

HOUSE OF REPRESENTATIVES
House Bill No. 5035

Introduced by Representative Ben P. Evardone

EXPLANATORY NOTE

Deeply ingrained in our culture and tradition is our respect for the dead, especially our loved ones.

Our intense religiosity brought about and developed funeral practices and burial customs encompassing a wide range of personal, cultural, and traditional beliefs we Filipinos observe in relation to bereavement, dying, honoring, respecting, interring, and remembering our departed loved ones, relatives, and friends.

It is indeed alarming that nowadays news reports about cadavers or human remains being detained by hospitals, morgues, medical institutions or funeral parlors due to unpaid medical or funeral services rendered, appear on television, radio and newspapers.

More disturbing, however, is the absence of a law prohibiting detention of cadavers or human remains due to unpaid medical or funeral services, even as we were able to pass that law prohibiting detention of patients for the same reason.

While our libel laws prohibit the living to speak ill of someone who died, or blacken the memory of the dead, we seem to permit this "hostage-taking" practice of these hospitals, morgues, funeral parlors. What quandary are we in?

This bill, coercive and restrictive it may be, assures every living soul that the respect Filipinos accord him or her while alive, would, in death, remain ever true.

It is on this score that immediate enactment of this bill is earnestly sought.


BEN P. EVARDONE
Representative
Lone District, Eastern Samar

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AN ACT

PROHIBITING THE DETENTION OF CADAVERS OR HUMAN REMAINS BY
HOSPITALS, MORGUES, FUNERAL PARLORS AND MEDICAL CLINICS ON
GROUNDS OF NONPAYMENT OF HOSPITAL BILLS MEDICAL EXPENSES, AND
OR FUNERAL SERVICES

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 “Anti-Detention of Cadaver Act of 2011.”

SECTION 2. It shall be unlawful for any hospital, morgue, medical clinic, or funeral parlor in the country to detain or to otherwise cause, directly or indirectly, the detention of cadavers or human remains which have been extended medical or funeral services, solely on account of non-payment, whether in full or in part of hospital bills, medical expenses, including physician or similar fees, and funeral expenses.

SECTION 3. It shall likewise be unlawful for any person to prohibit or delay, directly or indirectly, the issuance of Death Certificate of a person who died solely on account of non-payment, whether in full or in part, of hospital bills, medical expenses, including physician or similar fees, and funeral expenses.

SECTION 4. Any agreement or contract entered into allowing detention of such cadaver or human remains, or death certificate shall be void.

SECTION 5. Penalties.—The penalty of imprisonment of two (2) years and a fine of Two Hundred Thousand Pesos (P200,000.00) shall be imposed upon persons found violating or causing another to violate Section 2 hereof.

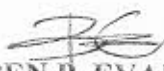
1 If the offender is a corporation, partnership, association or entity, the penalty shall be
2 imposed upon the officer or officers of the corporation, partnership, association or entity
3 responsible for violation; and if such officer is an alien, he shall, in addition to the penalties
4 herein prescribed, be deported without further proceedings;

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6 **SECTION 6.** The Department of Health shall promulgate the necessary rules and
7 regulations to carry out the provisions of this Act.

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9 **SECTION 7.** All laws, executive orders or issuances, or any part thereof which are
10 inconsistent herewith are hereby repealed or amended accordingly.

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12 **SECTION 8.** This Act shall take effect immediately upon its approval.

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14 **Approved,**

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19 **BEN P. EVARDONE**
20 Representative
Lone District of Eastern Samar