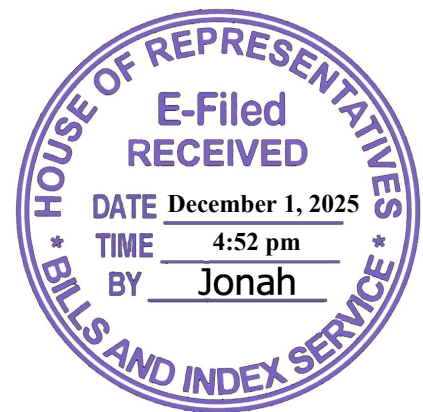




Republic of the Philippines  
House of Representatives  
Quezon City

TWENTIETH CONGRESS  
First Regular Session

HOUSE BILL NO. 6534



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*Introduced by: Rep. Esmael G. Mangudadatu*

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#### **EXPLANATORY NOTE**

*"The State values the dignity of every human person and guarantees full respect for human rights". (Sec 11, Art II of the 1987 Constitution)*

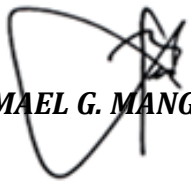
In recent history, the Filipino Muslim communities in the country used to be concentrated in Mindanao and some areas in the Visayas and Palawan. However, due to various reasons, there came about a Muslim diaspora in the country that has resulted in the rise of Filipino Muslim population and communities in almost all parts of the Philippines. With this diaspora, the Muslim settlers brought along with them not only their trade and skills, but also their culture and religious beliefs and practices, among them their strong adherence, too, the practice of burying their dead in less than twenty-four (24) hours upon demise and in a place that is dedicated to exclusively host the body of departed Muslims.

As of the 2019 data of the National Commission on Muslim Filipinos (NCMF), it is estimated that there are 12,699,550 Filipino Muslims across the archipelago. Of this number, 206,644 are found in Region I; 183,068 in Region II; 240,121 in Region III; 39,503 in CAR; 566,648 in NCR; 762,103 in Region IV; 309,331 in Region V; 225,099 in Region VI; 487,438 in Region VII; 324,504 in Region VIII; 1,652,819 in Region IX; 750,440 in Region X; 934,111 in Region XI; 294,026 in Region XII; 204,851 in CARAGA; and 5,554,845 in BARMM.

However, in spite of these huge numbers, there are only a handful of public cemeteries nationwide that cater to the Filipino Muslim communities. This resulted to the overcrowding of the very existing Filipino Muslim cemeteries in areas near highly urbanized cities or to the immediate and costly transport (usually by plane) of the body back to the place of origin of the deceased, which is causing a huge financial strain to the grieving families.

As citizens of this country who have done their fair share in nation-building, the departed Muslims must also be seamlessly allowed to be buried with their dignity intact and in accordance to their cultural practices and religious convictions. One of the best ways of doing this and in pursuance of Section 11, Article II and Section 5, Article III of the 1987 Constitution is by affording the Filipino Muslim communities to have immediate and nearby access to decent burial grounds, most especially in light of the fact that it is their cultural and religious practice to bury their dead within twenty-four hours upon demise.

In view of the foregoing, approval of this bill is earnestly and prayerfully sought.



***ESMAEL G. MANGUDADATU***



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

**TWENTIETH CONGRESS**  
**First Regular Session**

House Bill No. **6534**

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Introduced by **REPRESENTATIVE ESMAEL "TOTO" G. MANGUDADATU**

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**AN ACT**

**REQUIRING ALL LOCAL GOVERNMENT UNITS IN THE PHILIPPINES TO  
ALLOCATE SUITABLE LAND SPACES FOR THE ESTABLISHMENT OF LOCAL  
PUBLIC CEMETERIES FOR FILIPINO MUSLIMS, PROVIDING SOME GUIDELINES,  
AND FOR OTHER PURPOSES**

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

**SECTION 1. SHORT TITLE.** This Act shall be known and hereinafter referred  
to as the "*Public Cemeteries Act for Filipino Muslims.*"

**SECTION 2. DECLARATION OF POLICY.** Pursuant to Section 11, Article II and  
Section 5, Article III of the 1987 Constitution, the government of the Republic of the  
Philippines values the dignity of every human person and guarantees full respect for  
human rights regardless of their religious beliefs. To reaffirm its commitment to  
promote and protect the dignity and health of every Filipino, the national government  
continues to pursue and implement programs, projects and activities that promote  
the dignity of its citizens and are responsive to the health and sanitation needs of the  
people, especially those among the marginalized and vulnerable sectors.

**SECTION 3. POLICY DIRECTION.** In its pursuit to ensure the preservation of  
the health and dignity of its citizens and their free exercise and enjoyment of religious  
profession and worship without discrimination or preference, the national  
government undertakes to strengthen Presidential Decree No. 856, otherwise known  
as the Sanitation Code of the Philippines, through the establishment of public  
cemeteries that shall cater to the Muslim population of the country as all Filipinos  
have the right to worship and to bury their loved ones in accordance with their  
religious beliefs, free from discrimination of any form or manner.

