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Introduced by Senator Miriam Defensor Santiago

AN ACT REGULATING CREMATORIES

EXPLANATORY NOTE

Crematories refer to mortuaries where corpses are cremated, or facilities for the disposal by incineration of the bodies of the dead. Recent years saw the rise of crematories in the country. Cremation may serve as a funeral or post-funeral rite that is an alternative to the interment of an intact body in a casket. Cremated remains, which are not a health risk, may be buried or immured in memorial sites or cemeteries, or they may be legally retained by relatives or dispersed in a variety of ways and locations.

Some people prefer cremation for personal reasons. Some people view cremation as a way of simplifying the funeral process. The cost factor also tends to make cremation attractive. Cremation is generally cheaper than traditional burial services.

Cremation might also be preferable to some for environmental reasons. Burial is a known source of certain environmental contaminants, with the coffin itself being the major contaminant. The traditional burial also takes up a great deal of space. Many cemeteries, particularly in Japan and Europe have ran out, or are starting to run out, of permanent space

However, there is a growing body of research that indicates cremation has a significant impact on the environment as well. The major emissions from crematories are nitrogen oxides, carbon monoxide, sulfur dioxide, particulate matter, mercury, hydrofluoric acid, hydrochloric acid, NMVOCs, and other heavy metals, in addition to persistent organic pollutants (POP). According to the United Nations Environment Programme Report on POP Emission Inventory Guidebook, emissions from crematories contribute 0.2% of the global emission of dioxins and furans.


This Act regulates crematories to ensure that they do not pose hazards to public health and the environment.*


MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Third Regular Session of the Fourteenth Congress.

14 JUL 28 P1:38

SENATE
S. No. **2327**

RECEIVED BY: 

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

1 AN ACT REGULATING CREMATORIES
2

3 SECTION 1. *Short Title.* – This Act shall be known as the “Crematories Regulation Act.”

4 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
5 promote and protect the right to health of the people. Toward this end, no crematory shall be
6 erected near a residential community where it would pose a hazard to health and air quality. The
7 erection and maintenance of crematories shall be regulated in order to promote the public health
8 and the environment.

9 SECTION 3. *Definitions.* – In this Act, the term –

10 (a) “Crematory or crematorium” refers to a mortuary where corpses are cremated or a
11 facility for the disposal by incineration of the bodies of the dead; and

12 (b) “Secretary” refers to the Secretary of Health.

13 SECTION 4. *Erection and Maintenance of Crematories.* – Any natural person,
14 partnership, corporation, or association may erect, maintain, and conduct a crematory and
15 provide the necessary appliances and facilities for the disposal by incineration of the bodies of
16 the dead, in accordance with the provisions of this Act. The location of such crematory shall be
17 within the confines of an established cemetery containing not less than eight (8) hectares, which
18 cemetery shall have been in existence and operation for at least five (5) years immediately

1 preceding the time of the erection of such crematory, or shall be within the confines of a plot of
2 land approved for the location of a crematory by the *sangguniang bayan* or the *sangguniang*
3 *panlungsod* of the municipality or city; *Provided*, that no crematory shall be located within one
4 hundred fifty (150) meters of any residential structure or land used for residential purposes not
5 owned by the owner of the crematory.

6 (b) Application for such approval shall be made in writing to the local authority
7 specified in subsection (a) of this section, and a hearing shall be held within the town or city in
8 which such location is situated within sixty-five (65) days from the date of receipt of such
9 application. Notice of such hearing shall be given to such applicant by mail, postage paid, to the
10 address given on the application, and to Secretary of Health, and by publication twice in a
11 newspaper having a substantial circulation in the town or city at intervals of not less than two (2)
12 days, the first being not more than fifteen (15) nor less than ten (10) days, and the second being
13 not less than two (2) days before such hearing. The local authority shall approve or deny such
14 application within sixty-five (65) days after such hearing. The grounds for its action shall be
15 stated in the records. Each applicant shall pay a reasonable fee, together with the costs of the
16 publication of such notice, as the local authority may determine by ordinance.

17 (c) (1) No such crematory shall be erected until the plans therefor have been filed with
18 and approved by the Secretary of Health; and no such crematory shall be used until it has been
19 inspected and received a certificate of inspection by the Department of Health.

20 (2) Each holder of an inspection certificate shall, annually, on or before July first,
21 submit in writing to the Department of Health an application for renewal of such certificate. If
22 the department issues to such applicant such an inspection certificate, the same shall be valid
23 until July first next following, unless revoked or suspended.

