

Republic of the Philippines  
**House of Representatives**  
Quezon City, Metro Manila

**EIGHTEENTH CONGRESS**

First Regular Session

**5814**

House Bill No. \_\_\_\_\_



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**INTRODUCED BY  
REP. ALFRED VARGAS**

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

**EXPLANATORY NOTE**

Blood transfusions in the Philippines reach more than 2,000 blood units in a day, with an estimated of 1 million blood units needed every year to address victims of accidents, natural disasters, or other grave illnesses. The Department of Health urges Filipinos to donate blood and help increase the supply in the blood banks in preparation for high demand.

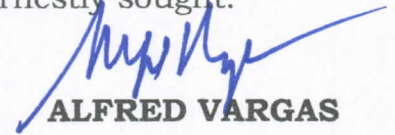
Blood donation is beneficial for both donor and receiver. It helps reduce the risk of getting cardiovascular diseases, and lessens the chances for heart attacks, strokes, and hypertension because it decreases blood pressure and cholesterol levels.

In addition, blood donation helps regenerate new blood cells and regulates iron levels in the blood. Moreover, donating blood allows donors to undergo a free health examination that checks their pulse, blood pressure, and hemoglobin and cholesterol levels.

As blood is primarily free, it should not be used to make profits in exchange for saving a life. Charging minimal fees is acceptable as they help maintain and sustain blood bank facilities, but to use blood donation to take advantage and

gain profit is highly unacceptable. This bill seeks to safeguard the significance of voluntary blood donation.

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



**ALFRED VARGAS**

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

**SEC. 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) AUTHORIZED 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); 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.

"L) 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 OF ADDITIONAL OR HIGHER FEES FOR BLOOD UNITS DISPENSED WHICH EXCEED THE MAXIMUM ALLOWABLE BLOOD SERVICE FEES, AS DETERMINED BY THE DEPARTMENT;
- (4) RESELLING OF ANY UNUSED BLOOD/BLOOD PRODUCTS ISSUED BY AUTHORIZED BLOOD SERVICE FACILITIES UNDER THE PHILIPPINE NATIONAL BLOOD SERVICES NETWORK;
- (5) RECEIVING PAYMENT IN EXCHANGE FOR DONATING BLOOD;
- (6) REQUIRING REPLACEMENT BLOOD DONATIONS BY ANY BLOOD SERVICE FACILITY TO AVOID COMPROMISING BLOOD SAFETY.
- (7) 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 CONTAMINATION.

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 OR BLOOD PRODUCTS TO BE TRANSFUSED ARE SAFE, THE BLOOD SERVICE FACILITY FROM WHICH THE PRODUCTS ORIGINATED MUST ESTABLISH A CHAIN OF CUSTODY TO GUARANTEE THE INTEGRITY OF THE PRODUCTS AND TO PREVENT THE INTRODUCTION OF CONTAMINATED 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 INDIVIDUAL, OR THE RESPONSIBLE OFFICER, EMPLOYEE, REPRESENTATIVE OF ANY CORPORATION, ASSOCIATION OR ORGANIZATION FOUND RESPONSIBLE FOR THE 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) nor more ONE HUNDRED THOUSAND PESOS (100,000), or both at the discretion of the competent court.

(B) 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.

(C) 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 proven to be 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.

**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,