

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 76



Introduced by **Hon. Bernadette S. Barbers**

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

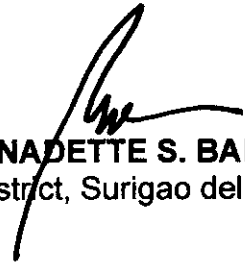
EXPLANATORY NOTE

An autopsy is necessary to determine the cause and manner of death, the state of health of the person before he or she died, and whether any medical diagnosis and treatment before death was appropriate. In sensitive cases, a timely and competent autopsy is fundamental to the proper investigation of any suspicious death.

Section 95 (b)(1) of Presidential Decree No. 856 or the Code on Sanitation of the Philippines states that a special law may be created to perform autopsies on certain cases. So far, no law has been enacted requiring an autopsy to be done on victims who have suffered from crimes or from dubious accidents.

It is for the greater public interest that the government conduct autopsies under the foregoing circumstances in the pursuit of justice.

In view of the foregoing, approval of this bill is highly sought.


HON. BERNADETTE S. BARBERS
2nd District, Surigao del Norte

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

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

SEC. 2. Declaration of Policy. The State shall ensure public safety and health in the investigation and resolution of cases resulting from deaths under investigation or those under mysterious and suspicious circumstances. Towards this end, the State shall require that full autopsy is performed on the human remains to obtain a complete, factual and reliable scientific analysis of the cause of death.

SEC. 3. Full autopsy and dissection of remains. A mandatory full autopsy shall be performed on human remains without need of a court order in the following cases, subject to Section 95, paragraphs (b) and (c) of Presidential Decree No. 856 or the Code on Sanitation of the Philippines:

- a) deaths resulting from commission of crimes;
- b) sudden deaths not caused by readily recognizable disease, or wherein the cause of death cannot be properly certified by a physician on the basis of prior or recent medical attendance;
- c) deaths occurring under suspicious circumstances, including those where alcohol, drugs or other toxic substances may have had a direct bearing on the outcome;
- d) deaths occurring as a result of violence or trauma, whether apparently homicidal, suicidal or accidental (including, but not limited to, those due to mechanical, thermal, chemical, electrical or radiational injury, drowning, cave-ins and subsidences);

- e) any death in which trauma, chemical injury, drug overdose or reaction to drugs or medication or medical treatment was a primary or secondary, direct or indirect, contributory, aggravating or precipitating cause of death;
- f) operative and perioperative deaths in which the death is not readily explainable on the basis of prior disease;
- g) any death wherein the body is unidentified or unclaimed;
- h) deaths known or suspected as due to contagious disease and constituting a public hazard;
- i) deaths occurring while under law enforcement custody, in prison, in a penal institution, orphanage, senior home, or similar public facility:

Provided, however, That in medicolegal cases, the medical records of the deceased are readily made available to the investigation authorities:

Provided, further, That persons authorized to perform the autopsy shall inform the family or next of kin of the mandatory nature of the autopsy and appraise them of the procedure to be performed:

Provided, finally, That utmost care is taken to observe and respect the religious beliefs, customs, and rites of the deceased;

SEC. 4. Person authorized to autopsy. The autopsy and dissection of remains shall be performed by any of the following qualified persons:

- a) Government health officers;
- b) Medical officers of law enforcement agencies; and
- c) Members of the medical staff of accredited hospitals.

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

SEC. 6. Prohibition on Cremation. – The cremation of human remains that are subject to investigation, without prior clearance from the National Bureau of Investigation or Philippine National Police, as the case may be, is hereby prohibited.

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

SEC. 7. Penalties. – Any person who violates this Act shall be subject to imprisonment of not more than one (1) year or a fine not exceeding Two Hundred

Thousand Pesos (Php 200,000.00), or both, at the discretion of the court having jurisdiction over the offense herein defined and penalized.

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

SEC. 8. *Implementing Rules and Regulations.* – Within ninety (90) days after the enactment of this law, the Philippine National Police, shall in coordination with the National Bureau of Investigation, the Department of Justice and the Department of Health promulgate the necessary rules and regulations for the implementation of this Act.

SEC. 9. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SEC. 10. *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 and modified accordingly.

SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,