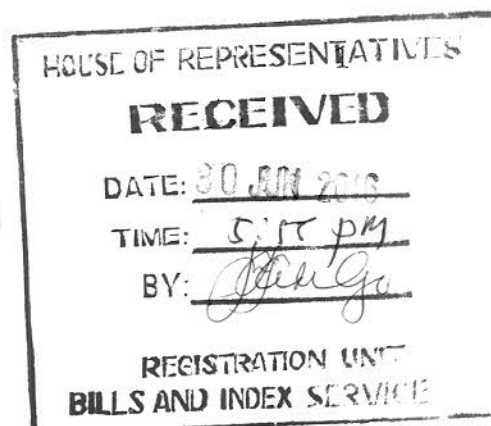


Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 135



Introduced by: HON. RODEL M. BATOCABE, HON. ALFREDO A. GARBIN, Jr., and
CHRISTOPHER S. CO

EXPLANATORY NOTE

This bill seeks to establish a Crematorium for every Legislative District in the country.

Cremation is the process of combustion, vaporization and oxidation of dead bodies into ashes. Such process may be done as a funeral or post-funeral rite, as an alternative to burial in cemeteries. Cremated remains, or "cremains," are not considered as health risks, and may either be stored in a columbarium, scattered in various locations, or kept in an urn on the house of the surviving family.

In recent years, more Filipinos are opting for cremation instead of burial for their deceased loved ones due to a number of financial and practical reasons. Cremation is generally cheaper than the traditional burial rite. In a 2015 data, a memorial lot costs at least Php 70,000, with an additional amount of at least Php 25,000 for the internment including the casket. In addition, public cemeteries require renewal fees which could lead to disposal of the remains if the surviving family defaults on payment. The cremation process costs approximately Php 25,000, with the optional niche costing between Php 35,000 to 50,000. However, such niches are designed to hold numerous urns, still making it affordable in comparison.

Pursuant to Sec. 11, Art. XIII of the 1987 Constitution, the State is mandated to make *health services available to all people at affordable cost*.

This bill seeks for the uniform distribution of Crematories nationwide so that cremation services will be more accessible even for those who are living in remote municipalities. This bill also provides for a socialized fee structure to help indigent and marginalized families to avail of free cremation services while sparing them of expenses for burial land and casket. With subsidized cremation costs, the government can ensure the affordable and accessible burial services for our people. Suffice it to

state, this is a social justice measure wherein the poor and marginalized will also be given equal access to social services even until their deaths.

Other direct effects of foregoing traditional burial would be to relieve future congestion during the annual All Saints' and All Souls' days, and even during funeral processions. With a projected increase of deaths, congestion of our burial lands will get worse so much so that they are no longer conducive to the living and its dead residents. Moreover, this measure will also channel the use of our lands to more productive use such as for agricultural, residential and industrial purposes and/or uses.. Finally, cremation is more environmentally friendly compared to traditional burial which could introduce contaminants from the coffin and the body, *further ensuring the protection of the environment as well as public health*, as mandated by Sec. 15 and 16 of Art. II of the 1987 Constitution.

In concurrence with the new administration's pro-poor and environment protection policies, the swift passage of this bill is earnestly sought.

RODEL M. BATOCABE

ALFREDO A. GARBIN, Jr.

CHRISTOPHER S. CO

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Introduced by: HON. RODEL M. BATOCABE, HON. ALFREDO A. GARBIN, Jr. and
HON. CHRISTOPHER S. CO

AN ACT PROVIDING FOR THE ESTABLISHMENT OF CREMATORIES IN EVERY LEGISLATIVE DISTRICT OF THE COUNTRY, UNDER THE SUPERVISION OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

Section 1. Title. - This Act shall be known as the "Accessible Crematories Act."

Section 2. Declaration of Policy. – It is hereby declared the policy of the State to make health services available to all people at affordable cost. Toward this end, Crematories shall be erected to provide affordable and accessible services to encourage more surviving families, especially the indigent, to opt for cremation of their deceased instead of burial.

Section 3. Establishment of Crematories. - There shall be established and maintained a secured, clean, and adequately-equipped Crematory in each Legislative District of the country, to be managed, operated and maintained by the Department of Social Welfare and Development (DSWD) in coordination with other concerned agencies.

The construction, technical requirements, sanitary certification, and operation of the Crematorium, as well as the handling and disposal of dead bodies shall be in compliance with Presidential Decree 856 (Code on Sanitation of the Philippines) and its Implementing Rules and Regulations.

Section 4. Reusable Coffins. – Each Crematorium shall have reusable metal coffins of which the technical specifications and quantity per Crematorium shall be determined by the Department of Social Welfare and Development, to be made available to the indigent surviving families of the decease who may opt for a funeral wake prior to cremation.

Section 5. Location of each Crematorium – The Secretary of Social Welfare and Development, in coordination with the Secretary of Public Works and Highways, shall determine the location of each Crematorium per Legislative District, taking into consideration the following qualifications:

(1) It shall be in a plot of land approved by the *Sangguniang Bayan* or *Sangguniang Panlungsod* of the Municipality or City chosen for location by the Secretary of Social Welfare and Development; and that

(2) It shall not be located within one hundred fifty (150) meters of any residential structure or land used for residential purposes.

Section 6. Supervision of each Crematorium. - The Department of Social Welfare and Development shall exercise supervision and control over each Crematorium, in addition to the duties and responsibilities of the Department under PD 856 and its IRR.

Section 7. Organization of each Crematorium. - Each Crematorium shall have a Crematorium Technician, who may be assisted by personnel pursuant to the Implementing Rules and Regulations of this Act.

The DSWD shall establish the necessary personal qualifications in the employment of the Crematorium Technician, personnel and staff.

Section 8. Government Assistance. - The Secretary of Social Welfare and Development is hereby authorized to call upon any department, bureau, agency, or instrumentality of the government for any support necessary for the effective implementation of this Act.

Section 9. Implementing Rules and Regulations. - The Department of Social Welfare and Development, in consultation with the Department of Budget and Management, Department of Public Works and Highways, Department of Environment and Natural Resources, and the Department of Social Welfare and Development, within ninety (90) days from the effectivity of the Act, shall promulgate the rules and regulations necessary for the effective implementation of the provisions of this Act.

The Department of Social Welfare and Development shall formulate the socialized rates for the cost of cremation, proportionate to the financial capacity of the surviving family of the deceased, and shall be incorporated in the Implementing Rules and Regulations.

The technical specifications in the Implementing Rules and Regulations shall comply with the provisions of PD 856 and Republic Act 8749 (Philippine Clean Air Act of 1999).

Section 10. Appropriations. - The funds required for the implementation of this Act shall be taken from the budget of the Department of Social Welfare and Development for the current fiscal year. Thereafter, the amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year immediately following its enactment into law and subsequent thereto.

The fund may be augmented by grants, donations, and endowment from various sources, domestic or foreign, for purposes related to their functions, subject to the existing guidelines set by the government.

Section 11. Separability Clause. - If any portion or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

Section 12. Repealing Clause. - All laws, parts of laws, decrees, presidential issuances, proclamations, orders, ordinances, and administrative regulations in conflict with the provisions of this Act are hereby amended, modified or repealed accordingly.

Section 13. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved.