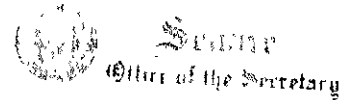


SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'15 JUN 10 AM 11:02

SENATE

RECEIVED BY: *J*

Senate Bill No. 2840

By Senator Teofisto "TG" Guingona III

AN ACT
PROVIDING FOR A REVISED HUMAN ORGAN AND TISSUE DONATION AND
TRANSPLANTATION PROGRAM AND PROVIDING PENALTIES FOR VIOLATION
THEREOF, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 7170, AS
AMENDED, ALSO KNOWN AS THE "ORGAN DONATION ACT OF 1991"

EXPLANATORY NOTE

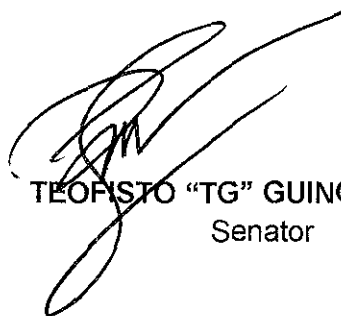
Human organ and tissue trading has become a lucrative business for unscrupulous groups. In recent years, it has been reported that residents in poor communities in the Philippines have been lured into selling their organs in exchange for money. Most of these compensated organ "donors" unfortunately end up being poorer than they were as they contract other illnesses resulting from being unaware of the repercussions of their decision and the absence of medical care after the organ sale.

Such exploitation of the poor should be stopped. This measure seeks to establish the Philippine Organ Donation and Transplantation Program which will provide the overall direction and system of implementation of organ donation and transplantation in the country. Under the said program, there shall be a centralized system of organ donors and patient registry to eliminate profit marketing of organ donation and to facilitate the success of organ transplants and the survival of patients.

The bill also replaces the Organ Donation Act of 1991 (RA No. 7170) to cover organ and tissue donations for transplantation purposes from both deceased and living donors. It entitles living donors to assistance and protection—such as discrimination in the work place while at the same time, giving the donor and his immediate family priority in the event that they need organ transplant.

With the sanctions and penalties imposed on acts tantamount to trafficking or illicit marketing of human organs proposed in this bill, it is hoped that this inhumane organ trading will come to an end.

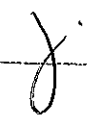
In view of the foregoing, immediate passage of this measure is sought.

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TEOFISTO "TG" GUINGONA III
Senator

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PROVIDING FOR A REVISED HUMAN ORGAN AND TISSUE DONATION AND
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ALSO KNOWN AS THE "ORGAN DONATION ACT OF 1991"

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 "Organ Donation Act of 2015".
2

3 ARTICLE I
4 GENERAL PROVISIONS
5

6 SEC. 2. *Coverage.* – This Act covers all government and private hospitals, health facilities, organ
7 procurement organizations, medical and allied medical practitioners or professionals, foundations
8 and nongovernment organizations that are involved in organ and tissue transplantation in the
9 Philippines.
10

11 This Act also covers organ and tissue donations for transplantation purposes from deceased and
12 living donors.
13

14 SEC. 3. *Definition of Terms.* – As used in this Act:

- 15 (a) *Advertisement* includes any form of advertising or the promotion of goods, services or
16 ideas through paid or unpaid announcements in print, broadcast, or electronic media
17 whether to the public generally or to any section of the public or individually to selected
18 persons for the purpose of promoting commercial dealings in human organs, tissues or
19 parts.
20 (b) *Allowable reimbursement* refers to the reasonable costs incurred for organ and tissue
21 donation and transplantation.
22 (c) *Brain death* refers to the irreversible cessation of all functions of the entire brain
23 (d) *Commercial dealings* refer to:
24 (1) The sale, barter, or supply of human organ, tissue, or part thereof involving
25 valuable consideration in whatever form;

