

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



'17 MAY 30 P 1 :15

SENATE

SENATE BILL NO. 1479

RECEIVED BY:

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
DEFINING THE CRIME OF CADAVER DESECRATION, PROVIDING
PENALTIES THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

“Justice must be served by showing that the criminals are being penalized and being punished for offenses that they are doing.” These are the words from Choi Kyung Jin, the wife of slain Korean national Mr. Jee Ick-Joo.

Mr. Jee was abducted from his home on 18 October 2016, killed on the same day,¹ and cremated on 19 October under the name Jose Ruamar Salvador.² The murderous act and blatant disrespect for the dead in this story is so beyond the pale that it is revolting even to strangers to the Jee family. Unfortunately, the story of Mr. Jee is not isolated in terms of deaths resulting from possible enforced disappearance cases. Also on October 2016, literal mountains of cadavers were discovered at a funeral home in La Loma, Quezon City.³

These sad realities teach us that the continuing challenge is how to prevent extrajudicial killings. This bill supports the previous proposed legislation, Senate Bill No. 1197 or the “Anti-Extrajudicial Killing Act of 2016” still awaiting action from the Committee on Justice and Human Rights. However, this bill is crafted and also aims to encompass deaths that may have resulted from violence that is not extrajudicial killing.

Legal standards on how human cadavers should be handled include Presidential Decree No. 856 or the Code of Sanitation, and crystallized by Memorandum Circular No. 2010-003 of the Department of Health. A short chapter in the New Civil Code also provides for rules on interment and funerals. With the appalling wave of extrajudicial killings in the Philippines, and perhaps thousands of unaccounted or undiscovered deaths of the disappeared, it is incumbent for the

¹ See <<http://www.rappler.com/nation/162303-jee-ick-joo-korean-killed-silence-police-extortion>>, visited on 11 May 2017.

² See <<http://www.gmanetwork.com/news/news/specialreports/596864/jee-ick-joo-cremated-as-philipino-jose-ruamar-salvador/story/>>, 11 May 2017.

³ See <<http://news.abs-cbn.com/news/10/19/16/rotting-corpse-in-qc-funeral-home-may-reach-200>>, 11 May 2017.

legislative branch to craft a law that at the bare minimum will guarantee to the departed a respectful interment.

However, the higher objective of this bill is to bring to justice the perpetrators. This can be achieved by a law that defines what qualifies as desecration of human corpses with intent to conceal the commission of the crime or circumstance of death. In addition, preventive measures should also be in place by providing responsibilities that impact resources of government instrumentalities to encourage respect for the rule of law and human rights. By delegating financial burden to government agencies, it is expected that due diligence on crime prevention should be improved to ascertain that budgets are utilized for other areas of priority which protect and make lives safer and better.

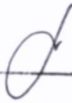
For these reasons, the passage of this bill is earnestly sought.


LEILA M. DE LIMA

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**AN ACT
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress Assembled:

1 **Section 1. Title.** – This Act shall be known as “*Cadaver Handling Act of 2017.*”

2 **Sec. 2. Objectives.** –

- 3 a. To provide a mechanism to allow for the interment of the dead in accordance
4 with his or her religious beliefs, or when none exists, in accordance with
5 expressed wishes, or when none can be determined, in accordance with the
6 preference of the family or authorized third party, provided the same is
7 respectful of the memory of the deceased;
- 8 b. To ensure that funeral establishments, morgues, crematorium and similar
9 facilities are not utilized to hide or destroy evidence of crime, destroy or hide
10 cadavers of individuals whose death are caused by the commission of crimes;
11 and
- 12 c. To provide accountability for registered owners, managers, undertakers,
13 embalmers, other employees and staff of funeral establishments, morgues,
14 crematorium and similar facilities who participate in the commission of

1 offenses relative to handling and disposal of cadavers as hereinafter
2 enumerated.

3 **Sec. 3. Definition of Terms. –**

- 4 a. *Authorized representative* includes individuals not related to the deceased by
5 consanguinity or affinity but was known to have been in a relationship with
6 the former;
- 7 b. *Cadaver* means the body of a deceased person;
- 8 c. *Desecration of human cadaver* - means any act committed after the death of
9 a human being including, but not limited to dismemberment, disfigurement,
10 mutilation, burning, or any act committed to cause the dead body to be
11 devoured, scattered or dissipated; except those procedures performed with
12 authority of the family of the deceased or allowed under existing laws for
13 purposes such as, but not limited to forensic examination, gathering or
14 removing crime scene evidence, presentation or preservation of evidence,
15 dead body identification, cause of death, autopsy, cremation or burial, organ
16 donation, use of cadaver for medical educational purposes, or other necessary
17 procedures to identify, remove or dispose of a dead body by the proper
18 authority;
- 19 d. *Embalmer* means a person duly licensed by the Department of Health to
20 embalm dead bodies;
- 21 e. *Embalming* means the process of cleaning, disinfecting and treating the dead
22 human body with chemicals to delay its decomposition after death, so as to
23 provide time for viewing and mourning before the final disposition;
- 24 f. *Family* includes relatives up to fourth civil degree of consanguinity;

- 1 g. *Funeral establishment* means a place authorized by law offering funeral
2 services, chapels, and embalming facilities for a deceased person for burial or
3 cremation;
- 4 h. *Morgue* means a place in which bodies are temporarily kept pending
5 identification, autopsy and/or removal for final disposition;
- 6 i. *Undertaker* means a person who attends to the care, transport and disposal
of the body of a deceased person by any means other than embalming.

