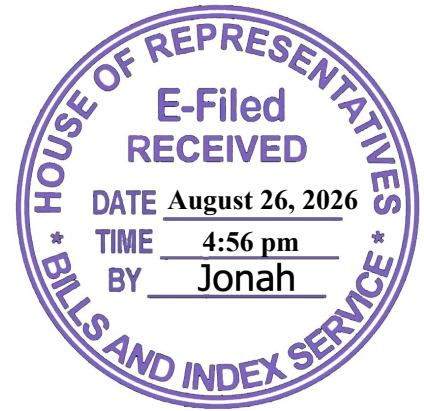


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
Second Regular Session

House Bill No. 10998



Introduced by Representative Timothy Joseph Cayton

EXPLANATORY NOTE

Article XVI, Section 7 of the 1987 Constitution provides that the State “*shall provide immediate and adequate care, benefits, and other forms of assistance to war veterans and veterans of military campaigns, their surviving spouses and orphans,*” and directs that “[f]unds shall be provided therefor.”¹ That obligation does not end at the veteran's death. A dignified place of interment is the last benefit the Republic can confer on those who bore its arms, and at present the Republic confers it unevenly.

The Libingan ng mga Bayani in Taguig City remains the principal national resting place for Filipino military veterans. It is also, for most of them, unreachable. Republic Act No. 6948, as amended, furnishes a burial flag and burial assistance now fixed at Twenty Thousand Pesos (PhP 20,000.00).² That sum defrays funeral expenses. It does not purchase a burial lot, which in most provinces now costs several times that amount, and it does not secure perpetual care. The result is a benefit structure that pays for the rites but not for the ground.

This bill takes the other road. Rather than build, the State *buys*, acquiring through competitive public procurement and in consolidated volume perpetual interment rights in memorial parks that already exist, that are already developed, and that are already subject to regulation and contractual perpetual care obligations. The economic case is not that the arrangement is free. It is that a single, fixed, present payment extinguishes an open-ended future liability: the cost of upkeep is prepaid into a perpetual care fund held in escrow, the land is never bought, no civil works are undertaken, and a plot becomes available to a grieving family in days rather than in budget cycles. The proponent reports a developed lot in Nueva Vizcaya, inclusive of perpetual care,

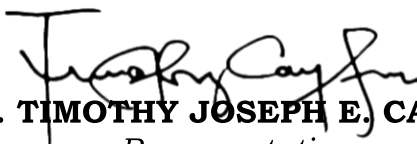
¹ CONST. (1987), art. XVI, sec. 7.

² Rep. Act No. 6948 (1990), secs. 19–20, as amended by Rep. Act No. 7696 (1994), sec. 6, and Rep. Act No. 10649 (2014), which increased burial assistance from PhP 10,000.00 to PhP 20,000.00.

at approximately PhP 89,000.00.³ Bulk acquisition should improve on that figure; the bill requires that any such advantage be captured through competitive bidding under the New Government Procurement Act rather than assumed.⁴

Three safeguards distinguish this measure from a simple purchase order, and the Committee's attention is respectfully invited to them. *First*, a memorial lot in this jurisdiction is ordinarily conveyed not as titled land but as a right of interment under contract.⁵ A statute that assumed the Republic would receive a certificate of title for each plot would fail in the registry. The bill therefore secures the State's interest as a perpetual, irrevocable, and registered encumbrance annotated on the certificate of title of the memorial park itself, so that the veteran's resting place survives the sale, foreclosure, or insolvency of the developer. *Second*, perpetual care funds must be held in escrow with a government financial institution and pass automatically to a successor administrator upon default, rather than remaining an unsecured promise. *Third*, every plot is inalienable, exempt from execution, and traceable in a national registry, and its commercial resale is penalized.

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


ATTY. TIMOTHY JOSEPH E. CAYTON, PhD.
Representative
Lone District of Nueva Vizcaya

³ *Proposal Brief of Veterans Federation of the Philippines*, supra note 2. Lot values vary widely by region, and the bill accordingly requires the Philippine Veterans Affairs Office to set regional reference price ceilings rather than a single national price.

⁴ Rep. Act No. 12009 (2024), New Government Procurement Act, which revised Rep. Act No. 9184.

