

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. 3768



INTRODUCED BY REPRESENTATIVE PM VARGAS

AN ACT
GRANTING A FIFTY PERCENT (50%) DISCOUNT FROM FUNERAL
SERVICES TO INDIGENT FAMILIES AND FREE FUNERAL SERVICES TO
EXTREMELY POOR FAMILIES NATIONWIDE, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Human dignity lies at the center of all international human rights laws. Even in death, social protection services must be afforded to every Filipino citizen, for the deceased and their families to have a dignified and decent burial.

In the Philippines, the cost of dying may be an insurmountable problem for many poor families to overcome. The cheapest funeral services range from Php 8,000 to Php 15,000. For the poorest of the poor, the cost of burial for their departed loved ones may even be more expensive than the cost of living.

Recognizing the importance of providing social protection services to indigent families, particularly for funeral services, the Department of Social Welfare and Development (DSWD) has been offering burial assistance for years.

Burial assistance includes the provision of assistance for payment of casket and funeral expenses, wake expenses, burial plot or interment fees, and transportation of the deceased's remains. Filipinos who avail of the current DSWD burial assistance program can receive up to Php 10,000 worth of cash assistance or benefits.

As it is the duty of the State to provide for the social welfare and protection of its citizens, this bill seeks to provide immediate relief to indigent Filipino families, especially during the passing of their loved ones.

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

A handwritten signature in blue ink, appearing to be 'PM VARGAS', written in a stylized, cursive script.

REP. PM VARGAS

Fifth District, Quezon City

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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 “*Free and Discounted Funeral Services Act*”.

SECTION 2. Declaration of Policy. – It is the policy of the State to promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all. As part of fulfilling this, the State shall give discounts from funeral services to indigent families and free funeral services to extremely poor families.

SECTION 3. Definition of Terms. – The following terms, as used in this Act, shall mean the following:

- a) **“Poor”** refers to families whose income falls below the poverty threshold as defined by the National Economic and Development Authority (NEDA) and/or who cannot afford in a sustained manner to provide their minimum basic needs of food, health, education, housing or other essential amenities of life, as defined under Republic Act No. 8425, otherwise known as the “Social Reform and Poverty Alleviation Act.” The Community-Based Monitoring System (CBMS) established under Republic Act No. 11315 of the local government unit, with the supervision of the Philippine Statistics Authority (PSA), shall be used to

determine the degree of indigency of the family, whether indigent or extremely poor;

- b) **“Funeral Services”** refers to preparation of funeral documents, embalming, viewing, interment or burial services, cremation and inurnment services, including the provision of a casket or urn, as the case may be, offered by mortuaries. The standard package of funeral services will cover:
- i. Transfer of the deceased from the place of death to the mortuary for embalming and applying cosmetics within a 25-kilometer radius of the mortuary;
 - ii. An Ordinary Plain Casket and casket stand for viewing of body or urn in case of cremation;
 - iii. Two (2) to three (3) days viewing outside the funeral chapels, such as the Barangay Hall or residence of the family;
 - iv. Use of funeral viewing equipment, including lighting and arania;
 - v. Use of a funeral vehicle for interment within a 25-kilometer radius from the place of viewing to the place of burial; and
 - vi. Unless for compelling reason, interment only on weekdays and on official time, Monday to Friday, 8:00 a.m. until 5:00 p.m., except on regular holidays.

SECTION 4. *Free funeral services for Extremely Poor Families* – Free funeral services shall be provided for extremely poor families by accredited mortuaries anywhere in the country. The said free services shall be given to only one (1) family member per month per mortuary branch: *Provided*, said funeral service does not exceed the cost of the mortuary's minimum funeral service package: *Provided further*, that the grant of free funeral services under this Act is without prejudice to the right of the beneficiary to avail of upgraded funeral services given by the mortuary. The difference in cost shall be borne by the family of the deceased.

SECTION 5. *Discounts for Indigent Families on Funeral Services.* – A fifty percent (50%) discount on funeral services shall be granted to indigent families by mortuaries anywhere in the country, but would only apply to At-Need funeral services, *provided* said funeral service does not exceed the cost of the mortuary's minimum funeral service package. The grant of a discount under this Act is without prejudice to the right of the beneficiary to avail of other financial assistance given by the government.

SECTION 6. *Requirements for Availing Free or Discount.* – Before an indigent or extremely poor family can avail of the free or discounted funeral services, the following documents shall be submitted: (a) certificate of indigency issued by the barangay or the local social welfare office of the local government unit (LGU), stating whether the family is either indigent or extremely poor as defined under Section 3; *Provided*, however, that the certification shall not be a requirement before any member of the family of the deceased could avail the services of the mortuary; (b) death certificate; and (c)

funeral contract between the beneficiary-family, the accredited mortuary and the authorized DSWD personnel.

SECTION 7. *Reimbursement.* – Mortuaries granting discounted or free services to indigent or extremely poor beneficiaries may seek reimbursement for the cost of the services from any regional office of the DSWD upon the approval of the Regional Director. The reimbursement will be based on the stipulations of the signed contract between the poor family, the mortuary, and the authorized DSWD personnel.

SECTION 8. *Lead Agency.* – The DSWD shall be the lead agency in the implementation of the provisions of this Act and shall engage the funeral services of mortuaries in the country.

SECTION 9. *Role of Local Government Units (LGUs).* – Notwithstanding the preceding section, the local government units are enjoined to fulfill their devolved function as mandated by Republic Act No. 7160 or the Local Government Code, and Presidential Decree No. 856, otherwise known as the Sanitation Code, in providing assistance to indigent and extremely poor families in their respective areas at their own expense. Further, the LGUs will waive fees and charges, which include burial or interment permit, cremation permit, transfer permit, disinterment permit, and the cost of a Death Certificate.

SECTION 10. *Appropriations.* – The amount necessary to implement the provisions of this Act shall be charged against the allocation in the General Appropriations Act (GAA) of the Department of Social Welfare and Development (DSWD).

SECTION 11. *Implementing Rules and Regulations.* – Within six (6) months from the effectivity of this Act, the Secretary of the DSWD shall, in coordination with the Department of the Interior and Local Government and the Philippine Mortuary Association, with the participation of local government units, promulgate the rules and regulations necessary to carry out the provisions of this Act.

SECTION 12. *Separability Clause.* – If any portion or provision of this Act is declared invalid or unconstitutional, other provisions hereof shall remain in full force and effect.

SECTION 13. *Repealing Clause.* – All laws, presidential decrees, executive orders, or issuances or any part thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 14. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a national newspaper of general circulation.

Approved,