

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

SEVENTEENTH CONGRESS
Third Regular Session

8619
House Bill No. _____



Introduced by Representatives Ron P. Salo and Paul P. Hernandez

EXPLANATORY NOTE

"...(A)ng mamatay ng dahil sa'yo" is the last line of "Lupang Hinirang", or the Philippine National Anthem, composed by Julian Felipe in the 1800s and translated into its current Filipino version in the 1950s under the initiative of then President Ramon Magsaysay. It speaks of the Filipinos immense love for his country that he is willing to lay down his life in the service and defense of his motherland.

Like the National Anthem, the Philippine flag is another national symbol which embodies the national ideals and traditions, and exemplifies the principles of sovereignty and national solidarity. First unfurled during the battle between the Spanish and Filipino forces in Alapan, Cavite in 1898, the Philippine flag was the unifying symbol that rallied the Filipinos towards liberation from foreign rule which culminated in the proclamation of independence in Kawit, Cavite on June 12, 1898.

As a way of honoring those who have died for the country and those who have rendered distinguished service for the nation, Section 24 of Republic Act. No. 8491, or the Flag and Heraldic Code of the Philippines, provides an enumeration of those who are privileged to have their casket covered or draped by the Philippine flag. However, the enumeration provided under the above section is limited since it limits the privilege to former military and war veterans, and to civilians who have rendered distinguished service to the nation, as may be determined by the local government unit concerned. The discretion given to local government unit seems untrammelled, and as such, may be subject to abuse, depending on the decedent's relationship with the incumbent local executive.

To inspire nationalism, patriotism, and dedication among Filipinos especially to those in the field of sports, social, civic, and public services, this Act seeks to broaden or expand the enumeration provided under Sec. 24 of the Flag and Heraldic Code of the Philippines, while at the same time providing a clear direction as to who are mandatorily or discretionarily entitled to the privilege.

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


RON P. SALO
KABAYAN Partylist


PAUL P. HERNANDEZ
KABAYAN Partylist

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AN ACT
AMENDING SECTION 24 OF REPUBLIC ACT NO. 8491, OTHERWISE KNOWN
AS THE FLAG AND HERALDIC CODE OF THE PHILIPPINES.

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

SECTION 1. Section 24, Chapter I (E), of Republic Act No. 8491 is hereby amended to read as follows:

Section 24. The flag may be used to cover the caskets of the honored dead of the ~~military, veterans of previous wars, national artists, and of civilians~~ who have rendered distinguished service to the nation. ~~as may be determined by the local government unit concerned.~~ In such cases, the flag shall be placed such that the white triangle shall be at the head and the blue portion shall cover the right side of the caskets. **AT THE INTERMENT**, (t)he flag shall not be lowered to the grave or allowed to touch the ground, but shall be folded solemnly, **PLACED IN A RECTANGULAR FLAG CASE**, and handed over to the heirs of the deceased. **THE RECTANGULAR FLAG CASE TO WHICH THE FLAG IS ENCLOSED MAY BE PLACED BY THE HEIRS OF THE DECEASED IN THE APPROPRIATE AREA OF THEIR RESIDENCE, OR FORMER OFFICE OF THE HONORED DEAD.**

(a) THE FLAG, AS COVER TO THE CASKET, SHALL BE MANDATORY FOR THE FOLLOWING:

- i. INCUMBENT AND PAST PRESIDENTS AND VICE PRESIDENTS OF THE REPUBLIC OF THE PHILIPPINES;**
- ii. INCUMBENT MEMBERS OF THE SENATE, HOUSE OF REPRESENTATIVES, AND CONSTITUTIONAL BODIES;**
- iii. INCUMBENT JUSTICES OF THE SUPREME COURT, COURT OF APPEALS, SANDIGANBAYAN, AND THE COURT OF TAX APPEALS;**
- iv. INCUMBENT CABINET MEMBERS OR OFFICERS OF SIMILAR OR EQUIVALENT RANK;**
- v. INCUMBENT MEMBERS OF THE DIPLOMATIC CORPS;**

