

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

FIRST REGULAR SESSION

HOUSE BILL NO. 1497

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J. Lopez

INTRODUCED BY REPRESENTATIVE JAIME C. LOPEZ

EXPLANATORY NOTE

Human blood is a vital fluid needed for major and radical operations and the treatment of bleeding diseases. And one of the problems faced by the doctors and hospitals alike is the shortage of blood because the country's blood supply cannot keep up with the rising demand.

To make blood more readily available to the hospitals and patients, the Department of Health together with the Philippine National Red Cross and the Philippine Blood Coordinating Council formulated the National Blood Services Program. The program encourages the people who are the only source of human blood to donate this vital fluid voluntarily.

This bill endorses the National Blood Services Program and encourages the establishment of blood collection centers in the country. Blood banks shall be established and operated according to professional and scientific standards and encouraged to be on a non-profit basis.


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AN ACT
PROMOTING VOLUNTARY BLOOD DONATION, PROVIDING FOR AN
ADEQUATE SUPPLY OF SAFE BLOOD, REGULATING BLOOD BANKS AND
PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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

SECTION 1. Title - This Act shall be known as the "Blood Services Act of
1992"

SECTION 2. Declaration of Policy - In order to promote the public health,
it is hereby declared the policy of the State:

1. to promote and encourage voluntary blood donation by the citizenry;
2. to lay down the legal principle that the provision of blood for transfusion is a medical service and not a sale of a commodity;
3. to promote the establishment of mechanism for the collection of blood from the various sectors of the community;
4. to teach the benefits and rationale of voluntary blood donation in the existing health subjects of schools, both public and private, at the elementary, high school and college levels;
5. to encourage and exhort the blood bank services be operated on a non-profit basis and to assure that blood bank facilities are established and operated according to professional and scientific standards;
6. to provide for an adequate, equitable and safe supply of blood products; and
7. to provide for adequate financial assistance to institutions providing blood bank services, either through a system of reimbursements for costs from patients who can afford to pay, or donations from governmental and non-governmental entities.

SECTION 3. Definitions - For purposes of this Act, the terms;

1. **"Blood/Blood Products"** - means human blood, processed unprocessed and includes blood components, its products and derivatives.
2. **"Blood Bank"** - a laboratory or institution where the screening of blood donors and the collection, processing, storage and issuance of blood are performed.
3. **"Blood Collection Center"** - an institution in which donors are recruited and screened and where blood is collected.
4. **"Voluntary Blood Donation"** - the donation of blood on one's own volition or initiative and without monetary compensation.
5. **"Department"** - refers to the Department of Health.

SECTION 4. Promotion of Voluntary Blood Donation - In order to have an adequate supply of human blood, voluntary blood donation shall be promoted by an organized and sustained public education campaign by the Department of Health, as the lead agency, the Philippine National Red Cross, other government agencies, non-governmental organizations, mass media and other sectors. The Department of Health is hereby authorized to set aside funds for the purpose of providing incentives to hospitals, blood banks and other institutions to collect blood from voluntary donors.

SECTION 5. Blood Collection Centers - Blood Collection Centers shall be established in hospitals and in Philippines National Red Cross Chapters. The collection of blood in various areas in the community such as schools, business enterprises, barangays and military camps shall be promoted.

SECTION 6. Promotion in Schools - The benefits and rationale of voluntary blood donation shall be included and given emphasis in Health subjects of schools, both public and private, at the elementary, high school and college levels.

SECTION 7. Non-Profit Operation - All blood banks shall operate on a non-profit basis; Provided, that they may collect charges and fees not greater than the maximum prescribed by the Department and they shall collect blood from voluntary donors only.

SECTION 8. Regulation of Blood Services - It shall be unlawful for any person to establish and operate a blood bank unless it is registered and issued a license to operate by the Department; Provided. That in case of emergency, blood collection and transfusion under the responsibilities of the attending physician shall be allowed in hospitals without such license certain condition prescribed by the Department. No license shall be granted or renewed by the Department for the establishment and operation of a blood bank unless it complies with the standards prescribed by the Department. Such blood bank shall be under the management of a licensed and qualified physician duly authorized by the Department.

SECTION 9. National Blood Service Program - The Department in cooperation with the Philippine National Red Cross and other government agencies and non-government organizations shall plan and implement a National Blood Services Program to meet in an evolutionary manner the needs for blood transfusion in all regions of the country. Funds for this purpose shall be provided by the government through the budgetary allocation of the Department of Health, by the Philippine National Red Cross by the Philippine Charity Sweepstakes Office

through contributions of other agencies such as non-governmental organizations: Provided. That the contributions of the Philippine Charity Sweepstakes Office for the purpose of funding the NBSP shall be an amount equivalent to 10% of its gross revenue.

SECTION 10. Importation of Blood Bank Equipment, Blood bags and Reagents - Within five (5) years from the effectivity of this Act, equipment, blood bags and reagents used for the screening and testing of donors, collection and processing, storage and transport of blood shall be imported tax and duty-free by the Philippine National Red Cross, blood banks and hospitals participating actively in the National Blood Services Program. Subsequently, such equipment, blood bags and reagents shall be subject to tax in a graduated manner not to exceed ten per centum (10%) of their landed cost. This provision shall be implemented by the rules and regulations to be promulgated by the Department in consultation and coordination with the Department of Finance.

SECTION 11. Rules and Regulations - The implementation of the provisions of the Act shall be in accordance with the rules and regulations to be promulgated by the Secretary of Health. The existing "Revised Rules and Regulations Governing the Collection, Processing and Provision of Human Blood and the Establishment and Operation of Blood Banks" shall remain in force unless amended or revised by the Secretary. The rules and regulations shall prescribe from time to time the maximum ceiling for fees for the provision of blood, including its collection, processing and storage, professional services and a reasonable allowance for spoilage.

SECTION 12. Penalties - Upon complaint of any person and after due notice and hearing, any blood bank which shall collect charges and fees greater than the maximum prescribed by the Department shall have its license suspended or revoked by the Secretary of Health.

Any person or persons who shall be responsible for the above violation shall suffer the penalty of imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Five Thousand Pesos (Php 5,000.00) nor more than Fifty Thousand Pesos (Php 50,000.00), or both.

Any person who shall establish and operate a blood bank without securing any license to operate from the Department or who falls to comply with the standards prescribed by the Department referred to in Section 8 hereof shall suffer the penalty of imprisonment of not less than one (1) year nor more than (5) years or a fine of not less than Ten Thousand Pesos (Php 10,000.00) nor more than One Hundred Thousand Pesos (Php 100,000.00), or both.

The Secretary of Health, after due notice and hearing, may impose administrative sanctions such as, but not limited to, fines, suspension and revocation of license to operate a blood bank and to recommend to the Professional Regulation Commission the suspension or revocation of the license to practice the profession when applicable.

SECTION 13. Separability Clause - If any provision of this Act is declared invalid, the remainder or any provision hereof not affected thereby shall remain in force and effect.

SECTION 14 . Repealing Clause - This Act shall supersede Republic Act No. 1517 entitled "Blood Bank Act". The provisions of any law, executive order, presidential decree or other issuances inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 15. Effectivity - This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in two (2) National newspapers of general circulation.

Approved.