Republic of the Philippines HOUSE OF REPRESENTATIVES Quezon City, Metro Manila

EIGHTEENTH CONGRESS FIRST REGULAR SESSION

House Bill No. 2691



INTRODUCED BY Rep. GREG G. GASATAYA

EXPLANATORY NOTE

Contemporarily, the many complexities in family relations considering the existence of illegitimate relationships brought about by de facto separation of couples, adultery, and other similar circumstances are weakening the foundation of family life and relations. Come the demise of the wayward spouse of relative, the remains usually becomes the subject of conflict between the legitimate and illegitimate relatives, and among family members.

While our existing laws simply provide for the <u>arrangement</u> of the funeral or final rites of the deceased to be based on the order of support as provided, there still remain unharmonious tug-of-war claim over the corpses of the departed family members. Hence, there is a need to clarify and emphasize the right to <u>custody and possession</u> of the cadaver in regard to the final rites or funeral. Such can be afforded by law through amending Article 305 of the Civil Code of the Philippines.

As such, approval of this Bill is earnestly sought.

REP. GREG G. GASATAYA Lone District of Bacolod City

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AN ACT

AMENDING TITLE X, FUNERALS, ARTICLE 305 OF REPUBLIC ACT. NO. 386, AS AMENDED, OTHERWISE KNOWN AS THE CIVIL CODE OF THE PHILIPPINES

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

SECTION 1. Article 305 of Republic Act. No. 386, as amended, otherwise known as the Civil Code of the Philippines, is hereby amended to read as follows:

"Article 305. The duty and the right to make arrangements for the funeral of a relative and the right to have the custody and possession of the cadaver shall be in accordance with the order established for support, under Article 195 of Executive Order 209, as amended, otherwise known as the Family Code of the Philippines. In case of descendants of the same degree, or of brothers and sisters, the oldest shall be preferred. In case of ascendants, the paternal shall have a better right."

SECTION 2. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 3. Repealing Clause. — Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 4. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette orin at least two (2) newspapers of general circulation.

APPROVED,