- vi. INCUMBENT GOVERNORS, VICE GOVERNORS, MEMBERS OF THE PROVINCIAL BOARD, MAYORS, VICE MAYORS, AND MEMBERS OF THE MUNICIPAL OR CITY BOARD;**
- vii. INCUMBENT BARANGAY CHAIRPERSONS AND SANGGUNIANG KABATAAN CHAIRPERSONS;**
- viii. NATIONAL SCIENTISTS OR PAMBANSANG ALAGAD NG AGHAM NG PILIPINAS AS DEFINED UNDER PRESIDENTIAL DECREE NO. 1003-A (DATED DECEMBER 16, 1976);**
- ix. WAR VETERANS;**
- x. MILITARY VETERANS;**
- xi. NATIONAL ARTISTS AND RECIPIENTS OF OTHER AWARDS BEING IMPLEMENTED AND ADMINISTERED BY THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS, SUCH AS, BUT NOT LIMITED TO, RECIPIENTS OF GAWAD MANLIKHA NG BAYAN AND PHILIPPINE HERITAGE AWARD AS PROVIDED UNDER REPUBLIC ACT NO. 7355;**
- xii. MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES AND THE PHILIPPINE NATIONAL POLICE WHO ARE ON ACTIVE DUTY;**
- xiii. INCUMBENT CAREER EXECUTIVE OFFICIALS; AND**
- xiv. ATHLETES WHO HAVE WON IN INTERNATIONAL SPORTS COMPETITIONS.**

(b) THE FLAG, AS COVER TO THE CASKET, SHALL BE DISCRETIONARY FOR THE FOLLOWING:

- i. FORMER MEMBERS OF THE SENATE, HOUSE OF REPRESENTATIVES, AND CONSTITUTIONAL BODIES;**
- ii. RETIRED JUSTICES OF THE SUPREME COURT, COURT OF APPEALS, SANDIGANBAYAN, AND THE COURT OF TAX APPEALS;**
- iii. INCUMBENT AND RETIRED JUDGES OF THE REGIONAL TRIAL COURTS, MUNICIPAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, AND MUNICIPAL CIRCUIT TRIAL COURTS;**
- iv. FORMER GOVERNORS, VICE GOVERNORS, MEMBERS OF THE PROVINCIAL BOARD, MAYORS, VICE MAYORS, AND MEMBERS OF THE MUNICIPAL OR CITY BOARD;**
- v. RETIRED MEMBERS OF THE DIPLOMATIC CORPS, OR FORMER AMBASSADORS OR CONSUL GENERALS;**
- vi. FORMER CABINET MEMBERS OR OFFICERS OF SIMILAR OR EQUIVALENT RANK;**
- vii. RETIRED CAREER EXECUTIVE OFFICIALS;**
- viii. FORMER BARANGAY CHAIRPERSONS AND SANGGUNIANG KABATAAN CHAIRPERSONS;**
- ix. INCUMBENT OR FORMER PRESIDENTS OF STATE UNIVERSITIES AND COLLEGES;**
- x. TEACHERS AND PROFESSORS, WHETHER ACTIVE OR RETIRED, IN THE PUBLIC SCHOOLS OR GOVERNMENT RECOGNIZED PRIVATE SCHOOLS;**

- xi.*** BONA FIDE MEMBERS OF THE MEDIA, AS CERTIFIED BY THE LEGITIMATE MEDIA ORGANIZATION TO WHICH THE MEDIA PRACTITIONER IS A MEMBER;
- xii.*** ATHLETES WHO REPRESENTED THE COUNTRY IN INTERNATIONAL COMPETITIONS;
- xiii.*** FILIPINOS, WHETHER RESIDING IN THE COUNTRY OR ABROAD, WHO HAVE RECEIVED AWARDS AND/OR RECOGNITIONS FROM INTERNATIONALLY RECOGNIZED AWARD GIVING BODIES FOR THEIR COMMENDABLE SERVICE TO THE COMMUNITY OR TO THEIR CONTRIBUTION TO SOCIETY; AND
- xiv.*** CIVILIANS WHO LOST THEIR LIVES WHILE GIVING AID OR ASSISTANCE IN TIMES OF CALAMITY, NATIONAL EMERGENCY, OR TO PERSON/S IN SERIOUS NEED.

THE FLAG TO BE USED AS COVER FOR THE CASKET, AS WELL AS THE RECTANGULAR FLAG CASE OF THOSE HONORED DEAD UNDER PARAGRAPH (A), SHALL BE PROVIDED BY THE GOVERNMENT OFFICE TO WHICH THE DECEDENT HAD PREVIOUSLY SERVED. THOSE UNDER PARAGRAPH (B) SHALL BE PROVIDED BY THE FAMILY OF THE DECEDENT.

SEC. 4. Implementing Rules and Regulations. – Within ninety (90) days from the approval of this Act, the National Historical Commission of the Philippines and the National Commission for Culture and the Arts shall formulate the implementing rules and regulations implementing the provisions of this Act.

SEC. 5. Repealing Clause. – All laws, decrees, executive orders and issuances, proclamations, rules and regulations, and other issuances or parts thereof that are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. Separability Clause. – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall continue to be in full force and effect.

SEC. 7. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.