

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS

Second Regular Session

House Bill No. **4709**



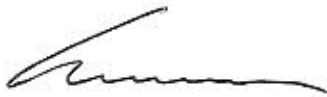
Introduced by Rep. EVELIO R. LEONARDIA

EXPLANATORY NOTE

The many complexities in family relations, not to mention the existence of illegitimate relationship brought about by de facto separation of couples while the innocent spouse still maintains his / her love to the abandoning partner, or in any other similar circumstances weakening the solid foundation of family life and relations, and when death later occurs to the wayward spouse or member of the family, the corpse of said person is normally the subject of another disharmonious tug-of-war between the legitimate and the otherwise illegitimate relatives, or among the members of the family.

Thus, while the existing law simply provides that the arrangement of the funeral or final rites of the deceased may be on the basis of the order of support as provided by the law, there is, however, to avoid the unharmonious tug-of-war claim over the corpse, the need to clarify and emphasize the right to the custody and possession of the corpse in regard to the final rites or funeral of the deceased by amending Article 305 of the Civil Code of the Philippines.

As such, the approval of this Bill is earnestly sought.


REP. EVELIO R. LEONARDIA
Lone District, Bacolod City

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AN ACT
AMENDING TITLE X, FUNERALS, ARTICLE 305 OF REPUBLIC ACT NO. 386,
AS AMENDED, OTHERWISE KNOWN AS THE CIVIL CODE OF THE
PHILIPPINES

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

SECTION 1. Article 305 of Republic Act No. 386, as amended, otherwise known
as the Civil Code of the Philippines, is hereby amended to read as follows:

Article 305. The duty and the right to make arrangements for the funeral of a
relative and the right to have the custody and possession of the cadaver shall be in
accordance with the order established for support, under Article 195 of Executive
Order No. 209, as amended, otherwise known as the Family Code of the Philippines. In
case of descendants of the same degree, or of brothers and sisters, the oldest shall be
preferred. In case of ascendants, the paternal shall have a better right.

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SECTION 2. **Separability Clause.** – If any provision of this Act is declared
invalid or unconstitutional, other provisions hereof which are not affected thereby shall
continue to be in full force and effect.

SECTION 3. **Repealing Clause.** – Any law, presidential decree or issuance,
executive order, letter of instruction, administrative order, rule or regulation contrary to or
inconsistent with any provision of this Act as hereby amended or modified accordinally.

SECTION 4. This Act shall take effect fifteen (15) days after its publication in the
Official Gazette or in two (2) newspapers of general circulation.

Approved,