Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. **10742**



Introduced by: **REP. SALVADOR A. PLEYTO, SR.**

EXPLANATORY NOTE

This proposed measure seeks to avert and totally prevent the undesirable practices of some hospitals, medical facilities, morgues, and funeral parlors of holding cadavers for non-payment of hospital bills and funeral expenses.

There are numerous instances where the practice by some hospitals, funeral parlors, and other related facilities of not releasing the remains of the deceased to the bereaved families until the expenses incurred are paid is prevalent. Such practice is disgraceful and desecrates the departed.

It is deeply embedded in Filipino tradition and culture the utmost respect for the dead, notwithstanding different religions and a wide range of cultural and personal beliefs. We honor our dearly departed loved ones by giving them a proper and decent burial.

Hospitals, funeral parlors, and related facilities have their business interests, which need to be looked at. Hence, it is also mandated in this measure that promissory notes to be issued in exchange of the release of the cadaver must be accompanied by a collateral or a co-maker who is capable of assuming the responsibility on the expiration of the promissory note.

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

SALVADOR A. PLEYTO, SR.

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HOUSE BILL NO. **10742**

Introduced by: **REP. SALVADOR A. PLEYTO, SR.**

AN ACT PROHIBITING THE HOLDING OR DETENTION OF CADAVERS BY MEDICAL FACILITIES, MORGUES, AND FUNERAL PARLORS FOR NON-PAYMENT OF HOSPITAL / MEDICAL BILLS AND FUNERAL EXPENSES

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 "Anti-Cadaver Detention Act".

SEC. 2. *Detention of Cadavers* - It shall be unlawful for any hospital, morgue, medical clinic, or funeral parlor in the country to detain or to otherwise cause, directly or indirectly, the detention of cadavers from being released to their relatives for reasons of non-payment in part or in full of any medical and funeral related expenses incurred.

SEC. 3. *Release of Death Certificate* – It shall likewise be declared unlawful for any individual to cause directly or indirectly the non-issuance of a Death Certificate on the account of non-payment, whether in part or in full of any medical and funeral expenses incurred.

SEC. 4. *Execution of Promissory Note* – Surviving relatives or any person taking responsibility for the cadaver who are financially incapable of settling the medical and funeral bills shall be allowed to claim the cadaver and its death certificate after the execution of a notarized promissory note duly secured by a collateral or a guarantee of a co-maker who will be liable for all unpaid obligations.

SEC. 5. *Penalties* – Any person of the medical facility, funeral parlor or other related facilities who violates the provisions of this Act shall be fined Fifty Thousand Pesos (P50,000.00) or imprisonment of six (6) months, or both, at the discretion of the court. The facility will be subjected to suspension of their business permit for a period of three (3) months.

Person who executed the promissory note, together with their co-makers, who do not comply with the terms as stated in their agreement, shall be held liable and appropriate penalties shall be at the discretion of the proper court.

SEC. 7. *Implementing Rules and Regulations* – Within ninety (90) days from the effectivity of this Act, the Department of Health shall promulgate the implementing rules and regulations for the effective implementation of this Act.

SEC. 8. *Repealing Clause*.- All laws, presidential decrees, executive orders, ordinances, rules and regulation, and other issuances or part thereof which are inconsistent with this Act, are hereby repealed or modified accordingly.

SEC. 9. *Separability Clause* – If for any reason any provision of this Act is declared invalid or unconstitutional, the remaining provisions not otherwise affected shall remain valid and subsisting.

SEC. 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,