

**SEVENTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES**

First Regular Session



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SENATE
S.B. No. 1229

RECEIVED BY: *J*

Introduced by Senator Poe

**AN ACT
PROVIDING BURIAL ASSISTANCE FOR UNCLAIMED REMAINS AND FOR
INDIGENT DECEDENTS, APPROPRIATING FUNDS THEREFOR, AND FOR
OTHER PURPOSES**

Explanatory Note

The rise of extrajudicial and vigilante killings in the war on drugs has resulted in a concurrent rise in unclaimed bodies at funeral homes. Reports have surfaced that victims of extrajudicial killings are given a pauper's burial only after "months" of stay at a funeral home. In these cases, unclaimed bodies remain floating in rectangular pools of formaldehyde for months. Many of the dead remained unidentified, unclaimed and unmourned. In other cases, it has been reported that mass burials of victims of extrajudicial killings are being conducted, with no priest to bless the dead, and with no one else present except for cemetery personnel.¹

At present, the Department of Social Welfare and Development (DSWD), through its Protective Services Program, offers various types of assistance to those in need which include the Assistance to Individuals in Crisis Situations (AICS). As the lead agency in social protection, the DSWD places emphasis in ensuring that indigent and vulnerable individuals are provided with the necessary assistance to help them cope during crisis situations. Under AICS, the DSWD provides medical, educational, burial and transportation assistance to persons/families in crisis situations, specifically those belonging to the informal sector and other poor, marginalized, vulnerable, and disadvantaged individuals.²

This bill aims to expand the existing AICS by mandating burial assistance to indigent decedents whose bodies remain unclaimed or unidentified, regardless of the cause of death, whether crime-related or not. Under the bill, if the Crisis Intervention Unit (CIU) of the DSWD determines that the body of the decedent remain unclaimed, or, if claimed by the decedent's next of kin, the decedent belongs to an indigent family, the DSWD shall provide burial assistance either by directly contracting with burial service providers or by granting financial assistance to the next of kin. The bill fixes burial assistance to an initial sum of ten

¹ <http://newsinfo.inquirer.net/818194/11-ejk-victims-given-paupers-burial>

² <http://www.gov.ph/2015/06/25/dswd-extends-operations-for-indigents-seeking-aid/>

thousand pesos (P10,000.00), adjustable to present value every six years. Burial assistance shall defray the costs of the casket or urn, embalming, cremation, and other related burial services such as viewing or wake cost and transportation from the hospital morgue to the intended burial site.

The bill also mandates the DSWD to expedite the processing of burial assistance by refusing to treat the lack of documentation as a ground to deny or withhold assistance. It would be absurd to require documentation when the body of the victim remains unclaimed or unidentified for many months despite all reasonable efforts in locating the victim's next of kin and with no one appearing on behalf of the decedent.

Immediate approval of this measure is eagerly sought.


GRACE POE

1 In cases where the next of kin of the decedent appear but are indigent and cannot
2 afford a proper burial, the DSWD shall provide burial assistance as defined in this Section
3 and shall respect, to the extent practicable, the wishes and preferences of the family of the
4 decedent regarding the disposition of the remains of the deceased person, the location and
5 conditions of interment, and arrangements for funeral goods and services to be provided,
6 unless other directions have been given by the decedent pursuant to a will or last testament.
7

8 Burial assistance as defined under this Act shall include sums and services that cover
9 the costs of the casket or urn, embalming, cremation, and other related services such as
10 viewing or wake cost, pick-up from the hospital morgue, and transport of the body to the
11 intended burial site, but in no case shall exceed ten thousand pesos (P10,000) or its adjusted
12 value after every six years.
13

14 The current Assistance to Individuals in Crisis Situations (AICS) under the Protective
15 Services Program of the DSWD shall be expanded to include burial assistance as set forth in
16 this Act.
17

18 **SECTION 4. Expedited Processing.** –
19

20 (a) Upon receipt of a request for burial assistance for an unclaimed decedent made by
21 a funeral home, law enforcement official, medial or health institution, or any other
22 reputable institution or person whose business is to attend to the remains of
23 deceased persons, or upon notice or knowledge acquired by a CIU official or
24 employee in his or her official capacity over the specific whereabouts of
25 unclaimed remains, the DSWD shall immediately act upon such request, notice, or
26 knowledge and grant or deny burial assistance as soon as practicable, and in any
27 case within a non-extendible period of fifteen (15) working days from such
28 request, notice, or knowledge. The DSWD shall establish a system of inter-
29 agency coordination and monitoring of unclaimed bodies by entering into
30 memoranda of agreement with other agencies, local government units, and
31 accredited health service providers.
32

33 (b) Where the next of kin of the decedent request for burial assistance, the DSWD
34 shall grant or deny burial assistance as soon as practicable and in any case within

1 a period of ten (10) working days from the submission of all necessary documents
2 in support of the request.
3

4 **SECTION 5. *Incomplete Documentation.*** – The lack or incompleteness of any of the
5 following documentation shall not constitute grounds for inaction, denial, or withholding of
6 the grant of burial assistance:

- 7 a) medical, hospital, laboratory, or other health records of the decedent;
8 b) civil status documents such as death certificate, birth certificate, *etc.*, of the
9 decedent;
10 c) identification and residency documents of the decedent;
11 d) other reports, referrals, endorsements, certificates, documents, and permits which
12 the DSWD may, from time to time, choose to exempt from processing
13 requirements for the grant of assistance provided under this Act.
14

