



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Third Regular Session
House Bill No. **9589**



Introduced by **REPRESENTATIVE ESMAEL "TOTO" G. MANGUDADATU**

AN ACT

REQUIRING ALL LOCAL GOVERNMENT UNITS IN THE PHILIPPINES TO ALLOCATE SUITABLE LAND SPACES FOR THE ESTABLISHMENT OF LOCAL PUBLIC CEMETERIES FOR FILIPINO MUSLIMS, PROVIDING SOME GUIDELINES, AND FOR OTHER PURPOSES.

EXPLANATORY NOTE

The Filipino Muslim population is a minority to the predominantly Christian population of the Philippines. This fact, nonetheless, does not discount the reality that the Muslim minorities are also citizens of this country who, in one way or another, have their own share and contribution in nation-building.

The Filipino Muslim communities in the country used to be concentrated in Mindanao and some areas in the Visayas and Palawan. However, due to various reasons, there came about a Muslim diaspora in the country that has resulted in the rise of Filipino Muslim population and communities in almost all parts of the Philippines. With this diaspora, the Muslim settlers brought with them not only their trade and skills, but also their culture and religious beliefs and practices, among them their strong adherence to the practice of burying their dead in less than twenty-four (24) hours upon demise in a place that is dedicated to exclusively host the body of departed Muslims.

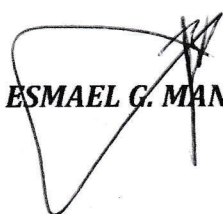
As of the 2019 data of the National Commission on Muslim Filipinos, it is estimated that there are 12,699,550 Filipino Muslims across the archipelago. Of these number, 206,644 are found in Region I; 183,068 in Region II; 240,121 in Region III; 39,503 in CAR; 566,648 in NCR; 726,103 in Region IV; 309,331 in Region V; 225,099 in Region VI; 487,438 in Region VII; 324,504 in

Region VIII; 1,652,819 in Region IX; 750,440 in Region X; 934,111 in Region XI; 294,026 in Region XII; 204,851 in CARAGA; and 5,554,845 in BARMM.

However, in spite of these huge numbers, there are only a handful of public cemeteries nationwide that cater to the Filipino Muslim communities. This resulted to the overcrowding of Filipino Muslim cemeteries in areas near highly urbanized cities or to the immediate transport (usually by plane) of the body back to the place of origin of the deceased, which is causing huge financial strain to the grieving families.

As citizens of this country who had done their fair share in nation-building, the departed Muslims must also be allowed to be buried with their dignity intact and in accordance to their cultural practices and religious convictions. One of the best way of doing this, and in pursuance to Section 11, Article II and Section 5, Article III of the 1987 Constitution, is by affording the Filipino Muslim communities to have immediate and nearby access to decent burial grounds, most especially in light of the fact that it is their cultural and religious practice to bury their dead within twenty-four hours upon demise.

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


ESMAEL G. MANGUDADATU



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AND FOR OTHER PURPOSES.

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

SECTION 1. SHORT TITLE. This Act shall be known and hereinafter referred to as the "*Public Cemeteries Act for Filipino Muslims.*"

SECTION 2. DECLARATION OF POLICY. Pursuant to Section 11, Article II and Section 5, Article III of the 1987 Constitution, the government of the Republic of the Philippines values the dignity of every human person and guarantees full respect for human rights regardless of their religious beliefs. To reaffirm its commitment to promote and protect the dignity and health of every Filipino, the national government continues to pursue and implement programs, projects and activities that promote the dignity of its citizens and are responsive to the health and sanitation needs of the people, especially those among the marginalized and vulnerable sectors.

SECTION 3. POLICY DIRECTION. In its pursuit to ensure the preservation of the health and dignity of its citizens and their free exercise and enjoyment of religious profession and worship without discrimination or preference, the national government undertakes to strengthen Presidential Decree No. 856, otherwise known as the Sanitation Code of the Philippines, through the establishment of public cemeteries that shall cater to the Muslim population of the country as all Filipinos have the right to worship and to bury their loved ones in accordance with their religious beliefs, free from discrimination of any form or manner.

1 **SECTION 4. DEFINITION OF TERMS.** For purposes of this Act, the following
2 terms shall be understood as follows:

- 3 a. *body* - means a dead human body and includes the body of a fetus and a
4 stillborn child;
- 5 b. *burial ground* - means a denominational burial ground or a private burial
6 ground;
- 7 c. *cemetery* - means any land held, taken, purchased, acquired, set apart,
8 dedicated, or reserved, under the provisions of any Act or before the
9 commencement of this Act, exclusively for the burial of the dead generally, and,
10 where the context so permits, includes a closed cemetery;
- 11 d. *public cemetery for Filipino Muslims* - means a land to be held, taken, purchased,
12 acquired, set apart, dedicated, or reserved, under the provisions of this Act
13 exclusively for the burial of the dead Filipino Muslims, and, where the context
14 so permits, includes a closed cemetery;
- 15 e. *local authority* - means a territorial authority within the meaning of the Local
16 Government Code of 1991;
- 17 f. *monument* - includes any tombstone, headstone, memorial, plaque, fencing, or
18 other erection;
- 19 g. *trustees* - means the trustees of a public cemetery or of a private burial ground,
20 as the case may require, and, for the purposes of this Act, in relation to the
21 rights, powers, and duties conferred or imposed on the management,
22 operation and maintenance of a cemetery.

