

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



'22 SEP -5 A11 :05

SENATE
S. No. 1273

RECEIVED BY:

Introduced by Senator Robinhood Padilla

AN ACT
RECOGNIZING THE PROPER BURIAL OF MUSLIM FILIPINOS, INDIGENOUS PEOPLES, AND OTHER DENOMINATIONS, PROVIDING FOR APPROPRIATE BURIAL GROUNDS IN PUBLIC CEMETERIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippines is a country of great diversity. Composed of over 7,000 islands, the country has a rich history, culture, beliefs, and religion, among others, which make up the varied and unique identity of Filipinos.

With respect to this diversity, no less than the 1987 Constitution provides that: "The free exercise and enjoyment of religious profession and worship, without discrimination of preference, shall forever be allowed" (Section 5, Article III). The Supreme Law of the Land even stipulates that the State must recognize and promote the rights of indigenous cultural communities within the framework of national unity and development (Section 22, Article II).

In pursuit of the Constitutional mandate, the State shall guarantee the rights and well-being of Muslim Filipinos and Indigenous Peoples with due regard to their beliefs, customs, traditions, and institutions thereby giving them the opportunity to contribute to nation-building.

Our history books that narrate the early lives of Filipinos paint a vivid picture of how our ancestors held highly the concept of *life after death*.

The Filipinos carry out burial rites to honor the dead through prayers and ceremonies. Such customs are inspired by our veneration of our indigenous ancestors and bolstered by strong family and communal ties among tribes.

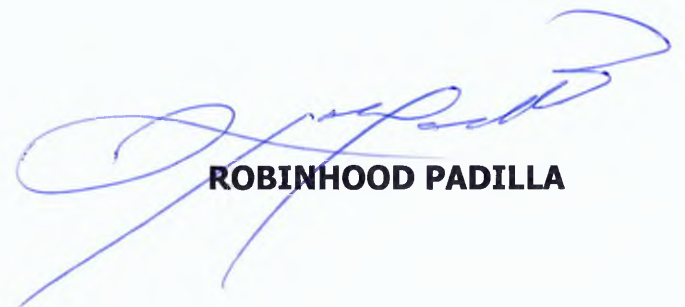
Numerous varied burial customs, mortuary vessels, and funeral sites represent the diverse cultures of various Philippine regions.

The Muslim Filipinos adhere to the *Sunnah* or the way and practices of the Prophet Muhammad (Peace and blessings be upon him). Preparing the deceased for burial consists of the following: bathing the dead, wrapping the body with a shroud, performing the obligatory prayer for the dead, and the act of burying the deceased, wherein the body is laid in the grave on its right side facing the *qiblah* or the direction in which Muslims turn to pray. In Islam, the burial must take place as quickly as possible after death. It is also forbidden for the body to be desecrated, such as cremation, autopsies, and delay of burial.

All of these burial ceremonies are traditionally valid in expressing our identities as Filipinos such that the existence of several Filipino burial ceremonies across the country amplifies the richness of our culture.

At present, Muslim Filipinos have difficulty burying their loved ones due to the lack of public cemeteries that would accommodate them in accordance with their beliefs, customs, and traditions. As a result, they are compelled to bring the dead to their hometowns in Mindanao, which is costly and difficult for the bereaved family members.

To this end, the proposed measure seeks to recognize the proper burial of Muslim Filipinos, Indigenous Peoples, and other denominations, providing for appropriate burial grounds in public cemeteries, and for other purposes, in order to preserve the sanctity of their belief and culture of honoring their dead.



ROBINHOOD PADILLA

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AN ACT
RECOGNIZING THE PROPER BURIAL OF MUSLIM FILIPINOS, INDIGENOUS PEOPLES, AND OTHER DENOMINATIONS, PROVIDING FOR APPROPRIATE BURIAL GROUNDS IN PUBLIC CEMETERIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 Section 1. *Short Title.* — This Act shall be known as the “Muslim Filipinos,
2 Indigenous Peoples, and other Denominations Access to Public Cemeteries Act.”

3 Sec. 2. *Declaration of Policy.* — It is hereby declared as the policy of the State
4 to ensure the rights and well-being of Muslim Filipinos, Indigenous Peoples, and other
5 denominations with due regard to their beliefs, customs, traditions, and institutions
6 by providing for appropriate burial grounds in public cemeteries.

7 Sec. 3. *Non-Discrimination in the Access to Public Cemeteries.* — The heirs or
8 the representatives of the deceased are entitled to bury the latter in accordance with
9 his or her customs, beliefs, and traditions without discrimination in public cemeteries
10 owned by the local government units (LGUs).