⁵ Purchasers of memorial lots typically receive certificates of ownership or interment rights rather than a transfer certificate of title, the arrangement being governed principally by contract and by the Rules and Regulations for Memorial Parks and Cemeteries administered by the Department of Human Settlements and Urban Development, successor to the Housing and Land Use Regulatory Board, in relation to Presidential Decree No. 957.

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HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
Second Regular Session

House Bill No. **10998**

Introduced by Representative Timothy Joseph Cayton

AN ACT
ESTABLISHING A NATIONAL VETERANS BURIAL ASSURANCE PROGRAM
THROUGH THE ACQUISITION OF PERPETUAL INTERMENT RIGHTS IN
ACCREDITED MEMORIAL PARKS, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 6948, AS AMENDED, AND APPROPRIATING FUNDS
THEREFOR

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

SEC. 1. Short Title. — This Act shall be known as the “*Veterans Burial Dignity Act.*”

SEC. 2. Declaration of Policy. — It is the policy of the State to provide immediate and adequate care, benefits, and other forms of assistance to war veterans and veterans of military campaigns, their surviving spouses and orphans. The State recognizes that a dignified and accessible place of interment, with assured perpetual care and full military honors, is an integral part of that assistance, and that this benefit shall not be defeated by the distance between a veteran's home and the national military cemetery.

SEC. 3. Definition of Terms. — As used in this Act:

- (a) Veteran refers to a person qualified as such under Republic Act No. 6948, as amended, and registered with the Philippine Veterans Affairs Office (PVAO);
- (b) Interment Right refers to the perpetual and irrevocable right, acquired by the Republic under this Act, to inter human remains in a specified and physically delineated plot, to erect a marker thereon, and to have the same visited by the public; and

- (c) Accredited Memorial Park refers to a privately owned memorial park or cemetery accredited for participation in the Program by the Department of Human Settlements and Urban Development (DHSUD).

SEC. 4. The Program; Coverage. — There is hereby established, as a mandatory welfare operation of the PVAO, a **National Veterans Burial Assurance Program**, under which the Republic shall acquire and hold in advance of need, and allocate without cost upon death, perpetual Interment Rights in Accredited Memorial Parks distributed among all regions of the country. The benefit shall be available to every Veteran and to the surviving legal spouse of a Veteran, who may be interred in the same or an adjoining plot. Not more than one (1) plot shall be allocated for each Veteran, exclusive of the spousal accommodation herein provided.

SEC. 5. Nature of the Interest Acquired; Registration. — The Republic shall acquire under this Act a statutory perpetual interment right, which is hereby declared a real right constituting a registrable encumbrance upon the land, enforceable against the owner of the Accredited Memorial Park and its successors and assigns, and not merely a contractual privilege. Every Interment Right shall be registered and annotated on the certificate of title covering the Accredited Memorial Park, and shall for that purpose be deemed a registrable interest under Presidential Decree No. 1529, otherwise known as the Property Registration Decree.

The annotation shall expressly provide that the Interment Right runs with the land and subsists notwithstanding the sale, assignment, mortgage, foreclosure, dissolution, rehabilitation, or insolvency of the owner or operator. The Land Registration Authority shall prescribe the form of the annotation and shall direct the Registries of Deeds to give it due course. Where the laws on land registration permit the issuance of a separate certificate of title over a plot, the PVAO shall cause such title to be issued in the name of the Republic of the Philippines. No disbursement shall be made for any plot until the annotation required herein has been effected and verified.

SEC. 6. Acquisition; Accreditation. — The PVAO shall be the procuring entity and shall acquire Interment Rights through its Bids and Awards Committee, in accordance with Republic Act No. 12009, otherwise known as the New Government Procurement Act, and consolidated by region or by such other grouping as will secure the greatest volume advantage. Interment Rights shall be acquired only from Accredited Memorial Parks.

The DHSUD shall accredit and periodically review the memorial parks eligible to participate, applying its rules governing memorial parks and

cemeteries and, where applicable, Presidential Decree No. 957. Revocation of accreditation shall in no case impair or extinguish an Interment Right already acquired by the Republic.

SEC. 7. Perpetual Care Fund. — The perpetual care fund corresponding to plots acquired under this Act shall be maintained in escrow with a government financial institution, separate from the operating funds of the memorial park operator and beyond the reach of its creditors. Upon the default, abandonment, dissolution, or insolvency of the operator, administration of the fund and responsibility for maintenance shall pass to a successor administrator designated by the PVAO, which may be another accredited operator, a court-appointed administrator, or, *with its written consent*, the local government unit concerned.

