

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 2299

Introduced by Honorable Godofredo V. Arquiza

EXPLANATORY NOTE

This bill seeks to provide a burial space for the poor senior citizens.

Section 9, Article II of the 1987 Constitution states:

“The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.”

Further, Section 10, Article II, provides:

“The State shall promote social justice in all phases of national development.”

The Constitution mandates the State to promote social justice in all phases of national development. In the fulfilment of this duty, the State must give preferential attention to the welfare of the less fortunate members of the community – the poor, the unschooled, the disabled, the underprivileged, and those who have less in life, such as the *poor senior citizens*.

The Preamble calls for the establishment of a “just and humane society” and a government that shall “promote the common good”. Such a society must ensure the prosperity and independence of the nation and free the underprivileged and the marginalized sectors of our population from poverty. The goal is to reduce the political and economic power of a privileged few by equalizing widely differing standards and to raise the masses of our people from a life of misery and deprivation to a qualitative life worthy of human dignity and respect.

For several years, we recognize that the senior citizens had made valuable contributions to our country. Existing laws have granted benefits for sickness and disability for citizens in their twilight years who are without any means of support. It is about time that we consider the plight of the unfortunate ones and repay their services by reserving a solemn place which they can call their very own. It is in recognition of their role as valuable members of the Filipino family that the State is mandated by the Constitution to assure their welfare.

In view of the foregoing considerations, approval of this bill is earnestly sought.



GODOFREDO V. ARQUIZA
Senior Citizen Party List

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AN ACT PROVIDING FOR BURIAL SPACE
TO QUALIFIED SENIOR CITIZENS
AND APPROPRIATING FUNDS THEREFORE

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

Section 1. **Short Title.** – This Act shall be known as the “*Senior Citizens Burial Space Act of 2010.*”

Section 2. **Declaration of Policy.** – Section 10 of the Declaration of Principles and State Policies of the 1987 Constitution provides: “The State shall provide social justice in all phases of national development.” Further, Article XIII, Section 11 provides: “The State shall adopt an integrated and comprehensive approach to health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women and children.” Consonant with these constitutional principles the following are the declared policies of this Act:

- (a) To recognize the rights of the underprivileged senior citizens to have their proper place in society;
- (b) To provide a burial space for the poor deceased senior citizens and recognize their important role in the society;
- (c) To recognize the vital role of the Local Government in the welfare of poor senior citizens and to actively seek their partnership;

(b) To encourage the Filipino family to reaffirm the valued Filipino tradition of caring for the senior citizens;

(c) To give full support to the improvement of the total well-being of the poor elderly considering that senior citizens are integral part of Philippine society;

In accordance with these policies, this Act aims to:

(1) adopt measures whereby our poor deceased senior citizens are provided with a burial space at a local public cemetery in every city or municipality;

(3) establish a program beneficial to the surviving family of the poor deceased senior citizens; and

(4) establish programs in every political unit of society towards this objective.

Section 3. *Definition of Terms.* – For purposes of this Act, these terms are defined as follows:

(a) "Senior citizen" or "elderly" shall mean any resident citizen of the Philippines at least sixty (60) years old or older as defined in Republic Act No. 9257, otherwise known as the "*Expanded Senior Citizens Act of 2003.*"

(b) "Benefactor" shall mean any person whether related to the senior citizens or not, who takes care of him/her as a dependent;

(c) "Local Government unit " shall mean - as defined in the Local Government Code, as amended; and

(d) "Burial Space" shall mean one of several tombstones in an apartment monument erected to perpetuate the memory of the dead;

Section 4. *Burial Space.* – There shall be a burial space for the qualified poor senior citizens, wherein every local government that has a public cemetery shall reserve a burial space or apartment to the poor deserving senior citizens who have passed away;

Section 5. Qualifications. – To avail of the burial space, a deceased senior citizen, at the time of his/her death must be:

- a) a Filipino citizen;
- b) without any other source of income or without relatives capable of giving burial assistance; and
- c) Must be within the poverty threshold as determined by the DSWD.

For purposes of this Act, the underprivileged deceased senior citizen shall have been previously issued a special Beneficiary Card (BC) by the Department of Social Welfare and Development (DSWD) which shall entitle the deceased to a burial space in accordance with this Act.

Section 6. Funeral financial assistance. – Other benefits extended to qualified senior citizens shall include funeral assistance in the amount of Ten Thousand Pesos (PhP 10,000.00) to help the family in the funeral expenses; *Provided*, that the family of the deceased senior citizen shall present a Certified True Copy of his Death Certificate, issued by the Local Civil Registrar's Office of the locality where the senior citizen died.

The application for funeral assistance shall be filed by the Benefactor with the DSWD.

Section 7. Government Assistance. – The Government shall provide the following:

The Department of Social Welfare and Development (DSWD), in coordination with Local Government Units (LGUs) and the Office of the Senior Citizens Affairs (OSCA), shall institute a program in pursuance of the objectives of this Act.

The Local Government Units shall have the following functions:

- (a) To plan, implement and monitor yearly programs in pursuance of the objectives of this Act;
- (b) To draw up a list of available burial spaces and apartments which can be provided to the poor deceased senior citizens;

- (c) To maintain and regularly update, on a quarterly basis, the list of senior citizens who have availed and used the burial apartments;
- (d) To service as a General Information and Liaison Center to serve the needs of the surviving relatives of the deceased senior citizens;
- (e) To monitor compliance of the provisions of this Act particularly the grant of burial apartments and funeral financial assistance to the poor deceased senior citizens;
- (f) To report to the mayor, found violating any provision of this Act; and
- (g) To assist the surviving relatives of the deceased senior citizens in filing complaints or charges against any public cemetery refusing to comply with the privileges under this Act before the Department of Justice or the provincial, city or municipal trial court.

Section 8. ***Municipal/ City Responsibility.*** – It shall be the responsibility of the Municipality/City, through the Mayor to prominently display posters, stickers, and other notices that will generate public awareness of the rights and privileges of the poor deceased senior citizens, to ensure that the provisions of this Act are implemented to its fullest.

Section. 9. ***Partnership of the National and Local Government Units.*** – The national government and local government units shall undertake to ensure the implementation of this Act in their respective territorial jurisdictions.

Section 10. ***Support of Private Cemeteries*** – Private cemeteries dedicated to the promotion, enhancement and support of the welfare of senior citizens are hereby encouraged to become partners of the government in the implementation of this program.

Accordingly, the government shall recognize the vital role of private cemeteries in complementing the government in the delivery of services to senior citizens such that the Local Government Unit concerned may allow a tax deduction on the payment of its real estate taxes.

Section 11. ***Implementing Rules and Regulations.*** – The Secretary of Social Welfare and Development, within ninety (90) days from the approval of this Act, shall promulgate the implementing, rules and regulations for the effective implementation of the provisions of this Act in consultation and coordination with the Department of Interior and Local Government.

Section. 12. ***Appropriation.*** – The necessary appropriation for the operation of this Act shall be appropriated and approved by the local government units concerned. The amount necessary to carry out the provisions of this Act upon its effectivity shall be charged out of the funds of the Office of the President. Thereafter, any such sum as shall be needed for the regular implementation of this Act shall be included in subsequent General Appropriations Act following its enactment into law.

Section 13. ***Effectivity.*** – This Act shall take effect within fifteen (15) days after publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,



GODOFREDO V. ARQUIZA
Senior Citizen Party List