

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
Third Regular Session

**HOUSE BILL NO. 9866**



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Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

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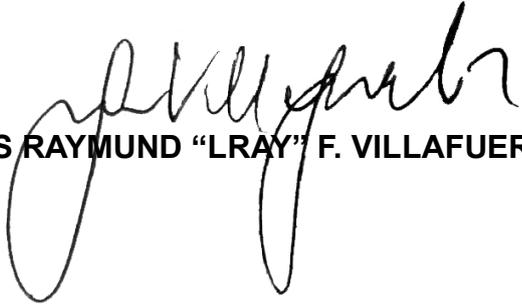
**AN ACT**  
**REQUIRING CREMATORIES TO COLLECT FROM THE DECEDENT'S REMAINS**  
**TISSUE SAMPLES FOR DNA SAMPLING AND/OR STORAGE, FINGERPRINTS**  
**OR THUMBPRINTS, AND DIGITAL PHOTOS, PROVIDING PENALTIES**  
**THEREFOR AND FOR OTHER PURPOSES**

Cremation is gaining popularity in the Philippines as an alternative to burying a body in a casket. The reasons vary from practicality to health restrictions to a wide array of personal reasons.

However, cremation can also be used to remove traces of committed crimes. This is precisely what happened to a South Korean businessman who has kidnapped and killed in October 2016. His ashes were flushed down by a person who misrepresented herself as a representative of the victim's family. This incident highlights the importance of taking necessary steps to ensure that cremation will not be a hindrance to the delivery of justice.

Among others, this proposed measure ensures that the managers of each crematory shall keep books of record, which shall be open at reasonable times for inspection, in which shall be entered the name, age, sex, and residence of each person whose body is cremated together with digital photos, tissue samples collected for purposes of DNA analysis or storage, fingerprints and/or thumbprints and the authority for such cremation and the disposition of the ashes.

In view of the foregoing, the passage of this bill is earnestly sought.

  
**LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

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

**SECTION 1. *Short Title.*** – This Act shall be known as the "*Mandatory Collection of Biological Specimen and Identification Samples Act.*"

**SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to ensure the efficient administration of justice and guarantee that criminal elements will not be able to obstruct investigations. Toward this end, the collection of biological specimen and identification samples shall be made mandatory prior to the cremation of dead bodies.

**SEC. 3. *Records and Certificates.*** – The managers of each crematory shall keep books of record, which shall be open at reasonable times for inspection, in which shall be entered the name, age, sex, and residence of each person whose body is cremated together with digital photos, tissue samples collected for purposes of DNA analysis or storage, fingerprints and/or thumbprints and the authority for such cremation and the disposition of the ashes.

The owner or superintendent shall complete the required cremation permit, retain a copy for its records and immediately forward the original permit to the local registrar of the town or city in which the death occurred.

The local registrar shall keep the cremation permit on file and record it with other vital statistics. When any body is removed from a town or city where the death occurred for the purpose of cremation, the person having the legal custody and control of such body shall cause a certificate to be procured from the person in charge of the crematory in which such body is incinerated, stating the facts called for in this section,

and cause such certificate to be filed for record with the registrar of the town or city in which the death occurred.

Each crematory shall retain on its premises, for not less than five (5) years after final disposition of cremated remains, books of record, digital photos, tissue samples collected for purposes of DNA analysis or storage, fingerprints and/or thumbprints, copies of cremation permits, cremation authorization documentation, and documentation of receipt of cremated remains.

**SEC. 4. Cremation Requirements.** – The body of any deceased person may be disposed of by incineration or cremation in the town or city where the death occurred or may be removed from such town or city for such purpose; *Provided*, the following requirements are met:

- a) at least forty-eight (48) hours transpired since the death occurred;
- b) the civil and medical authorities have issued the required permits;
- c) all necessary authorizations have been obtained and no objections have been raised; and
- d) decedent's remains have been identified by the legal next of kin or authorized agent.

**SEC. 5. Filing of Death Certificate.** – The death certificate required by law shall be filed with the local registrar of the town or city in which such person died, if known, or, if not known, of the town in which the body was found.

**SEC. 6. Cremation Certificate.** – The chief medical examiner, deputy chief medical examiner, associate medical examiner, or an authorized assistant medical examiner shall complete the cremation certificate, stating the following;

- a) He has made inquiry into the cause and manner of death; and
- b) He is of the opinion that no further examination is necessary

The cremation certificate shall be submitted to the local registrar of the town or city in which such person died, if known, or, if not known, of the town or city in which the body was found, or with the local registrar of the town or city in which the nearest kin or the person having lawful authority over the body is located.

**SEC. 7. Cremation Permit.** – The local civil registrar shall issue a cremation permit upon receipt of the cremation certificate which he/she shall keep on permanent record. If the cremation certificate is submitted to the registrar of the town or city where the nearest kin or the person having lawful authority over the body is located, such certificate shall be forwarded to the registrar of the town or city where the person died to be kept on permanent record.

When the cremation certificate is submitted to a town or city other than that where the person died, the local registrar of such other town or city shall ascertain from the

original removal, transit, and burial permit that the certificates required by the laws, rules, and regulations have been received and recorded, that the body has been prepared in accordance with laws, rules, and regulations, and that the entry regarding the place of disposal is correct.

**SEC. 8. *Penalty.*** – Any person who makes any false statement in procuring any permit required by this Act, or who violates any provision of this Act, shall be fined not less than One Million Pesos (P1,000,000.00) or imprisoned for not less than five (5) years, or both.

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

**SEC. 10. *Separability Clause.*** – If any provision of this Act or part thereof, is held invalid or unconstitutional, the remainder of the law not otherwise affected shall remain valid and subsisting.

**SEC. 11. *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.

**SEC. 12. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

*Approved,*