



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

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 5184



Introduced by **HONORABLE ERNESTO "ERNIX" M. DIONISIO, JR.**

AN ACT
PROVIDING BURIAL ASSISTANCE FOR UNCLAIMED REMAINS AND FOR
INDIGENT DECEDENTS, APPROPRIATING FUNDS THEREFOR, AND FOR
OTHER PURPOSES

EXPLANATORY NOTE

Life ends at death. To us Filipinos, we perceive death as a negative event and a taboo topic of conversation. As they always say, at instances of death, why are we really crying, is it for the deceased person or is it because of us, the loved ones left to grieve over the person who died? In the Philippines, much like any other event in one's life, we have certain traditions and cultures when it comes to grieving and the death of a loved one.

Filipinos would always want to honor the deceased person and give them the burial and funeral that they deserve. It is as if we consider these acts as our last way of making them feel loved and appreciated. In reality, though, this does not apply to everyone. There are those who cannot even afford to retrieve the body of their loved ones from the hospital where they died, while some cannot afford to bury their dead loved ones. At times of grief, they are faced with the harsh reality that they cannot afford to give their final respect to their deceased loved ones.

In the Philippines, there is a huge number of unclaimed corpses in morgues and in hospitals. These unclaimed corpses are left unclaimed for many possible reasons, it might be because the body is unidentified, or the deceased person doesn't have any family anymore, or the family is not made aware of the death of their family member or the family of deceased person, even though they desire to properly put to rest their loved ones cannot do so because they do not have the financial capabilities to do so.

This bill aims to give assistance and support to the family members of deceased persons and also to the indigent deceased person. This will apply to all corpses unclaimed and unidentified, regardless of the cause of death of the deceased.

Further, this bill mandates that the DSWD will determine if the unclaimed or unidentified corpse, or if claimed but the next of kin is indigent, the DSWD shall provide burial assistance directly to the family members of the deceased or by contracting with burial service providers. This bill seeks to provide an initial amount of ten thousand pesos (P10,000.00), adjustable to the present value every six years.

A handwritten signature in black ink, appearing to read 'Ernesto M. Dionisio, Jr.', with a large, stylized flourish at the end.

ERNESTO "ERNIX" M. DIONISIO, JR.

Assistant Majority Floor Leader

Congressman

First Congressional District of Manila



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

Section 1. Short Title. -This Act shall be known as the “Burial Assistance for Indigents Act.”

Section 2. Declaration of Policy. -It shall be the policy of the State to provide for burial assistance to decedents whose bodies remain unclaimed, regardless of the causes of death, as well as to decedents whose families are indigent and cannot afford a proper burial for the deceased.

Section. 3. Burial Assistance for Unclaimed Remains and Indigent Citizens. - If the Department of Social Welfare and Development (DSWD), through its Crisis Intervention Unit (CIU), determines that the body of the decedent remains unclaimed or if the CIU is unable to locate the decedent's next of kin after reasonable diligence, given burial time constraints, the DSWD shall directly contract with service providers to arrange for the decedent's proper burial and defray the expenses for the funeral of the deceased in the sum of no more than ten thousand pesos (P10,000.00): Provided, that every six (6) years thereafter, this amount shall be adjusted to their present value using the consumer price index as published by the Philippine Statistics Authority.

In cases where the next of kin of the decedent appear but are indigent and cannot afford a proper burial, the DSWD shall provide burial assistance as defined in this Section and shall respect, to the extent practicable, the wishes and preferences of the family of the decedent regarding the disposition of the remains of the deceased person, the location and conditions of internment, and arrangements for funeral goods

and services to be provided, unless other directions have been given by the decedent pursuant to a will or last testament.

Burial assistance as defined under this Act shall include sums and services that cover the costs of the casket or urn, embalming, cremation, and other related services such as viewing or wake cost, pick-up from the hospital morgue, and transport of the body to the intended burial site, but in no case shall exceed ten thousand pesos (PIO, 000) or its adjusted value after every six years.

The current Assistance to Individuals in Crisis Situations (AICS) under the Protective Services Program of the DSWD shall be expanded to include burial assistance as set forth in this Act.