- 1 (2) Acts involving trafficking of a human organ, tissue, or part thereof through
2 whatever means; and
3 (3) The brokering for sale, barter or supply of a human organ, tissue, or part thereof
4 whether for money or any other consideration in violation of this Act;
- 5 (e) *Death* refers to the irreversible cessation of circulatory and respiratory functions or the
6 irreversible cessation of all functions of the entire brain, including the brain stem. A brain
7 dead person is dead, although his or her cardiopulmonary functioning may be artificially
8 maintained for some time;
- 9 (f) *Donor* refers to an individual who voluntarily donates organ, tissue, or part thereof,
10 gratuitously to another who accepts it;
- 11 (g) *Donor Allocation Scoring System (DASS)* refers to the national scoring system by which
12 allocation of organs from deceased donors shall be based;
- 13 (h) *Human organ* refers to the differentiated and vital part of the human body, formed by
14 different tissues, that maintains its structure, vascularization and capacity to develop
15 physiological functions with an important level of autonomy;
- 16 (i) *Human tissue* refers to all constituent parts of the human body formed by cells;
- 17 (j) *Human organ and tissue bank storage facility* refers to a facility for the storage of human
18 organs, tissues, or parts thereof;
- 19 (k) *Immediate family* refers to the spouse, son or daughter of legal age, either parent, brother
20 or sister of legal age and legal guardian over the person, at the time of death;
- 21 (l) *Indigent* refers to an individual who has no visible means of income or whose income is
22 insufficient for the subsistence of his family, and identified, listed or certified by the
23 Department of Social Welfare and Development (DSWD) as poor pursuant to the National
24 Household Targeting System for Poverty Reduction;
- 25 (m) *Living donor (LD)* refers to an individual who is willing to donate an organ, tissue, or part
26 of the body while still alive, and may be either a:
- 27 (1) *Living related donor (LRD)* – a donor who is related to the recipient by blood within
28 the fourth civil degree of consanguinity;
- 29 (2) *Living non-related donor (LNRD)* – a donor who is not related to the recipient by
30 blood or related by blood beyond the fourth civil degree of consanguinity but who
31 is willing to donate organs, tissues, or parts thereof. The term also applies to
32 those related emotionally.
- 33 (n) *Organ Procurement Organization (OPO)* is an organization responsible for the
34 procurement of organs and tissues for transplantation;
- 35 (o) *Organ transplant candidate* refers to a patient diagnosed to have end stage organ
36 disease who is qualified to undergo an organ transplant procedure;
- 37 (p) *Organ and Tissue Procurement* is the process that includes donor identification,
38 evaluation, obtaining consent for donation, donor maintenance and retrieval of cells,
39 tissues or organs.
- 40 (q) *Person* refers to an individual, corporation, estate, trust, partnership, association, the
41 government or any of its subdivisions, agencies or instrumentalities, including
42 government-owned or -controlled corporations, or any other legal entity;
- 43 (r) *Philippine Organ Donor and Recipient Registry System (PODRRS)* refers to a national
44 computerized database of all organ transplant candidates, recipients, organ donors, and
45 all transplants performed in the Philippines;
- 46 (s) *Potential multiple organ donor (PMOD)* refers to any patient who will imminently become
47 brain dead or who currently meets the criteria for brain death who may donate more than
48 one organ
- 49 (t) *Physician or surgeon* refers to a physician or surgeon licensed to practice medicine under
50 the laws of the Republic of the Philippines;
- 51 (u) *Referring hospital* refers to any hospital that identifies and refers potential deceased
52 organ and tissue donor to the PhilNOS; or to the appropriate tissue bank

1 (v) *Transplant Coordinator (TC)* refers to the designated trained health care professional who
2 takes the central role and acts as liaison between the referring hospital and the retrieval
3 and transplant team members.

4 (1) *Clinical Transplant Coordinator (CTC)* refers to the TC who shall have the
5 responsibility of coordinating the transplant candidate's evaluation, management,
6 and follow-up care.

7 (2) *Procurement Transplant Coordinator (PTC)* refers to a healthcare professional of
8 organ procurement organization, designated to coordinate with the donor family
9 and facility in order to facilitate a donation and proper transport of donated organ
10 or tissue.

11 (w) *Transplant facility* refers to a hospital accredited by the DOH to perform organ and tissue
12 transplantation; and

13 (x) *Valuable consideration* refers to any financial gain or benefit but does not include
14 "allowable reimbursement" as defined in subsection (b) herein.

15
16 SEC. 4. *National Organ Donation and Transplantation Program (NODTP)*. – There is established
17 the Philippine Organ Donation and Transplantation Program that provides the overall direction
18 and system of implementation of organ donation and transplantation in the country through the
19 Philippine Organ and Transplantation Board under the Department of Health.

20
21 SEC. 5. *Philippine Organ and Tissue Donation and Transplantation Board (POTDTB)*. – There
22 shall be established a Philippine Organ and Tissue Donation and Transplantation Board,
23 hereinafter referred to as the Board, that shall serve as overseer in the implementation of policies
24 related to organ and tissue donation and transplantation hereinafter referred to as the Board,
25 composed of the following members:

26
27 (a) Secretary of Health, as Chairperson;

28 (b) DOH Undersecretary for Policy and Standard Development Team for Service Delivery, as
29 Vice Chairperson;

30 (c) Chairperson of National Transplant Ethics Committee or representative;

31 (d) President of the Philippine Health Insurance Corporation (PhilHealth) or representative;

32 (e) Representative of government transplant facilities appointed by the Secretary of Health;

33 (f) Representative of private transplant facilities appointed by the Secretary of Health;

34 (g) Representatives of the professional societies involved in transplantation;

35 (h) Chairperson of the Professional Regulation Commission or representative;

36 (i) Representative of nongovernment organizations involved in health advocacy, preferably
37 on human organ and tissue donation; and

38
39 Additional members as may be determined by the Secretary of Health.

