

Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City
17th CONGRESS
Second Regular Session

House Bill No. **7420**



Introduced by **Representative Wes Gatchalian**

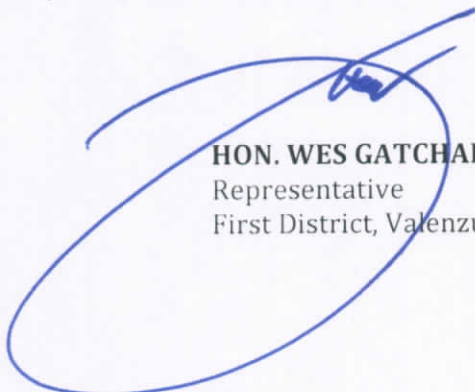
EXPLANATORY NOTE

The loss of a loved one is one of the banes of mortal life which every person has to face. Apart from the emotional cost of death, it is also a fact that such event also entails a heavy financial burden. Often coming unannounced, the expenses typically include a slew which include hospitalization, funeral, transportation, and burial expenses. The purpose of this bill is to provide some relief to our grieving citizens by regulating the transportation charges imposed by local government units on the relatives who seek to transfer their remains from one local territory to another.

Typically in transporting human remains across and through the territory of Local Government Units, before such transit is allowed, the LGUs would charge fees on the guise of sanitary fees or cadaver transit permits. The effect is that before a human remain is transported from the place where the person died to his family at another locality, the families are made to pay different fees and charges which also corresponds to an entire array of permits. This current system imposes an additional financial burden on the families just to be with their loved one, not to mention the delays which result through the process of repetitively having to secure different permits. This bill aims to resolve this by establishing a permit which will be issued by the Local Government Unit of origin which will be sufficient for the transit of the cadaver anywhere else within the country.

A note on the current paradigm, it is has been observed by the author that there is a dearth of statutory authority by which the LGUs are authorized to charge these aforementioned fees. PD 856, which is the Sanitary Code of the Philippines, does not authorize such imposition. It is only in the Implementing Rules and Regulations of the said code where this authority has been granted, it should therefore be noted that this power that is being exercised by LGUs was not conferred by a legislative grant from Congress and therefore of doubtful validity.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



HON. WES GATCHALIAN
Representative
First District, Valenzuela City

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**AN ACT REGULATING THE
DOMESTIC TRANSFER OF HUMAN REMAINS
AND CADAVERS**

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

Section 1. Sanitary and Transit Permit -

The health officer of the Local Government Unit in which the person whose remains is sought to be transferred, shall issue a Sanitary and Transit Permit, certifying that said remains is not a threat to public health and safety. *Provided*, that said permit shall be issued in accordance with the guidelines prescribed by the Department of Health. *Provided further*, that said permit shall be sufficient for the transfer of the remains anywhere within the Republic of the Philippines for a period of not more than fifteen (15) days after such issuance. *Provided finally*, that with the exception of necessary and reasonable fees charged by the Local Government Unit of origin which issued the permit, no other taxes, fees, charges, or permits shall be imposed by the Republic of the Philippines or any of its Political Subdivisions shall be imposed on the transfer of the remains.

Section 2. Requirements for Sanitary and Transit Permit -

The Health Officer shall require the following:

- a. Death Certificate;
- b. Embalming Certificate;
- c. Any other examination as required by the Department of Health pursuant to the implementing rules and regulations of this act for the purpose of ensuring public health and safety;

Section 3. Fees and Charges -

The Local Government Unit issuing the permit may require the payment of necessary and reasonable fees and charges for the purpose of issuing the permit.

Section. 4. *Implementing Rules and Regulations.* –

The Department of Health, in consultation with the Department of Interior and Local Government shall, promulgate the respective implementing rules and regulations and other issuances as may be necessary to ensure the effective implementation of this Act within sixty (60) days from its effectivity.

Section. 5. *Separability Clause.* –

If any provision of this Act shall be held unconstitutional, the remainder of the Act not otherwise affected shall remain in full force and effect.

Section. 6. *Repealing Clause.* –

All existing laws, presidential decrees, executive orders, proclamations or administrative regulations that are inconsistent with the provisions of this Act are hereby amended, modified, superseded, or repealed accordingly.

Section. 8. *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,