Section. 4. Expedited Processing. -

(a) Upon receipt of a request for burial assistance for an unclaimed decedent made by a funeral home, law enforcement official, medical or health institution, or any other reputable institution or person whose business is to attend to the remains of deceased persons, or upon notice or knowledge acquired by a CIU official or employee in his or her official capacity over the specific whereabouts of unclaimed remains, the DSWD shall immediately act upon such request, notice, or knowledge and grant or deny burial assistance as soon as practicable, and in any case within a non-extendible period of fifteen (15) working days from such request, notice, or knowledge. The DSWD shall establish a system of Inter-agency coordination and monitoring of unclaimed bodies by entering into memoranda of agreement with other agencies, local government units, and accredited health service providers.

(b) Where the next of kin of the decedent request for burial assistance, the DSWD shall grant or deny burial assistance as soon as practicable and in any case within a period of ten (10) working days from the submission of all necessary documents in support of the request.

Section. 5. Incomplete Documentation. -The lack or incompleteness of any of the following documentation shall not constitute grounds for inaction, denial, or withholding of the grant of burial assistance:

- a) Medical, hospital, laboratory, or other health records of the decedent;
- b) Civil status documents such as death certificate, birth certificate, etc., of the decedent;
- c) Identification and residency documents of the decedent;
- d) Other reports, referrals, endorsements, certificates, documents, and permits which the DSWD may, from time to time, choose to exempt from processing requirements for the grant of assistance provided under this Act.

In every case of lack or incomplete documentation, the DSWD shall be the sole authority in determining the circumstances of death, indigence, and other conditions in support of the grant of burial assistance as set forth in Section 3 of this Act, which findings shall be clearly stated and substantiated in its social case summary.

Section. 6. Social Case Summary; Crisis Intervention Monitoring System.

- The social worker in charge of processing the burial assistance shall prepare a social case summary that shall either recommend or deny burial assistance. The report shall be uploaded into and form part of an online database system for CIU matters. Absent a modern online database system, the existing Crisis Intervention Monitoring System (CrIMS) shall serve as the requisite online database system. To the extent required to prevent an unwarranted invasion of privacy, the DSWD may redact such personal data from a record made available to the public.

Section. 7. Additional Benefits from Local Governments. - Notwithstanding any existing laws, rules and regulations, benefits granted under this Act shall not foreclose additional benefits granted by local governments.

Section. 8. Use of Remains for Medical Studies and Scientific Research. - The provisions of this Act shall be without prejudice to the use of unclaimed remains by medical and scientific institutions for studies and research in accordance with Presidential Decree No. 856 (1975), otherwise known as the Code on Sanitation of the Philippines, and the rules and regulations prescribed by the Department of Health.

Section. 9. Criminal Offenses and Penalties. -The penalty of Imprisonment of not less than one (1) month but not more than six (6) months and a fine ranging from ten thousand pesos (Php10,000.00) to one hundred thousand pesos (Php100,000.00) shall be imposed upon:

Any public officer or employee who knowingly grants any burial assistance request that is manifestly devoid of factual basis;

- (a) Any public official or employee who willfully destroys, alters, tampers, manufactures, or falsifies documentary evidence that forms the basis of a grant or denial of burial assistance;
- (b) Soliciting or accepting anything of value to secure a promise, offer, grant, or denial of burial assistance;
- (c) Knowingly soliciting, paying, and/or accepting gifts or remuneration to/from anyone to induce or reward referrals for items or services covered by burial assistance as defined in this Act;
- (d) Any individual who knowingly directed, induced or caused the commission of the foregoing acts shall be liable as principal by inducement in the prosecution of public officials or employees under this section;

If the violation committed in this Act is induced and assisted by a private individual or a corporation, partnership or any kind of judicial entity, the penalty provided herein shall be imposed on its executive officer and/or other officials

responsible therefore: *Provided*, That they shall suffer, in addition to the penalties provided herein, the automatic revocation of their license to operate.

Section. 10. Implementing Rules and Regulations. - The DSWD, in consultation with the Commission on Human Rights, Philippine National Police, National Bureau of Investigation, Office of the Civil Registrar, Department of Health, Department of Interior and Local Government, and two (2) representatives from charitable organizations engaged in burial or funeral services, is hereby tasked to draft the implementing rules and regulations of this Act within sixty (60) days following its complete publication.

Such rules and regulations shall include provisions for inter-agency and inter-stakeholder coordination and monitoring of unclaimed bodies.

Section. 11. Appropriations. - The amount necessary for the continuous operation of the burial assistance program as defined in this Act shall be included in the annual General Appropriations Act.

Section. 12. Separability Clause. - If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

Section. 13. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

Section. 14. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,