

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Senate
Office of the Secretary

SENATE
S. No. 1477

20 MAY -4 P 3:26

Introduced by Senator Grace Poe

RECEIVED BY

AN ACT
AMENDING SECTION 95 (B) OF PRESIDENTIAL DECREE NO. 856 OR THE
CODE ON SANITATION OF THE PHILIPPINES

Explanatory Note

Various news reports claim that in certain cases the Philippine National Police would allow the parents to sign a waiver against further investigation involving the death of their minor children. However, this dismisses the possibility that the cause of death of a minor may be due to gross negligence or foul play.

Presidential Decree No. 856 or the Code on Sanitation of the Philippines provides for cases when autopsies shall be performed. The provision, however, does not mandate for an immediate autopsy on a minor who may have died due to suspicious circumstances. Neither does it require that an autopsy be performed on an unidentified or unclaimed person who died due to apparent irregular causes.

This bill seeks to fill the gap in these cases. In addition, the parent, guardian, or next of kin of a deceased minor shall not be allowed to sign a waiver against conducting an autopsy except for religious grounds as substantiated by a document evidencing the religion of the deceased.

Justice should be afforded to the dead, whether unidentified or unclaimed, or whether he or she is a minor, if the death is due to suspicious circumstances.

Thus, immediate approval of this measure is eagerly sought.


GRACE POE



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AN ACT

**AMENDING SECTION 95 (B) OF PRESIDENTIAL DECREE NO. 856 OR THE
CODE ON SANITATION OF THE PHILIPPINES**

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

1 Section 1. Section 95 (b) of Presidential Decree No. 856, otherwise known as
2 the "Code on Sanitation of the Philippines" is hereby amended to read as follows:

3 Section 95. Autopsy and Dissection of Remains – The autopsy
4 and dissection of remains are subject to the following requirements:

5 (b) Autopsies shall be performed in the following cases:

- 6 1. Whenever required by special laws;
- 7 2. Upon orders of a competent court, a mayor and a
8 provincial or city fiscal;
- 9 3. Upon written request of police authorities;
- 10 4. Whenever the Solicitor General, provincial or city fiscal
11 as authorized by existing laws, shall deem it necessary
12 to disinter and take possession of remains for
13 examination to determine the cause of death; and
- 14 5. Whenever the nearest kin shall request in writing the
15 authorities concerned to ascertain the cause of death;

1 **6. DEATH OF MINORS THAT REASONABLY**
2 **APPEAR TO BE DUE TO FOUL PLAY OR GROSS**
3 **NEGLIGENCE, AS DETERMINED BY POLICE**
4 **AUTHORITIES OR THE DEPARTMENT OF JUSTICE;**
5 **IN NO CASE SHALL THE PARENT, GUARDIAN, OR**
6 **NEXT OF KIN OF A DECEASED MINOR BE**
7 **ALLOWED TO SIGN A WAIVER AGAINST**
8 **CONDUCTING AN AUTOPSY, EXCEPT FOR**
9 **RELIGIOUS GROUNDS, PROVIDED THAT PROOF**
10 **OF RELIGION BE PRESENTED BY THE ALLEGING**
11 **PARTY.**

12 **7. DEATH UNDER SUSPICIOUS CIRCUMSTANCES,**
13 **EVEN FOR UNCLAIMED OR UNIDENTIFIED**
14 **BODIES.**

15 *Sec. 2. Implementing Rules and Regulations.* – The Department of Health, in
16 consultation with the Philippine National Police, the Department of Justice, and the
17 Commission on Human Rights is hereby tasked to draft the implementing rules and
18 regulations within sixty (60) days following its complete publication.

19 *Sec. 3. Appropriations.* – To carry out the provisions of this Act, such amount
20 as may be necessary is hereby authorized to be appropriated from the National
21 Treasury. Thereafter, the amount necessary for the continuous operation of the
22 Program shall be included in the annual appropriation of the Department of Health.

23 *Sec. 4. Separability Clause.* – If any provision of this Act is declared
24 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall
25 continue to be in full force and effect.

26 *Sec. 5. Repealing Clause.* – Any law, presidential decree or issuance,
27 executive order, letter of instruction, administrative order, rule or regulation contrary
28 to or is inconsistent with the provision of this Act is hereby repealed, modified, or
29 amended accordingly.

1 Sec. 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in a newspaper of general circulation.

Approved,