8 **Sec. 4. Responsibilities of morgues and funeral establishments.** - Morgues and
9 funeral establishments where cadavers of persons suspected of having died from
10 crimes are brought shall do the following:

- 11 a. Immediately inform the nearest police station of such delivery;
- 12 b. Record the name of the person or persons who brought the cadaver to the
13 funeral establishment, taking photocopies or pictures of their identification
14 cards, and if none is available, taking their individual photographs, and
15 photographs of the vehicle used;
- 16 c. Conduct initial interview with the persons who brought the cadaver on the
17 cause of death, place and circumstance of discovery;
- 18 d. Ensure that no undertaker, embalmer or staff of the morgue or funeral parlor
19 shall commence disinfecting, cleaning, embalming or any procedure on the
20 cadaver within twenty-four hours from reporting the same to the police. PNP
21 officials shall have the option of taking the cadaver to the crime laboratory for
22 further investigation if so warranted;
- 23 e. Store unidentified and unclaimed cadaver within such period allowed by
24 Presidential Decree No. 856 (P.D. 856) Series of 1975, "Code of Sanitation"
25 and following standards provided for in DOH Memorandum Circular no.

1 2010-0033 or the Implementing Rules and Regulations of PD 856 or Code of
2 Sanitation of the Philippines Chapter XXI on Disposal of Dead Persons.

3 **Sec. 5. Responsibilities of government agencies.-**

- 4 a. Philippine National Police (PNP). - PNP shall designate a unit within its
5 stations, which shall be responsible in documenting, investigating, and
6 transporting to the proper parties the cadavers found or recovered in the
7 course of PNP operations;
- 8 b. Department of Social Welfare and Development (DSWD). - DSWD shall
9 establish help desks in each local office which can provide psycho-social
10 intervention for the bereaved family;
- 11 c. Local Government Units (LGU).- The municipal or city government
12 concerned shall provide for the following:
1. Assistance in locating the family of the deceased person, in coordination
4 with the PNP and the owner of the morgue or funeral establishment;
 - 5 2. When the family or authorized representative cannot be located, shall
6 ensure that the cadaver shall be interred with dignity and in accordance
7 with their local burial customs; and
 - 18 3. Reimburse the morgue or funeral establishment of its expenses incurred
19 in handling the cadaver as provided in Section 91 (d) of P.D. No. 856.

20 **Sec. 6. Prohibited Acts.** - It shall be unlawful for any person to knowingly and
21 willfully desecrate the cadaver of the dead person for any of the following purposes:

- 22 a. tamper with the evidence of a crime;
- b. camouflage the death of a human being;

- 1 c. impede or prohibit the detection, investigation or prosecution of a
2 crime;
- 3 d. alter, inhibit or conceal the identification of a dead body, crime
4 victim, or a criminal offender;
- 5 e. disrupt, prohibit or interfere with any law enforcement agency or any
6 investigative body from detecting, investigating, examining,
7 determining, identifying or processing a cadaver, cause of death,
8 scene where a dead body is found, or any forensic examination or fact
9 finding mission relating to a dead body or a crime; or
- 10 f. inter, or permit interment or other disposition of any cadaver,
11 cremate or allow transfer for cremation purposes, when committed
12 by morgues or funeral establishments, unless it is accompanied by a
13 burial, cremation permit, and clearances from the PNP and local
14 government unit certifying that the cadaver is not the remains of a
15 victim of a crime and/or have not died under suspicious
16 circumstances. In this case, the owner of the morgue or funeral
17 establishment, or the corporate officers in case of corporations shall
18 be held liable.

19 **Sec. 7. Penalty.** – The penalty for the prohibited acts provided for in the
20 previous section shall be *Prision Mayor* and a fine of One Hundred Thousand Pesos
21 (P100,000).

22 **Sec. 8. Appropriations.** – The amount necessary for the initial implementation of
23 this Act shall be charged against the current appropriations of the DSWD, PNP, and
24 the LGU concerned. Thereafter, the amount needed for the continued

1 implementation of this Act shall be included in the annual General Appropriations
2 Act. For LGUs, the implementation of the programs may be charged against the
3 internal revenue allotment and other internally generated funds of the LGU
4 concerned.

5 **Sec. 9. Separability Clause.** - Should any provision of this Act be declared
6 invalid, the remaining provisions shall continue to be valid and subsisting.

7 **Sec. 10. Repealing Clause.** - All laws, decrees, executive orders, rules and
8 regulations, or parts thereof, which are contrary to or inconsistent with the
9 provisions of this Act are hereby amended, repealed or modified accordingly.

10 **Sec. 11. Effectivity.** - This Act shall take effect fifteen (15) days following its
11 publication in the Official Gazette or in two (2) newspapers of general circulation.

12 Approved,