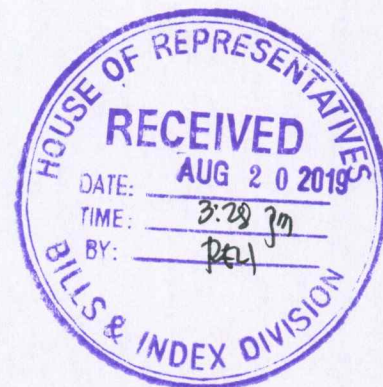


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

EIGHTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 4071



Introduced by Representative Alfred Delos Santos

**EXPLANATORY NOTE**

1 Organ donation is a sensitive and precarious topic amongst common  
2 citizens. The idea that one's body part would be used for the preservation of  
3 another's life is even still considered taboo by some religions found in the  
4 Philippines. However, what cannot be denied is that modern medicine had  
5 significantly increased the potential for human longevity and the value of this  
6 medical breakthrough.

7  
8 However, this medical breakthrough had introduced our society to  
9 challenges it had not faced before. Currently, the procedures on organ  
10 transplantation are largely concentrated in Metro Manila given that the hospitals  
11 there are capable of handling such a delicate procedure. This life-saving procedure  
12 remains out of the reach of probinsyanos given the lack of appropriate facilities to  
13 perform the necessary operations for transplantation.

14  
15 Current times have also shown that the need for organ donors had driven  
16 some to less honorable pursuits. From idiomatic expressions on how one should  
17 sell a kidney to afford certain things, to the very real danger of crime syndicates  
18 kidnapping individuals to forcefully harvest their organs. These social expressions  
19 have shown that like most things today, human organs have indeed been  
20 commodified. Although the law puts human body parts as outside the commerce of  
21 man and punishes those who do so, there is still much to be done for organ  
22 harvesting operations still exist.

23  
24 These challenges on ethics and access require a very specific set of skills and  
25 expertise. That is why there is a need for a government instrumentality specifically  
26 geared towards providing and recommending appropriate policy measures for organ  
27 donation and transplantation.

28  
29 It is for these foregoing premises that the approval of this bill is earnestly  
30 sought.

  
**ALFRED C. DELOS SANTOS**

*Representative, Ang Probinsyano Party List*



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**AN ACT  
ESTABLISHING A PHILIPPINE BOARD ON ORGAN DONATION AND  
TRANSPLANTATION AND APPROPRIATING FUNDS THEREOF**

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

1       SECTION 1. *Short Title.* – This Act shall be known as the “Philippine Board  
2 on Organ Donation and Transplantation Act”  
3

4       SECTION 2. *Declaration of Policy.* – It is hereby declared a policy of the State  
5 to be more proactive in addressing the issues surrounding organ donations and  
6 transplantations; pursuant to its constitutional mandate to protect and promote  
7 the right to health of people and instill health consciousness among them.  
8

9       SECTION 3. *Philippine Board for Organ Donation and Transplantation*  
10 *(PBODT).* – There is hereby established a Philippine Board for Organ Donation and  
11 Transplantation which shall formulate and oversee the implementation of policies  
12 related to organ transplantation. It shall be referred to in this Act as the Board.  
13

14       SECTION 4. *Functions of the Board .* – The Board shall have the following  
15 functions:

- 16       a) Formulate, review, and approve policies in support of a rational, ethical,  
17       accessible, and equitable organ donation and transplantation program in  
18       the Philippines;  
19       b) Set up a system of accreditation of transplant facilities and approve the  
20       issuance of a Certificate of Accreditation of transplant facilities;  
21       c) Set the guidelines and overall monitoring and evaluation framework and  
22       ensure that the policy of this Act is properly implemented;  
23       d) Formulate national ethics standards or guidelines on organ donation and  
24       transplantations;  
25       e) Require the submission of reports from government and non-government  
26       agencies concerned with the conduct of programs, projects, and policies  
27       relating to organ donation and transplantation;  
28       f) Gather and collate data on the current status of organ donation and  
29       transplantation in the country to formulate policies to match supply and  
30       demand of life-saving organ donations;  
31       g) Submit periodic reports to Congress on the status of organ donation and  
32       transplantation in the country;



- h) Perform such other duties, functions, and responsibilities as may be necessary to effectively attain its objectives.

SECTION 5. *Composition of the Board.* –The Board shall be composed of the following:

- a) Secretary of Health
- b) Secretary of Social Welfare and Development
- c) Representative from a government transplant facility on a rotational basis and for a term of two (2) years, to be appointed jointly by the chairpersons
- d) Representative from a private transplant facility, on a rotational basis and for a term of two (2) years, to be appointed jointly by the chairpersons;
- e) Expert on bioethics, on a rotational basis and for a term of two (2) years, to be appointed jointly by the chairpersons.

The Board shall be co-chaired by the Secretary of Health and the Secretary of Social Welfare and Development. The Board shall be assisted by a secretariat to be composed of personnel that may be seconded from the Departments involved. They may also retain consultants and other employees as the need arises.

SECTION 6. *Honoraria or Emoluments.* – The Members of the Board or their designated permanent representatives shall receive honoraria or emoluments as may be determined by the Board in accordance with existing budget and generally accepted accounting rules and regulations.

SECTION 7. *Adoption of Board Rules and Regulations.*– In aid of its oversight functions, the Board shall adopt its own internal rules of procedure, conduct investigations and receive testimonies, reports, and technical advice, invite, or summon any public official, private citizen, or any other person to appear before it, or require any person to produce documents or other materials as it may need.

SECTION 8. *Appropriation.* – Congress shall appropriate the amount of Fifty Million pesos (P50,000,000.00) for the initial implementation of this Act. After the initial implementation, the amount necessary to carry out the Program is hereby authorized to be appropriated under the regular budget of the Department of Health.

SECTION 9. *Implementing Rules and Regulations.* – The Board shall convene within sixty (60) days from the effectivity of this Act and shall promulgate the necessary implementing rules and regulations within six (6) months thereafter.

SECTION 10. *Repealing Clause.* – All laws, decrees, executive orders, and proclamations, rules and regulations or parts thereof inconsistent with this Act, are hereby amended or modified accordingly.

SECTION 11. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,