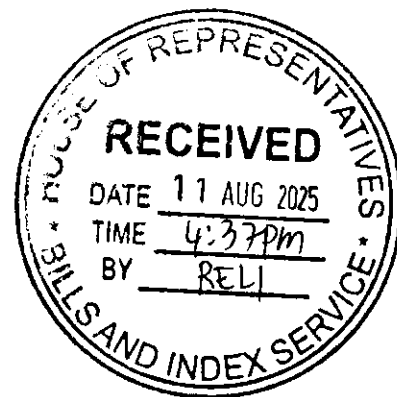




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

20th CONGRESS
1st Regular Session

HOUSE BILL NO. **3486**



Introduced by Representative SITTIE SHAHARA "BAI DIMPLE" I. MASTURA

AN ACT
PROVIDING EQUITABLE ACCESS TO PUBLIC CEMETERIES FOR MUSLIM FILIPINOS,
INDIGENOUS PEOPLES, AND OTHER DENOMINATIONS,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Philippine society is a unique blend of diversity and homogeneity in religion, language, culture, beliefs, customs, traditions, ethnicity and so much more, that even if our history is rich with narratives of multiple attempts by colonists in the past to standardize our cultural practices, the Filipino identity remains as varied as our country's geographical make up.

One of the most telling and evident display of our cultural diversity is the manner by which we honor the deceased in accordance with our beliefs, customs, traditions and institutions.

Muslim Filipinos for example practice Islamic burial rituals, deeply rooted in traditions guided by religious doctrines emphasizing respect, dignity, compassion, and observance of significant customs.

Understanding these rituals is crucial not only for Muslim Filipinos but also for non-Muslims who may encounter these practices because the burial of a deceased person in Islamic traditions is a collective obligation of the Muslim community and burial must take place as quickly as possible after death.

Indigenous Peoples on the other hand, perform customary burial rites as well to honor their dead through prayers and ceremonies inspired and handed down to generations by indigenous ancestors, inherently unique due to their strong family and communal relations among and between tribes.

However, the absence of available burial sites in existing public cemeteries that should cater to the needs of our Muslim brothers and sisters, Indigenous Peoples and other denominations as they honor their love ones in death, does not speak well of the inclusivity and non-discrimination or non-preference to the free exercise and enjoyment of religious profession and worship guaranteed under Sec. 5, Article III and; the recognition and promotion of rights of indigenous cultural communities under Sec. 22, Article II of the 1987 Philippine Constitution.

This bill therefore seeks to resolve the unavailability of appropriate burial grounds in public cemeteries for our Muslim Filipinos, Indigenous Peoples, and other denominations by providing the Local Government Units (LGUs) with the mandate to establish, regulate and oversee these burial sites as far as practicable within their territorial jurisdiction; in accordance with the diversity, equity and inclusivity framework as we work to attain the true meaning of *"equitable access for all"*.

In view of the foregoing, passage of this bill is earnestly sought.



SITTIE SHAHARA "BAI DIMPLE" I. MASTURA

Representative

Maguindanao del Norte, Lone District



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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 "*Equitable Access to Public Cemeteries Act*".

SEC. 2. Declaration of Policy. – It is hereby declared a policy of the State to ensure the rights and well-being of Muslim Filipinos, Indigenous Peoples, and other denominations with due regard to their beliefs, customs, traditions, and institutions by allowing equal access to burial grounds in public cemeteries.

SEC. 3. Equitable Access to Public Cemeteries. – The heir or representative of a deceased person shall be entitled to equitable access to public cemeteries to bury the deceased in accordance with the customs, beliefs, and traditions of the deceased person.

SEC. 4. Apportionment and Partition of Public Cemeteries. – Public cemeteries shall have an apportionment of burial grounds for Muslim Filipinos, Indigenous Peoples, and other denominations based on their respective customs, beliefs and traditions. The burial grounds shall be divided into partitions within the public cemetery with particular dimensions and pathways for proper access thereto.

SEC. 5. Insufficiency of Burial Grounds. – If the apportionment in SEC. 4 of this Act on existing public cemeteries is not sufficient for whatever reason, the concerned local government unit (LGU) may take steps to acquire land, including land outside of its jurisdiction, to construct a public cemetery to satisfy the apportionment and partition in accordance with this Act.

SEC. 6. *Public Cemetery Board.* – A Public Cemetery Board shall be created in all highly urbanized cities, independent component cities, and provinces which shall determine the apportionment and partition of the public cemeteries.

The Provincial Public Cemetery Board shall be chaired by the Governor of the concerned LGU with the following members: the mayor of every city or municipality of the concerned province; one (1) representative each from the National Commission on Muslim Filipinos (NCMF), National Commission on Indigenous Peoples (NCIP), and civil society organization; and two (2) representatives from two (2) other major denominations: Provided, That the Chairperson shall only vote in case of a tie.

The City Public Cemetery Board shall be chaired by the mayor of the highly urbanized city or independent component city with the following members: one (1) representative each from the NCMF, NCIP, and civil society organizations; and two (2) representatives from two (2) other major denominations.

SEC. 7. *Management and Supervision of the Public Cemeteries.* – The management and supervision of the operation of the public cemeteries, including the requirement of the burial permit, the standard requirement for gravesites, and the procedure for the internment and transfer of remains, shall be vested with the LGU where the public cemetery is located.

SEC. 8. *Appropriations.* – The implementation of this Act shall be funded from the share of LGUs in the proceeds of national taxes and other local revenues and funding support from the national government, its instrumentalities, and government-owned and -controlled corporations without prejudice to additional appropriations that may be made in the annual General Appropriations Act.

SEC. 9. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Department of the Interior and Local Government (DILG), in consultation with the NCMF, NCIP, and concerned civil society organizations, shall promulgate the rules and regulations to effectively implement the provisions of this Act.

SEC. 10. *Separability Clause.* – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected shall remain in force and effect.

SEC. 11. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, rule, or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SEC. 12. *Effectivity.* – This Act shall take effect within fifteen (15) days after its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,