**SECTION 4. DEFINITION OF TERMS.** For purposes of this Act, the following terms shall be understood as follows:

- a. *body* - means a dead human body and includes the body of a fetus and a stillborn child;
- b. *burial ground* - means a denominational burial ground or a private burial ground;
- c. *cemetery* - means any land held, taken, purchased, acquired, set apart, dedicated, or reserved, under the provisions of any Act or before the commencement of this Act, exclusively for the burial of the dead generally, and, where the context so permits, includes a closed cemetery;
- d. *public cemetery for Filipino Muslims* - means a land to be held, taken, purchased, acquired, set apart, dedicated, or reserved, under the provisions of this Act exclusively for the burial of the dead Filipino Muslims, and, where the context so permits, includes a closed cemetery;
- e. *local authority* - means a territorial authority within the meaning of the Local Government Code of 1991;
- f. *monument* - includes any tombstone, headstone, memorial, plaque, fencing, or other erection;
- g. *trustees* - means the trustees of a public cemetery or of a private burial ground, as the case may require, and, for the purposes of this Act, in relation to the rights, powers, and duties conferred or imposed on the management, operation and maintenance of a cemetery.

**SECTION 5. PROMULGATION.** Pursuant to Section 11, Article II and Section 5, Article III of the 1987 Constitution, Presidential Decree No. 856, and Section 17(b)2(x) of the Local Government Code of 1991, all provinces, cities and municipalities that host Filipino Muslim families or communities are hereby mandated to establish their respective dedicated public cemetery for Filipino Muslims to serve as burial grounds for the bodies Filipino Muslims in keeping with the faith, religious practices and traditions of the deceased and his/her immediate family.

- a. All cities and municipalities within the bounds of the Bangsamoro Autonomous Region in Muslim Mindanao are hereby mandated to allocate a minimum of two (2) hectares of suitable land for the establishment of a public Muslim cemetery for the use and benefit of their respective permanent Filipino Muslim residents.
- b. All component city and municipal local government units (LGUs) of Metro Manila must allocate a minimum of three thousand (3,000) square meters each as a dedicated Muslim cemetery for their respective Muslim constituents. For this purpose, the said LGUs may procure lands outside of Metro Manila; *Provided*, that the location of the Muslim cemetery that each city/municipal LGU shall establish must be within reasonable traveling distance from their respective city hall.
- c. Every city or municipality outside of Metro Manila and the Bangsamoro Autonomous Region in Muslim Mindanao that hosts at least five thousand (5,000) Filipino Muslims, regardless of gender and age, as permanent residents within its bounds is hereby mandated to allocate a minimum of five thousand (5,000) square meters suitable land within its territory as a dedicated cemetery for its Muslim constituents.

- d. All cities and municipalities outside of Metro Manila and the Bangsamoro Autonomous Region in Muslim Mindanao that respectively host less than five thousand (5,000) but not more than five hundred (500) Filipino Muslims as permanent residents, regardless of gender and age, are hereby mandated to allocate a minimum of three thousand (3,000) square meters of suitable land as a dedicated Muslim cemetery for their respective Muslim constituents.
- e. All cities and municipalities outside of Metro Manila and the Bangsamoro Autonomous Region in Muslim Mindanao that respectively host one hundred (100) to five hundred (500) Filipino Muslims, regardless of gender and age, as permanent residents are hereby mandated to allocate a minimum of two thousand (2,000) square meters of suitable land as a dedicated Muslim cemetery for their respective Muslim constituents.
- f. In cases wherein any component city or municipality of a province does not meet the above-enumerated minimum Filipino Muslim population within the city or municipal territory as a requisite for the establishment of a mandatory public Muslim cemetery, the province, being the next higher local government unit and in anticipation of an increase in local Filipino Muslim population within its territory, is hereby mandated to allocate
  - i. a minimum of three (3,000) square meters of suitable land for the establishment of a public Muslim cemetery where the total population of Filipino Muslims in the said province exceeds two thousand (2,000) individuals;
  - ii. two thousand (2,000) square meters when the total Filipino Muslim population in the province is below two thousand (2,000) but more than one thousand and one (1,001) individuals; and
  - iii. one thousand (1,000) square meters when the total Filipino Muslim population in the province is one thousand (1,000) and below.
- g. Local government units may accept land donations from charitable individuals or groups for the purpose of setting up a public Muslim cemetery. Thereupon, the LGU-beneficiary may develop a program that will give recognition and provide tax relief and/or other forms of incentives to the donor/s.
- h. All Muslim cemeteries to be opened in compliance to this Act must meet the pertinent guidelines and minimum requirements as enumerated under Presidential Decree No. 856 and Republic Act No. 5716, and must be incorporated in the local Comprehensive Land Use Plan to be approved by the concerned Sanggunian.

