



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

'17 FEB -1 P6:15

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SENATE

S.B. No. 1312

Introduced by Senator Francis N. Pangilinan

**AN ACT REQUIRING CREMATORIES
TO COLLECT FROM THE DECEDENT'S REMAINS BIOLOGICAL SPECIMEN FOR
DNA SAMPLING AND/OR STORAGE,
FINGERPRINTS OR THUMBPRINTS, DENTAL IMPRINTS AND DIGITAL PHOTOS,
PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Cremation as a funeral or post-funeral rite has increasingly gained popularity among Filipinos as an alternative to the interment of an intact body in a casket. Some people prefer cremation for personal reasons. Others prefer it because of practical expediency. Disturbingly, however, cremation has also become the preferred interment choice of rogue cops and criminal elements.

Recent news reports indicate that a South Korean businessman was prematurely cremated in October 2016 after he was allegedly kidnapped, under the pretext of an illegal drugs investigation, and murdered by police officers. The urn containing the ashes of the businessman was released to the employee of a funeral parlor who presented herself as the representative of the dead man's family. According to the Philippine National Police (PNP), the ashes were flushed down the toilet after an employee of the funeral parlor supposedly panicked.¹²³ This incident highlights the ease with which criminals bury all traces of their crime through the expediency of cremating dead bodies. Thus, appropriate measures become necessary to ensure that cremation

¹ "NBI confirms kidnapped South Korean's remains cremated last year." Available at <http://news.abs-cbn.com/news/01/18/17/nbi-confirms-kidnapped-south-koreans-remains-cremated-last-year>. Accessed on 24 January 2017.

² "Korean cremated as 'Jose Ruamar Salvador, Filipino.'" Available at <http://pcij.org/stories/korean-cremated-as-jose-ruamar-salvador-filipino/>. Accessed on 24 January 2017.

³ "Philippines police officers 'murdered and cremated' South Korean businessman before extorting money from his wife." Available at <http://www.independent.co.uk/news/world/asia/philippines-police-officers-murdered-angeles-cremated-south-korean-businessman-ji-blackmail-wife-a7533666.html>. Accessed on 24 January 2017.

will not be taken advantage of by criminal elements to obstruct investigations and ultimately, the delivery of justice.

Hence, measures must be put in place in order to specify proper cremation procedures, ensure that accurate examinations are conducted, and investigations are not hampered on cases when a crime is committed.

In view of the foregoing, the passage of this bill, inspired by the measure filed before by the late Senator Miriam Defensor-Santiago, is earnestly sought.



FRANCIS N. BANGILINAN
Senator



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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “***Mandatory Collection***
2 ***of Biological Specimen and Identification Samples Act of 2017.***”

3 **SECTION 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to
4 ensure the efficient administration of justice and guarantee that criminal elements will
5 not be able to obstruct investigations. Toward this end, the collection of biological
6 specimen and identification samples shall be made mandatory prior to the cremation of
7 dead bodies.

8 **SECTION 3. *Records and Certificates.*** – The managers of each crematory shall
9 keep books of record, which shall be open at reasonable times for inspection, in which
10 shall be entered the name, age, sex, and residence of each person whose body is
11 cremated together with a file containing digital photos, dental impression, biological
12 samples including hair, nails, tissue samples, for purposes of DNA analysis or storage,
13 fingerprints and/or thumbprints, and the authority for such cremation and the disposition
14 of the ashes.

1 The owner or superintendent shall complete the required cremation permit, retain a
2 copy for its records and immediately forward the original permit to the local registrar of
3 the town or city in which the death occurred.

4 The local registrar shall keep the cremation permit on file and record it with other
5 vital statistics. When any body is removed from a town or city where the death occurred
6 for the purpose of cremation, the person having the legal custody and control of such
7 body shall cause a certificate to be procured from the person in charge of the crematory
8 in which such body is incinerated, stating the facts called for in this section, and cause
9 such certificate to be filed for record with the registrar of the town or city in which the
10 death occurred.

11 Each crematory shall retain on its premises, for not less than five (5) years after final
12 disposition of cremated remains, books of record, digital photos, dental impression,
13 biological samples including hair, nails, tissue samples, for purposes of DNA analysis or
14 storage, fingerprints and/or thumbprints, copies of cremation permits, cremation
15 authorization documentation, and documentation of receipt of cremated remains.

16 **SECTION 4. Cremation Requirements.** – The body of any deceased person may
17 be disposed of by incineration or cremation in the town or city where the death occurred
18 or may be removed from such town or city for such purpose provided the following
19 requirements are met:

- 20 (A) At least forty eight (48) hours have transpired since the death occurred;
21 (B) The local civil registrar has issued the cremation permit;
22 (C) Required biological specimen and identification samples referred to in Section 3
23 of this Act have been collected;
24 (D) Decedent's remains have been identified by the legal next of kin or authorized
25 agent;

26 **SECTION 5. Filing of Death Certificate.** – The death certificate required by law
27 shall be filed with the local registrar of the town or city in which such person died, if
28 known, or, if not known, of the town in which the body was found.

29 **SECTION 6. Cremation Certificate.** – The chief medical examiner, deputy chief
30 medical examiner, associate medical examiner, or an authorized assistant medical
31 examiner shall complete the cremation certificate, stating the following:

- 1 (a) He has made inquiry into the cause and manner of death, and
2 (b) He is of the opinion that no further examination is necessary.

3 The cremation certificate shall be submitted to the local registrar of the town or city in
4 which such person died, if known, or, if not known, of the town or city in which the body
5 was found, or with the local registrar of the town or city in which the nearest kin or the
6 person having lawful authority over the body is located.

7 **SECTION 7. Cremation Permit.** – The local civil registrar shall issue a cremation
8 permit upon receipt of the cremation certificate which he/she shall keep on permanent
9 record. If the cremation certificate is submitted to the registrar of the town or city where
10 the nearest kin or the person having lawful authority over the body is located, such
11 certificate shall be forwarded to the registrar of the town or city where the person died to
12 be kept on permanent record.

13 When the cremation certificate is submitted to a town or city other than that where
14 the person died, the local registrar of such other town or city shall ascertain from the
15 original removal, transit, and burial permit that the certificates required by the laws,
16 rules, and regulations have been received and recorded, that the body has been
17 prepared in accordance with laws, rules, and regulations, and that the entry regarding
18 the place of disposal is correct.

19 **SECTION 8. Penalty.** – Any person who makes any false statement in procuring any
20 permit required by this Act, or who violates any provision of this Act, shall be fined not
21 less than One Million Pesos (P1,000,000.00) or imprisoned for not less than five (5)
22 years, or both.

23 **SECTION 9. Rules and Regulations.** – The Secretary of Health shall issue the
24 necessary rules and regulations to carry out the objectives of this Act.

25 **SECTION 10. Separability Clause.** – If any provision of this Act or part thereof is
26 held invalid or unconstitutional, the remainder of the law not otherwise affected shall
27 remain valid and subsisting.

28 **SECTION 11. Repealing Clause.** – Any law, presidential decree or issuance,
29 executive order, letter of instruction, administrative order, rule or regulation contrary to,

1 or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
2 accordingly.

3 **SECTION 12. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
4 its publication in the Official Gazette or in at least two (2) newspapers of general
5 circulation.

Approved,