23
24 **SECTION 6. PROMULGATION.** Pursuant to Section 11, Article II and Section
25 5, Article III of the 1987 Constitution, Presidential Decree No. 856, and Section
26 17(b)2(x) of the Local Government Code of 1991, all provinces, cities and
27 municipalities that host Filipino Muslim families or communities are hereby
28 mandated to establish their respective dedicated public cemetery for Filipino Muslims
29 to serve as burial grounds for the bodies Filipino Muslims in keeping with the faith,
30 religious practices and traditions of the deceased and his/her immediate family.

- 31 a. All cities and municipalities within the bounds of the Bangsamoro
32 Autonomous Region in Muslim Mindanao are hereby mandated to allocate
33 a minimum of two (2) hectares of suitable land for the establishment of a
34 public Muslim cemetery for the use and benefit of their respective
35 permanent Filipino Muslim residents.
- 36 b. All component city or municipal local government units (LGUs) of Metro
37 Manila must allocate a minimum of three thousand (3,000) square meters
38 each as a dedicated Muslim cemetery for their respective Muslim
39 constituents. For this purpose, the said LGUs may procure lands outside of
40 Metro Manila; *Provided*, that the location of the Muslim cemetery that each
41 city/municipal LGU shall establish must be within reasonable traveling
42 distance from their respective city hall.
- 43 c. Every city or municipality outside of Metro Manila and the Bangsamoro
44 Autonomous Region in Muslim Mindanao that hosts at least one thousand
45 (1,000) Filipino Muslims, regardless of gender and age, as permanent
46 residents within its bounds is hereby mandated to allocate a minimum of
47 five thousand (5,000) square meters suitable land within its territory as a
48 dedicated cemetery for its Muslim constituents.

- d. All cities and municipalities outside of Metro Manila and the Bangsamoro Autonomous Region in Muslim Mindanao that host at least five hundred (500) Filipino Muslims for every city or municipality, regardless of gender and age, as their respective permanent residents are hereby mandated to allocate a minimum of three thousand (3,000) square meters of suitable land as a dedicated Muslim cemetery for their respective Muslim constituents.
- e. All cities and municipalities outside of Metro Manila and the Bangsamoro Autonomous Region in Muslim Mindanao that host at least three hundred (300) Filipino Muslims for every city or municipality, regardless of gender and age, as their respective permanent residents are hereby mandated to allocate a minimum of two thousand (2,000) square meters of suitable land as a dedicated Muslim cemetery for their respective Muslim constituents.
- f. In cases wherein any component city or municipality of a province does not meet the above-enumerated minimum Filipino Muslim population within the city or municipal territory as a requisite for the establishment of a mandatory public Muslim cemetery, the province, being the next higher local government unit and in anticipation of an increase in local Filipino Muslim population within its territory, is hereby mandated to allocate a minimum of one (1) hectare of suitable land for the establishment of a public Muslim cemetery where the total population of Filipino Muslims in the said province exceeds two thousand (2,000) individuals; five thousand (5,000) square meters when the total Filipino Muslim population in the province is below two thousand (2,000) but more than one thousand and one (1,001) individuals; and two thousand five hundred (2,500) square meters when the total Filipino Muslim population in the province is one thousand (1,000) and below.
- g. Local government units may accept land donations from charitable individuals or groups for the purpose of setting up a public Muslim cemetery. Thereupon, the LGU-beneficiary may develop a program that will give recognition and provide tax relief and/or other forms of incentives to the donor/s.
- h. All Muslim cemeteries to be opened in compliance to this Act must meet the pertinent guidelines and minimum requirements as enumerated under Presidential Decree No. 856 and Republic Act No. 5716, and must be incorporated in the local Comprehensive Land Use Plan to be approved by the concerned Sanggunian.

SECTION 7. MANDATORY FACILITIES. The Public Muslim cemeteries to be established in compliance to this Act are required to have the following facilities, to wit:

- a. Entrance gate and perimeter fencing not less than two (2) meters in height;
- b. A public building that shall house the cemetery administration office; a prayer room; and a separate hall for gatherings where burial rites may be conducted;
- c. Public toilets and washroom for male and female;
- d. Parking spaces; and

1 e. Pathways.

