



HOUSE OF REPRESENTATIVES

H. No. 9072

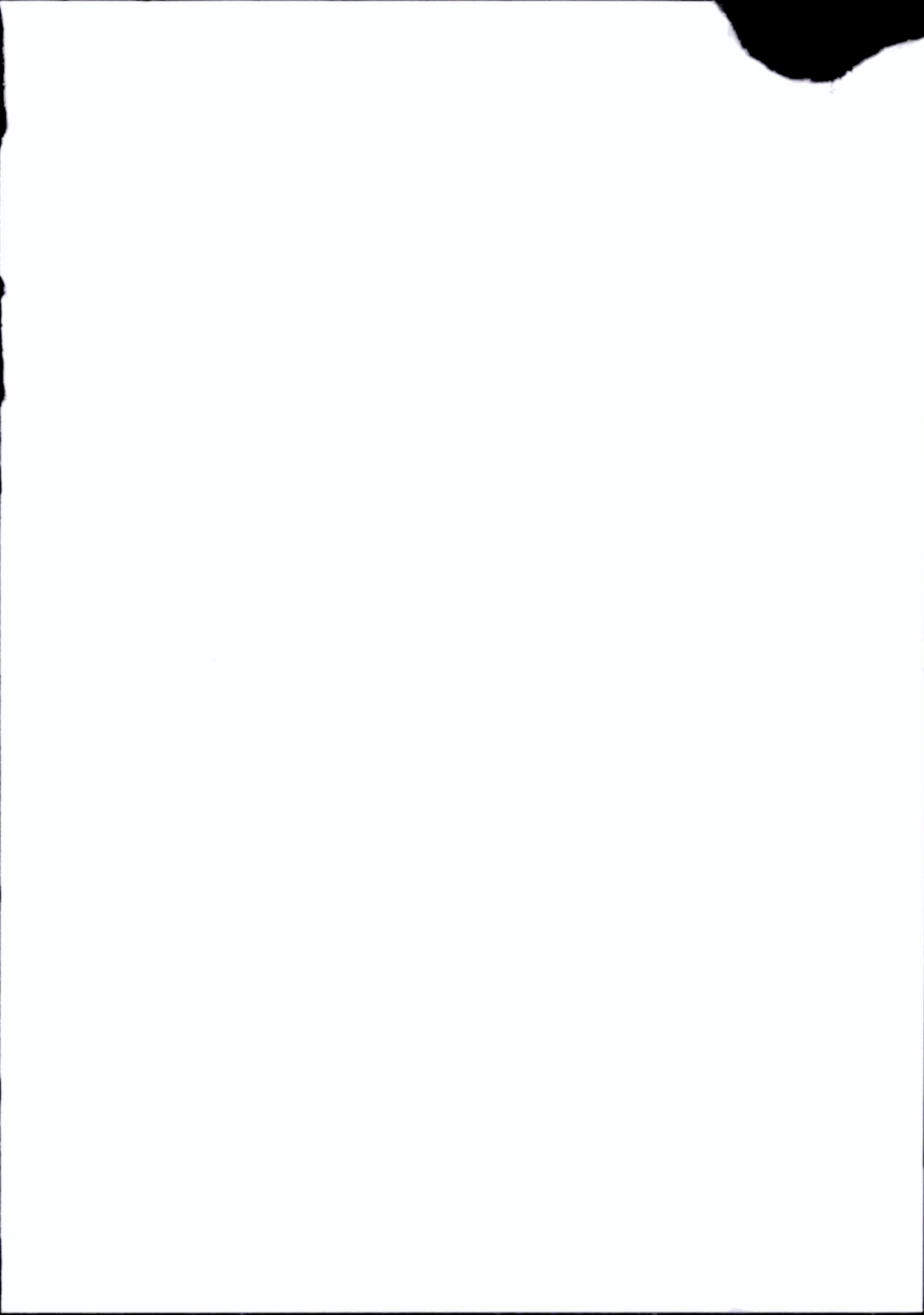
BY REPRESENTATIVES BARBERS, ACOP, SY-ALVARADO, NIETO,
CASTELO, TAMBUNTING, ROQUE (H.), UYBARRETA,
SARMIENTO (E.M.), LOPEZ (M.L.), VELOSO, LANETE,
BATAOIL, REVILLA, CHIPECO AND OLIVAREZ, PER
COMMITTEE REPORT NO. 1230

AN ACT REQUIRING MANDATORY FULL AUTOPSY AND
PROHIBITING THE UNAUTHORIZED DISPOSITION OF
HUMAN REMAINS ARISING FROM DEATHS UNDER
INVESTIGATION OR MYSTERIOUS AND SUSPICIOUS
CIRCUMSTANCES

*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
2 "Mandatory Autopsy Law".