11 Sec. 4. *Apportionment and Partition of Public Cemeteries.* — Public cemeteries
12 shall be provided apportionment of burial grounds for Muslim Filipinos, Indigenous
13 Peoples, and other denominations based on their respective customs, beliefs, and

1 traditions. The burial grounds shall be divided into a partition within the public
2 cemetery with particular dimensions and pathways for proper access thereto.

3 *Sec. 5. Insufficiency of Burial Grounds.* — If the apportionment and partition
4 under Section 4 of this Act are not sufficient for whatever reason on existing public
5 cemeteries, the concerned LGU shall acquire land to construct a public cemetery to
6 satisfy the apportionment and partition of the public cemetery.

7 If the LGU lacks funds either for the acquisition or construction of public
8 cemeteries to satisfy the apportionment and partition, any person or juridical entity
9 belonging to Muslim Filipinos, Indigenous Peoples, or other denominations, whose
10 apportionment and partition are not satisfied, may fund the acquisition of land or
11 construction of their cemetery. In such event, the LGU and the donor shall agree on
12 the apportionment and partition in the cemetery, taking into consideration the
13 acquisition or construction cost donated: *Provided*, That if both the acquisition and
14 construction were solely funded by such person or juridical entity, the donor, in
15 consultation with the concerned LGU, shall determine the apportionment and partition
16 of the cemetery; *Provided further*, That the concerned LGU shall assist in the
17 procurement of necessary licenses, permits, zoning, and such other requirements to
18 ensure that the acquisition or construction shall be done expeditiously and judiciously.

19 All public cemeteries to be constructed shall provide for apportionment and
20 partition pursuant to Section 4 of this Act.

21 *Sec. 6. Public Cemetery Board.* — There shall be created a Public Cemetery
22 Board in all highly urbanized cities, independent component cities, and provinces
23 which shall determine the apportionment and partition of the public cemeteries within
24 their respective territorial jurisdiction.

25 The Provincial Public Cemetery Board shall be composed of the following:
26 Chairperson, which is the Governor of the concerned LGU; Mayor of every city or
27 municipality belonging to the concerned province, and one representative each from
28 the National Commission on Muslim Filipinos (NCMF), National Commission on
29 Indigenous Peoples (NCIP), and civil society organization; and the other two

1 representatives shall come from other two major denominations: *Provided*, That the
2 Chairperson shall only vote on matters presented to the committee in case of a tie.

3 In the case of City Public Cemetery Board in highly urbanized cities or
4 independent component cities shall be composed of the following: Chairperson, which
5 is the Mayor of the highly urbanized cities or independent component cities; one
6 representative each from the National Commission on Muslim Filipinos (NCMF),
7 National Commission on Indigenous Peoples (NCIP), and civil society organization;
8 and two representatives shall come from other two major denominations.

9 *Sec. 7. Management and Supervision of the Public Cemeteries.* — The
10 management and supervision of the operation of the public cemeteries, including the
11 requirement of a burial permit, the standard requirements for gravesites, and the
12 procedure for the interment and transfer of remains, shall be vested with the LGU
13 where the public cemetery is located, provided that the observation of customs,
14 beliefs, and traditions of Muslim Filipinos, Indigenous Peoples, and other
15 denominations shall be allowed on the separated partitioned cemetery.

16 *Sec. 8. Appropriations.* — The apportionment, maintenance, and operation of
17 the public cemetery shall be funded from the share of LGUs in the proceeds of national
18 taxes and other local revenues and funding support from the national government, its
19 instrumentalities, and government-owned or controlled corporations.

20 *Sec. 9. Implementing Rules and Regulations.* — The Department of Interior and
21 Local Government (DILG), in consultation with the NCMF, and NCIP, shall within ninety
22 (90) days from the effectivity of this Act, promulgate the rules and regulations to
23 effectively implement the provisions of this Act.

24 *Sec. 10. Separability Clause.* — If any portion or provision of this Act is declared
25 unconstitutional, the remainder of this Act or any provisions not affected shall thereby
26 remain in force and effect.

27 *Sec. 11. Repealing Clause.* — Any law, presidential decree or issuance,
28 executive order, letter of instruction, rule or regulation inconsistent with the provisions
29 of this Act is hereby repealed or modified accordingly.

1 Sec. 12. *Effectivity Clause.* This Act shall take effect after fifteen (15) days
2 following its complete publication in the Official Gazette or a newspaper of general
3 circulation.

Approved,