVENT SUBSTITUTION
14 AND HOW HE TRANSFERRED THE BLOOD/BLOOD PRODUCTS TO THE END-
15 USER.

16 FOR THIS PURPOSES, THE ISSUANCE, DELIVERY AND TRANSFER OF THE
17 BLOOD/BLOOD PRODUCTS SHALL BE HANDLED BY TRAINED BLOOD BANK
18 PERSONNEL.

19 Sec. 4. SEC. 12 of Republic Act No. 7719, otherwise known as the National
20 Blood Services Act of 1994, is hereby renumbered as SEC. 14 and amended to read as
21 follows:

22 "SEC. 14. *Penalties.* – (a) Upon complaint of any person and after due notice and
23 hearing, ANY GOVERNMENT OR PRIVATE HOSPITAL, blood bank/center [which shall
24 collect charges and fees greater than the maximum prescribed by the Department]
25 FOUND IN VIOLATION OF THE PROHIBITED ACTS, AS DEFINED IN SEC. 12, shall
26 have its license suspended or revoked by the Secretary.

27 Any [person or persons who shall be responsible for the above violation]
28 INDIVIDUAL, OR THE RESPONSIBLE OFFICER, EMPLOYEE, REPRESENTATIVE
29 OF ANY CORPORATION, ASSOCIATION OR ORGANIZATION FOUND
30 RESPONSIBLE FOR COMMISSION OF THE PROHIBITED ACTS AS DEFINED IN
31 SEC. 12 shall suffer the penalty of imprisonment of not less than one (1) month nor
32 more than six (6) months, or a fine of not less than [Five thousand pesos (P5,000) nor
33 more than Fifty thousand pesos (P50,000)] ONE HUNDRED THOUSAND PESOS
34 (P100,000), or both at the discretion of the competent court.

35 (B) Any person who shall establish and operate a blood bank without securing
36 any license to operate from the Department or who fails to comply with the standards
37 prescribed by the Department referred to in Section 9 hereof shall suffer the penalty of
38 imprisonment of not less than twelve (12) years and one (1) day nor more than twenty

1 (20) years or a fine of not less than Fifty thousand pesos (P50,000) nor more than Five
2 hundred thousand pesos (P500,000), or both at the discretion of the competent court.

3 (C) ANY INDIVIDUAL, OR THE RESPONSIBLE OFFICER, EMPLOYEE,
4 REPRESENTATIVE OF ANY CORPORATION, ASSOCIATION OR ORGANIZATION
5 FOUND IN VIOLATION OF THE SAFEGUARDS AS DEFINED IN SEC. 13 HEREOF
6 SHALL SUFFER THE PENALTY OF IMPRISONMENT OF ONE DAY TO 30 DAYS OR
7 A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00), OR BOTH, AT
8 THE DISCRETION OF THE COMPETENT COURT.

9 (D) ANY BLOOD SERVICE FACILITY WHICH DISPENSES OR PERMITS THE
10 TRANSFUSION OF UNSCREENED, INCOMPLETELY TESTED AND/OR
11 CONTAMINATED BLOOD SHALL BE SUBJECT TO THE REVOCATION OF ITS
12 LICENSE AND PERPETUAL DISQUALIFICATION FROM BEING GRANTED A
13 LICENSE OR AUTHORITY TO OPERATE A BLOOD SERVICE FACILITY.
14 MOREOVER, the head of the blood bank and the necessary trained personnel under
15 the head's direct supervision found responsible for dispensing, transfusing and failing to
16 dispose, within forty-eight (48) hours, blood which have been proven contaminated with
17 blood transfusion transmissible diseases shall be imprisoned for [ten (10)] TWELVE
18 (12) years. This is without prejudice to the filing of APPLICABLE CIVIL AND/OR
19 criminal charges [under the Revised Penal Code] AS MAY BE PROVIDED BY LAW.

20 The Secretary, after due notice and hearing, may impose *other* administrative
21 sanctions such as, but not limited to, fines, suspension, or revocation of license to
22 operate a blood bank/center and to recommend the suspension or revocation of the
23 license to practice the profession when applicable.

24 Sec. 5. A new SEC. 15 of Republic Act No. 7719, otherwise known as the
25 National Blood Services Act of 1994, is hereby added and shall read as follows:

26 "SEC. 15. *ACCESSIBILITY*. – AUTHORIZED BLOOD SERVICE FACILITIES
27 MAY DELIVER BLOOD/BLOOD PRODUCTS TO THOSE WHO MAY OPT TO HAVE
28 THEM DELIVERED AND TO THOSE WHO MAY NEED IT. IN CASE OF EMERGENCY
29 SITUATIONS, THE DELIVERY OF BLOOD/BLOOD PRODUCTS SHOULD BE FREE
30 OF CHARGE.

31 THE SAFEGUARDS AND PROPER HANDLING AS PROVIDED IN THIS ACT
32 SHALL LIKEWISE BE OBSERVED IN THE DELIVERY OF THE BLOOD/BLOOD
33 PRODUCTS.

34 IN ORDER TO PROMOTE ACCESS TO BLOOD/BLOOD PRODUCTS,
35 AUTHORIZED BLOOD SERVICE FACILITIES SHOULD BE ALLOWED TO OPERATE
36 NEAR AND INSIDE HOSPITALS SUBJECT TO APPROPRIATE AGREEMENTS WITH
37 THE CONCERNED HOSPITALS.

1 Sec. 6. All subsequent Sections of Republic Act No. 7719, otherwise known as
2 the National Blood Services Act of 1994, shall hereafter be renumbered accordingly.

3 Sec. 7. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
4 other issuances or parts thereof inconsistent with the provisions of this Act are hereby
5 repealed or modified accordingly.

6 Sec. 8. *Separability Clause.* – If any portion or provision of this Act is declared
7 unconstitutional, the remainder of this Act or any provision not affected thereby shall
8 remain in force and effect.

9 Sec. 9. *Effectivity.* – This Act shall take effect after fifteen (15) days following the
10 completion of its publication either in the Official Gazette or in a newspaper of general
11 circulation in the Philippines.

12 Approved,