**SECTION 6. MANDATORY FACILITIES.** The Public Muslim cemeteries to be established in compliance to this Act are required to have the following facilities, to wit:

- a. Entrance gate and perimeter fencing not less than two (2) meters in height;
- b. A public building that shall house the cemetery administration office; a prayer room; and a separate hall for gatherings where burial rites may be conducted;
- c. Public toilets and washroom for male and female;

- d. Parking spaces; and
- e. Pathways.

*Provided*, that any family of the deceased may freely install any monument or marking including plaques and mini-fencing of the small occupied space for as long as the installation of any of the herein contemplated landmarks shall be within the allotted bounds and shall not encroach or obstruct upon the allotted space for the immediate neighboring burial plots.

**SECTION 7. EXHUMATION AND DISINTERMENT.** Given the limited land area available for allocation amidst the high demand for individual burial grounds or plots in public Muslim cemeteries, the concerned local government unit, upon the explicit and written approval the regional director of the Department of Health (DOH) and the nearest Darul Ifta - the established Muslim advisory council wherein the believers or adherents of the Muslim faith look upon for guidance in terms of contemporary concerns – may cause the exhumation cadavers interned for at least ten (10) years and transfer the mortal remains to an appropriately marked mass grave and/or vaults located within the premises of the said Muslim cemetery. *Provided*, that the immediate family of the deceased or any of the concerned family's representative must be notified of the exhumation and disinterment for at least one month prior to the scheduled activity. *Provided, further*, that any family of the deceased is not prohibited from conducting any ritual before, during, or after the transfer to a mass grave of the mortal remains of the deceased. *Provided, finally*, that any family of the deceased may freely install any monument or marking including plaques and mini-fencing of the small occupied space for as long as the installation of any of the herein contemplated marks shall be within the allotted bounds and shall not encroach or obstruct upon the allotted space for the immediate neighboring mass burial plots.

**SECTION 8. MANAGEMENT AND OPERATION.** The concerned provincial/city/municipal LGU shall have the power to establish, maintain and operate its public cemetery for Filipino Muslims. The LGU shall create its own Muslim Cemetery Trustee that shall establish its cemetery development plans and maintenance, and adopt guidelines and regulations as well as fees and other charges for the use of the cemetery. *Provided*, that the herein contemplated fees and charges must be just, fair, reasonable, not usurious, non-discriminating, and pro-poor.

In such cases wherein the family or immediate next of kin of the deceased is extremely indigent, the concerned LGU is hereby given the responsibility and obligation to provide for the burial lot and shoulder the applicable fees and charges, all of which shall be charged against the concerned local government coffers.

To ensure the active participation of the private and NCMF-accredited religious sector, the LGU may adopt guidelines establishing parameters and regulations as well as fees, levies or charges for the establishment and operation of privately owned and operated Muslim cemeteries.

**SECTION 9. FUNDING.** Consistent to the provision of Section 17, Paragraphs (f) and (g) of the Local Government Code of 1991, the establishment, maintenance and operation of a public Muslim cemetery shall be funded from the share of local government units in the proceeds of national taxes and other local revenues and funding support from the national government, its instrumentalities and government-owned or -controlled corporations. As a public cemetery is a basic need, the local government units must immediately incorporate into their budget the necessary fund for the establishment, operation and maintenance of a public Muslim cemetery.

**SECTION 10. MONITORING.** The National Commission on Muslim Filipinos (NCMF) and the Department of the Interior and Local Government (DILG) shall form a joint task force to strictly monitor the immediate planning and implementation of this Act in all local government units as herein enumerated in Sections 5 and 6. The task force shall submit regular reports to both the Secretary of the Interior and Local Government and the Secretary of the National Commission on Muslim Filipinos for their guided information and disposition.

**SECTION 11. PENALTIES.** All concerned government officials or civil servants who willfully violate any provision of this Act, either deliberately or through negligence, shall be charged administratively or criminally according to existing laws.

**SECTION 12. IMPLEMENTING RULES AND REGULATIONS.** The Department of the Interior and Local Government (DILG) and the National Commission on Muslim Filipinos (NCMF) shall, within sixty (60) days upon approval of this Act, jointly formulate and release the Implementing Rules and Regulations for the effective and efficient implementation of this Act.

**SECTION 13. SEPARABILITY CLAUSE.** Should any provision of this ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, those parts which are not declared shall remain in full force and effect.

**SECTION 14. REPEALING OR MODIFYING CLAUSE.** All laws, orders, rules and regulations or parts thereof, which are inconsistent with any provision of this Act are hereby repealed or modified accordingly.

**SECTION 15. EFFECTIVITY CLAUSE.** This Act shall take effect fifteen (15) days upon its publication in at least two newspapers of general circulation in the country.

Approved.