

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'19 JUL 22 P5 51

SENATE
S. No. 697

RECEIVED BY: _____

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 OTHER SIMILAR
FACILITIES ON GROUNDS OF NON-PAYMENT 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 other similar facilities on grounds of nonpayment of hospital bills, medical expenses, or other fees, and (2) mandates their release within 24 hours from death.

In accordance with the dictates of Islam, Muslim burial rites are done as soon as possible after death and within a twenty-four hour 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 customs and beliefs.

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

AQUILINO "KOKO" PIMENTEL III



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PURPOSES

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 customs and beliefs, particularly, their practice of burying their dead
5 before the next call to prayer.
6

7 **SEC. 2.** *Prohibited Withholding; Immediate Release.* — It shall be
8 unlawful for any hospital, medical clinic, funeral parlor, morgue, or
9 other similar facilities to withhold or to otherwise cause, directly or
10 indirectly, the withholding of a Muslim cadaver for reasons of non-
11 payment of hospital bills, medical expenses, or other fees.
12

13 Within twenty-four (24) hours from death, the Muslim cadaver
14 shall be released by the hospital, medical clinic, funeral parlor, morgue,
15 or other similar facilities to the relatives for burial purposes upon
16 execution of a promissory note. The promissory note may be secured by
17 either a mortgage or a guarantee of a co-maker, to cover the unpaid

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

9
10 **SEC. 3. *Penal Provision.*** — Any officer or employee of the
11 hospital, medical clinic, funeral parlor, morgue, or other similar facilities
12 who violates the provisions of this Act shall be punished with a fine of
13 not less than Twenty thousand pesos (Php20,000.00) but not more than
14 Fifty thousand pesos (Php50,000.00), or imprisonment of not less than
15 one (1) month but not more than six (6) months, or both, at the
16 discretion of the proper court.

17
18 **SEC. 4. *Rules and Regulations.*** — The Department of Health
19 (DOH) shall promulgate the rules and regulations as may be necessary to
20 carry out the provisions of this Act within ninety (90) days from the
21 approval thereof.

22
23 **SEC. 5. *Separability Clause.*** — If any provision of this Act is
24 declared invalid or unconstitutional, the other provisions not affected by
25 such declaration shall remain in full force and effect.

26
27 **SEC. 6. *Repealing Clause.*** — All laws, executive and
28 administrative orders, rules and regulations inconsistent with the
29 provisions of this Act are hereby repealed or modified accordingly.

30
31 **SEC. 7. *Effectivity.*** — This Act shall take effect fifteen (15) days
32 after its publication in the Official Gazette or in a newspaper of general
33 circulation.

34
Approved,