

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8289



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


AN ACT REGULATING CREMATORIES, AND FOR OTHER PURPOSES

This bill seeks to regulate the establishment and operations of crematories in order to promote public health and the protection of the environment. This measure proposes mechanisms for the application, approval, and inspection of crematories.

Cremation is becoming increasingly acceptable to more Filipinos considering the rising population, lack of space in cemeteries and the rising costs of traditional burial service. There are already public crematoriums being established. It is also a safer alternative for those who passed away due to highly communicable diseases such as those affected by COVID-19.

This proposal also institutes anti-pollution measures to control air contaminants that cremation processes produce. Studies show that the emissions from cremation include nitrogen oxides, carbon monoxide, sulfur dioxide, particulate matter and other heavy metals. Hence, there is a need to comply with standards so as not pose any hazard to the environment.

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


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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AN ACT REGULATING CREMATORIES, AND FOR OTHER PURPOSES

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 "Crematories Regulation Act".

Sec. 2. Declaration of Policy. - It is hereby declared the policy of the State to promote and protect the right to health of the people. Toward this end, no crematory shall be erected near a residential community where it would pose a hazard to health and air quality. The erection and maintenance of crematories shall be regulated in order to promote the public health and the environment.

Sec. 3. Definition of Terms. - As used in this Act, the following terms shall mean:

(a) "Crematory" or "crematorium"- refers to a mortuary where corpses are cremated or a facility for the disposal by incineration of the bodies of the dead; and

(b) "Secretary"- refers to the Secretary of Health.

Sec. 4. Establishment and Maintenance of Crematories. - Any natural person, partnership, corporation or association may erect, maintain, and conduct a crematory and provide the necessary appliances and facilities for the disposal by Incineration of the bodies of the dead, in accordance with the provisions of this Act. The location of such crematory shall be within the confines of an established cemetery containing not less than eight (8) hectares, which cemetery shall have been in existence and operation for at least five (5) years immediately preceding the time of the erection of such crematory, or shall be within the confines of a plot of land approved for the location of a crematory by the sangguniang bayan or the sangguniang panlungsod of the municipality or city; Provided, That no crematory shall be located within the one hundred fifty (150) meters of any residential structure or land used for residential purposes not owned by the owner of the crematory.

The design, construction, technical requirements, sanitary certification, and operation of the crematories, as well as handling of dead bodies shall be in compliance with the Presidential Decree 856, otherwise known as the "Code on Sanitation of the Philippines" and Republic Act No. 8749, or the "Philippine Clean Air Act of 1999," and their respective implementing rules and regulations.

Application for such approval shall be made in writing to the local authority, and a hearing shall be held within the town or city in which such location is situated within sixty-five (65) days from the date of receipt of such application. Notice of such hearing shall be given to such applicant by mail, postage paid, to the address given on the application, and to Secretary of Health, and by publication twice in a newspaper having a substantial circulation in the town or city at intervals of not less than two (2) days, the first being not more than fifteen (15) nor less than ten (10) days, and the second being not less than two (2) days before such hearing. The local authority shall approve or deny such application within sixty-five (65) days after such hearing. The grounds for its action shall be stated in the records. Each applicant shall pay a reasonable fee, together with the costs of the publication of such notice, as the local authority may determine by ordinance.

No such crematory shall be erected until the plans therefor have been filed with and approved by the Secretary of Health; and no such crematory shall be used until it has been inspected and received a certificate of inspection by the Department of Health.

Each holder of an inspection certificate shall, annually, on or before July first, submit in writing to the Department of Health an application for renewal of such certificate. If the department issues to such applicant such an inspection certificate, the same shall be valid until July first next following year, unless revoked or suspended.

Upon receipt of an application for a renewal of such certificate, the Department of Health shall make an inspection of each crematory.

A crematory shall be open at all times for inspection by the Department of Health. The department may make inspections whenever it deems advisable.

If, upon inspection, by the Department of Health, it is found that such crematory is in such condition as to be detrimental to public health, the department shall give to the applicant or operator of the crematory notice and opportunity for hearing as provided in regulations promulgated by the Secretary of Health. The Secretary may, after such hearing, revoke, suspend or refuse to issue or renew any such certificate upon cause found at hearing.

Any of the inspections provided for in this section may be made by a person designated by the Secretary of Health.

Sec. 5. Anti-Pollution Measures. - The Department of Environment and Natural Resources (DENR) shall issue pertinent guidelines and practices promoting anti-pollution measures such as, but not limited to, installation of filter systems and similar pollution control devices, designation of pollution officers, neutralization of pollutants and toxic wastes, reduction of particulate matter, more efficient use of fuel and energy,

adequate controls on emission levels, among others. Such guidelines shall form part of the minimum requirements prior to the approval of application.

Sec. 6. 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 the authority for such cremation and the disposition of the ashes. The owner or superintendent shall complete the cremation permit required by Section 7, retain a copy for record 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 in file and record it with other vital statistics.

When the body of the deceased 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, copies of cremation permits, cremation authorization documentation, and documentation of receipt of cremated remains.

Sec. 7. Cremation Permit –

(a) 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.

(b) The death certificate required by law shall be filed with the local registrar for the town or city in which such person died, if known, or, if not known, for the town in which the body was found. The Chief Medical Examiner, Deputy Chief Medical Examiner, associate medical examiner, or an authorized assistant medical examiner shall complete the cremation certificate, stating that such medical examiner has made inquiry into the cause and manner of death and 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 authority over the body is located. Upon receipt of the cremation certificate, the registrar shall authorize the cremation certificate, keep it on permanent record, and issue a cremation permit, except that if the cremation certificate is submitted to the registrar of the town or city where 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 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.

(c) No body shall be cremated until at least forty-eight (48) hours after death, unless such death was the result of communicable disease, and no body shall be received by any crematory unless accompanied by the permit provided for in this section. In the case of death as a result of communicable diseases, crematories shall provide logistics and transport of the human remains, upon designation and with the assistance of the local government unit.

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 more than Five thousand pesos (P5,000) or imprisoned not more than two (2) years, or both.

Sec. 9. 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 or part hereof is held invalid or unconstitutional, the remainder of the law or the provision or part 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 are hereby repealed, modified, or amended accordingly.

Sec. 12. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,