

13 JUL 25 1981

SENATE
S. No. 1113

MS

Introduced by Senator Miriam Defensor Santiago

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."¹

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 punished.

This bill seeks to create a separate act of robbery under the Penal Code for the robbery of cemetery items or the ones committed in cemeteries, graveyards, or burial grounds.²

MS

MIRIAM DEFENSOR SANTIAGO

¹ Perry v. Cullipher, 69 N.C. App. 761, 318 S.E.2d 354 (1984).

² This bill was originally filed in the Fourteenth Congress, Second Regular Session.

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BY: *ji*

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1 AN ACT
2 AMENDING ACT NO. 3815, OTHERWISE KNOWN AS THE PENAL CODE,
3 BY PENALIZING ROBBERY COMMITTED IN A CEMETERY

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

4 SECTION 1. *Short Title.* – This Act shall be known as “Anti-Grave Robbers Act.”

5 SECTION 2. Article 302-A of Act No. 3815, otherwise known as the Penal Code, is
6 hereby inserted after Article 302, which shall read as follows:

7 “ART. 302-A. *Robbery Committed in a Cemetery.* – In cases enumerated
8 in Articles 299 and 302, when the robbery consists in the taking of all or part of a
9 tomb, coffin, monument, or gravestone, or the things or property therein, or all or
10 part of a commemorative, decorative, or other cemetery-related article, or
11 committed in a cemetery, graveyard, or burial ground, the culprit shall suffer the
12 penalty next higher in degree than that prescribed in the said articles.”

13 SECTION 3. *Separability Clause.* – If any provision of this Act is declared
14 unconstitutional or invalid, the remainder of the Act which is not affected thereby shall continue
15 to be in full force and effect.

16 SECTION 4. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations, or
17 parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended, or
18 modified accordingly.

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

Approved,