

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Philippines

**SEVENTEENTH CONGRESS**  
Second Regular Session

HOUSE BILL NO. **5989**



---

**INTRODUCED BY REPRESENTATIVE ALFRED VARGAS**

---

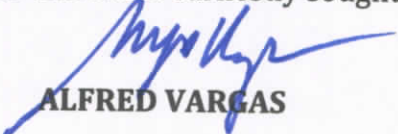
**EXPLANATORY NOTE**

In the Philippines, it is estimated that almost 3,000 blood units are transfused to patients every day. This is no surprise, as blood transfusions help save lives of those with grave illnesses or those who became victims of accidents or natural disasters. It is fortunate that we have several facilities that arrange the collection and supply of blood, through the Department of Health, authorized Local Government Units, private hospitals, dialysis centers, birthing homes, and the Philippine Red Cross, which supplies 51% of the country's national blood requirements.

But while these centers are essentially able to supply blood to patients, there are many private medical facilities that charge additional fees before they perform the blood transfusions. In some cases, they even reject the blood that came from authorized facilities. Charges also vary in private hospitals, depending on the kind of room the blood recipient is confined in. Thus, blood transfusion has become a business transaction rather than a voluntary donation.

As blood is primarily free, it should not be used to make profits in exchange for saving a life. Perhaps minimal fees that are charged are acceptable as they help maintain and sustain the blood bank facilities. But to prey on the desperation of the patients to generate profitability is unacceptable. This bill seeks to preserve and safeguard the essence of blood donation.

In view of the foregoing, the passage of this bill is earnestly sought.

  
**ALFRED VARGAS**

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Philippines

**SEVENTEENTH CONGRESS**  
Second Regular Session

HOUSE BILL NO. **5989**

---

**INTRODUCED BY REPRESENTATIVE ALFRED VARGAS**

---

**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 House of Representatives of the Philippines in Congress assembled:*

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

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

"a) x x x;

"x x x;

"j) x x x.

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

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

"M) EMERGENCY SITUATIONS – EMERGENCY BLOOD TRANSFUSIONS  
AS DEFINED BY DEPARTMENT OF HEALTH STANDARDS.

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

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

- (1) RETESTING FOR BLOOD TRANSFUSION TRANSMISSIBLE DISEASES, FOR A FEE, BY THE END-USER HOSPITAL OR OTHER HEALTH FACILITY OF ALL BLOOD/BLOOD PRODUCTS ISSUED BY AUTHORIZED BLOOD SERVICE FACILITIES UNDER THE PHILIPPINE NATIONAL BLOOD SERVICES NETWORK. REASONABLE CROSS-MATCHING FEES ARE ALLOWED.
- (2) REFUSING TO ACCEPT ANY BLOOD/BLOOD PRODUCTS ISSUED BY AUTHORIZED BLOOD SERVICE FACILITIES UNDER THE PHILIPPINE NATIONAL BLOOD SERVICES NETWORK DUE TO PREFERENCE OF BLOOD/BLOOD PRODUCTS SOURCED FROM THEIR OWN BLOOD BANKS OR A DIFFERENT BLOOD BANK AS DESIGNATED BY THE END-USER HOSPITAL OR OTHER HEALTH FACILITY. THIS SHALL INCLUDE THE PRACTICE OF REPLACEMENT DONATIONS WHEREIN PATIENTS ARE REQUIRED TO BRING ACTUAL BLOOD DONORS TO SOURCE THEIR BLOOD/BLOOD PRODUCT NEEDS;
- (3) CHARGING ADDITIONAL/HIGHER FEES FOR BLOOD UNITS DISPENSED WHICH EXCEED THE MAXIMUM ALLOWABLE BLOOD SERVICE FEES, AS DETERMINED BY THE DEPARTMENT;
- (4) RESELLING ANY UNUSED BLOOD/BLOOD PRODUCTS ISSUED BY AUTHORIZED BLOOD SERVICE FACILITIES UNDER THE PHILIPPINE NATIONAL BLOOD SERVICES NETWORK; AND
- (5) RECEIVING PAYMENT IN EXCHANGE FOR DONATING BLOOD;
- (6) REQUIRING REPLACEMENT BLOOD DONATIONS BY ANY BLOOD SERVICE FACILITY TO AVOID COMPROMISING BLOOD SAFETY.

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

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

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

THE BLOOD SERVICE FACILITY SHALL LIKEWISE MAKE SURE THAT EVERY BLOOD/BLOOD PRODUCT SHALL BE LABELED ACCORDINGLY, INDICATING AMONG OTHERS: THE UNIQUE BLOOD DONATION NUMBER; DATE AND TIME OF COLLECTION; NAME OR INITIAL OF PHLEBOTOMIST; AND SUCH OTHER INFORMATION WHICH MAY BE PRESCRIBED BY THE DEPARTMENT.

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

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

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

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

Any (person or persons who shall be responsible for the above violation) INDIVIDUAL, OR THE RESPONSIBLE OFFICER, EMPLOYEE, REPRESENTATIVE OF ANY CORPORATION, ASSOCIATION OR ORGANIZATION FOUND RESPONSIBLE FOR COMMISSION OF THE PROHIBITED ACTS AS DEFINED IN SEC. 12 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 (P5,000.00) nor more than Fifty thousand pesos (P50,000.00)] ONE HUNDRED THOUSAND PESOS (P100,000.00), or both at the discretion of the competent court.

(B) Any person who shall establish and operate a blood bank without securing any license to operate from the Department or who fails to comply with the standards prescribed by the Department referred to in Section 9 hereof shall suffer the penalty of imprisonment of not less than twelve (12) years and one (1) day or more than twenty (20) years or a fine of not less than Fifty Thousand Pesos (P50,000.00) nor more than Five Hundred Thousand Pesos (P500,000.00), or both at the discretion of the competent court.

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

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

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

Sec. 5. A New SEC. 15 of Republic Act. 7719, otherwise known as the National Blood Services Act of 1994, is hereby added and shall read as follows:

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

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

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

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

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

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

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

Approved,