3 SEC. 2. *Declaration of Policy.* - The State shall ensure
4 public safety and health in the investigation and resolution of cases
5 resulting from deaths under investigation or those under
6 mysterious and suspicious circumstances. Towards this end, the
7 State shall require that full autopsy is performed on the human
8 remains to obtain a complete, factual and reliable scientific analysis
9 of the cause of death.



1 SEC. 3. *Full Autopsy and Dissection of Remains.* -

2 A mandatory full autopsy shall be performed on human remains
3 without need of a court order in the following cases, subject to
4 Section 95, paragraphs (b) and (c) of Presidential Decree No. 856 or
5 the Code on Sanitation of the Philippines:

6 (a) Deaths resulting from commission of crimes;

7 (b) Sudden deaths not caused by readily recognizable diseases
8 or wherein the cause of death cannot be properly certified by a
9 physician on the basis of prior or recent medical attendance;

10 (c) Deaths occurring under suspicious circumstances,
11 including those where alcohol, drugs or other toxic substances may
12 have had a bearing on the outcome;

13 (d) Deaths occurring as a result of violence or trauma,
14 whether apparently suicidal or accidental including those due to
15 mechanical, thermal, chemical, electrical, or radiational injury,
16 drowning, cave-ins and subsidences;

17 (e) Any death in which trauma, chemical injury, drug
18 overdose, reaction to drugs or medication or medical treatment was
19 a primary or secondary, direct or indirect, contributory,
20 aggravating, or precipitating cause of death;

21 (f) Operative and perioperative deaths in which the death is
22 not readily explainable on the basis of prior disease;

23 (g) Any death wherein the body is unidentified or unclaimed;

24 (h) Deaths known or suspected as due to infectious or
25 contagious disease and constituting a public hazard; and

1 (i) Deaths occurring while under law enforcement custody, in
2 prison, in a penal institution, orphanage, senior home, or similar
3 public facility:

4 *Provided, however,* That in medicolegal cases, the medical
5 records of the deceased are readily made available to the
6 investigating authorities:

7 *Provided, further,* That persons authorized to perform the
8 autopsy shall inform the family or next of kin of the mandatory
9 nature of the autopsy and apprise them of the procedure to be
10 performed:

