

REPUBLIC OF THE PHILIPPINES }  
CONGRESS OF THE PHILIPPINES }  
    *Second Regular Session*

S. No. 1011  
H. No. 879

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

*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  
"National Blood Services Act of 1994."

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

(a) to promote and encourage voluntary blood donation by  
the citizenry and to instill public consciousness of the principle  
that blood donation is a humanitarian act;

(b) to lay down the legal principle that the provision of  
blood for transfusion is a professional medical service and not a  
sale of a commodity;

(c) to provide for adequate, safe, affordable and equitable  
distribution of supply of blood and blood products;

(d) to inform the public of the need for voluntary blood  
donation to curb the hazards caused by the commercial sale of  
blood;

(e) to teach the benefits and rationale of voluntary blood  
donation in the existing health subjects of the formal education  
system in all public and private schools, in the elementary, high  
school and college levels as well as the non-formal education system;

(f) to mobilize all sectors of the community to participate in mechanisms for voluntary and non-profit collection of blood;

(g) to mandate the Department of Health to establish and organize a National Blood Transfusion Service Network in order to rationalize and improve the provision of adequate and safe supply of blood;

(h) to provide for adequate assistance to institutions promoting voluntary blood donation and providing non-profit blood services, either through a system of reimbursement for costs from patients who can afford to pay, or donations from governmental and non-governmental entities;

(i) to require all blood collection units and blood banks/centers to operate on a non-profit basis;

(j) to establish scientific and professional standards for the operation of blood collection units and blood banks/centers in the Philippines;

(k) to regulate and ensure the safety of all activities related to the collection, storage and banking of blood; and

(l) to require upgrading of blood banks/centers to include preventive services and education to control spread of blood transfusion transmissible diseases.

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

(a) Blood/blood product - refers to human blood, processed or unprocessed and includes blood components, its products and derivatives;

(b) Blood bank/center - a laboratory or institution with the capability to recruit and screen blood donors, collect, process, store, transport and issue blood for transfusion and provide information and/or education on blood transfusion transmissible diseases;

(c) Commercial blood bank - a blood bank that exists for profit;

(d) Hospital-based blood bank - a blood bank which is located within the premises of a hospital and which can perform compatibility testing of blood;

(e) Blood collection unit - an institution or facility duly authorized by the Department of Health to recruit and screen donors and collect blood;

(f) Voluntary blood donor - one who donates blood on one's own volition or initiative and without monetary compensation;

(g) Department - the Department of Health;

(h) Blood transfusion transmissible diseases - diseases which may be transmitted as a result of blood transfusion, including AIDS, Hepatitis-B, Malaria and Syphilis;

(i) Secretary of Health - the Secretary of Health or any other person to whom the Secretary delegates the responsibility of carrying out the provisions of this Act; and

(j) Walking Blood Donor - an individual included in the list of qualified voluntary blood donors referred to in Section 4, paragraph (e), who is ready to donate blood when needed in his/her community.

SEC. 4. *Promotion of Voluntary Blood Donation.* – In order to ensure adequate supply of human blood, voluntary blood donation shall be promoted through the following:

(a) Public Education. - Through an organized and sustained nationwide public education campaign by the Department, the Philippine National Red Cross (PNRC) and the Philippine Blood Coordinating Council (PBCC), as the lead agencies, other government agencies, local government units (particularly the barangays), non-governmental organizations, all medical organizations, all public and private hospitals, all health and health-related institutions, print and broadcast media as well as

other sectors. The Department is hereby authorized to set aside funds and generate financial support for all sectors involved in the collection and processing of blood from voluntary blood donors through a system of reimbursement for costs for patients who can afford to pay or from donations from government and private institutions. Voluntary donors shall likewise be provided non-monetary incentives as may be determined by the Department.

(b) 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. The Department of Education, Culture and Sports shall also require such inclusion in its non-formal education curricula.

(c) Professional Education. - The Department, the PBCC, the Philippine Society of Hematology and Blood Transfusion (PSHBT), the Philippine Society of Pathologists (PSP), the Philippine Medical Association (PMA), the Philippine Association of Medical Technologists (PAMET) and the Philippine Nursing Association (PNA) are encouraged to conduct for their respective members and as part of the continuing medical education, trainings on the rational use of blood and blood products including the merits of voluntary blood donation.

