

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5399

Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

The autopsy provides the best evidence in establishing the cause of death. It reveals the wounds and other injuries caused by any action or substance that may be related to the case. Such findings produced by an autopsy helps in the overall investigation of crimes, especially those involving suspicious deaths.

However, there are obstacles in maximizing the use of forensic autopsy despite its obvious benefits on criminal investigation. Currently, there is the Sanitation Code of the Philippines which is the main measure regarding the conduct of autopsies. But this is inadequate to provide for mandatory autopsy in special cases such as deaths involving violent or suspicious circumstances. Hence, there is a need for a law that will mandate and regulate forensic autopsies.

This bill seeks to aid in criminal investigation by allowing the State to order mandatory autopsies of dead bodies resulting from any violent, suspicious, questionable, or unnatural manner. This will also eliminate possible concealment and escape from liability of perpetrators. Finally, this will assist in the prosecution of criminal actions and dispensation of justice.

MANUEL DG. CABOCHAN III
Representative
Magdalo Para Sa Pilipino Party-List

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AN ACT
REQUIRING MANDATORY AUTOPSY ON BODIES OF CRIME VICTIMS,
DEATHS UNDER MYSTERIOUS AND SUSPICIOUS CIRCUMSTANCES, 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 Autopsy Law”.

2
3 **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to promote
4 peace and order, ensure public safety, and further strengthen the government’s capability to
5 investigate and resolve cases resulting from deaths under investigation or those under
6 mysterious and suspicious circumstances. Towards this end, the State shall require that full
7 autopsy is performed on the human remains to obtain a complete, factual and reliable scientific
8 analysis of the cause of death.
9

10 **SEC. 3. *Mandatory Autopsy.*** – A mandatory autopsy shall be performed on human
11 remains without need of a court order in the following cases, subject to Section 95(b) and (c)
12 of Presidential Decree No. 865 or the Code of Sanitation:

- 13 (a) deaths resulting from commission of crimes;
14 (b) sudden deaths not cause by readily recognizable diseases, or wherein the cause of
15 death cannot properly be certified by a physician on the basis of prior or recent
16 medical attendance;
17 (c) deaths occurring under suspicious circumstances, including those where alcohol,
18 drugs, or other toxic substances may have had a direct bearing on the outcome;
19 (d) deaths occurring as a result of violence or trauma, whether apparently homicidal,
20 suicidal or accidental, including, but not limited to, those due to mechanical,
21 thermal, chemical, electrical, or radiational injury, drowning, cave-ins, and
22 subsidences;

1 (e) Any death in which trauma, chemical injury, drug overdose, reaction to drugs or
2 medication or medical treatment was a primary or secondary, direct or indirect,
3 contributory, aggravating, or precipitating cause of death;
4 (f) operative and perioperative deaths in which the death is not readily explainable on
5 the basis of prior disease;
6 (g) any death wherein the body is unidentified or unclaimed;
7 (h) deaths known or suspected as due to infectious or contagious disease and
8 constituting a public hazard; and
9 (i) deaths occurring while under law enforcement custody, in prison, penal institution,
10 orphanage, senior home, or similar public facility;
11 *Provided, however,* That in medicolegal cases, the medical records of the deceased are
12 readily made available to the investigating authorities; *Provided, finally,* That utmost care is
13 taken to observe and respect the religious beliefs, customs and rites of the deceased.
14

15 **SEC. 4. *Persons Authorized to Autopsy.*** – The autopsy shall be performed by any of
16 the following qualified persons:

- 17 (a) government health officers;
18 (b) medical officers of law enforcement agencies; and
19 (c) members of the medical staff of accredited hospitals.

20 *Provided,* That in the absence of a board certified forensic pathologist, the autopsy
21 shall, in all case, be performed under the supervision of a board certified pathologist.
22

23 **SEC. 5. *Consent to Mandatory Autopsy.*** – Authorized persons to perform the autopsy
24 referred to in Section 4 of this Act shall inform the family or next of kin of the mandatory
25 nature of the autopsy and apprise them of the procedure to be performed.
26

27 **SEC. 6. *Confidentiality of Records.*** – The mandatory autopsy report shall remain
28 confidential and shall only be made available to the investigating authority and the family of
29 the deceased, or upon lawful order of the court.
30

31 **SEC. 7. *Issuance of Death Certificates.*** – No death certificates shall be issued in the
32 absence of a mandatory autopsy report when the death falls under Section 3 of this Act.
33

34 **SEC. 8. *Prohibition on Cremation.*** – The cremation human remains that are subject to
35 investigation, without prior clearance from the National Bureau of Investigation or the
36 Philippine National Police, as the case may be, is hereby prohibited.
37

38 The disposition of human remains by individuals, crematoriums or funeral parlors,
39 without prior issuance of a death certificate by a medical authority and the expressed
40 concurrence or approval of the family of the deceased, is likewise hereby prohibited: *Provided,*
41 That funeral parlors or embalming establishments shall hold unidentified or unclaimed bodies
42 for a period not exceeding sixty (60) days.
43

1 **SEC. 9. Penalties.** – Any person who violates this Act shall be subject to imprisonment
2 of not more than one (1) year or a fine not exceeding Two Hundred Thousand Pesos
3 (P200,000), or both, at the discretion of the court having jurisdiction over the offense herein
4 defined and penalized.

5
6 If a corporation conducting the business of a funeral parlor, funeral home or mortuary
7 performs the cremation in violation of this Act, the penalty shall be imposed on the cremator
8 and the officers of the corporation.

9
10 **SEC.10. Implementing Rules and Regulation.** – Within ninety (90) days after the
11 enactment of this Act, the Philippine National Police shall, in coordination with the National
12 Bureau of Investigation, the Department of Justice, and the Department of Health, promulgate
13 the necessary rules and regulations for the implementation of this Act.

14
15 **SEC.11. Separability Clause.** – If any provision of this Act is held invalid or
16 unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

17
18 **SEC.12. Repealing Clause.** – All laws, decrees, executive orders, rules and regulations,
19 or parts thereof inconsistent with or contrary to this Act are hereby repealed or modified
20 accordingly.

21
22 **SEC.13. Effectivity.** – This Act shall take effect fifteen (15) days after its publication
23 in the Official Gazette or in a newspaper of general circulation.

Approved,