

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 1624

Introduced by REP. AUGUSTO BOBOY SYJUCO, Ph. D.

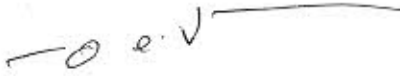
EXPLANATORY NOTE

The tragedy of the Ozone Disco fire on March 18, 1996 that slaughtered a horde of young people is considered one of the worst fire incidents in the country. Several human rights of the victims had been violated. It was tragic enough that the accident was the direct result of criminal negligence on the part of the licensing and supervising officials of the government but even more tragic is the ghoulish and heinous acts of those vultures who preyed on and pillaged the hapless victims of their valuables, desecrated their bodies and robbed them of vital body organs for the malicious purposes of some funeral parlors.

It is incomprehensible that in a supposedly civilized democratic society, some people still choose to take advantage of their own fellowmen even when these same people have already fallen victims to misfortune. A totally unpardonable crime, such inhumane acts deserve the severe of punishment.

This bill seeks to classify as heinous crime all acts of looting, stealing from and desecrating the bodies of victims during or in the aftermath of natural or man-made calamities and accidents and providing penalties therefor.

To protect the rights of victims of natural or man-made calamities and accidents, passage of this bill is earnestly sought.


AUGUSTO BOBOY SYJUCO, Ph. D.
2nd District, Province of Iloilo

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AN ACT DEFINING AND PENALIZING THE CRIMES OF LOOTING, STEALING FROM AND DESECRATING THE VICTIMS DURING AND IN THE AFTERMATH OF NATURAL OR MAN-MADE CALAMITIES AND ACCIDENTS AND PRESCRIBING PENALTIES THEREFOR

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

SECTION 1. Declaration of Policy. – The sanctity of human dignity, living or deceased, the right to emergency care with utmost respect for human in times of danger or adverse situations and the promotion of the general welfare are enshrined in the Constitution as essential for the protection and enjoyment by all people under the blessings of democracy.

SEC. 2. Definition of Terms. – As used in this Act, unless the context otherwise requires, the following terms shall have the following meaning:

- 1) "Dead" shall refer to any deceased person or persons;
- 2) "Infants" shall refer to any child or children less than three (3) years old;
- 3) "Fetus(es)" shall refer to any human being from fertilization until birth;
- 4) "Cadaver" shall refer to the body of any dead person;
- 5) "Mutilating" shall refer to any act carried out with the intention of cutting or chopping off any part of the human body;
- 6) "Grave" shall refer to any tomb or site where the dead is buried;
- 7) "Embalming" shall refer to preparing, disinfecting and preserving a dead body for its final disposal;
- 8) "Natural Calamity" shall refer to natural catastrophes through forces of nature and beyond human control (i.e. earthquakes, typhoons, volcanic eruption, etc.)
- 9) "Man-made Calamities and Accidents" shall refer to tragedies of human origin (i.e. fires, nuclear, industrial, chemical and electrical disasters);
- 10) "Looting" shall refer to plunder in voluminous quantity which is not less than Twenty Thousand Pesos (P20,000.00) but not exceeding Fifty Million Pesos (P50,000,000.00);
- 11) "Stealing" shall refer to robbery as defined under Articles 299, 300 and 302, or theft as defined under Article 308 of the Revised Penal Code;
- 12) "Desecrating the victim" shall refer to the following:
 - a) Any act of disrespect;
 - b) Outraging or scoffing at the corpse;

- c) Taking away vital organs, or the corpse itself for profit;
- d) Illegal exhumation of dead bodies in cemeteries;
- e) Burying the dead, including infants and fetuses, without securing approval and appropriate permits from local health units;
- f) Dumping of dead persons, including infants and fetuses, in public places with the intent of abandoning the cadaver;
- g) Having sexual contact or activity with the dead;
- h) Selling the cadaver to any individual or institution without securing approval and appropriate permit from the local health units;
- i) Conducting any medical study or experiment on the dead, including infants and fetuses, without securing approval and appropriate permit from local health units;
- j) Mutilating the dead, including infants and fetuses, except for embalming and medical purposes;
- k) Destruction of tombs and other private or public burial sites;
- l) Taking from the grave the personal property buried with the dead including but not limited to coffin, clothing and jewelry.

SEC. 3. Penalties. In cases of accidents, the penalty of *prison correctional* and/or a fine ranging from Fifty Thousand Pesos (P50,000.00) to One Hundred Thousand Pesos (P100,000.00), at the discretion of the court, shall be imposed upon any person who shall commit the crime of looting or stealing as defined under this Act.

In cases of natural and man-made calamities, the penalty of *prison mayor* in its maximum period and/or a fine ranging from One Hundred Thousand Pesos (P100,000.00) to Three Hundred Thousand Pesos (P300,000.00), at the discretion of the court, shall be imposed upon any person who shall commit the crime of looting or stealing as defined under this Act.

The penalty of *prison mayor* shall be imposed upon any person who shall commit the crime of desecration of the victim.

In case the offender is a government employee/officer/official, a person in authority, as defined in Article 152 of the Revised Penal Code, or a law enforcement officer, the penalty of *reclusion perpetua* shall be imposed.

SEC. 4. Prima Facie Evidence of Commission of the Crime. – Any person caught in possession of the property of the victim/deceased at the vicinity of the accident or in possession of the organs of the victim shall be presumed to have committed the crime of looting, stealing or desecrating as defined in Section 2 hereof.

SEC. 5. Responsibility of the Local Health Units. – In addition to the responsibilities cited in Section 100 of Presidential Decree No. 856 otherwise known as Code on Sanitation with regard to the disposal of a dead person, the local health units shall also issue the permits necessary in compliance with this Act.

SEC. 6. Aggravating Circumstances. – Any person who shall commit the crime of desecration of the victim for any crime specified in Article 246 to 260 of the Revised Penal Code shall be considered an aggravating circumstance for such felonies.

SEC. 7. Prescription of Crime. – The crime punishable under this Act shall prescribe in accordance with the provision of the Revised Penal Code.

SEC. 8. Separability Clause. – If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remaining provisions of this Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

SEC. 9. Repealing Clause. All laws, decrees, executive orders, proclamations and/or administrative regulations which are inconsistent with the provisions of this Act are hereby amended, modified, superseded or repealed accordingly.

SEC. 13. Effectivity. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.