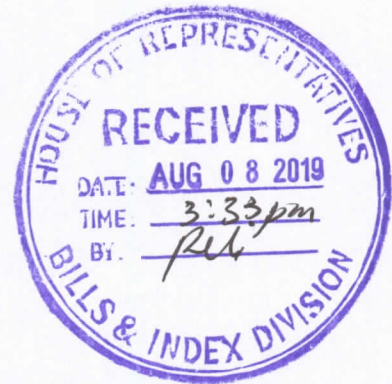


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3721



Introduced by **HON. JOY MYRA S. TAMBUNTING**

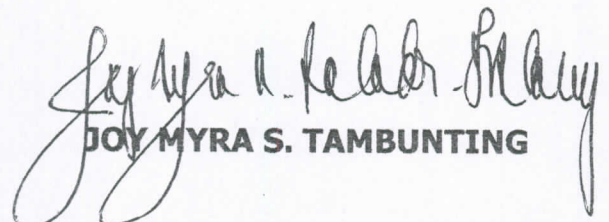
EXPLANATORY NOTE

Thousands of Filipinos live below the poverty line. Majority are just able to make ends meet. But when sickness or death strikes, it is an added stress on the part of our countrymen on how to come up with the required amount of money needed to settle hospital and funeral costs. In a country where the value of family is deeply ingrained in our culture, we like to honor our dead by giving them a proper burial as a send-off.

It has been a common practice of hospitals and funeral parlors to hold hostage the death certificate or the human remains of our loved ones on account of non-payment in full of expenses incurred. Though, there are some who agree on promissory notes, most do not. This then becomes an added burden for the family who will then resort to loan sharks, sell their belongings or at the extreme, commit crime just to raise the necessary funds to pay for the said services.

This bill aims to relieve that stress by making mandatory the release of the human remains and death certificates upon the execution of the proper promissory notes.

It is for this reason that the approval of this bill is earnestly sought.


JOY MYRA S. TAMBUNTING

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3721

Introduced by **HON. JOY MYRA S. TAMBUNTING**

AN ACT
PROHIBITING THE HOLDING OR DETENTION OF HUMAN REMAINS OR
CADAVERS BY HOSPITALS, CLINICS, MORGUES, FUNERAL PARLORS FOR NON
PAYMENT OF HOSPITAL/MEDICAL BILLS AND FUNERAL EXPENSES

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

SECTION 1. *Short Title.* – This Act shall be known as the "Anti-Human Remains/Cadaver Detention Act of 2019."

SECTION 2. *Holding/Detaining of Human Remains or Cadavers.* – It shall be declared unlawful for any hospital, clinic, funeral parlor, morgue, mortuary or any other similar businesses that provides medical or funeral service to cause directly or indirectly, the holding, detention of human remains or cadavers from being released to their surviving relatives or any person taking responsibility for the body for reasons of non-payment in part or in full of any hospital and medical bills or funeral related service, including autopsy, transport of cadaver, embalmment, casket, wake services and burial or cremation.

SECTION 3. *Release of Death Certificate.* – It shall likewise be declared unlawful for any individual to cause directly or indirectly the non-issuance of a Death Certificate on the account of non-payment, whether in part or in full, of hospital bills, medical expenses, professional fees and funeral related services.

SECTION 4. *Execution of Promissory Notes.* – Surviving relatives or any person taking responsibility for the cadaver who are financially incapable of settling their hospital, medical and/or funeral services, in part or in whole, shall be allowed to secure the cadaver, be provided with the death certificate and given the necessary burial/cremation services after executing a proper promissory note to cover all accrued expenses. The said promissory note shall be secured by a mortgage or by guarantee of a co-maker, who will be jointly and severally liable with the relatives or responsible person/s for all the unpaid obligations. The said promissory note/s are legally binding.

SECTION 5. *Penalties.* – Any person of the hospital or funeral parlor or morgue who violates the provisions of this Act shall be fined Fifty Thousand Pesos (P50,000.00) or

imprisonment of six (6) months, or both such fines at the discretion of the proper court. The hospital, medical clinic, funeral parlor, morgue or mortuary shall likewise be subjected to suspension of their business permit for a period of three (months), subject to the severity of their violations and upon recommendation of the City Health Officer and/or City Social Worker.

Person/s who executed the promissory note, together with their co-makers, who do not comply with the terms as stated in their agreement, shall likewise be held equally liable, subject to the conditions of their promissory notes and other penalties of which are at the discretion of the proper court.

SECTION 6. *Implementing Rules and Regulations.* – The Department of Health shall promulgate the necessary rules and regulations for the proper and effective implementation of this Act.

SECTION 7. *Separability Clause.* – If, for any reason, a provision or part hereof is declared invalid, other provisions not affected thereby shall remain in full force and effect.

SECTION 8. *Repealing Clause.* – All laws, decrees, executive orders, issuances, regulations or parts or provisions of this Act, which are inconsistent herewith are hereby deemed repealed, amended or modified.

SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from the date of its publication in two (2) newspapers of general circulation.

Approved,