

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

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S E N A T E

S. B. No. 2160

Introduced by Senator Aquilino "Koko" Pimentel III

AN ACT
PROHIBITING THE WITHHOLDING OF MUSLIM
CADAVERS IN THE CUSTODY OF ANY HOSPITAL, MEDICAL
CLINIC, FUNERAL PARLOR, MORGUE, OR SIMILAR
FACILITIES ON GROUNDS OF NONPAYMENT OF HOSPITAL
BILLS, MEDICAL EXPENSES, OR OTHER FEES, PROVIDING
PENALTIES THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

This bill (1) seeks to prohibit the withholding of Muslim cadavers in the custody of any hospital, medical clinic, funeral parlor, morgue, or similar facilities on grounds of nonpayment of hospital bills, medical expenses, or other fees and (2) mandates their release within 24 hours from expiration or death.

In accordance with the dictates of Islam, Muslim burial rites are done as soon as possible after death and within a twenty-four period. This practice is rooted in the Muslim belief that the soul of the deceased is disturbed if its previous body is not laid to rest in the ground before the next call to prayer.

This bill, therefore, recognizes the right of our Muslim brothers and sisters to bury their dead in accordance with their religious custom and beliefs.

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


AQUILINO "KOKO" PIMENTEL III

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

1 **SECTION 1.** *Declaration of Policy.* - It is hereby declared the
2 policy of the State to recognize and respect the right of our Muslim
3 brothers and sisters to bury their dead in accordance with their religious
4 custom and beliefs, particularly, their practice of burying their dead
5 before the next call to prayer.

6 **SEC. 2.** *Prohibited Withholding; Immediate Release.* - It shall be
7 unlawful for any hospital, medical clinic, funeral parlor, morgue, or
8 similar facilities to withhold or to otherwise cause, directly or indirectly,
9 the withholding of a Muslim cadaver for reasons of nonpayment of
10 hospital bills, medical expenses, or other fees.

11
12 Within 24 hours from expiration or death, the Muslim cadaver
13 shall be released by the hospital, medical clinic, funeral parlor, morgue,
14 or similar facilities to the relatives for burial purposes upon execution of

1 a promissory note, secured by either a mortgage or a guarantee of a co-
2 maker, to cover the unpaid obligation. A guarantee letter from the
3 Social Security System (SSS), Government Service Insurance System
4 (GSIS), or Philippine Health Insurance Corporation (Philhealth), if the
5 deceased was a member thereof, or from the Department of Social
6 Welfare and Development (DSWD), if the deceased was an indigent,
7 may take the place of the promissory note. The corresponding
8 Certificate of Death and other documents required for claiming social
9 security benefits or instituting criminal proceedings shall be promptly
10 issued thereafter.

11
12 **SEC. 3. *Penal Provision.*** - Any officer or employee of the
13 hospital, medical clinic, funeral parlor, morgue, or similar facilities who
14 violates the provisions of this Act shall be punished with a fine of not
15 less than Twenty Thousand Pesos (Php20,000) but not more than Fifty
16 Thousand Pesos (Php50,000), or imprisonment of not less than one
17 month but not more than six months, or both, at the discretion of the
18 proper court.

19
20 **SEC. 4. *Rules and Regulations.*** - The Department of Health shall
21 promulgate the rules and regulations as may be necessary to carry out
22 the provisions of this Act.

23
24 **SEC. 5. *Separability Clause.*** - If any provision of this Act is
25 declared void or unconstitutional, the remaining provisions not affected
26 thereby shall remain in force and effect.

27
28 **SEC. 6. *Repealing Clause.*** - All laws, decrees, orders, rules and
29 regulations, or parts thereof inconsistent with this Act are hereby
30 repealed or amended accordingly.

31
32 **SEC. 7. *Effectivity Clause.*** - This Act shall take effect fifteen (15)
33 days after its publication in the Official Gazette or in two newspapers of
34 general circulation.

Approved,