	SENATE OFFICE OF THE SECRETARY
FOURTEENTH CONGRESS OF THE REPUBLIC)OF THE PHILIPPINES)First Regular Session)	8 JUN -3 P2:07
SENATE P. S. R. No. 433	RECEIVED BY: 4

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED PROLIFERATION OF KIDNEY TRANSPLANTATIONS DESPITE A TOTAL BAN IN THE COUNTRY

WHEREAS, the Constitution, Article 2, Section 15 provides, "The State shall protect and promote the right to health of the people and instill health consciousness among them";

WHEREAS, Republic Act No. 9208 also known as the Anti-Trafficking in Persons Act, Section 3 (a) provides that: "Trafficking in Persons refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs";

WHEREAS, the *Philippine Star*, in its 21 May 2008 issue reported that Social Welfare Secretary Esperanza Cabral reprimanded the Philippine Board of Organ Donation and Transplantation (PBODT), chaired by the Department of Health, for allowing eight foreigners to undergo kidney transplantation despite a total ban on the procedure in the country;

WHEREAS, Cabral alleged that the National Transplant and Ethics Committee (NTEC), which is under the PBODT, has violated Republic Act No. 9208, which includes the removal and sale of organs like the kidneys, by means of fraud, deception, abuse of power or position, and taking advantage of the vulnerability of the person, among other things;

WHEREAS, the PBODT, headed by Health Secretary Francisco Duque III, allegedly exempted the eight foreign patients for "humanitarian reasons" since they have been in the country before the ban;

WHEREAS, Secretary Cabral argued that they should consider, at least equally, the implications of their 'humanitarian' act on the thousands of Filipinos who also urgently need treatment for kidney failure, as well as the thousands more whose poverty is being taken advantage of by syndicates involved in the commercialization of organ transplantation who recruit, broker, provide venues and facilities for the operations and perform foreign transplants; WHEREAS, it was reported that the PBODT earlier issued a resolution banning foreign patients from getting kidneys from living donors who are not their blood relatives, but that technically, the resolution is not yet in effect because it has not been signed by the DOH executive committee and published in newspapers;

WHEREAS, Department of Health records show that in 2006, a total of 690 kidney transplantations were performed in the Philippines, where 63% of the patients were foreigners, mostly from Arab nations, and 99.99% of kidney donors from the Philippines are poor;

WHEREAS, Asia Against Child Trafficking, a non-profit group advocating an absolute ban on the kidney trade, claim that Filipinos were the cheapest source of kidneys in the global black market for human organs, selling a kidney for a measly \$1,500;

WHEREAS, such incidents will continue to lure our countrymen in dire need of cash into the hands of illegal kidney harvesting networks and syndicates operating in various parts of the country who dupe poor Filipinos into selling their kidneys for meager sums;

WHEREFORE, be it hereby resolved by the Philippine Senate, to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on the alleged proliferation of kidney transplantations despite a total ban in the country.

Adopted,

MIRIAM DEFENSOR SANTIAGO

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