

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **3049**



Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

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
THEREOF AND FOR OTHER PURPOSES

EXPLANATORY NOTE

There is no excuse in violating the sanctity of human dignity, living or deceased. We must therefore ensure the protection of the sanctity of the human body particularly from unscrupulous individuals who seek to desecrate and loot the same.

Under this bill, we define the term "desecrating the victim" as the outraging or scoffing at corpses; taking away vital organs or the corpse itself for profit; illegal exhumation of dead bodies in cemeteries; burying the dead, including infants and fetuses, without securing approval and appropriate permits from local health units; dumping of dead persons, including infants and fetuses, in public places with the intent of abandoning the cadaver; selling the cadaver to any individual or institution without securing approval and appropriate permit from local health units; mutilating the dead, including infants and fetuses, except for embalming and medical purposes; destruction of tombs and other private or public sites; and taking from the grave the personal property buried with the dead including but not limited to the coffin, clothing and jewelry. All these activities shall be deemed punishable under this Act.

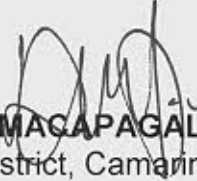
Moreover, this proposed measure penalizes any person caught in possession of the property of the victim/deceased at the vicinity of the accident or in possession of the

organs of the victims shall be presumed to have committed the crime of looting, stealing or desecrating and shall be punished under the provisions of this measure.

Finally, any person who commits the crime of desecration of the victim for any crime specified in Articles 246 to 260 of the Revised Penal Code shall be considered an aggravating circumstance for such felonies.

It is the hope of the authors that this humble proposal will be able to stir the country's consciousness on the sanctity of the human body and that the State prioritize the preservation of the inviolable dignity of the human being.

In view of the foregoing, early passage of this bill is earnestly requested.


DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur


GLORIA MACAPAGAL ARROYO
Second District, Pampanga

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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 humans 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.

SECTION 2. *Definition of Terms.* – As used in this Act, unless the context otherwise requires, the following shall mean:

- (a) "Dead" shall refer to any deceased person or persons;
- (b) "Infants" shall refer to any child or children less than three (3) days old;
- (c) "Fetuses" shall refer to any human being from fertilization until birth;
- (d) "Cadaver" shall refer to the body of any dead person;

- (e) "Mutilating" shall refer to any act carried out with the intention of cutting or chopping off any part of the human body;
- (f) "Grave" shall refer to any tomb or site where the dead is buried;
- (g) "Embalming" shall refer to preparing, disinfecting and preserving a dead body for its final disposal;
- (h) "Natural Calamity" shall refer to natural catastrophes through forces of nature and beyond human control (i.e. earthquakes, typhoons, volcanic eruption, etc.);
- (i) "Man-made calamities and accidents" shall refer to tragedies of human origin (i.e. fires, nuclear, industrial, chemical and electrical disasters);
- (j) "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);
- (k) "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;
- (l) "Desecrating the victim" shall refer to the following:
- (1) any act of disrespect;
 - (2) outraging or scoffing at the corpse;
 - (3) taking away vital, organs or the corpse itself for profit;
 - (4) illegal exhumation of dead bodies in cemeteries;
 - (5) burying the dead, including infants and fetuses, without securing approval and appropriate permits from local health units;
 - (6) dumping of dead persons, including infants and fetuses, in public places with the intent of abandoning the cadaver;
 - (7) having sexual contact or activity with the dead;
 - (8) selling the cadaver to any individual or institution without securing approval and appropriate permit from local health units;
 - (9) conducting any medical study or experiment on the dead including infants and fetuses, without securing approval and appropriate permits from local health units;

(10) mutilating the dead, including infants and fetuses, except for embalming and medical purposes;

(11) destruction of tombs and other private or public sites; and

(12) taking from the grave the personal property buried with the dead including but not limited to coffin, clothing and jewelry.

SECTION 3. *Penalties.* – In cases of accidents, the penalty of *prison correccional* 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.

The penalty of *prison mayor* shall be imposed upon any person who commits 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 Revised Penal Code, or a law enforcement officer, the penalty of *reclusion perpetua* shall be imposed.

If any of the acts mentioned herein is penalized by any other law with a higher penalty, the higher penalty shall be imposed.

SECTION 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 victims shall be presumed to have committed the crime of looting, stealing or desecrating as defined in Section 2 hereof.

SECTION 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.

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

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

SECTION 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 circumstance shall not be affected thereby.

SECTION 9. *Repealing Clause.* – All laws, presidential decrees, executive orders, proclamations and/or administrative regulations which are inconsistent, superseded or repealed accordingly.

SECTION 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,