SEVENTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES

First Regular Session



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RECEIVED BY:

Introduced by Senator Poe

AN ACT AMENDING SECTION 95 (B) OF PRESIDENTIAL DECREE NO. 856 OR THE CODE ON SANITATION OF THE PHILIPPINES

Explanatory Note

Various news reports claim that in certain cases the Philippine National Police would allow the parents to sign a waiver against further investigation involving the death of their minor children. However, this dismisses the possibility that the cause of death of a minor may be due to gross negligence or foul play.

Presidential Decree No. 856 or the Code on Sanitation of the Philippines provides for cases when autopsies shall be performed. The provision, however, does not mandate for an immediate autopsy on a minor who may have probably died due to suspicious circumstances. Neither does it require that an autopsy be performed on an unidentified or unclaimed person who died due to apparent irregular causes.

This bill seeks to correct that by providing that an autopsy shall be conducted for these cases. In addition, the parent, guardian, or next of kin of a deceased minor shall not be allowed to sign a waiver against conducting an autopsy except for religious grounds, provided that this is substantiated by a document evidencing the religion of the deceased.

Justice should be afforded to the dead, whether unidentified or unclaimed, or whether he or she is a minor, if the death is due to suspicious circumstances. Thus, immediate approval of this measure is eagerly sought.

GRACE POE



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of death; and

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SENATE S.B. No. 1228



Introduced by Senator Poe

1 AN ACT 2 AMENDING SECTION 95 (B) OF PRESIDENTIAL DECREE NO. 856 OR THE 3 **CODE ON SANITATION OF THE PHILIPPINES** Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled: 4 SECTION 1. Section 95 (b) of Presidential Decree No. 856, otherwise known as the 5 "Code on Sanitation of the Philippines" is hereby amended to read as follows: 6 Section 95. Autopsy and Dissection of Remains - The autopsy and 7 dissection of remains are subject to the following requirements: 8 9 (b) Autopsies shall be performed in the following cases: 10 1. Whenever required by special laws; 11 2. Upon orders of a competent court, a mayor and a provincial or 12 city fiscal; 13 3. Upon written request of police authorities;

4. Whenever the Solicitor General, provincial or city fiscal as

authorized by existing laws, shall deem it necessary to disinter and

take possession of remains for examination to determine the cause

1	5. Whenever the nearest kin shall request in writing the authorities
2	concerned to ascertain the cause of death;
3	6. DEATH OF MINORS THAT REASONABLY APPEAR TO
4	BE DUE TO FOUL PLAY OR GROSS NEGLIGENCE, AS
5	DETERMINED BY POLICE AUTHORITIES OR THE
6	DEPARTMENT OF JUSTICE;
7	IN NO CASE SHALL THE PARENT, GUARDIAN, OR NEXT
8	OF KIN OF A DECEASED MINOR BE ALLOWED TO SIGN A
9	WAIVER AGAINST CONDUCTING AN AUTOPSY, EXCEPT
10	FOR RELIGIOUS GROUNDS, PROVIDED THAT PROOF OF
11	RELIGION BE PRESENTED BY THE ALLEGING PARTY.
12	7. DEATH UNDER SUSPICIOUS CIRCUMSTANCES, EVEN
13	FOR UNCLAIMED OR UNIDENTIFIED BODIES.
14	SECTION 2. Implementing Rules and Regulations The Department of Health, in
15	consultation with the Philippine National Police, the Department of Justice, and the
16	Commission on Human Rights is hereby tasked to draft the implementing rules and
17	regulations within sixty (60) days following its complete publication.
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19	SECTION 3. Appropriations To carry out the provisions of this Act, such amount
20	as may be necessary is hereby authorized to be appropriated from the National Treasury.
21	Thereafter, the amount necessary for the continuous operation of the Program shall be
22	included in the annual appropriation of the Department of Health.
23	SECTION 4. Separability Clause If any provision of this Act is declared
24	unconstitutional or invalid, other parts or provisions hereof not affected thereby shall
25	continue to be in full force and effect.
26	SECTION 5. Repealing Clause Any law, presidential decree or issuance, executive
27	order, letter of instruction, administrative order, rule or regulation contrary to or is
28	inconsistent with the provision of this Act is hereby repealed, modified, or amended
29	accordingly.
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1 SECTION 6. Effectivity Clause. - This Act shall take effect fifteen (15) days after its

2 publication in the Official Gazette or in a newspaper of general circulation.

Approved,