40
41 SEC. 6. *Functions of the Board*. – *The Board shall perform the following functions:*

42
43 (a) Overall implementing body of the organ and tissue donation and transplantation program
44 in the country;

45 (b) Develop and implement policies on organ and tissue donation and transplantation within
46 the framework of Philippine laws;

47 (c) Monitor compliance of organ transplant and tissue bank storage facilities and organ
48 procurement organizations with the policies prescribed by the Board; and

- 1 (d) Perform such other functions as may be ordered by the Secretary of Health related to its
2 primary functions.
3

4 SEC. 7. *Philippine Network for Organ Sharing*. – There is established the Philippine Network for
5 Organ Sharing (PhilNOS) under the Board to perform the following functions:
6

- 7 (a) Oversee and facilitate donation and organ transplantation involving deceased donors in
8 the country;
9 (b) Act as the central coordinating body to ensure that all organs from deceased donors are
10 allocated according to established criteria;
11 (c) Promote organ donation
12 (d) Implement the policies on organ allocation from a deceased donor;
13 (e) Maintain a national waiting list of patients seeking transplantation with organs from
14 deceased donors;
15 (f) Assist in the development and accreditation of organ procurement organizations;
16 (g) Develop and update specific donor allocation scoring systems for the different organs for
17 transplantation. For eye and tissue banks, tissue assignments for recipients shall be
18 based on a first come, first served basis and based on the type of tissue as specified by
19 the surgeon for a particular recipient; and
20 (h) Perform such other functions as may be ordered by the Secretary of Health or the Board
21 for those related to its primary functions.
22

23 SEC. 8. *Secretariat*. – The PhilNOS shall be supported by a secretariat consisting of personnel
24 with the necessary technical expertise and capability who will be designated by the Secretary of
25 Health from the existing bureau or unit of the DOH. The secretariat shall be headed by a
26 Program Manager under the direct supervision of the Chairperson of the Board.
27

28 SEC. 9. *Transplant Facilities*. – The Board, through its licensing and accreditation arm and the
29 Health Facilities and Services Regulatory Bureau (HFSRB), shall establish accreditation criteria
30 to determine the DOH-licensed hospitals that should be allowed to perform transplant operations.
31 The Board and the Health Facilities and Services Regulatory Bureau may limit a transplant
32 facility to the performance of transplants to specific organs or tissues.
33

34 SEC.10. *Organ Procurement Organization (OPO)*. – In order for the PhilNOS to effectively carry
35 out its functions, Organ Procurement Organizations shall be allowed and encouraged. An OPO is
36 an organization, which may be independent or hospital-based and accredited by the DOH.
37

38 SEC. 11. *National Transplant Ethics Committee*. – There shall be established a National
39 Transplant Ethics Committee (NTEC) under the DOH. It shall perform the following functions:
40

- 41 (a) Formulate national ethical standards or guidelines on organ donation and transplantation
42 for approval by the Board;
43 (b) Assist the Board in the resolution of ethical issues;
44 (c) Assist in the monitoring of transplant facilities and Hospital Ethics Committee to ensure
45 compliance with ethical standards or guidelines;

- 1 (d) Coordinate with the Department of Justice and Inter-Agency Council Against Trafficking in
2 formulating and implementing policies and procedures for suspected cases of organ
3 trafficking; and
4 (e) Perform such other functions as may be ordered by the Secretary of Health or the Board
5 on ethical related issues.
6

7 SEC. 12. *Hospital Ethics Committee.* – All transplant facilities shall have an Ethics Committee
8 that shall evaluate all candidates for organ transplant with living donors, and resolve ethical
9 issues related to transplantation based on the guidelines and policies of the National Transplant
10 Ethics Committee.
11

12 All transplant facilities, referring hospitals, OPOs, and tissue banks shall keep documents
13 pertaining to on organ and tissue donations and transplantation. These shall be made available
14 and transparent to the public, whenever necessary.
15

16 **ARTICLE II**
17 **ORGAN DONATION FROM DECEASED DONORS**

18
19 SEC. 13. *Organ Donation from Deceased Donor.* – All transplant candidates shall be given the
20 option to receive an organ from a deceased donor.
21

