



Introduced by Honorable Ma. Alana Samantha Taliño Santos

AN ACT DEFINING THE CRIME OF CADAVER DESECRATION, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

As provided under Art II, Section 11 of the 1987 Constitution, the State values the dignity of every human person and guarantees full respect for human rights. Moreover, under Art XII, Section 1 of the Constitution, Congress is mandated to give the highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity.

The right to human dignity extends to the right of dignity of dead bodies. There have been instances in the past, some of which were highlighted in news reports, of dead bodies being dumped in inappropriate places.

At present, there is no law that expressly criminalizes desecration of dead bodies. Presidential Decree 856 or the Code of Sanitation of the Philippines prohibits burial of remains in places not legally authorized as burial grounds. However, the penalty involved is a small amount- anybody who violates the said law may only be charged with misdemeanor with imprisonment of not exceeding six months or a fine worth 1,000.

Under Article 248 of the Revised Penal Code, outraging or scoffing the corpse converts the crime of homicide to murder. However, the RPC does not expressly criminalize desecration of the dead as a separate crime.

In keeping with our mandate to protect and promote human dignity, there is an imperative need to supplement the dearth in laws by penalizing the crime of cadaver desecration as a separate crime.

Desecration of the cadaver, as defined in this bill, is any act committed after the death of a human being including, but not limited to dismemberment, disfigurement, mutilation, burning, or any act committed to cause the dead body to be devoured, scattered or dissipated. This bill aims to impose criminal and civil liabilities on offenders guilty of desecrating cadavers.

When enacted, this piece of legislation also instructs morgues and funeral establishments to take appropriate measures whenever cadavers of dead bodies suspected of having died of crimes are brought before them. This piece of legislation will also oblige government agencies namely the Philippine National Police, Department of Health, Department of Social Welfare and Development and Local Government Units to undertake measures in ensuring the proper interment of the dead and in implementing this law.

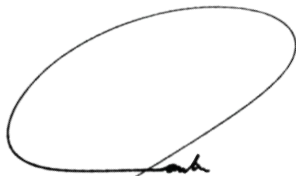
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In conclusion, this proposed legislation is not only a response to the glaring gap in our legal system regarding the desecration of cadavers but is also a testament to our commitment to upholding the fundamental principles enshrined in our Constitution. By explicitly criminalizing acts that violate the dignity of the deceased, we reinforce the core values of respect for human rights and human dignity. This piece of legislation a proactive step towards ensuring that the deceased, like the living, are accorded the respect and protection they deserve under the law.



HON. MA. ALANA SAMANTHA TALIÑO SANTOS
Representative, 3rd District of Cotabato

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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 the “*Desecration of the Human Cadaver Act of 2023.*”

Section 2. **Declaration of Policy** – The State hereby affirms its mandate to give the highest priority to the enhancement of the right of all people to human dignity. The State undertakes to provide a mechanism to allow for proper interment of the dead and in doing so, provide civil and criminal penalties against those guilty of desecrating dead bodies.

Section 3. **Definition of Terms** – As used in this Act, the following terms shall mean:

a. *Authorized representative* includes individuals not related to the deceased by consanguinity or affinity but was known to have been in a relationship with the former;

b. *Cadaver* means the body of a deceased person;

c. *Desecration of human cadaver* means any act committed after the death of a human being including, but not limited to dismemberment, disfigurement, mutilation, burning, or any act committed to cause the dead body to be devoured, scattered or dissipated; except those procedures performed with authority of the family of the deceased or allowed under existing laws for purposes such as, but not limited to forensic examination, gathering or removing crime scene evidence, presentation or preservation of evidence, dead body identification, cause of death, autopsy, cremation or burial, organ donation, use of cadaver for medical educational purposes, or other necessary procedures to identify, remove or dispose of a dead body by the proper authority;

d. *Embalmer* means a person duly licensed by the Department of Health to embalm dead bodies;

e. *Embalming* means the process of cleaning, disinfecting and treating the dead human body with chemicals to delay its decomposition after death, so as to provide time for viewing and mourning before the final disposition;

f. *Family* includes relatives up to fourth civil degree of consanguinity;

g. *Funeral establishment* means a place authorized by law offering funeral services, chapels, and embalming facilities for a deceased person for burial or cremation;

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h. Morgue means a place in which bodies are temporarily kept pending identification, autopsy and/or removal for final disposition;

i. Undertaker means a person who attends to the care, transport and disposal of the body of a deceased person by any means other than embalming.