2 *Provided*, that any family of the deceased may freely install any monument or
3 marking including plaques and mini-fencing of the small occupied space for as long as
4 the installation of any of the herein contemplated landmarks shall be within the
5 allotted bounds and shall not encroach or obstruct upon the allotted space for the
6 immediate neighboring burial plots.

7 **SECTION 8. EXHUMATION AND DISINTERMENT.** Given the limited land area
8 available for allocation amidst the high demand for individual burial grounds or plots
9 in public Muslim cemeteries, the concerned local government unit, upon the explicit
10 and written approval the regional director of the Department of Health (DOH) and the
11 nearest Darul Ifta - the established Muslim advisory council wherein the believers or
12 adherents of the Muslim faith look upon for guidance in terms of contemporary
13 concerns – may cause the exhumation cadavers interned for at least ten (10) years
14 and transfer the mortal remains to an appropriately marked mass grave and/or vaults
15 located within the premises of the said Muslim cemetery. *Provided*, that the immediate
16 family of the deceased or any of the concerned family's representative must be
17 notified of the exhumation and disinterment for at least one month prior to the
18 scheduled activity. *Provided, further*, that any family of the deceased is not prohibited
19 from conducting any ritual before, during, or after the transfer to a mass grave of the
20 mortal remains of the deceased. *Provided, finally*, that any family of the deceased may
21 freely install any monument or marking including plaques and mini-fencing of the
22 small occupied space for as long as the installation of any of the herein contemplated
23 marks shall be within the allotted bounds and shall not encroach or obstruct upon the
24 allotted space for the immediate neighboring mass burial plots.

25 **SECTION 9. MANAGEMENT AND OPERATION.** The concerned
26 provincial/city/municipal LGU shall have the power to establish, maintain and
27 operate its public cemetery for Filipino Muslims. The LGU shall create its own Muslim
28 Cemetery Trustee that shall establish its cemetery development plans and
29 maintenance, and adopt guidelines and regulations as well as fees and other charges
30 for the use of the cemetery. *Provided*, that the herein contemplated fees and charges
31 must be just, fair, reasonable, not usurious, non-discriminating, and pro-poor.

32 In such cases wherein the family or immediate next of kin of the deceased is
33 extremely indigent, the concerned LGU is hereby given the responsibility and
34 obligation to provide for the burial lot and shoulder the applicable fees and charges,
35 all of which shall be charged against the concerned local government coffers.

36 To ensure the active participation of the private and NCMF-accredited
37 religious sector, the LGU may adopt guidelines establishing parameters and
38 regulations as well as fees, levies or charges for the establishment and operation of
39 privately owned and operated Muslim cemeteries.

1 **SECTION 10. FUNDING.** Consistent to the provision of Section 17, Paragraphs
2 (f) and (g) of the Local Government Code of 1991, the establishment, maintenance and
3 operation of a public Muslim cemetery shall be funded from the share of local
4 government units in the proceeds of national taxes and other local revenues and
5 funding support from the national government, its instrumentalities and government-
6 owned or -controlled corporations. As a public cemetery is a basic need, the local
7 government units must immediately incorporate into their budget the necessary fund
8 for the establishment, operation and maintenance of a public Muslim cemetery.

9 **SECTION 11. MONITORING.** The National Commission on Muslim Filipinos
10 (NCMF) and the Department of the Interior and Local Government (DILG) shall form
11 a joint task force to strictly monitor the immediate planning and implementation of
12 this Act in all local government units as enumerated in Sections 6 and 7 herein. The
13 task force shall submit regular reports to both the Secretary of the Interior and Local
14 Government and the Secretary of the National Commission on Muslim Filipinos for
15 their guided information and disposition.

16 **SECTION 12. PENALTIES.** All concerned government officials or civil servants
17 who willfully violate any provision of this Act, either deliberately or through
18 negligence, shall be charged administratively or criminally according to existing laws.

19 **SECTION 13. IMPLEMENTING RULES AND REGULATIONS.** The Department
20 of the Interior and Local Government (DILG) and the National Commission on Muslim
21 Filipinos (NCMF) shall, within sixty (60) days upon approval of this Act, jointly
22 formulate and release the Implementing Rules and Regulations for the effective and
23 efficient implementation of this Act.

24 **SECTION 17. SEPARABILITY CLAUSE.** Should any provision of this ordinance
25 be declared unconstitutional or illegal by any court of competent jurisdiction, those
26 parts which are not declared shall remain in full force and effect.

27 **SECTION 18. REPEALING OR MODIFYING CLAUSE.** All laws, orders, rules
28 and regulations or parts thereof, which are inconsistent with any provision of this Act
29 are hereby repealed or modified accordingly.

30 **SECTION 19. EFFECTIVITY CLAUSE.** This Act shall take effect fifteen (15)
31 days upon its publication in at least two newspapers of general circulation in the
32 country.

33 Approved.