

SIXTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
*First Regular Session*



'13 AUG 13 P 3:10

**SENATE**

S. No. 1276

RECEIVED BY: *[Signature]*

---

Introduced by Senator Manuel "Lito" M. Lapid

---

**EXPLANATORY NOTE**

This proposed measure seeks to promote the sanctity of human dignity and recognizes that such dignity persists beyond a person's death. Further, this measure seeks to protect the sanctity of the human body and the personal effects found thereon from individuals seeking to desecrate or loot the same.

Under this proposed measure, the term "desecrating a corpse" shall refer to acts of outraging of or scoffing at a corpse; taking away vital organs or any body part of a corpse for profit; illegal exhumation of bodies from cemeteries; burying of dead, including infants and fetuses, without securing prior approval and appropriate permits from local health units; dumping of dead persons, including infants and fetuses, in public places with the intent of abandoning the cadaver; selling cadavers to any individual or institution without securing approval and appropriate permit from local health units; mutilating the dead, including infants and fetuses, except for embalming and medical purposes; destruction of tombs and other private or public sites; and taking from a grave any personal property buried with the dead including but not limited to the coffin where the body is placed or the clothing, and jewelry worn. All these activities shall be deemed punishable under this Act.

Moreover, under this proposed measure, any person caught in possession of property buried with a corpse or in possession of organs taken from corpses shall be presumed to have committed the crime of looting, stealing, or desecrating and shall be punished under the provisions of this measure.

Finally, the desecration of a corpse for any crime specified in Articles 246 to 260 of the Revised Penal Code shall be considered an aggravating circumstance for such felonies.

This measure is being proposed in order to emphasize the sanctity of the human body and priority of the State to preserve this inviolable dignity of the human being.

In view of the foregoing, early passage of this bill is earnestly requested.

**MANUEL "LITO" M. LAPID**  
*Senator*



**SENATE**

RECEIVED BY: Ju

S. No. 1276

Introduced by Senator Manuel "Lito" M. Lapid

**AN ACT**  
**DEFINING AND PENALIZING THE CRIMES OF LOOTING FROM,**  
**STEALING FROM, AND DESECRATING CORPSES**  
**AND PRESCRIBING PENALTIES THEREFOR**

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

1           **SECTION 1. Declaration of Policy.** - The State recognizes the sanctity  
2 of human dignity and declares that the protection thereof upholds the State's  
3 responsibility to defend basic human rights. Further, the State acknowledges that a  
4 person's dignity persists beyond death, and as such, it is in the best interest of the  
5 public that protection of the same continue beyond a person's death.

6  
7           **SEC. 2. Definition of Terms.** - As used in this Act, unless the context  
8 otherwise requires, the following shall mean:

- 9           (a) "Dead" shall refer to any deceased person or persons;
- 10          (b) "Infants" shall refer to any child or children less than three (3) days old;
- 11          (c) "Fetuses" shall refer to any human being from fertilization until birth;
- 12          (d) "Cadaver" shall refer to the body of any dead person;
- 13          (e) "Mutilating" shall refer to any act carried out with the intention of cutting or  
14 chopping off any part of the human body;
- 15          (f) "Grave" shall refer to any tomb or site where the dead is buried;
- 16          (g) "Embalming" shall refer to preparing, disinfecting and preserving a dead  
17 body for its final disposal;
- 18          (h) "Natural Calamity" shall refer to natural catastrophes through forces of  
19 nature and beyond human control (i.e. earthquakes, typhoons, volcanic  
20 eruption, etc.);

- 1 (i) "Man-made calamities and accidents" shall refer to tragedies of human  
2 origin (i.e. fires, nuclear, industrial, chemical and electrical disasters);
- 3 (j) "Looting" shall refer to plunder in voluminous quantity which is not less  
4 than Twenty Thousand Pesos (Php20,000.00) but not exceeding Fifty  
5 Million Pesos (Php50,000,000.00);
- 6 (k) "Stealing" shall refer to robbery as defined under Articles 299, 300, and  
7 302, or theft as defined under Article 308 of the Revised Penal Code;
- 8 (l) "Desecrating the victim" shall refer to the following:
- 9 (1) any act of disrespect;
  - 10 (2) outraging or scoffing at the corpse;
  - 11 (3) taking away vital organs or the corpse itself for profit;
  - 12 (4) illegal exhumation of dead bodies in cemeteries;
  - 13 (5) burying the dead, including infants and fetuses, without securing  
14 approval and appropriate permits from local health units;
  - 15 (6) dumping of dead persons, including infants and fetuses, in public  
16 places with the intent of abandoning the cadaver;
  - 17 (7) having sexual contact or activity with the dead;
  - 18 (8) selling the cadaver to any individual or institution without securing  
19 approval and appropriate permit from local health units;
  - 20 (9) conducting any medical study or experiment on the dead including  
21 infants and fetuses, without securing approval and appropriate  
22 permits from local health units;
  - 23 (10) mutilating the dead, including infants and fetuses, except for  
24 embalming and medical purposes;
  - 25 (11) destruction of tombs and other private or public sites; and
  - 26 (12) taking from the grave the personal property buried with the dead  
27 including but not limited to the coffin, clothing, and jewelry buried.

28

29 **SEC. 3. Penalties.** - The penalty of *prison correccional* and/or a fine  
30 ranging from Fifty Thousand Pesos (Php50,000.00) to One Hundred Thousand Pesos  
31 (Php100,000.00), at the discretion of the court, shall be imposed upon any person who  
32 shall commit the crime of looting from or stealing from a corpse, as defined under this  
33 Act.

34 The penalty of *prison mayor* shall be imposed upon any person who commits the  
35 crime of desecration of a corpse.

1 In case the offender is a government employee, officer, or official; or any such  
2 person in authority, as defined in Article 152 of Revised Penal Code; or a law  
3 enforcement officer, the penalty of *reclusion perpetua* shall be imposed.

4  
5 **SEC. 4. *Prima Facie Evidence of Commission of the Crime.*** – Any  
6 person caught in possession of the property of the deceased or in possession of the  
7 organs of a corpse shall be presumed to have committed the crime of looting, stealing,  
8 or desecrating as defined in Section 2 hereof.

9  
10 **SEC. 5. *Responsibility of the Local Health Units.*** - In addition to the  
11 responsibilities with regard to the disposal of the body of a deceased person, as cited in  
12 Section 100 of Presidential Decree No. 856, otherwise known as the Code on  
13 Sanitation, local health units shall also issue the permits necessary to implement the  
14 provisions of this Act.

15  
16 **SEC. 6. *Aggravating Circumstances.*** – The commission of desecration of  
17 a corpse for any crime specified in Articles 246 to 260 of the Revised Penal Code shall  
18 be considered an aggravating circumstance for such felonies.

19  
20 **SEC. 7. *Separability Clause.*** - If any part or provision of this Act shall be  
21 held unconstitutional or invalid, other provisions hereof which are not affected thereby  
22 shall continue to be in full force and effect.

23  
24 **SEC. 8. *Repealing Clause.*** - All laws, presidential decrees, executive  
25 orders, proclamations, rules or regulations, or parts thereof which are inconsistent with  
26 the provisions of this Act are hereby repealed or modified accordingly.

27  
28 **SEC. 9. *Effectivity.*** - This Act shall take effect fifteen (15) days after its  
29 publication in the Official Gazette or two (2) newspapers of general circulation.

***Approved,***