

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **6222**



Introduced by **REP. NATHANIEL "Atty. Nat" M. ODUCAO**

EXPLANATORY NOTE

Cremation in the Philippines has steadily gained acceptance as an alternative to traditional burial. Families often choose it for practical, cultural, or religious reasons. Yet, this rising practice has also revealed a serious gap in our legal framework. When a body is cremated without the proper safeguards, all biological and forensic evidence is irreversibly destroyed.

This reality presents a dangerous opportunity for those who wish to conceal the truth. Perpetrators of crime may deliberately hasten cremation to erase evidence that could establish their guilt. Once the remains are reduced to ashes, critical identifiers such as DNA, fingerprints, and tissue samples are lost forever, making it extremely difficult- if not impossible- for authorities to pursue justice.

The absence of clear procedures and requirements in cremation practices undermines our justice system. It risks turning crematories, however unwittingly, into safe havens for impunity. The State cannot allow the destruction of evidence that could determine the cause of death, identify the perpetrator, or secure a conviction.

This proposed measure seeks to fill that gap. It provides a step-by-step process for cremation and mandates the collection of biological specimens and identification samples before the procedure is carried out. The Supreme Court, in *People v. Holgado y Dela Cruz* (G.R. No. 207992, 2014), highlighted that the integrity and identity of physical evidence must be preserved at all stages, as any break or loss of the said evidence undermines the pursuit of truth. Guided by this Supreme Court case, the bill ensures that critical forensic material is secured before cremation becomes irreversible. In so doing, it balances two important interests: the right of families to honor their dead in the manner they see fit, and the duty of the State to preserve evidence essential to the fair administration of justice.

By ensuring that forensic material is properly secured and documented prior to cremation, this bill strengthens the fight against crime, protects families from unresolved cases, and upholds the principle that justice must never be denied by the destruction of truth.

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

REP. NATHANIEL "ATTY. NAT" M. ODUCAO
I Tahanan Party List

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**AN ACT REGULATING CREMATION TO PRESERVE BIOLOGICAL EVIDENCE
FOR DELIVERANCE OF JUSTICE, PROVIDING PENALTIES THEREFOR AND
FOR OTHER PURPOSES**

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “*Mandatory Collection of*
2 *Biological Specimen and Identification Samples Act.*”

3 **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to ensure the
4 efficient administration of justice and guarantee that criminal elements will not be able to obstruct
5 investigations. Toward this end, the collection of biological specimen and identification samples
6 shall be made mandatory prior to the cremation of dead bodies.

7 **SEC. 3. *Records and Certificates.*** – The managers of each crematory shall keep books of
8 record, which shall be open at reasonable times for inspection, in which shall be open at reasonable
9 times for inspection, in which shall be entered the name, age, sex, and residence of each person
10 whose body is cremated together with digital photos, tissue samples collected for purposes of DNA
11 analysis or storage, fingerprints and/or thumbprints and the authority for such cremation and the
12 disposition of the ashes.

13 The owner or superintendent shall complete the required cremation permit, retain a copy
14 for its records and immediately forward the original permit to the local registrar of the town or city
15 in which the death occurred.

16 The local registrar shall keep the cremation permit on file and record it with other vital
17 statistics. When anybody is removed from a town or city where the death occurred for the purpose
18 of cremation, the person having the legal custody and control of such body shall cause a certificate
19 to be procured from the person in charge of the crematory in which such body is incinerated, stating
20 the facts called for in this section, and cause such certificate to be filed for record with registrar of
21 the town or city in which the death occurred.

1 Each crematory shall retain on its premises, for not less than five (5) years after final
2 disposition of cremated remains, books of record, digital photos, tissue samples collected for
3 purposes of DNA analysis or storage, fingerprints and/or thumbprints, copies of cremation permits,
4 cremation authorization documentation, and documentation of receipt of cremated remains.

5 **SEC. 4. *Cremation Requirements.*** – The body of any deceased person may be disposed of
6 by incineration or cremation in the town or city where the death occurred or may be removed from
7 such town or city for such purpose; Provided, the following requirements are met:

- 8 a) At least forty-eight (48) hours transpired since the death occurred;
- 9 b) The civil and medical authorities have issued the required permits;
- 10 c) All necessary authorizations have been obtained and no objections have been
11 raised; and
- 12 d) Decedent's remains have been identified by the legal next of kin or authorized
13 agent.

14 **SEC. 5. *Filing of Death Certificate.*** – The death certificate required by law shall be filed
15 with the local registrar of the town or city in which such person died, if known, or, if not
16 known, of the town in which the body was found.

17 **SEC. 6. *Cremation Certificate.*** – The chief medical examiner, deputy chief medical
18 examiner, associate medical examiner, or an authorized assistant medical examiner shall
19 complete the cremation certificate, stating the following:

- 20 a) He has made inquiry into the cause and manner of death; and
- 21 b) He is of the opinion that no further examination is necessary.

22 The cremation certificate shall be submitted to the local registrar of the town or city in
23 which such person died, if known, or, if not known, of the town or city in which the
24 body was found, or with the local registrar of the town or city in which the nearest kin
25 or the person having lawful authority over the body is located.

26 **SEC. 7. *Cremation Permit.*** - The local civil registrar shall issue a cremation permit upon
27 receipt of the cremation certificate which he/she shall keep on permanent record. If the cremation
28 certificate is submitted to the registrar of the town or city where the nearest kin or the person having
29 lawful authority over the body is located, such certificate shall be forwarded to the registrar of the
30 town or city where the person died to be kept on permanent record.

31 When the cremation certificate is submitted to a town or city other than that where the
32 person died, the local registrar of such other town or city shall ascertain from the original removal,
33 transit, and burial permit that the certificates required by the laws, rules, and regulations have been
34 received and recorded, that the body has been prepared in accordance with laws, rules, and
35 regulations, and that the entry regarding the place of disposal is correct.

36 **SEC. 8. *Penalty.*** – Any person who makes any false statement in procuring any permit
37 required by this Act, or who violates any provision of this Act, shall be fined not less than One
38 Million Pesos (P1,000,000.00) or imprisoned for not less than five (5) years, or both.

1 **SEC. 9. *Implementing Rules and Regulations.*** – The Secretary of Health shall issue the
2 necessary rules and regulations to carry out the objectives of this Act.

3 **SEC. 10. *Separability Clause.*** – If any provision of this Act or part thereof, is held invalid
4 or unconstitutional, the remainder of the law not otherwise affected shall remain valid and
5 subsisting.

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

9 **SEC. 12. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
10 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

11 *Approved,*