

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



'22 AUG 18 P5:04

**SENATE**  
**S. No. 1208**

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**Introduced by SENATOR RAMON BONG REVILLA, JR.**

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**AN ACT**  
**REGULATING CREMATORIES, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Safety precautions implemented due to the novel Coronavirus (Covid-19) pandemic have included the swift burial of the dead, especially of those confirmed and suspected cases of the highly communicable disease. The government has mandated local officials to ensure that the remains of Covid-19 cases should be buried, preferably cremated, within 12 hours after death.<sup>1</sup>

Cremation is slowly becoming acceptable to more Filipinos, who previously favor the traditional burial rites, due to practical reasons and restrictions imposed in the New Normal. Some cities have also built their own public crematoriums as a response to space limitations of the public cemeteries and to offer alternatives to families who cannot afford the customary burial service.

This bill seeks to regulate the establishment and operations of crematories in order to promote public health and protection of the environment. The measure proposes mechanisms for the application, approval, and inspection of crematories. It also mandates the Department of Environment and Natural Resources to institute anti-pollution measures to control air contaminants that cremation processes produce.

The passage of this bill is earnestly sought.

  
**RAMON BONG REVILLA, JR.**

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<sup>1</sup> Department of the Interior and Local Government (DILG) Memorandum Circular 2020-063, Interim Guidelines on the Management of Human Remains for Patient Under Investigation (PUI) and Confirmed Coronavirus Disease 2019 (Covid-19) Cases

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**AN ACT  
REGULATING CREMATORIES, AND FOR OTHER PURPOSES**

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

1 Section 1. *Short Title.* - This Act shall be known as the "*Crematories Regulation*  
2 *Act.*"

3 Sec. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to  
4 promote and protect the right to health of the people. Toward this end, no crematory  
5 shall be erected near a residential community where it would pose a hazard to health  
6 and air quality. The erection and maintenance of crematories shall be regulated in  
7 order to promote the public health and the environment.

8 Sec. 3. *Definition of Terms.* - As used in this Act, the following terms shall  
9 mean:

10 (a) *Crematory or crematorium* refers to a mortuary where corpses are  
11 cremated or a facility for the disposal by incineration of the bodies of the  
12 dead; and

13 (b) *Secretary* refers to the Secretary of Health.

14 Sec. 4. *Establishment and Maintenance of Crematories.* - Any natural person,  
15 partnership, corporation or association may erect, maintain, and conduct a crematory  
16 and provide the necessary appliances and facilities for the disposal by incineration of  
17 the bodies of the dead, in accordance with the provisions of this Act. The location of

1 such crematory shall be within the confines of an established cemetery containing not  
2 less than eight (8) hectares, which cemetery shall have been in existence and  
3 operation for at least five (5) years immediately preceding the time of the erection of  
4 such crematory, or shall be within the confines of a plot of land approved for the  
5 location of a crematory by the *sangguniang bayan* or the *sangguniang panlungsod* of  
6 the municipality or city; *Provided*, That no crematory shall be located within the one  
7 hundred fifty (150) meters of any residential structure or land used for residential  
8 purposes not owned by the owner of the crematory.

9 The design, construction, technical requirements, sanitary certification, and  
10 operation of the crematories, as well as handling of dead bodies shall be in compliance  
11 with the Presidential Decree 856, otherwise known as the "Code on Sanitation of the  
12 Philippines" and Republic Act No. 8749, or the "Philippine Clean Air Act of 1999," and  
13 their respective implementing rules and regulations.

14 Application for such approval shall be made in writing to the local authority,  
15 and a hearing shall be held within the town or city in which such location is situated  
16 within sixty-five (65) days from the date of receipt of such application. Notice of such  
17 hearing shall be given to such applicant by mail, postage paid, to the address given  
18 on the application, and to Secretary of Health, and by publication twice in a newspaper  
19 having a substantial circulation in the town or city at intervals of not less than two (2)  
20 days, the first being not more than fifteen (15) nor less than ten (10) days, and the  
21 second being not less than two (2) days before such hearing. The local authority shall  
22 approve or deny such application within sixty-five (65) days after such hearing. The  
23 grounds for its action shall be stated in the records. Each applicant shall pay a  
24 reasonable fee, together with the costs of the publication of such notice, as the local  
25 authority may determine by ordinance.

26 No such crematory shall be erected until the plans therefor have been filed with  
27 and approved by the Secretary of Health; and no such crematory shall be used until  
28 it has been inspected and received a certificate of inspection by the Department of  
29 Health.

30 Each holder of an inspection certificate shall, annually, on or before July first,  
31 submit in writing to the Department of Health an application for renewal of such  
32 certificate. If the department issues to such applicants such an inspection certificate,

1 the same shall be valid until July first next following year, unless revoked or  
2 suspended.

3         Upon receipt of an application for a renewal of such a certificate, the  
4 Department of Health shall make an inspection of each crematory.

5         A crematory shall be open at all times for inspection by the Department of  
6 Health. The department may make inspections whenever it deems advisable.

