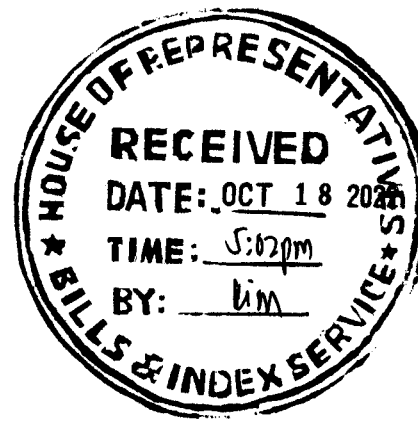


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City



NINETEENTH CONGRESS
First Regular Session

House Bill No. 5594

Introduced by **REP. PRINCESS RIHAN MANGUDADATU SAKALURAN**

EXPLANATORY NOTE

The right to freedom of religion and belief is enshrined and protected under Article 3, Section 5 of the 1987 Philippine Constitution, which provides that: *"No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof."*

Thus, the Supreme Court in the landmark decision of *Estrada vs. Escritor* recognized that benevolent neutrality-accommodation is the framework by which free exercise cases must be decided in the Philippines.

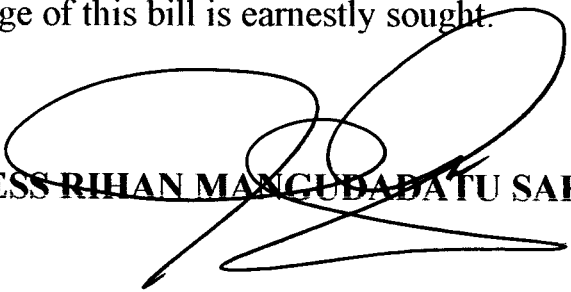
Similarly, Article 307 of the Civil Code of Philippines also states: *"The funeral shall be in accordance with the expressed wishes of the deceased. In the absence of such expression, his religious beliefs or affiliation shall determine the funeral rites. In case of doubt, the form of the funeral shall be decided upon by the person obliged to make arrangements for the same, after consulting the other members of the family."*

Following these constitutional and legal mandates, this proposed bill is filed in recognition of the rights of our Muslim brothers and sisters to bury their dead in accordance with their religious rites and beliefs.

The dictates of Islam, Muslim burial rites are done as soon as possible after death and within a twenty-four hour period. This practice is rooted in the Muslim belief that the soul of the deceased is disturbed if its previous body is not laid to rest before the next call to prayer. Said ritual ensures that the dignity of the deceased as well as their relatives emotions are respected.

This bill therefore, seeks to exempt Muslims from the immediate registration of certificate of death and to prevent the withholding of cadaver in the event that transportation or shipment of the human remains arises and likewise penalize any violation thereof.

Hence, immediate passage of this bill is earnestly sought.



PRINCESS RIHAN MANGUDABATU SAKALURAN

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

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5594

Introduced by **REP. PRINCESS RIHAN MANGUDADATU SAKALURAN**

AN ACT
TO FACILITATE THE IMMEDIATE BURIAL OF MUSLIM CADAVER
IN ACCORDANCE WITH THE ISLAMIC RITES AND FOR OTHER
PURPOSES.

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

Section 1. Title. This Act shall be known as “Philippine Islamic Burial Act”.

Section 2. Declaration of Policy. It is hereby declared the policy of the State to recognize and respect the right of our Muslim brothers and sisters to bury their dead in accordance with their religious customs and beliefs, particularly, their practice of burying their dead before the next call to prayer.

Section 3. Registration of Death. In accordance with the Islamic rites, the dead body shall be buried as soon as possible even without the certificate of death; provided that the death shall be reported by the person who performed the burial rites or by the nearest kin of the deceased fifteen (15) days after the date of burial to the local health authority who shall certify the cause of death.

In the absence of the health officer or his authorized representative, the death shall be reported to the Mayor or any member of the Sangguniang Panlungsod/Bayan, or the Municipal Secretary as the case may be, who shall certify as to the possible cause of death. Provided further, that no forensic interest in the remains exist.

Section 4. Prohibited Withholding and Immediate Release of Cadaver. It shall be unlawful for any hospital, medical clinic, funeral parlor, morgue, or other similar facilities to withhold or to otherwise cause, directly or indirectly, the withholding of Muslim cadaver patients for reasons of nonpayment in part or in full of hospital bills or medical expenses, professional fees, and other fees.

For burial purposes in accordance with Islamic rites, the Muslim cadaver shall be released within 24 hours by the hospital, medical clinic, funeral parlor, morgue, or other similar facilities with a right to demand the issuance of other pertinent papers required for the release of the cadaver and interment purposes upon execution of a promissory note for the unpaid obligation secured by either mortgage or by a guarantee of a co-maker, who will be jointly and severally liable for the unpaid obligation.

Section 5. Shipment of cadaver. In accordance with Islamic rites, the body should be wrapped with cloth and place in the airtight cadaver bag that is leak proof and shall be zipped or closed with tapes or bandage strip. Provided that, bodies of persons who have died due to epidemics or diseases which are threat to public health shall secure transfer permit from local health authorities of the point of origin.

Section 6. Penal Provision. Any officer or employee of the hospital, medical clinic, funeral parlor, morgue, or other similar facilities responsible for releasing cadaver and officers responsible for the immediate burial and transport or shipment of the Muslim cadaver, who violates the provisions of this Act shall be punished by a fine of not less than Fifty Thousand Pesos (P50,000.00), but not more than One Hundred Thousand Pesos (P100,000.00), or imprisonment of not less than one month, but not more than six months, or both such fine and imprisonment, at the discretion of the proper court.

Section 7. Rules and Regulations. The Department of Health, and the National Commission for Muslim Filipinos, shall promulgate the necessary rules and regulations of the provisions of this Act.

Section 8. Separability Clause. Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

Section 9. Repealing Clause. All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed.

Section 10. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.