

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session
8681
House Bill No. _____



Introduced by Representative **John Marvin "Yul Servo" C. Nieto**

EXPLANATORY NOTE

As a manifestation of support to this timely piece of legislation, this representation respectfully refiles this bill, which has constantly been receiving support from the past and present Congress.

The proposed measure aims to expand the coverage of Republic Act no. 8491, otherwise known as the Flag and Heraldic Code of the Philippines.

RA 8491 provides for a way of honoring Filipinos who have died for the country and those who have rendered distinguished service for the nation. Despite the noble purpose of RA 8491, this representation shares the sentiments of other members of the house that there is a need to revisit certain sections of the said law – especially sections pertaining to the process of determining who are eligible to receive such honor and privilege. The current procedure is lacking in such a way that it is highly biased to, first, former military members and war veterans, and second, to those deemed qualified by local government units. While this representation does not claim that there are abuses pertaining to this procedure in the past, it is the belief of this representation that providing for improvements that will ensure integrity, protection from biases, and faithful abidance to the fundamental principles of RA 8491 will be for the strengthening of the promotion of nationalism, patriotism, and dedication among the Filipinos. As such, the proposed measure seeks to broaden 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 this light, the passage of this measure is earnestly sought.


JOHN MARVIN "YUL SERVO" C. NIETO

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Introduced by Representative **John Marvin "Yul Servo" C. Nieto**

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 FORTHE FOLLOWING:

- i. INCUMBENT AND PAST PRESIDENTS AND VICE PRESIDENTS OFTHE REPUBLIC OF THE PHILIPPINES;**
- ii. INCUMBENT MEMBERS OF THE SENATE HOUSE OFREPRESENTATIVES, 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 OFTHE PROVINCIAL BOARD, MAYORS, VICE MAYORS, ANDMEMBERS 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 MANLILIKHA 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. 2. 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. 3. 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. 4. 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,