7         If, upon inspection, by the Department of Health, it is found that such a  
8 crematory is in such condition as to be detrimental to public health, the department  
9 shall give to the applicant or operator of the crematory notice and opportunity for  
10 hearing as provided in regulations promulgated by the Secretary of Health. The  
11 Secretary may, after such hearing, revoke, suspend or refuse to issue or renew any  
12 such certificate upon cause found at hearing.

13         Any of the inspections provided for in this section may be made by a person  
14 designated by the Secretary of Health.

15         *Sec. 5. Anti-Pollution Measures.* – The Department of Environment and Natural  
16 Resources (DENR) shall issue pertinent guidelines and practices promoting anti-  
17 pollution measures such as, but not limited to, installation of filter systems and similar  
18 pollution control devices, designation of pollution officers, neutralization of pollutants  
19 and toxic wastes, reduction of particulate matter, more efficient use of fuel and  
20 energy, adequate controls on emission levels, among others. Such guidelines shall  
21 form part of the minimum requirements prior to the approval of application.

22         *Sec. 6. Records and Certificates.* – The managers of each crematory shall keep  
23 books of record, which shall be open at reasonable times for inspection, in which shall  
24 be entered the name, age, sex, and residence of each person whose body is cremated,  
25 together with the authority for such cremation and the disposition of the ashes. The  
26 owner or superintendent shall complete the cremation permit required by Section 7,  
27 retain a copy for record and immediately forward the original permit to the local  
28 registrar of the town or city in which the death occurred. The local registrar shall keep  
29 the cremation permit in file and record it with other vital statistics.

30         When the body of the deceased is removed from a town or city where the death  
31 occurred for the purpose of cremation, the person having the legal custody and control  
32 of such body shall cause a certificate to be procured from the person in charge of the

1 crematory in which such body is incinerated, stating the facts called for in this section,  
2 and cause such certificate to be filed for record with the registrar of the town or city  
3 in which the death occurred.

4 Each crematory shall retain on its premises, for not less than five (5) years after  
5 final disposition of cremated remains, books of record, copies of cremation permits,  
6 cremation authorization documentation, and documentation of receipt of cremated  
7 remains.

8 *Sec. 7. Cremation Permit. –*

9 (a) The body of any deceased person may be disposed of by incineration or  
10 cremation in the town or city where the death occurred or may be removed  
11 from such town or city for such purpose.

12 (b) The death certificate required by law shall be filed with the local registrar  
13 for the town or city in which such person died, if known, or, if not known,  
14 for the town in which the body was found. The Chief Medical Examiner,  
15 Deputy Chief Medical Examiner, associate medical examiner, or an  
16 authorized assistant medical examiner shall complete the cremation  
17 certificate, stating that such medical examiner has made inquiry into the  
18 cause and manner of death and is of the opinion that no further  
19 examination is necessary. The cremation certificate shall be submitted to  
20 the local registrar of the town or city in which such person died, if known,  
21 or, if not known, of the town or city in which the body was found, or with  
22 the local registrar of the town or city in which the nearest kin or the person  
23 having authority over the body is located. Upon receipt of the cremation  
24 certificate, the registrar shall authorize the cremation certificate, keep it on  
25 permanent record, and issue a cremation permit, except that if the  
26 cremation certificate is submitted to the registrar of the town or city where  
27 nearest kin or the person having lawful authority over the body is located,  
28 such certificate shall be forwarded to the registrar of the town or city where  
29 the person died to be kept on permanent record. When the cremation  
30 certificate is submitted to a town or city other than that where the person  
31 died, the local registrar such other town or city shall ascertain from the  
32 original removal, transit, and burial permit that the certificates required by

1 the laws, rules, and regulations have been received and recorded, that the  
2 body has been prepared in accordance with laws, rules, and regulations,  
3 and that the entry regarding the place of disposal is correct.

4 (c) No body shall be cremated until at least forty-eight (48) hours after death,  
5 unless such death was the result of communicable disease, and nobody  
6 shall be received by any crematory unless accompanied by the permit  
7 provided for in this section. In the case of death as a result of communicable  
8 diseases, crematories shall provide logistics and transport of the human  
9 remains, upon designation and with the assistance of the local government  
10 unit.

11 *Sec. 8. Penalty.* – Any person who makes any false statement in procuring any  
12 permit required by this Act, or who violates any provision of this Act, shall be fined  
13 not more than Five thousand pesos (P5,000) or imprisoned not more than two (2)  
14 years, or both.

15 *Sec. 9. Rules and Regulations.* – The Secretary of Health shall issue the  
16 necessary rules and regulations to carry out the objectives of this Act.

17 *Sec. 10. Separability Clause.* – If any provision or part hereof is held invalid or  
18 unconstitutional, the remainder of the law or the provision or part not otherwise  
19 affected shall remain valid and subsisting.

20 *Sec. 11. Repealing Clause.* – Any law, presidential decree or issuance, executive  
21 order, letter of instruction, administrative order, rule, or regulation contrary to or  
22 inconsistent with the provisions of this Act are hereby repealed, modified, or amended  
23 accordingly.

24 *Sec. 12. Effectivity.* – This Act shall take effect fifteen (15) days after its  
25 publication in the *Official Gazette* or in a newspaper of general circulation.

*Approved,*