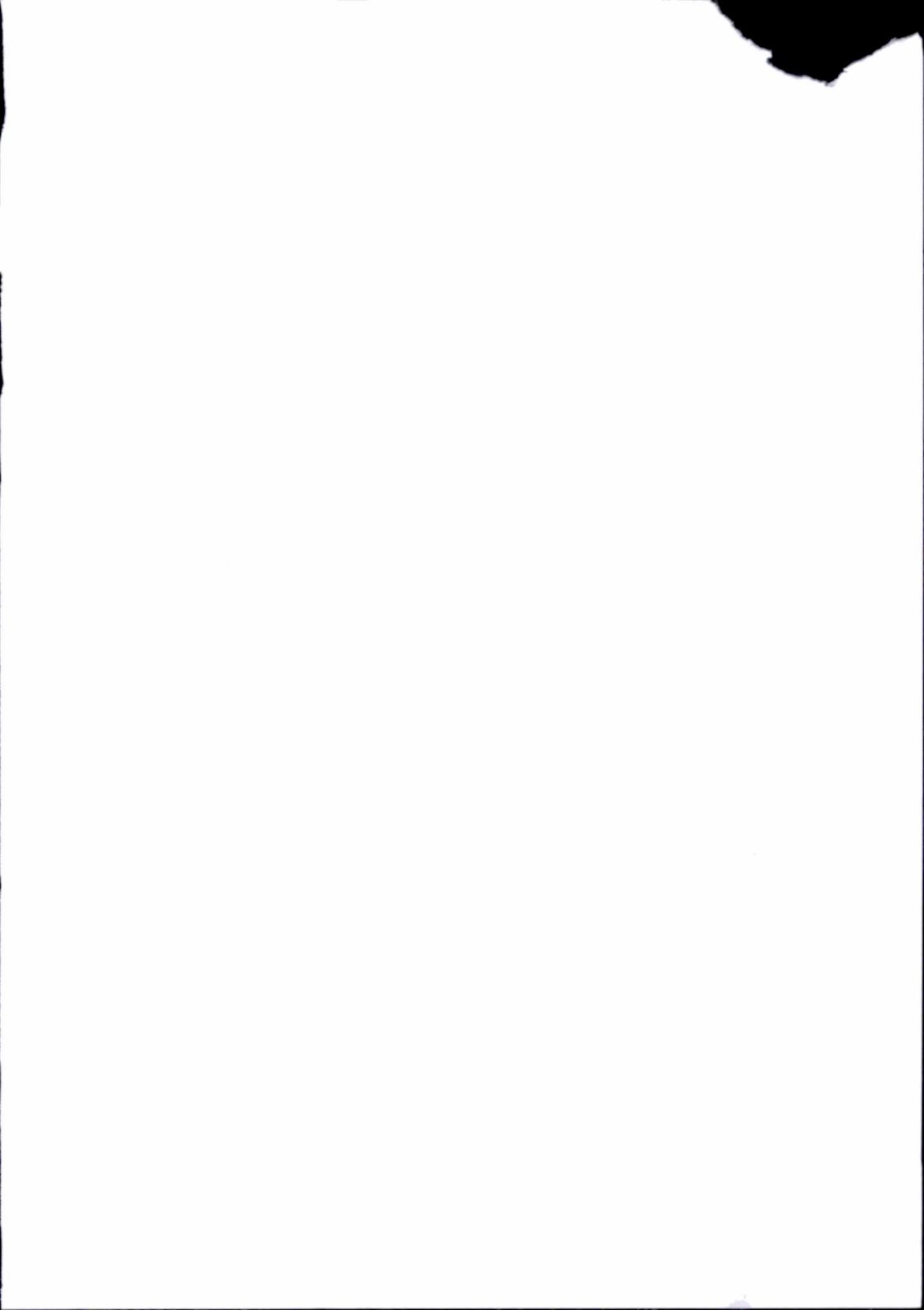
11 *Provided, finally,* That utmost care is taken to observe and
12 respect the religious beliefs, customs, and rites of the deceased.

13 SEC. 4. *Persons Authorized to Perform Autopsy.* - The
14 autopsy and dissection of remains shall be performed by any of the
15 following qualified persons:

- 16 1. Government health officers;
- 17 2. Medical officers of law enforcement agencies; and
- 18 3. Members of the medical staff of accredited hospitals.

19 SEC. 5. *Confidentiality.* - The autopsy report shall remain
20 confidential and shall only be made available to the investigating
21 authority and the family of the deceased, or upon lawful order of the
22 court.

23 SEC. 6. *Prohibition on Cremation.* - The cremation of
24 human remains that are subject to investigation, without prior
25 clearance from the National Bureau of Investigation or Philippine
26 National Police, as the case may be, is hereby prohibited.



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

8 SEC. 7. *Penalties.* - (a) Any person who violates this Act
9 shall be subject to imprisonment of not more than one (1) year or a
10 fine not exceeding Two hundred thousand pesos (P200,000.00), or
11 both, at the discretion of the court having jurisdiction over the
12 offense herein defined and penalized.

13 If a corporation conducting the business of a funeral parlor,
14 funeral home, or mortuary performs the cremation in violation of
15 this Act, the penalty shall be imposed on the cremator and the
16 officers of the corporation.

17 SEC. 8. *Implementing Rules and Regulations.* - Within
18 ninety (90) days after the enactment of this Act, the Philippine
19 National Police shall, in coordination with the National Bureau of
20 Investigation, the Department of Justice, and the Department of
21 Health, promulgate the necessary rules and regulations for the
22 implementation of this Act.

23 SEC. 9. *Separability Clause.* - If any provision of this Act is
24 held invalid or unconstitutional, the other provisions not affected
25 thereby shall remain valid and subsisting.

1 SEC. 10. *Repealing Clause.* – All laws, decrees, executive
2 orders, rules and regulations, or parts thereof inconsistent with or
3 contrary to this Act are hereby repealed or modified accordingly.

4 SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15)
5 days after its publication in the *Official Gazette* or in a newspaper
6 of general circulation.

Approved,

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