22 SEC. 14. *Person Who May Execute a Donation.* In the absence of actual notice of contrary
23 intentions by the PMOD or actual notice of opposition by a member of the immediate family of
24 the PMOD, any of the following persons in the order of priority provided herein may donate all or
25 any part of the PMOD's body for any purpose provided in Section 14 of this Act:
26

- 27 (a) Spouse;
28 (b) Son or daughter of legal age;
29 (c) Either parent;
30 (d) Brother or sister of legal age; and
31 (e) Legal guardian over the person of the PMOD at the time of death.
32

33 The persons authorized by as stated in this section may make the donation only after brain death
34 has been certified.
35

36 Any donation by a person authorized under this section shall be sufficient if it complies with the
37 formalities of a donation of a movable property.
38

39 SEC. 15. *Examination of Human Body or Part Thereof.* – A legacy or donation of all or of any
40 organ, tissue, or part of a human body authorizes an examination necessary to assure medical
41 acceptability of the legacy or donation for the purpose intended.
42

43 For purposes of this Act, in medico-legal cases, the operative report pertaining to the recovery of
44 the human organ, tissue, or part thereof from the brain-dead donors submitted by the surgeons
45 shall be recognized as part of the autopsy report by law enforcement authorities, including the
46 police or the National Bureau of Investigation.
47

1 SEC. 16. *Persons Who May Become Recipients.* – The following persons may become
2 recipients of human organs, tissues, or parts thereof for any of the purposes stated hereunder:

- 3
4 (a) An accredited medical or dental school, college or university – for education, research,
5 advancement of medical or dental science, or therapy;
6 (b) A tissue bank storage facility – for medical or dental education, research, therapy or
7 transplantation; and
8 (c) An individual in the national transplant waiting list, as allocated by PhilNOS.
9

10 SEC. 17. *International Sharing of Organs.* – With regard to international sharing of human organs
11 or tissues, this Act provides that sharing of human organs or tissues shall be made only through
12 exchange programs duly approved by the DOH; provided that foreign organs or tissue bank
13 storage facilities and similar establishments grant reciprocal rights to their Philippine counterparts
14 to draw human organs or tissues at any time.
15

16 SEC. 18. *Duty of Hospitals.* – All hospitals are potential referring hospitals that shall develop the
17 capacity to identify Potential Multiple Organ Donors (PMODs) and are required to refer to the
18 PhilNOS, which shall activate the organ donation process through an OPO that is designated
19 with Donor Service Areas.
20

21 A hospital that fails to comply with this section shall, after due hearing, be penalized in
22 accordance with PhilHealth regulations.
23

24 SEC. 19. *Person Who May Execute a Legacy.* – A person who is at least eighteen (18) years of
25 age and of sound mind may give, by way of legacy, all or any organ, tissue, or part thereof.
26

27 SEC. 20. *Manner of Executing a Legacy.*
28

- 29 (a) A legacy on donation of all or any organ, tissue, or part of the human body may be made
30 through a written duly signed will. The legacy becomes effective upon the death of the
31 testator even before probate proceedings are conducted. If the will is not probated, or if it
32 is declared invalid for testamentary purposes, the legacy, to the extent that it was
33 executed in good faith, is nevertheless valid and effective.
34 (b) A legacy on donation of all or any organ, tissue, or part of the human body may also be
35 made in any document other than a will. The legacy becomes effective upon death of the
36 testator and shall be respected by and binding upon the executor or administrator, heirs,
37 assigns, successors-in-interest, and all members of the family. The document, which may
38 be a card or any paper designed to be carried on one's person, must be signed by the
39 testator in the presence of two (2) witnesses who must sign the document in the presence
40 of the testator. If the testator cannot sign, the document may be signed at the discretion
41 and presence of the testator and two (2) witnesses who must, likewise, sign the
42 document in the presence of the testator. Delivery of the document of legacy during the
43 testator's lifetime is not necessary to make the legacy valid.
44

45 SEC. 21. *Organ Donor Cards.* – A donor may also indicate the willingness to donate an organ,
46 tissue, or part thereof either through an organ donor card, or the government-issued identification
47 (ID) cards and licenses, including but not limited to the following:

- 1
- 2 (a) Land Transportation Office (LTO)-issued driver's license;
- 3 (b) PhilHealth membership ID;
- 4 (c) Government Service Insurance System (GSIS) membership ID;
- 5 (d) Social Security System (SSS) membership ID;
- 6 (e) Professional Regulation Commission (PRC) license card;
- 7 (f) Bureau of Internal Revenue (BIR) tax identification number ID, or
- 8 (g) Department of Foreign Affairs (DFA)-issued Philippine passport.
- 9

10 The LTO, PhilHealth, GSIS, SSS, PRC, BIR and the DFA, in coordination with the Secretary of
11 Health through the PhilNOS, shall devise their respective application forms wherein the consent
12 of the applicant to be an organ or tissue donor in case of death will be asked. The response of
13 the applicant shall be indicated in these cards, and these government agencies shall furnish the
14 PhilNOS of the applicant's response, which will be recorded in the PODRRS.

