

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **4981**



Introduced by HONORABLE SCOTT DAVIES S. LANETE, M.D.

EXPLANATORY NOTE

Jee Ick-Joo, a South Korean businessman, was reportedly kidnapped by two unidentified men from his residence in Angeles City, Pampanga October 18, 2016. Three months later, news circulated about Jee's abduction and it was only late of January of this year that authorities discovered Jee's horrendous death.

Investigations revealed that embalmers and personnel of a certain Gream Funeral Services were brought in by the NBI on January 17 for questioning, because a cadaver suspected to be that of Jee's was allegedly brought there on October 18, 2016. It turned out that Jee's remains were cremated a day after he was kidnapped. The embalmers confirmed that the South Korean's remains were indeed brought to Gream, after the NBI showed them photos of Jee. They also revealed Jee's ashes were flushed down the toilet after cremation. Authorities also found Jee's golf set which was supposedly made as the payment for the storage of Jee's remains at the funeral parlor.

Jee's kidnapping/murder is just one among the countless crime incidents where the authorities either took a long time to resolve or failed to resolve. One of the reasons for the slow resolution of crime incidents in the Philippines is the lack of laws intended to aid government investigators.

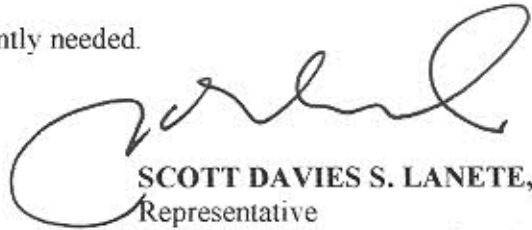
As it turned out, Jee's remains were cremated a Death Certificate. But is a death certificate required before a funeral parlor may cremate a dead person? The answer is no.

Presidential Decree No. 856 or the 'Code on Sanitation of the Philippines' provides that "No remains shall be buried without a death certificate." Sadly, PD 856 requires a death certificate only for purposes of burial. As it currently stands, the law does not cover cremation. Thus, a funeral parlor may legally cremate the remains of a dead person without the presence of a death certificate.

Also, there is no requirement under PD 856 for funeral parlors to report cases of suspicious deaths. Similarly, PD 856 is not armed with sufficient provisions that will ensure strict compliance by funeral parlors. Section 102 merely imposes the penalties of revocation or suspension of license and/or a fine in case of an erring funeral parlors/embalmers.

Considering the aforementioned weaknesses of PD 856, the author strongly believes that it is now high time to revisit and possibly amend PD 856 to conform to the present times by amending it to require a death certificate before cremation, mandating funeral parlors/embalmers to report cases of suspicious or violent deaths, and penalizing non-compliance therewith. As long as there is no such law regulating the practice of funeral parlors, crime investigation will continue to be snail-paced.

Therefore, the passage of this bill is urgently needed.

A handwritten signature in black ink, appearing to read 'Scott Lanete', with a large, stylized initial 'S'.

SCOTT DAVIES S. LANETE, M.D.

Representative

Third District, Province of Masbate

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AN ACT AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 856, OTHERWISE KNOWN AS THE “CODE ON SANITATION OF THE PHILIPPINES” AND FOR OTHER PURPOSES

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

Sec. 1. Section 89 of Presidential Decree No. 856 is hereby amended as follows:

“SECTION 89. Definition. – As used in this Chapter, the following terms shall mean:

- a. Burial grounds – cemetery, memorial park or any place duly authorized by law for permanent disposal of the dead.
- b. Embalming – preparing, disinfecting and preserving a dead body for its final disposal.
- c. Embalmer – a person who practices embalming.
- d. Undertaking – the care, transport and disposal of the body of a deceased person by any means other than embalming.
- e. Undertaker – person who practices undertaking.
- f. Funeral establishment – any place used in the preparation and care of the body of a deceased person for burial.
- g. Remains – the body of a dead person.
- h. Burial – Interment of remains in a grave, tomb or the sea.
- i. Disinterment – the removal or exhumation of remains from places of interment.
- j. Cremation – the process of reducing the remains into ashes by fire and other

means.

Sec. 2. Section 91 of Presidential Decree No. 856 is hereby amended as follows:

“SECTION 91. Burial Requirements. – The burial of remains is subject to the following requirements:

a. No remains shall be embalmed, cremated or buried without a dead certificate. This certificate shall be issued by the attending physician. If there has been no physician in attendance, it shall be issued by the mayor, the secretary of the municipal board, or a councilor of the municipality where the death occurred. The death certificate shall be forwarded to the local civil register within 48 hours after death.

b. Shipment of remains abroad shall be governed by the rules and regulations of the Bureau of Quarantine.

c. Graves where remains are buried shall be at least one and one-half meters deep and filled well and firmly.

d. The cost of burial of a dead person shall be borne by the nearest kin. If the kin is not financially capable of defraying the expenses or if the deceased had no kin, the cost shall be borne by the city or municipal government.

e. The burial of remains in city or municipal burial grounds shall not be prohibited on account of race, nationality, religion or political persuasion.

f. If the person who issues a death certificate has reasons to believe or suspect that the cause of death was due to violence or crime, he shall notify immediately the local authorities concerned. In this case the deceased shall not be buried until a permission is obtained from the provincial or city fiscal. If these officials are not available the permission shall be obtained from any government official authorized by law.

g. Except when required by legal investigation or when permitted by the local health authority, no unembalmed remains shall remain unburied longer than 48 hours after death.

h. When the cause of death is a dangerous communicable disease, the remains shall be buried within 12 hours after death. They shall not be taken to any place of public assembly. Only the adult members of the family of the deceased may be permitted to attend the funeral.

i. When the cause of death is suspicious or appears to have been caused by the intentional use of physical force or power as borne by marks on the cadaver, no remains shall be embalmed, cremated or buried without a police report duly issued by the Philippine National Report. In addition, the owner or responsible officers of a funeral establishment and the embalmer shall report such incidents to the Philippine National Report within 24 hours computed from the time a cadaver is brought to the funeral establishment.

Sec. 2. Section 102 of Presidential Decree No. 856 is hereby amended as follows:

“SECTION 102. Penal Provisions. –

a. The Secretary or his duly authorized representative may revoke or suspend the license of an undertaker or embalmer who violates any provisions of this Chapter or the rules and regulations promulgated by the Secretary under this Chapter.

b. Any person who shall engage in the business of undertaking or embalming in violation of any provision of this Chapter shall be liable to a penalty of not more than one thousand pesos for each violation.

In addition to the fine mentioned above, the penalty of imprisonment from one to two years shall be imposed against any embalmer, employer, owner or responsible officers of establishments who shall violate Section 91.

c. Each day or any part thereof during which any prohibited business or practice is continued shall be deemed a separate violation and subject to the same penalty prescribed in the preceding paragraph.”

Sec. 3. If any part or provision of this Act shall be held unconstitutional or invalid, other provisions which are not affected thereby shall continue to be in full force and effect.

Sec. 4. All laws, issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 5. 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.

Approved.