(d) Establishment of Blood Services Network. - Blood centers shall be strategically established in every province and city nationwide within the framework of a National Blood Transfusion Service Network spearheaded by the Department, in coordination with the PNRC. The collection of blood in various areas in the community, such as schools, business enterprises, barangays, and military camps shall be promoted.

The Secretary shall set the standards for the scientific and professional establishment and operation of blood banks/centers and collection units. The Department shall provide training programs and technical assistance to enable communities, schools, industrial and business sites, barangays, military camps and local government units to implement their own voluntary blood donation programs.

(e) Walking Blood Donors. - In areas where there may be inadequate blood banking facilities, the *walking blood donor* concept shall be encouraged and all government hospitals, rural-health units, health centers and barangays in these areas shall be required to keep at all times a list of qualified voluntary blood donors with their specified blood typing.

SEC. 5. *National Voluntary Blood Services Program.* – The Department, in cooperation with the PNRC and PBCC and other government agencies and non-governmental organizations shall plan and implement a National Voluntary Blood Services Program (NVBSP) 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, by the Philippine Charity Sweepstakes Office (PCSO) with an initial amount of at least Twenty-five million pesos (P25,000,000), by the Philippine Amusement and Gaming Corporation (PAGCOR) with an initial amount of at least Twenty-five million pesos (P25,000,000), by the trust liability account of the Duty Free Shop (Duty Free Philippines) with an initial amount of at least Twenty million pesos (P20,000,000) and through contributions of other agencies such as civic organizations.

SEC. 6. *Upgrading of Services and Facilities.* – All blood banks/centers shall provide preventive health services such as education and counselling on blood transfusion transmissible diseases. All government hospitals, including those that have been devolved, shall be required to establish voluntary blood donation programs and all private hospitals shall be encouraged to establish voluntary blood donation programs.

The Department, in consultation with the PSHBT and the PSP, shall also establish guidelines for the rational use of blood and blood products.

SEC. 7. *Phase-out of Commercial Blood Banks.* – All commercial blood banks shall be phased-out over a period of two (2) years after the effectivity of this Act, extendable to a maximum period of two (2) years by the Secretary.

SEC. 8. *Non-Profit Operation.* – All blood banks/centers shall operate on a non-profit basis: *Provided*, That they may collect service fees not greater than the maximum prescribed by the Department which shall be limited to the necessary expenses entailed in collecting and processing of blood. Blood shall be collected from healthy voluntary donors only.

SEC. 9. *Regulation of Blood Services.* – It shall be unlawful for any person to establish and operate a blood bank/center unless it is registered and issued a license to operate by the Department: *Provided*, That in case of emergencies, blood collection and transfusion under the responsibility of the attending physician shall be allowed in hospitals without such license under certain conditions prescribed by the Department. No license shall be granted or renewed by the Department for the establishment and operation of a blood bank/center unless it complies with the standards prescribed by the Department. Such blood bank/center shall be under the management of a licensed and qualified physician duly authorized by the Department.

SEC. 10. *Importation of Blood Bank Equipment, Blood Bags and Reagents.* – Upon the effectivity of this Act, equipment, blood bags and reagents used for the screening and testing of donors, collection and processing and storage of blood shall be imported tax-and duty-free by the PNRC, blood banks and hospitals participating actively in the National Voluntary Blood Services Program. 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.

SEC. 11. *Rules and Regulations.* – The implementation of the provisions of this Act shall be in accordance with the rules and regulations to be promulgated by the Secretary, within sixty (60) days from the approval hereof. 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.

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

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 (P5,000) nor more than Fifty thousand pesos (P50,000), or both at the discretion of the competent court.

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

The Secretary, after due notice and hearing, may impose 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.

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 contaminated with blood transfusion transmissible diseases shall be imprisoned for ten (10) years. This is without prejudice to the filing of criminal charges under the Revised Penal Code.

SEC. 13. *Separability Clause.* – If any provision of this Act is declared invalid, the other provisions hereof not affected thereby shall remain in force and effect.

SEC. 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.

SEC. 15. *Effectivity Clause.* – 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, May 5, 1994.