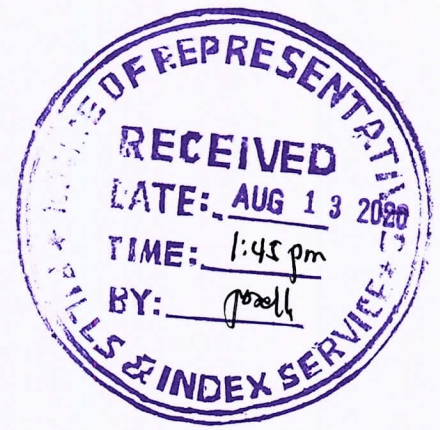


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
Second Regular Session

HOUSE BILL NO. 7378



Introduced by Representative JAKE VINCENT S. VILLA

**AN ACT
REGULATING CREMATORIES**

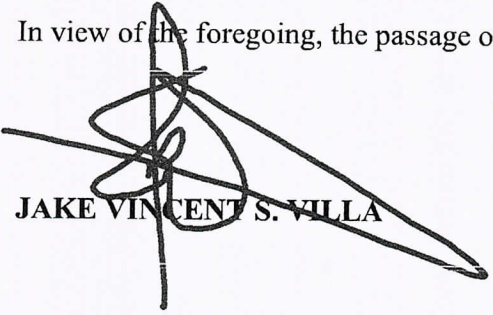
EXPLANATORY NOTE

In our current situation when crematories are the ideal way of handling the bodies of the deceased due to the COVID-19 pandemic, cremation may serve as a funeral or post-funeral rite that is a viable alternative to an interment of an intact body in a casket. Cremated remains imposes no health risk and may be retained by relatives for proper handling.

Lives taken by the COVID-19 pandemic followed by rapid cremations are considered second tragedy to the family members and friends of the deceased¹. Moreover, due to the rise of cremations, there is a growing body of research that indicates cremation has a significant impact on the environment. Emissions from crematories include, nitrogen oxides, carbon monoxide, sulfur dioxide, particular matter, mercury, hydrofluoric acid, hydrochloric acid, NMVOCs, and other heavy metals, in addition to persistent organic pollutants.

This measure aims to regulate crematories to ensure that they are up to standards in terms of not posing hazards to public health and the environment.

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


JAKE VINCENT S. VILLA

¹ <https://theaseanpost.com/article/cremation-traumatizes-virus-hit-philippines>.

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HOUSE BILL NO. **7378**

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AN ACT
REGULATING CREMATORIES

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

SECTION 1. *Short Title.* – This Act shall be known as “Crematories Regulation Act”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to promote and protect the right to health of the people. Toward, no crematory shall be erected near a residential community where it would pose a hazard to health and air quality. The erection and maintenance of crematories shall be regulated in order to promote the public health and the environment.

SECTION 3. *Definitions.* – In this Act, the term –

- (a) “Crematory or crematorium” refers to a mortuary where corpses are entered or a facility for the disposal by incineration of the bodies of the dead; and
- (b) “Secretary” refers to the Secretary of the Department of Health.

SECTION 4. *Erection and Maintenance of Crematories.* – Any natural person, partnership, corporation, or association may erect, maintain, and conduct a crematory and provide the necessary appliances and facilities for the disposal by incineration of the bodies of the dead, in accordance with the provisions of this Act. The location of such crematory shall be within the confines of an established cemetery containing not less than eight (8) hectares, which cemetery shall have been in existence and operation for at least five (5) years immediately preceding the time of the erection of such crematory, or shall be within the confines of a plot of land approved for the location of a crematory by the *concerned Local Government Unit*; *Provided*, that no crematory shall be located within one hundred fifty (150) meters of any residential structure or land used for the residential purpose not owned by the owner of the crematory.

- a) Application for such approval shall be made in writing to the concerned Local

Government Unit and a hearing shall be held within the town or city in which such location is situated within sixty-five (65) days from the date of receipt of such application. Notice of such hearing shall be given to such applicant by mail, postage paid, to the address given on the application, and to Secretary of Health, and by publication twice in a newspaper having a substantial circulation in the town or city at intervals of not less than two (2) days, the first being not more than fifteen (15) nor less than ten (10) days, and the second being not less than two (2) days before such hearing. The local authority shall approve or deny such application within sixty-five (65) days after such hearing. The grounds for its action shall be stated in the records. Each applicant shall pay a reasonable fee, together with the costs of the publication of such notice, as the local authority may determine by ordinance.

b) (1) No such crematory shall be erected until the plans therefor have been filed with and approved by the Secretary of Health; and no such crematory shall be used until it has been inspected and received a certificate of inspection by the Department of Health.

