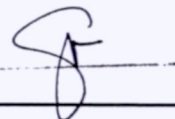


SENATE

'19 JUL 15 A9:08

Senate Bill No. 429

RECEIVED



Introduced by Senator FRANCIS N. PANGILINAN

AN ACT
REQUIRING CREMATORIES TO COLLECT FROM THE DECEDENT'S REMAINS
TISSUE SAMPLES FOR DNA SAMPLING AND/OR STORAGE, FINGERPRINTS
OR THUMBPRINTS, AND DIGITAL PHOTOS, PROVIDING PENALTIES
THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Cremation as a funeral or post-funeral rite has increasingly gained popularity among Filipinos as an alternative to the interment of an intact body in a casket. Some people prefer cremation for personal reasons. Others prefer it because of practical expediency. Disturbingly, however, cremation has also become the preferred interment choice of rogue cops and criminal elements.

In 2017, the kidnapping and murder of a South Korean businessman became the subject of a Senate investigation. Reports indicate that he was prematurely cremated in October 2016 after he was allegedly kidnapped, under the pretext of an illegal drugs investigation, and murdered by police officers. The urn containing the ashes of the businessman was released to the employee of a funeral parlor who presented herself as the representative of the dead man's family. According to the Philippine National Police (PNP), the ashes were flushed down the toilet after an employee of the funeral parlor supposedly panicked.^{1,2,3}

This incident highlights the ease with which criminals bury all traces of their crime through the expediency of cremating dead bodies. Thus, appropriate measures become necessary to ensure that cremation will not be taken advantage of by criminal elements to obstruct investigations and ultimately, the delivery of justice.

¹ ABS-CBN News, *NBI confirms kidnapped South Korean's remains cremated last year*, Published on 18 January 2017, Available at <https://news.abs-cbn.com/news/01/18/17/nbi-confirms-kidnapped-south-koreans-remains-cremated-last-year>, Accessed on 04 July 2019.

² PCIJ, *Korean cremated as 'Jose Ruamar Salvador, Filipino'*, Published in January 2017, Available at <https://pcij.org/stories/korean-cremated-as-jose-ruamar-salvador-filipino/>, Accessed on 04 July 2019.

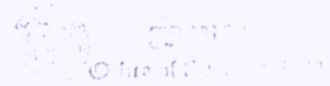
³ Independent, *Philippines police officers murdered and cremated South Korean businessman before extorting money from his wife*, Published on 18 January 2017, Available at <https://www.independent.co.uk/news/world/asia/philippines-police-officers-murdered-angeles-cremated-south-korean-businessman-ji-blackmail-wife-a7533666.html>, Accessed on 04 July 2019.

Hence, measures must be put in place in order to specify proper cremation procedures, ensure that accurate examinations are conducted, and investigations are not hampered on cases when a crime is committed.

In view of the foregoing, the passage of this bill, inspired by the measure filed before by the late Senator Miriam Defensor-Santiago, is earnestly sought.

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Francis N. Pangilinan.

FRANCIS N. PANGILINAN



'19 JUL 15 A9:08

SENATE

Senate Bill No. 429

Introduced by Senator FRANCIS N. PANGILINAN

AN ACT
REQUIRING CREMATORIES TO COLLECT FROM THE DECEDENT'S REMAINS
TISSUE SAMPLES FOR DNA SAMPLING AND/OR STORAGE, FINGERPRINTS
OR THUMBPRINTS, AND DIGITAL PHOTOS, PROVIDING PENALTIES
THEREFOR AND FOR OTHER PURPOSES

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 Collection of*
2 *Biological Specimen and Identification Samples Act.*”

3 **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to ensure
4 the efficient administration of justice and guarantee that criminal elements will not be
5 able to obstruct investigations. Toward this end, the collection of biological specimen and
6 identification samples shall be made mandatory prior to the cremation of dead bodies.

7 **SEC. 3. *Records and Certificates.*** – The managers of each crematory shall keep
8 books of record, which shall be open at reasonable times for inspection, in which shall be
9 entered the name, age, sex, and residence of each person whose body is cremated together
10 with digital photos, tissue samples collected for purposes of DNA analysis or storage,
11 fingerprints and/or thumbprints and the authority for such cremation and the
12 disposition of the ashes.

