

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

EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. 10620



Introduced by Hon. Edgar Mary S. Sarmiento

EXPLANATORY NOTE

An autopsy is a medical procedure that consists of a thorough examination performed on a body after death to evaluate disease or injury that may be present, and to determine the cause and manner of death. Through autopsy, it can be identified whether the death of the person was natural or unnatural, and if unnatural, whether homicidal, suicidal, or accidental. Autopsy findings are important, particularly in aiding investigation of crimes that involve mysterious and suspicious deaths. Autopsies usually identify the cause of death and other vital information relevant to an investigation. Therefore, a person's body is one of the most important source of evidence.

In other countries, an autopsy can be ordered by authorities without the relative's consent in certain situations such as when there is suspicion of foul play, if the death represents a significant public health concern, if a person who was not under medical care inexplicably dies, or if a person dies from an injury such as an automobile accident. Autopsies that are ordered by the authorities are performed in the medical examiner's office. On the other hand, if an autopsy is not required by law or ordered by authorities, the permission of the deceased person's next of kin is required before an autopsy can be performed.

In the Philippines, Presidential Decree No. 856, otherwise known as the Code on Sanitation of the Philippines, provides that autopsies shall be performed, in the following cases: a) whenever required by special laws; b) upon order of a competent court, a mayor, and a provincial or city fiscal; c) upon written request of police

authorities; d) whenever the Solicitor General, provincial or city fiscal as authorized by existing laws, shall deem it necessary to disinter and take possession of remains for examination to determine the cause of death; and e) whenever the nearest kin shall request in writing the authorities concerned to ascertain the cause of death. Based on the foregoing, a law may be enacted which lays down specific instances for the conduct of mandatory autopsy.

The proposed bill seeks to require mandatory autopsy on certain cases with the end view of using forensic science that will enable law enforcers to gather competent and objective evidence needed in criminal investigations, especially in the resolution of mysterious or serious deaths. Further, the said bill also contains provisions on confidentiality of records and prohibition on cremation that are subject of investigation to protect the identity and integrity of the body. It is high time that we take advantage of medical procedures such as forensic autopsy to push for the overall improvement of the criminal justice system in our country.

For the foregoing reasons, the approval of this bill is earnestly sought.


EDGAR MARY S. SARMIENTO
Representative, First District of Samar

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**AN ACT REQUIRING MANDATORY AUTOPSY ON BODIES OF CRIME VICTIMS,
DEATHS UNDER MYSTERIOUS AND SUSPICIOUS CIRCUMSTANCES, AND
FOR OTHER PURPOSES**

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “Mandatory Autopsy Law.”

2 **SECTION 2. *Declaration of Policy.*** – The State shall ensure public safety and
3 health in the investigation or those under mysterious and suspicious circumstances.
4 Towards this end, the State shall require that full autopsy is performed on the human
5 remains to obtain a complete, factual and reliable scientific analysis of the cause of death.

6 **SECTION 3. *Full Autopsy and Dissection of Remains.*** – A mandatory full autopsy
7 shall be performed on human remains without the need of a court order in the following
8 cases, subject to Section 95, paragraphs (b) and (c) of Presidential Decree No. 856 or the
9 Code on Sanitation of the Philippines:

10 a) deaths resulting from commission of crimes;

11 b) sudden deaths not caused by readily recognizable disease, or wherein the cause
12 of death cannot be properly certified by a physician on the basis of prior or recent medical
13 attendance;

14 c) deaths occurring under suspicious circumstances, including those where alcohol,
15 drugs or other toxic substances may have had a direct bearing on the outcome;

16 d) deaths occurring as a result of violence or trauma, whether apparently homicidal,
17 suicidal or accidental (including, but not limited to, those due to mechanical, thermal,
18 chemical, electrical or radiational injury, drowning, cave-ins and subsidence);

19 e) any death in which trauma, chemical injury, drug overdose or reaction to drugs or
20 medication or medical treatment was a primary or secondary, direct or indirect, contributory,
21 aggravating or precipitating cause of death;

1 f) operative and perioperative deaths in which the death is not readily explainable on
2 the basis of prior disease;

3 g) any death wherein the body is unidentified or unclaimed;

4 h) deaths known or suspected as due to contagious disease and constituting a public
5 hazard;

6 i) deaths occurring while law enforcement custody, in prison, in a penal institution,
7 orphanage, senior home or similar public facility;

8 *Provided, however,* that in medicolegal cases, the medical record of the deceased
9 are readily made available to the investigating authorities; *Provided, further,* that the person
10 authorized to perform the autopsy shall inform the family or next of kin of the mandatory
11 nature of the autopsy and appraise them of the procedure to be performed; *Provided, finally,*
12 that utmost care is taken to observe and respect the religious beliefs, customs, and rites of
13 the deceased.

14 **SECTION 4. Person Authorized to Conduct Autopsy.** – The autopsy and
15 dissection of remains shall be performed by any of the following qualified persons:

16 a) Government health officers;

17 b) Medical officers of law enforcement agencies; and

18 c) Members of the medical staff of accredited hospitals.

19 **SECTION 5. Confidentiality of Records.** – The autopsy report shall remain
20 confidential and shall only be made available to the investigating authority and the family of
21 the deceased, or upon lawful order of the court.

22 **SECTION 6. Prohibition on Cremation.** – The cremation of human remains that are
23 subject to investigation, without prior clearance from the National Bureau of Investigation
24 (NBI) or Philippine National Police (PNP), as the case may be, is hereby prohibited.

25 The disposition of human remains by individuals, crematoriums or funeral parlors,
26 without prior issuance of a death certificate by a medical authority and the expressed
27 concurrence or approval of the family of the deceased is likewise prohibited: *Provided,* that
28 funeral parlors or embalming establishments shall hold identified or unclaimed bodies for a
29 period not exceeding sixty (60) days.

30 **SECTION 7. Penalties.** – Any person who violates this Act shall be subject to
31 imprisonment of not more than one (1) year or a fine not exceeding Two Hundred Thousand
32 Pesos (Php 200,000.00), or both, at the discretion of the court having jurisdiction over the
33 offense herein defined and penalized.

34 If a corporation conducting the business of a funeral parlor, funeral home, or
35 mortuary performs the cremation in violation of this Act, the penalty shall be imposed on the
36 cremator and the officers of the corporation.

1 **SECTION 8. *Implementing Rules and Regulations.*** – Within ninety (90) days after
2 the enactment of this Act, the PNP shall in coordination with the NBI, the Department of
3 Justice (DOJ) and the Department of Health (DOH) promulgate the necessary rules and
4 regulations for the implementation of this Act.

5 **SECTION 9. *Separability Clause.*** – If any portion or provision of this Act is declared
6 unconstitutional, the remainder of this Act or any provision not affected thereby shall remain
7 in force and in effect.

8 **SECTION 10. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations
9 or other issuances or parts thereof inconsistent with the provisions of this Act are hereby
10 repealed or modified accordingly.

11 **SECTION 11. *Transitory Provision; Applicability to Pending Cases.*** – For cases
12 pending before the courts upon the effectivity of this Act where trial has already started, the
13 courts hearing such cases shall not lose jurisdiction over the same by virtue of this Act.

14 **SECTION 12. *Effectivity.*** – This Act shall take effect after fifteen (15) days following
15 the completion of its publication either in the *Official Gazette* or in a newspaper of general
16 circulation in the Philippines.

17 **Approved,**
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