24 (3) Upon receipt of an application for a renewal of such certificate, the Department of
25 Health shall make an inspection of each crematory.

26 (4) A crematory shall be open at all times for inspection by the Department of Health.
27 The department may make inspections whenever it deems advisable.

28 (5) If, upon inspection by the Department of Health, it is found that such crematory is
29 in such condition as to be detrimental to public health, the department shall give to the applicant

1 or operator of the crematory notice and opportunity for hearing as provided in regulations
2 promulgated by the Secretary of Health. The Secretary may, after such hearing, revoke, suspend
3 or refuse to issue or renew any such certificate upon cause found at hearing.

4 (6) Any of the inspections provided for in this section may be made by a person
5 designated by the Secretary of Health.

6 SECTION 5. *Records and Certificates.* – The managers of each crematory shall keep
7 books of record, which shall be open at reasonable times for inspection, in which shall be entered
8 the name, age, sex, and residence of each person whose body is cremated, together with the
9 authority for such cremation and the disposition of the ashes. The owner or superintendent shall
10 complete the cremation permit required by section 6, retain a copy for record and immediately
11 forward the original permit to the local registrar of the town or city in which the death occurred.
12 The local registrar shall keep the cremation permit on file and record it with other vital statistics.
13 When any body is removed from a town or city where the death occurred for the purpose of
14 cremation, the person having the legal custody and control of such body shall cause a certificate
15 to be procured from the person in charge of the crematory in which such body is incinerated,
16 stating the facts called for in this section, and cause such certificate to be filed for record with the
17 registrar of the town or city in which the death occurred. Each crematory shall retain on its
18 premises, for not less than five (5) years after final disposition of cremated remains, books of
19 record, copies of cremation permits, cremation authorization documentation, and documentation
20 of receipt of cremated remains.

21 SECTION 6. *Cremation Permit.* – (a) The body of any deceased person may be disposed
22 of by incineration or cremation in the town or city where the death occurred or may be removed
23 from such town or city for such purpose.

24 (b) The death certificate required by law shall be filed with the local registrar for the
25 town or city in which such person died, if known, or, if not known, for the town in which the
26 body was found. The Chief Medical Examiner, Deputy Chief Medical Examiner, associate
27 medical examiner, or an authorized assistant medical examiner shall complete the cremation

1 certificate, stating that such medical examiner has made inquiry into the cause and manner of
2 death and is of the opinion that no further examination is necessary. The cremation certificate
3 shall be submitted to the local registrar of the town or city in which such person died, if known,
4 or, if not known, of the town or city in which the body was found, or with the local registrar of
5 the town or city in which the nearest kin or the person having lawful authority over the body is
6 located. Upon receipt of the cremation certificate, the registrar shall authorize the cremation
7 certificate, keep it on permanent record, and issue a cremation permit, except that if the
8 cremation certificate is submitted to the registrar of the town or city where nearest kin or the
9 person having lawful authority over the body is located, such certificate shall be forwarded to the
10 registrar of the town or city where the person died to be kept on permanent record. When the
11 cremation certificate is submitted to a town or city other than that where the person died, the
12 local registrar such other town or city shall ascertain from the original removal, transit, and
13 burial permit that the certificates required by the laws, rules, and regulations have been received
14 and recorded, that the body has been prepared in accordance with laws, rules, and regulations,
15 and that the entry regarding the place of disposal is correct.

16 (c) No body shall be cremated until at least forty-eight (48) hours after death, unless
17 such death was the result of communicable disease, and no body shall be received by any
18 crematory unless accompanied by the permit provided for in this section.

19 SECTION 7. *Penalty.* – Any person who makes any false statement in procuring any
20 permit required by this Act, or who violates any provision of this Act, shall be fined not more
21 than five thousand pesos (P5,000) or imprisoned not more than two (2) years, or both.

22 SECTION 8. *Rules and Regulations.* – The Secretary of Health shall issue the necessary
23 rules and regulations to carry out the objectives of this Act.

24 SECTION 9. *Separability Clause.* – If any provision or part thereof is held invalid or
25 unconstitutional, the remainder of the law of the provision not otherwise affected shall remain
26 valid and subsisting.

1 SECTION 10, *Repealing Clause*. – Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
3 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

4 SECTION 11. *Effectivity Clause*. – This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

Approved,

/jab7-22-2014