

[REPUBLIC ACT NO. 7170, January 07, 1992]

**AN ACT AUTHORIZING THE LEGACY OR DONATION OF ALL OR
PART OF A HUMAN BODY AFTER DEATH FOR SPECIFIED
PURPOSES**

*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 "Organ Donation Act of 1991."

SEC. 2. *Definition of Terms.* - As used in this Act the following terms shall mean:

- a. "Organ Bank Storage Facility" - a facility licensed, accredited or approved under the law for storage of human bodies or parts thereof.
- b. "Decedent" - a deceased individual, and includes a still-born infant or fetus.
- c. "Testator" - an individual who makes a legacy of all or part of his body.
- d. "Donor" - an individual authorized under this Act to donate all or part of the body of a decedent.
- e. "Hospital" - a hospital licensed, accredited or approved under the law, and includes a hospital operated by the Government.
- f. "Part" - includes transplantable organs, tissues, eyes, bones, arteries, blood, other fluids and other portions of the human body.
- g. "Person" - an individual, corporation, estate, trust, partnership, association, the Government or any of its subdivisions, agencies or instrumentalities, including government-owned or -controlled corporations; or any other legal entity.
- h. "Physician" or "Surgeon" - a physician or surgeon licensed or authorized to practice medicine under the laws of the Republic of the Philippines.
- i. "Immediate Family" of the decedent - the persons enumerated in Section 4(a) of this Act.
- j. "Death" - the irreversible cessation of circulatory and respiratory functions or the irreversible cessation of all functions of the entire brain, including the brain stem. A person shall be medically and legally dead if either:
 1. In the opinion of the attending physician, based on the acceptable standards of medical practice, there is an absence of natural respiratory and cardiac functions and, attempts at resuscitation would not be successful in restoring those functions. In this case, death shall be deemed to have occurred at the time these functions ceased; or
 2. In the opinion of the constituting physician, concurred in by the attending physician, that on the basis of acceptable standards of medical practice, there is an irreversible cessation of all brain functions; and considering the absence of such functions further attempts at resuscitation or continued supportive maintenance would not be successful in restoring

such natural functions. In this case, death shall be deemed to have occurred at the time when these conditions first appeared.

The death of the person shall be determined in accordance with the acceptable standards of medical practice and shall be diagnosed separately by the attending physician and another consulting physician, both of whom must be appropriately qualified and suitably experienced in the care of such patients. The death shall be recorded in the patient's medical record.

SEC. 3. *Person Who May Execute A Legacy.* - Any individual, at least eighteen (18) years of age and of sound mind, may give by way of legacy, to take effect after his death, all or part of his body for any purpose specified in Section 6 hereof.

SEC. 4. *Person Who May Execute a Donation.* - a) Any of the following persons, in the order of priority stated hereunder, in the absence of actual notice of contrary intentions by the decedent or actual notice of opposition by a member of the immediate family of the decedent, may donate all or any part of the decedent's body for any purpose specified in Section 6 hereof.

1. Spouse;
2. Son or daughter of legal age;
3. Either parent;
4. Brother or sister of legal age; or
5. Guardian over the person of the decedent at the time of his death.

b) The persons authorized by sub-section (a) of this Section may make the donation after or immediately before death.

SEC. 5. *Examination of Human Body or Part thereof.* - A legacy or donation of all or part of a human body authorizes any examination necessary to assure medical acceptability of the legacy or donation for the purpose(s) intended.

For purposes of this Act, an autopsy shall be conducted on the cadaver of accident, trauma, or other medico-legal cases immediately after the pronouncement of death, to determine qualified and healthy human organs for transplantation and/or in furtherance of medical science.

SEC. 6. *Persons Who May Become Legatees or Donees.* - The following persons may become legatees or donees of human bodies or parts thereof for any of the purposes stated hereunder:

- a. Any hospital, physician or surgeon - For medical or dental education, research, advancement of medical or dental science, therapy or transplantation;
- b. Any accredited medical or dental school, college or university - For education, research advancement of medical or dental science, or therapy;
- c. Any organ bank storage facility - For medical or dental education, research, therapy, or transplantation; and
- d. Any specified individual - For therapy or transplantation needed by him.

SEC. 7. *Duty of Hospitals.* - A hospital authorized to receive organ donations or to conduct transplantation shall train qualified personnel and their staff to handle the task of introducing the organ donation program in a humane and delicate manner to the relatives of the donor decedent enumerated in Section 4 hereof. The hospital

shall accomplish the necessary form or document as proof of compliance with the above requirement.

SEC. 8. Manner of Executing a Legacy.

- a. Legacy of all or part of the human body under Section 3 hereof may be made by will. The legacy becomes effective upon the death of the testator without waiting for probate of the will. If the will is not probated, or if it is declared invalid for testamentary purposes, the legacy, to the extent that it was executed in good faith, is nevertheless valid and effective.
- b. A legacy of all or part of the human body under Section 3 hereof may also be made in any document other than a will. The legacy becomes effective upon death of the testator and shall be respected by and binding upon his executor or administrator, heirs, assigns, successors-in-interest and all members of the family. The document, which may be a card or any paper designed to be carried on a person, must be signed by the testator in the presence of two witnesses who must sign the document in his presence. If the testator cannot sign, the document may be signed for him at his direction and in his presence, in the presence of two witnesses who must, likewise, sign the document in the presence of the testator. Delivery of the document of legacy during the testator's lifetime is not necessary to make the legacy valid.
- c. The legacy may be made to a specified legatee or without specifying a legatee. If the legacy is made to a specified legatee who is not available at the time and place of the testator's death, the attending physician or surgeon, in the absence of any expressed indication that the testator desired otherwise, may accept the legacy as legatee. If the legacy does not specify a legatee, the legacy may be accepted by the attending physician or surgeon as legatee upon or following the testator's death. The physician who becomes a legatee under this subsection shall not participate in the procedures for removing or transplanting a part or parts of the body of the decedent.
- d. The testator may designate in his will, card or other document, the surgeon or physician who will carry out the appropriate procedures. In the absence of a designation, or if the designee is not available, the legatee or other persons authorized to accept the legacy may authorize any surgeon or physician for the purpose.

SEC. 9.* *Manner of Executing a Donation.* - Any donation by a person authorized under subsection (a) of Section 4 hereof shall be sufficient if it complies with the formalities of a donation of a movable property.

In the absence of any of the persons specified under Section 4 hereof and in the absence of any document of organ donation, the physician in charge of the patient, the head of the hospital or a designated officer of the hospital who has custody of the body of the deceased classified as accident, trauma, or other medico-legal cases, may authorize in a public document the removal from such body for the purpose of transplantation of the organ to the body of a living person: *Provided,* That the physician, head of hospital or officer designated by the hospital for this purpose has exerted reasonable efforts, within forty-eight (48) hours, to locate the nearest relative listed in Section 4 hereof or guardian of the decedent at the time of death.

In all donations, the death of a person from whose body an organ will be removed