SEC. 8. Inalienability; Prohibited Acts and Penalties. — Interment Rights acquired under this Act are property of the Republic. They shall be inalienable and non-transferable, exempt from levy, execution, attachment, and encumbrance by private persons, and, *except for allocation to a qualified beneficiary under Section 10*, shall not be sold, leased, assigned, or otherwise disposed of. A plot that is unused, declined, or revoked shall revert to the available inventory. The sale or offer for sale of a plot acquired under this Act, the falsification of an allocation document issued hereunder, and the interment of a person known to be unqualified, shall be punishable by *prisión correccional* and a fine of not less than One Hundred Thousand Pesos (PhP 100,000.00) nor more than One Million Pesos (PhP 1,000,000.00), without prejudice to liability under the Revised Penal Code and other laws.

SEC. 9. Distribution Among Provinces. — Plots shall be distributed among the regions and provinces on the basis of the registered veteran population, the distance to the nearest national or public veterans cemetery, and the absence of an existing public burial facility affording military honors. Provinces farthest from such a cemetery and with the largest unserved veteran populations shall be given priority in the initial phase of acquisition.

SEC. 10. Allocation Upon Death; Markers and Honors. — Upon the death of a Veteran, or upon the subsequent death of the qualified surviving spouse, the next of kin may apply for an allocation with the PVAO or with the accredited veterans district or post having jurisdiction. Upon verification of the veteran's registration and of the applicant's relationship, a plot shall be assigned and turned over with utmost dispatch, and in no case later than three (3) working days from completion of the requirements, without any cost to the family for the plot, its preparation, or the interment. Where the spouse predeceases the Veteran, the plot allocated for the spouse shall be held for the Veteran and shall revert to inventory if the Veteran is interred elsewhere. Each plot shall be provided with a standardized marker at the expense of the Program.

The Armed Forces of the Philippines shall render the appropriate military funeral honors to the deceased Veteran in accordance with applicable law and its regulations. Local government units are hereby authorized to waive the fees for transfer and burial permits issued in connection with interments under this Act.

SEC. 11. Right of Election. — Participation in the Program is voluntary. Nothing in this Act shall impair, condition, or diminish any existing eligibility or right, under applicable law or regulations, to interment at the Libingan ng mga Bayani, nor the right of a Veteran or of the next of kin to elect interment in a family or private burial place or in any other place authorized by law. Nothing in this Act shall be construed to confer, enlarge, or restrict eligibility for interment at the Libingan ng mga Bayani. A Veteran may, during his or her lifetime, record an election under this Act, which the PVAO shall honor unless revoked in writing.

SEC. 12. Relation to Existing Benefits; Amendment of Republic Act No. 6948. — The benefit granted under this Act is in addition to, and shall not be deducted from or be a ground for the denial of, the burial flag under Section 19 and the burial assistance under Section 20 of Republic Act No. 6948, as amended, or any other benefit to which a Veteran or the next of kin is entitled. A new section is hereby inserted in Republic Act No. 6948, as amended, to read as follows:

“SEC. 20-A. *Interment Benefit.* — In addition to the burial flag under Section 19 and the burial assistance under Section 20 hereof, a veteran and the qualified surviving spouse of a veteran shall be entitled, upon death, to the allocation without cost of a perpetual interment right acquired by the Republic under the Veterans Burial Dignity Act, in accordance with that Act and the rules issued thereunder.”

SEC. 13. Appropriations. — The amount necessary for the initial implementation of this Act shall be charged against such appropriations of the PVAO for the current year as are specifically authorized for burial benefits or for veterans memorial and burial services, subject to existing budgeting, accounting, and auditing laws, rules, and regulations. Nothing in this Act shall be construed to authorize the use or transfer of appropriations for any other purpose, program, activity, or project.

SEC. 14. Implementing Rules and Regulations. — Within ninety (90) days from the effectivity of this Act, the PVAO, in consultation with the Department of National Defense, the DHSUD, the Department of Budget and Management, the Armed Forces of the Philippines, the Land Registration

Authority, and duly accredited veterans organizations, shall promulgate the rules and regulations necessary to implement this Act.

SEC. 15. Separability Clause. — If any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall remain in full force and effect.

SEC. 16. Repealing Clause. — All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SEC. 17. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,