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SENATE  
P. S. R. No. 137

REC'D BY: 

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Introduced by Senator Miriam Defensor Santiago

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RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY,  
IN AID OF LEGISLATION, ON THE NEED TO STRICTLY IMPLEMENT THE  
CODE ON SANITATION OF THE PHILIPPINES WITH REGARD TO THE  
GOVERNMENT'S RIGHT ON CONDUCTING AUTOPSIES IN THE INTEREST OF  
JUSTICE, DESPITE THE DISAPPROVAL OF THE VICTIM'S RELATIVES

WHEREAS, the Constitution, Article 2, Section 10 states: "The State shall promote social justice in all phases of national development";

WHEREAS, Section 95 of Presidential Decree No. 856 or the Code on Sanitation of the Philippines states:

*"Sec. 95. Autopsy and Dissection of Remains.* - The autopsy and dissection of remains are subject to the following requirements:

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b. Autopsies shall be performed in the following cases:

1. Whenever required by special laws;
2. Upon orders of a competent court, a mayor and a provincial or city fiscal;
3. Upon written request of police authorities;
4. Whenever the Solicitor General, provincial or city fiscal as authorized by existing laws, shall deem it necessary disinter and take possession of remains for examination to determine the cause of death; and
5. Whenever the nearest kin shall request in writing the authorities concerned to ascertain the cause of death";

WHEREAS, in a recent hostage crisis where a former police officer killed eight people, an autopsy was conducted only on five of the eight victims; the other three victims were not autopsied since the families refused based on religious grounds;

WHEREAS, despite such refusal, the Chinese government conducted an autopsy on all of the victims' bodies;

WHEREAS, an autopsy is necessary to determine the cause and manner of death of a deceased; in sensitive cases such as this one, the only way to refute any argument of the other party which has conducted an autopsy would be to present one's own findings on the matter;

WHEREAS, findings of an autopsy will also certainly be beneficial in either exculpating or imprisoning the accused;

WHEREAS, the State should strictly implement Section 95 of the Sanitation Code to ensure that a scientific analysis on a victim's death is complete, factual, and reliable;

WHEREAS, religious concerns should not prevent law enforcement agencies from conducting their investigations; instead, the government should provide adequate measures to address the religious concerns of the victim's family;

WHEREAS, the legislature should consult forensic pathologists and study the methods employed by other countries with regard to imposing a mandatory autopsy on victims who have been killed due to criminal actions or accidents considered dubious by law authorities;

WHEREAS, since there is no special law requiring an autopsy to be done on victims who have suffered from crimes or from dubious accidents, i.e. accidental poisoning of children, and death of children from abuse but cause of death is claimed differently by parents, then the legislature should also create measures to flesh out those instances when an autopsy should be mandatory;

WHEREFORE, be it hereby resolved by the Philippine Senate to direct the Senate Committee on Health and Demography to conduct an inquiry, in aid of legislation, on the need to strictly implement the Code on Sanitation of the Philippines with regard to the government's right on conducting autopsies in the interest of justice, despite the disapproval of the victim's relatives

Adopted,

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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