

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3715

Introduced by: Honorable Mar-Len Abigail S. Binay

EXPLANATORY NOTE

The fact that many of our countrymen are either on or below poverty line is not novel, so is ambulance chasing and the evils with it. A sad reality exists when people who have already undergone the tragedy of losing a loved one or a dear friend have to face the burden of paying for them.

Many instances of people not being able to bury their loved ones occur due to the funeral parlors and other similar funeral service providers refusing to release the bodies of the deceased until the embalming and other funeral expenses be paid. Thus, what happens is that the bodies almost rot or the families have to sell majority of their belongings or some even result to crimes, but ultimately the fact that a deceased loved one is not given the proper burial due to financial constraints is abhorring.

In most cultures the burial of the dead is sacred, specially with ours since we are predominantly Catholic or Muslim, religions that believe in the requirements of proper burial for a peaceful afterlife. That is why the evil of holding or refusing to release the body of a person due to financial reasons is not acceptable, when negotiable instruments and means of credit are available to secure the obligation so that even if the services are provided first, there may still be payment. This bill seeks to address this wrong.

For the foregoing reasons, the early passage of this bill is earnestly sought.


MAR-LEN ABIGAIL S. BINAY

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AN ACT
PROHIBITING THE DETENTION OF BODIES IN FUNERAL HOMES AND
MORGUES ON GROUNDS OF NON PAYMENT OF EMBALMENT OR ANY
OTHER FUNERAL SERVICES.

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

SECTION 1. It shall be unlawful for any morgue, funeral parlor, undertakers or any other similar business that provides funeral services to detain or to otherwise cause, directly or indirectly, the detention of the bodies of the deceased, for reasons of nonpayment in part or full, of any cremation, embalmer or any other funeral services, by the surviving relatives or any other person taking responsibility for the body of the deceased.

SEC. 2. Surviving relatives or persons taking responsibility for the body of the deceased and wish to bury the body but are financially incapable to settle, in part or in full, their funeral expenses, including embalming, autopsy and any other similar funeral expenses, shall be allowed to claim the body with issuance of all corresponding papers required for the release of the body upon the execution of a promissory note covering the unpaid obligation. The promissory note shall be secured, at the sole option and prerogative of the surviving relatives or persons taking responsibility for the body of the deceased, by any of the following: (i) mortgage, or (ii) guarantee of a co-maker who will be jointly and severally liable with the relatives or responsible person(s) for the unpaid obligation."

SEC. 3. Any employee or person of the funeral home or morgue responsible for releasing bodies, who violates the provisions of this Act shall be punished by a fine of not less than Twenty thousand pesos (P20,000), but not more than Fifty thousand pesos (P50,000), or imprisonment of not less than one month, but not more than six months, or both such fine and imprisonment, at the discretion of the proper court.

SEC. 4. The Department of Health shall promulgate the necessary rules and regulation to carry out the provisions of this Act.

SEC. 5. If any provisions of this Act is declared void and unconstitutional, the remaining provisions hereof not affected thereby shall remain in full force and effect.

SEC. 6. All laws, decrees, orders, rules and regulation or pars thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 7. This Act shall take effect fifteen (15) days after its publication in two national newspapers of general circulation.

Approved,