15
16 *SEC. 22. Procedure in the Absence of a Donation.* – In the absence of any of the persons
17 authorized to execute a donation under Section 12 hereof, and in the absence of any document
18 of organ donation, the physician in charge of the patient, the head of the hospital or a designated
19 officer of the hospital who has custody of the body of the PMOD may authorize in a public
20 document the procurement of organs and tissues from the PMOD. *Provided,* That the physician,
21 head of the hospital or a designated officer of the hospital for this purpose exerted reasonable
22 efforts, within forty-eight (48) hours, to locate the nearest relative specified in Section 12 of this
23 Act or the legal guardian of the donor at the time of death.

24
25 The physician, head of the hospital or a designated officer of the hospital, or the medico-legal
26 officer of any government agency which has custody of the body may authorize the removal of
27 the cornea or corneas of the donor within twelve (12) hours after death and upon the request of
28 qualified recipients for the sole purpose of transplantation: *Provided,* That the removal of the
29 cornea or corneas will not interfere with any subsequent investigation or alter the post-mortem
30 facial appearance of the donor by means of placing eye caps after the cornea or corneas have
31 been removed.

32
33
34 *SEC. 23. Brain Death Certification.* – The diagnosis of brain death of the PMOD shall be certified
35 by two (2) qualified physicians, neither of whom is:

- 36
- 37 (a) A member of the team of medical practitioners who will effect the removal of the organ
- 38 from the body; nor
- 39 (b) The physician attending to the recipient of the organ to be removed; nor
- 40 (c) The head of the hospital or the designated officer authorizing the removal of the organ.
- 41

42 The official time of death shall be the time of brain death certification and the death certificate
43 shall be signed at the time of brain death certification.

44
45 *SEC. 24. Persons Authorized to Remove and Transplant Organs, Tissues and Corneas.* – Only
46 authorized medical practitioners in a hospital shall remove or transplant any organ which is
47 authorized to be removed or transplanted. The removal of eyes and corneal tissues shall be

1 performed only by ophthalmic surgeons trained in the methodology of such procedure and duly
2 certified by the accredited National Association of Ophthalmologists and specialty board, and eye
3 bank technicians trained in the methodology of such procedure and duly certified by a DOH
4 accredited eye bank and the National Association of Ophthalmologists.

5
6 *SEC. 25. Delivery of Document of Legacy or Donation.* – If the legacy or donation is made to a
7 specified recipient, the will, card or other document, or an executed copy thereof, may be
8 delivered by the testator or donor, or the authorized representative of the testator or donor to the
9 recipient to expedite the appropriate procedures immediately after death. The will, card or other
10 document, or an executed copy thereof, may be deposited in any hospital or organ bank storage
11 facility that accepts it for safekeeping or for facilitation of procedures after death. On the request
12 of any interested party upon or after the testator's death, the person in possession shall produce
13 the document of legacy or donation for verification.

14
15
16
17
18 *SEC. 26. Amendment or Revocation of Legacy or Donation.*

- 19
20 (a) If the will, card or other document, or an executed copy thereof, has been delivered to a
21 specific recipient, the testator or donor may amend or revoke the legacy or donation
22 either by:
- 23 (1) The execution and delivery to the recipient or recipient of a signed statement; or
 - 24 (2) A written statement addressed to an attending physician executed in the presence
25 of two (2) other persons and communicated to the recipient; or
 - 26 (3) A written statement addressed to an attending physician during a terminal illness
27 or injury, and communicated to the recipient; or
 - 28 (4) A signed card or document found on the person or effects of the testator or donor.
- 29 (b) Any will, card or other document, or an executed copy thereof, which has not been
30 delivered to the recipient may be revoked by the testator or donor in the manner provided
31 in subsection (a) of this section or by destruction, cancellation, or mutilation of the
32 document and all executed copies thereof.
- 33 (c) Any legacy or donation made through a will may also be amended or revoked in the
34 manner provided for amendment or revocation of wills or as provided in subsection (a) of
35 this section.

36
37 *SEC. 27. Rights and Duties After Death.* – The recipient may accept or reject the legacy or
38 donation. A recipient who accepts the legacy or donation shall, upon the death of the testator and
39 prior to embalming, authorize the removal of the organ, tissue, or part thereof, avoiding
40 unnecessary mutilation. After removal of the human organ, tissue, or part thereof, the custody of
41 the remainder of the body vests in the surviving spouse, next-of-kin, or other persons under
42 obligation to dispose of the body.

