


SENATE

'19 JUL 15 A9:07

Senate Bill No. 428

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Introduced by Senator FRANCIS N. PANGILINAN

AN ACT  
REQUIRING MANDATORY AUTOPSY ON BODIES OF CRIME VICTIMS,  
DEATHS UNDER MYSTERIOUS AND SUSPICIOUS CIRCUMSTANCES, AND FOR  
OTHER PURPOSES

EXPLANATORY NOTE

Forensic science plays a vital role in the criminal justice system. Among its various medical subspecialties, pathology lies at the forefront of forensic medicine primarily because of autopsy. Forensic autopsy is the "complete examination of the dead body, suspected of being the victim of foul play, principally for purposes of determining the identity of the deceased, approximate time of death, the direction and approximate cause of death and other conclusions which may be required during the trial of the case." Upon proper examination of the dead body, evidence useful in reconstructing the crime scene can be discovered, thereby assisting the investigators in determining the real cause and circumstances surrounding the death of the victim. In fact, the most essential part of every death investigation is the performance of an autopsy.

However, despite the obvious benefits of forensic autopsy as an instrument of justice, medico-legal officers face serious obstacles in taking advantage of the same.

At present, the Sanitation Code of the Philippines is the only relevant law in the country that deals with autopsies. Though updated in 1996, the Sanitation Code is nevertheless severely criticized for being antiquated, unrealistic, and impractical. Several countries have already enacted laws mandating autopsies to prevent criminals from concealing evidence of their crime.

The need for mandatory autopsy in certain instances cannot be overly emphasized. As it stands, the Sanitation Code is inadequate to enforce the overriding interest of the State to order a forensic autopsy in cases where a person dies under violent or suspicious circumstances. Thus, it is imperative that a law regulating and mandating forensic autopsies be enacted. Hence, the author proposes to grant the State the right to order the autopsy of dead bodies believed to have died in a violent, suspicious, questionable, unusual and/or unnatural manner, while protecting the right of the deceased and their family to privacy.

The undersigned believes that this proposed measure will assist in the efficient administration of justice. The paramount interest of the State to prosecute criminal actions should not be frustrated by malevolent designs to erase the *corpus delicti* – the

body of the crime itself – to escape liability. By compelling forensic autopsies, the State can accomplish what the deceased can no longer do --- point the finger at the perpetrator of the crime. After all, while dead men tell no tales, dead bodies certainly do.

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




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

- 1        **SECTION 1. *Short Title.***- This Act shall be known as the “*Mandatory Autopsy Law.*”
- 2        **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to
- 3        promote peace and order, ensure public safety, and further strengthen the government’s
- 4        capability aimed towards the effective investigation and determination of causes,
- 5        suspicious, and violent deaths be requiring mandatory autopsies.
- 6        **SEC. 3. *Mandatory Autopsy.*** – Mandatory autopsy shall be performed in the
- 7        following cases, subject to Section 95(b)(c) of Presidential Decree No. 865 or the Code of
- 8        Sanitation:
- 9        a)    deaths resulting from commission of crimes;
- 10       b)    sudden deaths not caused by readily recognizable disease, or wherein the
- 11       cause of death cannot properly be certified by a physician on the basis of prior
- 12       (recent) medical attendance;
- 13       c)    deaths occurring under suspicious circumstances, including those where
- 14       alcohol, drugs, or other toxic substances may have had a direct bearing on the
- 15       outcome;



- d) deaths occurring as a result of violence or trauma, whether apparently homicidal, suicidal or accidental, including, but not limited to, those due to mechanical, thermal, chemical, electrical, or radiational injury, drowning, cave-ins, and subsidence;
- e) operative and perioperative deaths in which the death is not readily explainable on the basis of prior disease;
- f) any death wherein the body is unidentified or unclaimed;
- g) deaths occurring in prison or a penal institution or while in the custody of the police; and
- h) deaths of persons whose bodies are to be cremated, buried at sea, or otherwise disposed of so as to be thereafter unavailable for examination.

**SEC. 4. *Consent to Mandatory Autopsy.*** – A mandatory autopsy shall be conducted by the authorized persons referred to in Section 4, notwithstanding the absence of and/or refusal to consent by the next of kin, should the death occur under the circumstance referred to in Section 3.

**SEC. 5. *Persons Authorized to Autopsy.*** – The autopsy required under this Act shall be performed by any of the following board certified forensic pathologists:

- a) Government health officers;
- b) Medical officers of law enforcement agencies; and
- c) Members of the medical staff of accredited hospitals.

*Provided,* That in the absence of a board certified forensic pathologist, the autopsy shall, in all cases, be performed under the supervision of a board certified pathologist.

**SEC. 6. *Issuance of Death Certificates.*** – No death certificated shall be issued in the absence of a mandatory autopsy report when the death falls under Section 3 of this Act.

**SEC. 7. *Confidentiality of Records.*** – Except upon lawful order of the Court, the autopsy report under this Act shall be privileged and shall not be disclosed directly or

indirectly to anyone other than the investigative agency concerned and/or the next of kin of the deceased.

**SEC. 8. *Penalty.*** – Any violation of this Act shall be penalized under Presidential Decree No. 1829, otherwise known as “*An Act Penalizing Obstruction, Apprehension, and Prosecution of Criminal Offenders*” and other pertinent provision of the Revised Penal Code.

**SEC. 9. *Implementing Rules and Regulations.*** – The Philippine National Police, National Bureau of Investigation (NBI), and the Department of Health (DOH) shall promulgate the necessary rules and regulations for the implementation of this Act. This shall be done immediately within sixty (60) days after the enactment of this Act.

**SEC. 10. *Repealing Clause.*** – All laws, executive orders, presidential decrees, proclamations, rules, regulations, issuances, and enactments or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

**SEC. 11. *Separability Clause.*** – If any provision of this Act, or any parts thereof, is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions of this Act.

**SEC. 12. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation in the Philippines.

*Approved,*