(2) Each holder of an inspection certificate shall, annually, on or before July first of each year, submit in writing to the Department of Health an application for renewal of such certificate. If the department issues to such applicant such an inspection certificate, the same shall be valid only until July first the following year, unless revoked or suspended.

(3) Upon receipt of an application for a renewal of such certificate, the Department of Health shall make an inspection of each crematory.

(4) A crematory shall be open at all times for inspection by the Department of Health. The Department of Health may make inspections whenever it deems reasonable and advisable.

(5) If, upon inspection by the Department of Health, it is found that such crematory is in such condition as to be detrimental to public health, the Department of Health shall give to the applicant or operator of the crematory notice and opportunity for hearing as provided in regulations promulgated by the Secretary of Health. The Secretary may, after such hearing, revoke, suspend or refuse to issue or renew any such certificate upon cause found at hearing.

(6) Any of the inspections provided for in this section may be made by a person designated by the Secretary of Health.

SECTION 5. *Records and Certificates.* – The managers of each crematory shall keep books of record, which shall be open at reasonable times for inspection, in which shall be entered the name, age, sex, and residence of each person whose body is cremated, together with the authority for such cremation and the disposition of the ashes. The owner or manager shall complete the cremation permit required by section 6, retain a copy for record and immediately forward the original permit to the local registrar of the town or city in which the death occurred. The local registrar shall keep the cremation permit on file and record it

with other statistics. When a body of the deceased is removed from a town or city where the death occurred for the purpose of cremation, the person having the legal custody and control of such body shall state the facts called for in this section, and cause such certificate to be filed for record with the local registrar of the town or city in which the death occurred. Each crematory shall retain in its premises, for not less than five (5) years after final disposition of cremated remains, books of record, copies of cremation permits, cremation authorization documentation, and documentation or receipt of cremated remains.

SECTION 6. *Cremation Permit.* –

- (a) The body of any deceased may be disposed of by incineration or cremation in the town or city where the death occurred or may be removed from such town or city for such purpose.
- (b) The death certificate required by law shall be filed with the local registrar of the town or city in which such person died, if known, or, if not known, in the town in which the body was found. The Chief Medical Examiner, Deputy Medical Examiner, associate medical examiner, or an authorized assistant medical examiner shall complete the cremation certificate, stating that such medical examiner has made inquiry into the cause and manner of death and is of the opinion and that no further examination is necessary. The cremation certificate shall be submitted to the local registrar of the town or city in which such person died, if known, or, if not known, of the town or city in which the body was found, or with the local registrar of the town or city in which the nearest kin or the person having lawful authority over the body is located. Upon receipt of the cremation certificate, the registrar shall authorize the cremation certificate, keep it on permanent record, and issue a Cremation Permit, except that if the cremation certificate is submitted to the register of the town or city where nearest kin or the person having lawful authority over the body is located, such certificate shall be forwarded to the registrar of the town or city where the person died to be kept on permanent record. When the cremation certificate is submitted to a town or city other than that where the person died, the local registrar of such other town or city shall ascertain from the original removal, transit, and burial permit that the certificates required by the laws, rules, and regulations have been received and recorded, and that the body has been prepared in accordance with laws, rules, and regulations, and that the entry regarding the place of disposal is correct.
- (c) No body shall be cremated until at least forty-eight (48) hours after death, unless such death was the result of communicable disease, and no body shall be received by any crematory unless accompanied by the permit provided for in this section.

SECTION 7. *Penalty.* – Any person who makes any false statement in procuring any permit required by this Act, or who violates any provision of this Act, shall be fined not more than five thousand (\$5,000) or imprisoned for not more than two (2) years, or both.

SECTION 8. *Rules and Regulations.* – The Secretary of the Department of Health shall issue the necessary rules and regulations to carry out the objectives of this Act.

SECTION 9. *Separability Clause.* – If any provision or part thereof is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 10. *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 11. *Effectivity.* – This act shall take effect fifteen (15) days after its publication in at least two (2) newspaper of general circulation.

Approved.