43
44 *SEC. 28. Allowable Reimbursements for OPO.* – The human organ, tissue, or part thereof shall
45 be donated for free or without any financial consideration. The OPO shall be reimbursed for
46 reasonable expenses incurred during the recovery, organ and tissue preservation, transport, and
47 other operational costs. This amount shall be determined by the PhilNOS and shall be subject to
48 regular review.

1
2 SEC. 29. *Allowable Assistance to the Deceased Donor Family.* – Assistance to the donor family
3 shall be limited to funeral and/or hospitalization expenses of the donor. This amount shall be
4 determined by the PhilNOS and shall be subject to regular review.
5

6 SEC. 30. *Transport of Donated Organ.* – In view of the urgency to immediately transport the
7 donated organ, all local airlines shall allocate a space in the passenger cabin to accommodate
8 the transport of such organ or tissues on the first available opportunity, free of charge. The Civil
9 Aviation Authority of the Philippines (CAAP) under the DOTC and the DOH shall jointly formulate
10 guidelines that shall govern the transport of procured organs through commercial airlines. The
11 CAAP shall ensure the compliance of all registered commercial airlines with the regulations
12 allowing transport of procured organs.
13

14 PhilNOS shall take charge of monitoring and tracking the transport of all donated organs and
15 tissues.
16
17
18

19
20 **ARTICLE III**
21 **ORGAN DONATION FROM LIVING DONORS**

22 SEC. 31. *Living Donors.* – The Board shall establish policies and guidelines to prevent organ
23 trafficking and to ensure the safety of living donors and their eventual recipients in accordance
24 with the provisions of this Act.
25

26 SEC. 32. *Living Donors in Closed Settings.* – Individuals in closed settings, such as prisons,
27 rehabilitation centers and other similar facilities, shall be allowed to donate their organs, tissues,
28 or parts thereof, only to recipients or recipients who are related to them by blood within the third
29 civil degree of consanguinity.
30

31 SEC. 33. *Assistance and Protection to Donors.* – A donor of a human organ, tissue, or part
32 thereof shall be entitled to the following assistance, protection, and recognition:

- 33 (a) Inclusion in the priority list of PhilNos if the donor should need an organ in the future. The
34 immediate family of a living or deceased donor shall also be given priority if any member
35 of immediate family, as enumerated in the order of priority in Section 14 of this Act, also
36 needs an organ in the future;
37 (b) Allowable reimbursement for a living donor may include expenses for travel, housing,
38 child care for the donor family and lost wages incurred by the donor in connection with the
39 pre-donation work-up, donation of the organ, medical insurance, periodic health
40 monitoring, life insurance, and medical care in the immediate peri-operative period;
41 (c) Paid leave for fifteen (15) days during the time of full recovery when donor is employed
42 either in the government or private sector;
43
44 (d) Disability pay from SSS or GSIS in case of post-operation disability;
45
46 (e) Ten percent (10%) discount on airfare to and from the venue of actual operation for
47 potential donors found suitable, mentally and physically to make the donation; and
48

1 (f) Ten percent (10%) discount from pharmaceutical companies and their distributors on
2 transplant and post transplant related medicines prescribed for the donor's medication.

3 **ARTICLE IV**
4 **PHILHEALTH BENEFITS**

5
6 SEC. 34. *PhilHealth Assistance.* – Pursuant to its mandate under the National Health Insurance
7 Act of 1995, as amended, the PhilHealth shall develop a benefit package that will mitigate the
8 financial burden in organ and tissue transplantation especially in deceased organ and tissue
9 donation.

10
11 **ARTICLE V**
12 **PUBLIC AWARENESS PROGRAM**

13
14 SEC. 35. *Information and Education Drive.* – To ensure public awareness of the maximum
15 benefits under this Act, the DOH, in cooperation with institutions such as the National Kidney and
16 Transplantation Institute (NKTII), civic and nongovernment health organizations, and other health-
17 related agencies involved in the donation and transplantation of human organs and tissues, as
18 well as the Department of Education and the CHED shall undertake a public information and
19 education program for this purpose.

20
21 The Department of Health shall ensure that all health professionals, both in government and
22 private sectors, as well as media organizations from print, radio and television are encouraged to
23 undertake massive public information campaign to emphasize the importance of organ donation.

24
25 The Department of Education shall mandate the inclusion of organ donation awareness in the
26 national high school curriculum. The CHED shall mandate the inclusion of organ donation
27 awareness in all medical and paramedical courses.

