

SEVENTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
*First Regular Session*



Senate  
Office of the Secretary

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SENATE  
S.B. No. 1228

RECEIVED BY: 

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Introduced by Senator Poe

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**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



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.

18  
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.

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,*