

THIRTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES }  
*First Regular Session*

OFFICE OF THE CLERK

194 JAN 30 PM:16

SENATE

RECEIVED BY: *Callie*

S. No. **697**

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INTRODUCED BY HON. MANUEL B. VILLAR, JR.

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**EXPLANATORY NOTE**

At present, the desecration of the dead is not one of the crimes defined and penalized under the Revised Penal Code. Anyone caught dumping a dead person, unless charged with murder or homicide, would only be guilty of violating the law relative to the burial of the dead person. But such law, specifically Presidential Decree No. 856, otherwise known as the Code on Sanitation, provides the penalty of less than six months of imprisonment and/or a fine of less than P1,000.00.

This proposed measure aims to correct the infirmity of existing laws, by defining the crime of desecration of the dead and providing appropriate penalties for violations thereof. Furthermore, it imposes the stiff penalty of prison mayor to discourage possible offenders from committing such reprehensible acts.

With the passage of this bill, it is hoped that the time-honored Filipino tradition of respecting the dead would be preserved and institutionalized.

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

  
**MANUEL B. VILLAR, JR.**

THIRTEENTH CONGRESS OF THE }  
 REPUBLIC OF THE PHILIPPINES }  
 First Regular Session

04 JUN 30 PM:16

SENATE

REGISTERED BY: *Ardu*

S. No. 697

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INTRODUCED BY HON. MANUEL B. VILLAR, JR.

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**AN ACT**  
**DEFINING AND PENALIZING THE CRIME OF DESECRATION OF**  
**THE DEAD, AND FOR OTHER PURPOSES**

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

SECTION 1. *Title.* - This Act shall be known as the "Desecration of the Dead Act of 2004."

SECTION 2. *Definition of Terms.* - As used in this Act, the following terms shall mean:

- a. Dead - any person no longer alive;
- b. Infant - any child less than three (3) days of age;
- c. Fetus - an unborn human being from the moment of conception;
- d. Cadaver - the body of any dead person;
- e. Mutilating - any act carried out with the intention of cutting or chopping off any part of the human body;
- f. Grave - any tomb or site where the dead is buried;
- g. Embalming - treating a dead body to preserve it from decay.

SECTION 3. *Desecration of the Dead; Penalties.*- The penalty of *prision mayor* shall be imposed upon any person who shall commit the crime of desecration of the dead by committing any of the following acts:

- a. Dumping of dead person, including infants and fetuses, with the intent of abandoning the cadaver;
- b. Mutilating the dead, including infants and fetuses, except for embalming and medical purposes;
- c. Destruction of tombs and other private or public burial sites;
- d. Taking from the grave the personal property buried with the dead including, but not limited to, the coffin, clothing and jewelry;
- e. Burying the dead, including infants and fetuses, without securing approval and appropriate permits from local health units;
- f. Having sexual contact or activity with the dead;

- g. Selling the cadaver to any individual or institution without securing the approval and appropriate permit from local health units; and
- h. Conducting any medical study or experiment on the dead, including infants and fetuses without securing approval and appropriate permit from local health units.

SECTION 4. *Responsibility of the Local Health Units.* .- In addition to the responsibilities prescribed in Section 100 of Presidential Decree No. 856, otherwise known as the Code on Sanitation, with regard to the disposal of dead persons, the local health units shall also issue the permits necessary in compliance with this Act.

SECTION 5. *Aggravating Circumstance.* The commission of the crime of desecration of the dead to evade prosecution for any crime shall be considered an aggravating circumstance of said crime.

SECTION 6. *Separability Clause.* - If any portion or provision of this Act is declared void or unconstitutional, the remaining provisions hereof shall not be affected by such declaration.

SECTION 7. *Repealing Clause.* - All laws, presidential decrees, executive orders or rules and regulations, or parts thereof inconsistent with the provisions of this Act are repealed or modified accordingly.

SECTION 8. *Effectivity.* - This Act shall take effect after fifteen (15) days from its publication in at least two (2) newspapers of general circulation.

*Approved,*