28
29 The importance of organ and tissue donation shall be included in the Health and Science
30 subjects in the curricula of both the elementary and secondary levels as well as in the general
31 education curriculum in the collegiate level. The Secretary of Health shall coordinate with the
32 Secretary of Education and the Chairperson of the CHED for the effective implementation of this
33 provision.

34
35 The DOH shall also endeavor to disseminate information on human organ and tissue donation
36 through other means, including the internet, social media, and mails subject to franking privilege

37
38 SEC. 36. *National Organ Donation Awareness Month.* – The month of April of every year is
39 hereby declared as the "National Organ Donation Awareness Month". The DOH, in coordination
40 with various government and private agencies, and organizations, including professional
41 societies, OPOs or associations related to human organ and tissue donation and transplantation,
42 shall spearhead programs and activities that highlight the importance of organ and tissue
43 donation in saving lives.

44
45 **ARTICLE VI**
46 **PROHIBITED ACTS AND PENALTIES**

1
2 SEC. 37. *Prohibited Discriminatory Acts.*
3

- 4 (a) It shall be unlawful to discriminate against a living organ donor or an organ recipient in
5 any form from pre-employment to post-employment, including hiring, promotion, or
6 assignment by reason of the person being an organ donor or an organ recipient despite a
7 certification from a physician that the living donor or an organ recipient is fit for work:
8 *Provided,* That this provision shall not apply to uniformed police and military personnel for
9 purposes of their pre-employment and hiring procedure and requirements.
10
11 (b) It shall be unlawful for private health insurance companies under a health maintenance
12 organization (HMO) and life insurance companies to deny or deprive a person of health or
13 life insurance coverage on the basis of being an organ donor or recipient. Neither shall
14 the insurance premiums of an insured donor or recipient be increased nor the insurance
15 benefits of an insured donor or recipient be decreased. The Insurance Commission shall
16 implement the provision covering life insurance and shall develop the necessary policies
17 to ensure compliance.
18
19 (c) It shall be unlawful for a carrier to refuse to transport or ship an organ, tissue, or part
20 thereof, whether accompanied or not. Such refusal shall be penalized with a fine in the
21 amount of Five Hundred Thousand Pesos (P500,000.00).
22
23 (d) Any person who commits the discriminatory act mentioned in subsection (a) and (b) of
24 this section shall suffer the penalty of imprisonment for six (6) months to four (4) years
25 and a fine not exceeding ten thousand pesos (P10,000.00), including the cancellation or
26 revocation of license or permit as may be applicable.
27

28 Any person who acts in good faith in accordance with the provisions of this Act shall not be liable
29 for damages in any civil action or be subject to criminal prosecution.
30

31 SEC. 38. *Other Prohibited Acts.* – It shall be unlawful for any person, natural or juridical, to
32 commit any of the following acts:
33

- 34 (a) Advertise in any manner, whether formally or informally through print, broadcast media
35 and other means of electronic media, an offer to sell, barter, deal in or supply human
36 organs, tissues, or parts thereof or an offer to acquire, buy or to receive human organs,
37 tissues, or parts thereof for consideration in whatever form;
38
39 (b) Advertise, publish, print, broadcast or distribute, or cause the advertisement, publication,
40 printing, broadcasting or distribution by any means, including the use of information
41 technology and the internet, or any brochure, flyer, or any propaganda material that
42 promotes commercial dealings in human organs, tissues, or parts thereof;
43
44 (c) Recruit, transport, transfer, harbor, provide, or receipt of persons by any means, for the
45 sale, barter, or supply of human organs, tissues, or parts thereof which involves
46 consideration in whatever form;
47

- 1 (d) Offer consideration in money, kind or service for the purpose of acquiring, buying,
2 offering, selling, or trading human organs, tissues, or parts thereof;
3
- 4 (e) Offer to supply human organs, tissues, or parts thereof for consideration or initiate or
5 negotiate any arrangement for the supply thereof or for an offer to supply human organs,
6 tissues or parts thereof;
7
- 8 (f) Act as a facilitator, middleman, broker or other similar role in the sale, barter, or supply of
9 human organs, tissues, or parts thereof for consideration in whatever form;
10
- 11 (g) Engage in the trade, sale, barter, or supply of human organs, tissues, or parts thereof for
12 consideration in whatever form;
13
- 14 (h) Store or handle human organs, tissues, or parts thereof that have been acquired or
15 transferred or sold for consideration;
16
- 17 (i) Deliver, transport, transfer or distribute human organs, tissues, or parts thereof that have
18 been acquired or transferred or sold for consideration in whatever form;
19
- 20 (j) Remove or transplant human organs, tissues, or parts thereof that have been acquired or
21 transferred or sold for consideration in whatever form;
22
- 23 (k) Consent to the transplantation of human organs, tissues, or parts thereof and be
24 transplanted with the same with the knowledge that the human organs, tissues, or parts
25 thereof have been acquired or transferred or sold for consideration in whatever form;
26
- 27 (l) Recruit or invite persons to supply human organs, tissues, or parts thereof for
28 consideration; and
29
- 30 (m) Make or receive payment for the supply of or for an offer to supply human organs,
31 tissues, or parts thereof.
32

