

8 DEC -3 1988

SENATE  
S. No. 2937

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

“In the sweat of thy face shalt thou eat bread, till thou return unto the ground; for out of it was thou taken: for dust thou art, and unto dust shalt thou return.” (Genesis 3:19)

Grave robbery has always been a problem since time immemorial. In a culture as rich as ours, we have always honored our dead with many gifts to commemorate their lives as well as graves fit to be their final resting place. As the time for remembering those who preceded us approaches, a few unfortunate souls would find that the final resting place of their loved ones has been desecrated by grave robbers. The damage done goes beyond the measurable as it not only dishonors the deceased, it also causes anguish to those who survived them. According to a US case, “the gravamen of an action for desecration of a grave is the mental suffering caused by the disturbance of a loved one’s final resting place”.\*

No matter the description of the grave, from the grandiose pyramids to Jean Valjean’s simple and unnamed gravestone, this type of theft must be severely addressed.

This bill seeks to create a separate act of robbery under the Revised Penal Code for the robbery of cemetery items or the ones committed in cemeteries, graveyards or burial grounds.

MIRIAM DEFENSOR SANTIAGO

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\* N.C. – Perry v. Cullipher, 69 N.C. App. 761, 318 S.E.2d 354 (1984)

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1 AN ACT  
2 AMENDING THE REVISED PENAL CODE PENALIZING THE ROBBERY OF  
3 CEMETERY ARTICLES  
4

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

7 SECTION 1. *Short Title.* This Act shall be known as "Anti-Grave Robbers Act."

8 SECTION 2. Article 302-A of the Revised Penal Code is hereby inserted after Article  
9 302, which shall read as follows"

10 "ART. 302-A. *Grave Robbery.* – In cases enumerated in articles 299 and  
11 302, when the robbery consists in the taking of all or part of a tomb, coffin,  
12 monument, gravestone, or all or part of a commemorative, decorative, or other  
13 cemetery-related article or committed in a cemetery, graveyard or burial ground;  
14 the culprit shall suffer the penalty next higher in degree than that prescribed in the  
15 said articles."

16 SECTION 3. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts  
17 thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified  
18 accordingly.

19 SECTION 4. *Separability Clause.* – If, for any reason, any provision of this Act is  
20 declared to be unconstitutional or invalid, the other sections or provisions hereof which are not  
21 affected thereby shall continue to be in full force and effect.

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

3           Approved,