Section 4. ***Desecration of Human Cadaver; Penalties.*** - The penalty of prision mayor shall be imposed upon any person who shall commit the crime of desecration of human cadaver as defined in this Act. Desecration of the human cadaver through the following acts shall also be prohibited and likewise penalized:

a. Dumping of cadavers, including infants and fetuses, with the intent of abandoning the cadaver;

b. Mutilating the cadaver, including infants and fetuses, except for embalming and medical purposes;

c. Destruction of tombs and other private or public burial sites;

d. Taking from the grave the personal property buried with the dead including, but not limited to, the coffin, clothing and jewelry;

e. Burying the dead, including infants and fetuses, without securing approval and appropriate permits from local health units;

f. Having sexual contact or activity with the dead;

g. Selling the cadaver to any individual or institution without securing the approval and appropriate permit from local health units; and

h. Conducting any medical study or experiment on the dead, including infants and fetuses without securing approval and appropriate permit from local health units.

Section 5. ***Responsibilities of morgues and funeral establishments.*** - Morgues and funeral establishments where cadavers of persons suspected of having died from crimes are brought shall do the following:

a. Immediately inform the nearest police station of such delivery;

b. Record the name of the person or persons who brought the cadaver to the funeral establishment, taking photocopies or pictures of their identification cards, and if none is available, taking their individual photographs, and photographs of the vehicle used;

c. Conduct initial interview with the persons who brought the cadaver on the cause of death, place and circumstance of discovery;

d. Ensure that no undertaker, embalmer or staff of the morgue or funeral parlor shall commence disinfecting, cleaning, embalming or any procedure on the cadaver within

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twenty-four hours from reporting the same to the police. PNP officials shall have the option of taking the cadaver to the crime laboratory for further investigation if so warranted;

e. Store unidentified and unclaimed cadaver within such period allowed **under** Presidential Decree No. 856 (P.D. 856) Series of 1975, "Code of Sanitation" and following standards provided for in DOH Memorandum Circular no. 2010-0033 or the Implementing Rules and Regulations of PD 856 or Code of Sanitation of the Philippines Chapter XXI on Disposal of Dead Persons.

Section 6. *Responsibilities of government agencies.-*

a. Philippine National Police (PNP). - PNP shall designate a unit within its stations, which shall be responsible in documenting, investigating, and transporting to the proper parties the cadavers found or recovered in the course of PNP operations;

b. Department of Social Welfare and Development (DSWD). - DSWD shall establish help desks in each local office which can provide psycho-social intervention for the bereaved family;

c. Local Government Units (LGU).- The municipal or city government concerned shall provide for the following:

1. Assistance in locating the family of the deceased person, in coordination with the PNP and the owner of the morgue or funeral establishment;

2. When the family or authorized representative cannot be located, shall ensure that the cadaver shall be interred with dignity and in accordance with their local burial customs; and

3. Reimburse the morgue or funeral establishment of its expenses incurred in handling the cadaver as provided in Section 91 (d) of P.D. No. 856

d. Department of Health (DOH) - In addition to the responsibilities prescribed in Section 100 of Presidential Decree No. 856, otherwise known as the Code on Sanitation, with regard to the disposal of dead persons, DOH through its local health units shall also issue the permits necessary in compliance with this Act.

Section 7. *Aggravating Circumstance.* – The commission of the crime of desecration of human cadaver to evade prosecution, tamper with the evidence, impede investigation or to alter, **inhibit** or conceal the identification of a dead victim for any crime shall be considered an aggravating circumstance of said crime.

Section 8. *Separability Clause.* – If any section or part of this Act is held unconstitutional, no other section or provision shall be affected.

Section 9. *Repealing Clause.* – All provisions of existing laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

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Section 10. ***Effectivity.*** - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation

Approved