

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 2953



INTRODUCED BY Hon. Mauyag "Jun" Papandayan, Jr.

EXPLANATORY NOTE

This bill seeks to mandate the immediate release of the cadavers of dead Muslims left in the custody of government entities or even private establishments, after the family has arranged for payment of incurred expenses, if they cannot immediately pay for it.

Muslim burial rites are in accordance with the dictates of Islam, which sets a maximum period for burying their dead; thus, the burial should be done as soon as possible after death; however there are specific times when it is prohibited to bury the dead. They are, from sunrise until the sun has risen, when the sun is at its highest and, from when the sun begins to pale until it is fully set.

This tradition comes from the Muslim belief that the soul of the deceased is disturbed if its previous body is not laid to rest in the ground before the next call to prayer. It is also forbidden to embalm the body. Additionally, if there is delay in burial, the Muslims believe that at the Last Judgement, the soul will be asked to explain what he had done during the time that lapsed before he was buried that is disastrous because how can the soul explain that?

Given the preceding conditions, it may be safely assumed that a twenty-four period after death is the safest guide for observing the Islamic burial rites.

It becomes imperative, therefore, that a law be enacted to protect the rights of the Filipino-Muslim in the observance of their religious rites and rituals for their beloved dead.

The lack of financial resources to immediately pay for incurred expenses of the dead, be it for medical or other charges, often hamper the release of the bodies

to the point that there may ensue a raging controversy between the relatives of the dead and the establishment where the body is being held, often becoming a battle with religious undertones.

While the tender of proper payment is ideal so that there may be no conflict, this is far from reality. There was a time when such was also the case when indigent, and even middle-income families could not pay for hospital expenses and the patient was not allowed to leave the hospital for lack of payment, resulting to more and additional indebtedness which could have been avoided if they were allowed to leave with a promissory note for payment instead.

It is the same for the release of cadavers of Filipino-Muslims; it may even be more important for the Muslim, because observance of the final rites for their dead is a religious tradition that has to be observed in all its requisites.

In view of the foregoing, the immediate passage of this bill is earnestly requested for the satisfaction of the Muslim burial rites, in the pursuit of their religious beliefs.

A handwritten signature in black ink, written in a cursive style, which reads "Mauryag". The signature is written over a horizontal line.

Hon. Mauryag "Jun" Papandayan, Jr.



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Seventeenth Congress
First Regular Session

HOUSE BILL NO. 2953

Introduced by Honorable Mauyag "Jun" Papandayan, Jr.

AN ACT
PROHIBITING THE DETENTION OF AND MANDATING
THE IMMEDIATE RELEASE OF CADAVERS OF MUSLIMS FROM
GOVERNMENT HOSPITALS, MORGUES AND OTHER OFFICES WITH
FACILITIES FOR DECEASED BODIES ON GROUNDS OF
NONPAYMENT OF HOSPITAL BILLS OR MEDICAL EXPENSES.

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

Section 1. Declaration of Policy. - It is hereby declared the policy of the State to safeguard the Religious Customs and Traditions of Muslim Filipinos with regard to their Burial Rites wherein a deceased Muslim must be buried before the next call to prayer.

SEC. 2. It shall be unlawful for any hospital, medical clinic, morgue, or other facilities used in holding cadavers to detain or to otherwise cause, directly or indirectly, the detention of bodies of deceased Filipino-Muslims for reasons of nonpayment in part or in full, of any expenses attributed to the deceased.

For private hospitals and funerals wherein the body of the deceased may be held because of lack or inadequacy of payment for expenses incurred before the death of the person, the family of the deceased shall likewise execute a Promissory Note to the establishment concerned for the amount incurred, for the release of the body.

SEC.3. Any officer or employee of the hospital, clinic, morgue or other facilities for deceased bodies responsible for releasing the cadavers, who violates the provisions of this Act shall be punished with a fine of not less than Twenty Thousand

Pesos (P20, 000.00) but not more than Fifty Thousand Pesos (P50, 000.00) or imprisonment of not less than one month, but not more than six months, or both such fine and imprisonment, at the discretion of the proper court.

SEC. 4. The Department of Health shall promulgate the necessary rules and regulations to carry out the provisions of this Act.

SEC. 5. If any provision of this Act is declared void and unconstitutional, the remaining provisions thereof not affected thereby shall remain in full force and effect.

SEC. 6. All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 7. This Act shall take effect fifteen (15) days after its publication in two national newspapers of general circulation.

Approved,