13 The owner or superintendent shall complete the required cremation permit, retain
14 a copy for its records and immediately forward the original permit to the local registrar
15 of the town or city in which the death occurred.

1 The local registrar shall keep the cremation permit on file and record it with other
2 vital statistics. When any body is removed from a town or city where the death occurred
3 for the purpose of cremation, the person having the legal custody and control of such
4 body shall cause a certificate to be procured from the person in charge of the crematory
5 in which such body is incinerated, stating the facts called for in this section, and cause
6 such certificate to be filed for record with the registrar of the town or city in which the
7 death occurred.

8 Each crematory shall retain on its premises, for not less than five (5) years after final
9 disposition of cremated remains, books of record, digital photos, tissue samples collected
10 for purposes of DNA analysis or storage, fingerprints and/or thumbprints, copies of
11 cremation permits, cremation authorization documentation, and documentation of
12 receipt of cremated remains.

13 **SEC. 4. *Cremation Requirements.*** – The body of any deceased person may be
14 disposed of by incineration or cremation in the town or city where the death occurred or
15 may be removed from such town or city for such purpose; *Provided*, the following
16 requirements are met:

- 17 a) at least forty-eight (48) hours transpired since the death occurred;
- 18 b) the civil and medical authorities have issued the required permits;
- 19 c) all necessary authorizations have been obtained and no objections have been
20 raised; and
- 21 d) decedent's remains have been identified by the legal next of kin or authorized
22 agent.

23 **SEC. 5. *Filing of Death Certificate.*** – The death certificate required by law shall be
24 filed with the local registrar of the town or city in which such person died, if known, or,
25 if not known, of the town in which the body was found.

1 **SEC. 6. *Cremation Certificate.*** – The chief medical examiner, deputy chief medical
2 examiner, associate medical examiner, or an authorized assistant medical examiner shall
3 complete the cremation certificate, stating the following:

- 4 a) He has made inquiry into the cause and manner of death; and
- 5 b) He is of the opinion that no further examination is necessary.

6 The cremation certificate shall be submitted to the local registrar of the town or city
7 in which such person died, if known, or, if not known, of the town or city in which the
8 body was found, or with the local registrar of the town or city in which the nearest kin or
9 the person having lawful authority over the body is located.

10 **SEC. 7. *Cremation Permit.*** – The local civil registrar shall issue a cremation permit
11 upon receipt of the cremation certificate which he/she shall keep on permanent record.
12 If the cremation certificate is submitted to the registrar of the town or city where the
13 nearest kin or the person having lawful authority over the body is located, such certificate
14 shall be forwarded to the registrar of the town or city where the person died to be kept
15 on permanent record.

16 When the cremation certificate is submitted to a town or city other than that where
17 the person died, the local registrar of such other town or city shall ascertain from the
18 original removal, transit, and burial permit that the certificates required by the laws,
19 rules, and regulations have been received and recorded, that the body has been prepared
20 in accordance with laws, rules, and regulations, and that the entry regarding the place of
21 disposal is correct.

22 **SEC. 8. *Penalty.*** – Any person who makes any false statement in procuring any
23 permit required by this Act, or who violates any provision of this Act, shall be fined not
24 less than One Million Pesos (P1,000,000.00) or imprisoned for not less than five (5) years,
25 or both.

26 **SEC. 9. *Implementing Rules and Regulations.*** – The Secretary of Health shall issue
27 the necessary rules and regulations to carry out the objectives of this Act.

1 **SEC. 10. *Separability Clause.*** - If any provision of this Act or part thereof, is held
2 invalid or unconstitutional, the remainder of the law not otherwise affected shall remain
3 valid and subsisting.

4 **SEC. 11. *Repealing Clause.*** - Any law, presidential decree or issuance, executive
5 order, letter of instruction, administrative order, rule or regulation contrary to, or
6 inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
7 accordingly.

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

Approved,