33 SEC. 39. *Penalties for Other Prohibited Acts.* – The following penalties and sanctions are
34 imposed for the offenses enumerated in Section 36 of this Act:
35

- 36 (a) Any person found guilty of committing any of the acts enumerated in Section 38 of this
37 Act shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less
38 than one million pesos (P1,000,000.00) but not more than two million pesos
39 (P2,000,000.00)
- 40 (b) If the offender is a corporation, partnership, association, club, establishment or any
41 juridical person, the penalty shall be imposed upon the owner, president, partner,
42 manager, or any responsible officer who participated in the commission of the crime or
43 who shall have knowingly permitted or failed to prevent its commission;
- 44 (c) The registration with the Securities and Exchange Commission (SEC) and license to
45 operate of an erring corporation, partnership, association, or group shall be cancelled and
46 revoked permanently. The owner, president, partner or manager thereof shall not be
47 allowed to operate similar establishments in a different name;

- 1 (d) If the offender is a hospital, clinic or other similar licensed medical institution, the penalty
2 shall be imposed upon its owner, president, director, members of the board, officials,
3 doctors and medical staff with knowledge of the illegal acts and participates in the illegal
4 acts;
- 5 (e) If the offender is a hospital, clinic or medical institution under the DOH and other
6 regulatory institutions, its license shall be cancelled and revoked, and the license to
7 practice of medical professionals working in such hospital, clinic, medical or regulatory
8 institution found guilty of the illegal acts shall be cancelled and revoked;
- 9 (f) If the offender is a foreigner, the foreigner shall be immediately deported after serving the
10 sentence and be barred permanently from entering the country; and
- 11 (g) If the offender is an official or employee of a government agency, such official or
12 employee shall be held administratively liable, without prejudice to criminal liability under
13 this Act. The government official or employee shall, upon conviction, be dismissed from
14 the service and be barred permanently to hold public office. The retirement and other
15 benefits of erring government official or employee shall likewise be forfeited.

16
17 **ARTICLE VII**
18 **FINAL PROVISIONS**

19
20 *SEC. 40. Appropriation.*

- 21
22 (a) Initial Appropriation – Congress shall appropriate the amount of Forty Million Pesos
23 (P40,000,000.00) for the initial implementation of the Act.
- 24
25 (b) Subsequent Appropriations – the following year after the initial appropriation and
26 succeeding years thereafter, the appropriation for the PhilNOS shall be included in the
27 regular budgetary allocation for the Department of Health, until such time that the
28 PhilNOS shall be self-sustaining through its own funding.
- 29 (c) Additional Appropriations – DOH may request Congress to appropriate supplemental
30 funding for the PhilNOS in order to meet targeted milestones of this Act, as may deemed
31 necessary by the PhilNOS.

32
33 *SEC. 41. Rules and Regulations.* – Within thirty (30) days from the approval of this Act, the
34 Secretary of Health, after consultation with all health professionals of both government and
35 private, and nongovernment health organizations, shall promulgate the rules and regulations
36 implementing the provisions of this Act. The implementing rules and regulations issued pursuant
37 to this Act shall take effect thirty (30) days after its publication in two (2) national newspapers of
38 general circulation.

39
40 *SEC. 42. Repealing Clause.* – Republic Act No. 7170, as amended, also known as the “Organ
41 Donation Act of 1991”, is hereby repealed.

42
43 All other laws, decrees, ordinances, rules and regulations, executive or administrative orders,
44 and other presidential issuances inconsistent with this Act are hereby repealed, amended or
45 modified accordingly.

1 SEC. 43. *Suppletory Application of Republic Act No. 9208.* – The provisions of Republic Act No.
2 9208, otherwise known as the “Anti-Trafficking in Persons Act of 2003”, and Section 4(g) of its
3 Implementing Rules and Regulations, insofar as they are not inconsistent with the provisions of
4 this Act, shall apply suppletorily.

5
6 SEC. 44. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid,
7 the remaining parts or provisions not affected shall remain in full force and effect.

8
9 SEC. 45. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official*
10 *Gazette* or in a newspaper of general circulation.

11
12 Approved,