

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

SEVENTEENTH CONGRESS
FIRST REGULAR SESSION

House Bill No. **5246**



INTRODUCED BY Rep. GREG G. GASATAYA

EXPLANATORY NOTE

This is a refile of a Bill of the same nature and intent by Lone District of Bacolod Representative Evelio R. Leonardia of the 16th Congress.

Contemporarily, the many complexities in family relations considering the existence of illegitimate relationships brought about by de facto separation of couples, adultery, and other similar circumstances are weakening the foundation of family life and relations. Come the demise of the wayward spouse or relative, the remains usually becomes the subject of conflict between the legitimate and illegitimate relatives, and among family members.

While our existing laws simply provide for the arrangement of the funeral or final rites of the deceased to be based on the order of support as provided, there still remain unharmonious tug-of-war claim over the corpses of the departed family members. Hence, there is a need to clarify and emphasize the right to custody and possession of the cadaver in regard to the final rites or funeral. Such can be afforded by law through amending Article 305 of the Civil Code of the Philippines.

As such, approval of this Bill is earnestly sought.


REP. GREG G. GASATAYA
Lone District of 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 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.”

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 the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 4. 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.

APPROVED,


REP. GREG G. GASATAYA
Lone District of Bacolod City