15 In every case of lack or incomplete documentation, the DSWD shall be the sole
16 authority in determining the circumstances of death, indigence, and other conditions in
17 support of the grant of burial assistance as set forth in Section 3 of this Act, which findings
18 shall be clearly stated and substantiated in its social case summary.
19

20 **SECTION 6. *Social Case Summary; Crisis Intervention Monitoring System.*** – The
21 social worker in charge of processing the burial assistance shall prepare a social case
22 summary that shall either recommend or deny burial assistance. The report shall be uploaded
23 into and form part of an online database system for CIU matters. Absent a modern online
24 database system, the existing Crisis Intervention Monitoring System (CrIMS) shall serve as
25 the requisite online database system. To the extent required to prevent an unwarranted
26 invasion of privacy, the DSWD may redact such personal data from a record made available
27 to the public.
28

29 **SECTION 7. *Additional Benefits from Local Governments.*** – Notwithstanding any
30 existing laws, rules and regulations, benefits granted under this Act shall not foreclose
31 additional benefits granted by local governments.
32

33 **SECTION 8. *Use of Remains for Medical Studies and Scientific Research.*** – The
34 provisions of this Act shall be without prejudice to the use of unclaimed remains by medical

1 and scientific institutions for studies and research in accordance with Presidential Decree No.
2 856 (1975), otherwise known as the Code on Sanitation of the Philippines, and the rules and
3 regulations prescribed by the Department of Health.

4
5 **SECTION 9. *Administrative Offenses and Penalties.*** –

6 (a) The acts enumerated in this sub-section shall be tantamount to less grave
7 administrative offenses and shall constitute grounds for administrative and
8 disciplinary sanction against any public official or employee who commits the
9 following:

10
11 (1) Failure to grant or deny burial assistance within the periods required by this
12 Act;

13 (2) Denial of burial assistance without setting forth substantial basis for such
14 denial;

15
16 (b) The acts enumerated in this sub-section shall be tantamount to grave administrative
17 offenses committed by any public official or employee:

18 (1) Denial or approval of burial assistance knowing that the basis for the decision
19 is materially false, fictitious, manufactured, or fraudulent;

20 (2) Willful destruction, alteration, or falsification of information and/or
21 documents which form the basis of a grant or denial of burial assistance;

22 (3) Reviewing any transaction with a burial or funeral service provider in which
23 the official or employee has a direct or indirect financial and material interest;

24 (4) Including in the grant of burial assistance items or services that are not
25 reasonably related to burial rites for indigents and paupers;

26
27 (c) The preceding subsections do not bar filing of appropriate criminal, civil, and
28 administrative cases other than those offenses enumerated above.

29
30 **SECTION 10. *Criminal Offenses and Penalties.*** – The penalty of imprisonment of
31 not less than one (1) month but not more than six (6) months and a fine ranging from ten
32 thousand pesos (Php 10,000.00) to one hundred thousand pesos (Php 100,000.00) shall be
33 imposed upon:

- 1 (a) Any public officer or employee who knowingly grants any burial assistance request
2 that is manifestly devoid of factual basis;
- 3 (b) Any public official or employee who willfully destroys, alters, tampers, manufactures,
4 or falsifies documentary evidence which forms the basis of a grant or denial of burial
5 assistance;
- 6 (c) Soliciting or accepting anything of value to secure a promise, offer, grant, or denial of
7 burial assistance;
- 8 (d) Knowingly soliciting, paying, and/or accepting gifts or remuneration to/from anyone
9 to induce or reward referrals for items or services covered by burial assistance as
10 defined in this Act;
- 11 (e) Any individual who knowingly directed, induced or caused the commission of the
12 foregoing acts shall be liable as principal by inducement in the prosecution of public
13 officials or employees under this section;
- 14

15 If the violation committed in this Act is induced and assisted by a private individual or a
16 corporation, partnership or any kind of judicial entity, the penalty provided herein shall be
17 imposed on its executive officer and/or other officials responsible therefor: *Provided*, That
18 they shall suffer, in addition to the penalties provided herein, the automatic revocation of
19 their license to operate.

20

21 **SECTION 11. *Implementing Rules and Regulations.*** – The DSWD, in consultation
22 with the Commission on Human Rights, Philippine National Police, National Bureau of
23 Investigation, Office of the Civil Registrar, Department of Health, Department of Interior and
24 Local Government, and two (2) representatives from charitable organizations engaged in
25 burial or funeral services, is hereby tasked to draft the implementing rules and regulations of
26 this Act within sixty (60) days following its complete publication.

27

28 Such rules and regulations shall include provisions for inter-agency and inter-
29 stakeholder coordination and monitoring of unclaimed bodies.

30

31 **SECTION 12. *Appropriations.*** – To carry out the provisions of this Act, such amount
32 as may be necessary is hereby authorized to be appropriated from the National Treasury.
33 Thereafter, the amount necessary for the continuous operation of the burial assistance
34 program as defined in this Act shall be included in the annual appropriation of the DSWD.

1 **SECTION 13. *Separability Clause.*** - If any provision of this Act is declared
2 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall
3 continue to be in full force and effect.

4
5 **SECTION 14. *Repealing Clause.*** - Any law, presidential decree or issuance,
6 executive order, letter of instruction, administrative order, rule or regulation contrary to or is
7 inconsistent with the provision of this Act is hereby repealed, modified, or amended
8 accordingly.

9
10 **SECTION 15. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
11 publication in the Official Gazette or in a newspaper of general circulation.

Approved,

/actOct26