

P.C. Ordinance
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Republic of the Philippines
CITY COUNCIL
Quezon City
15th City Council

PO2001-138

35th Regular Session

ORDINANCE NO. SP- 1154, S-2002

AN ORDINANCE PROHIBITING THE DETENTION OF CADAVERS OF DECEASED INDIGENT PATIENTS IN HOSPITALS, CLINICS AND OTHER HEALTHCARE FACILITIES AND ESTABLISHMENTS ON GROUNDS OF NON-PAYMENT OF HOSPITAL BILLS OR MEDICAL EXPENSES AND PROVIDING PENALTIES FOR ANY VIOLATION THEREOF.

Introduced by Councilors JESUS "Bong" C. SUNTAY, ALMA F. MONTILLA, VINCENT P. CRISOLOGO, ELIZABETH A. DELARMENTE, BERNADETTE HERRERA-DY, AIKO MELENDEZ-YLLANA, RAMON P. MEDALLA, ERIC Z. MEDINA, JORGE L. BANAL, JULIAN M.L. COSETENG, WENCEROM BENEDICT C. LAGUMBAY, DANTE M. DE GUZMAN, JANET M. MALAYA and ALMARIO E. FRANCISCO.

WHEREAS, Article II, Section 10 of the 1987 Constitution, provides that, "The State shall promote social justice in all phases of national development," and in Article II, Section 11, provides further that, "The State values the dignity of every human person and guarantees full respect for human rights;"

WHEREAS, police power is conferred upon the local government unit (LGU) under Section 16 of the Local Government Code, which provides for the General Welfare clause, to wit, "Every Local Government unit shall exercise xxx powers necessary and proper for governance such as to promote health and safety, xxx, improve public morals, xxx, and preserve the comfort and convenience of their inhabitants therein;"

WHEREAS, the practice of hospitals, clinics, and other healthcare facilities and establishments of detaining the cadavers of deceased patients to ensure immediate payment of medical bills contributes to the great suffering of the surviving relatives of a departed loved one;

WHEREAS, this practice tends to prejudice and adversely affect indigent patients who, because of their stature in life, are saddled with such an unnecessary burden;

WHEREAS, the approval of this measure is extremely necessary to put to

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN
ON ASSEMBLED:

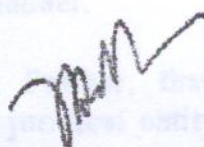
SECTION 1. SHORT TITLE - This Ordinance shall be known as an
"Ordinance Prohibiting the Detention of Cadavers of Deceased Indigents in Quezon
Hospitals, Clinics, and other Healthcare Facilities and Establishments."

SECTION 2. DEFINITION OF TERMS. - For purposes of this Ordinance,
the following terms shall mean:

1. **Indigent** refers to an individual or family with no income or whose income is determined to be below the official poverty line, as defined by the Department of Budget and Management;
2. **Deceased** refers to a natural person who is no longer living;
3. **Cadaver** refers to the dead body of a human being;
4. **Detention** refers to the forced confinement of a dead body of human being;
5. **Hospital** refers to an institution that provides medical, surgical, or psychiatric care and treatment for the sick or injured;
6. **Clinic** refers to a facility, often associated with a hospital, that deals mainly with outpatients;
7. **Relatives** refer to the spouse, children, parents, or grandparents, in the order named, of the deceased indigent patient.

SECTION 3. PENALIZED ACT - It shall be unlawful for any hospital, or any other healthcare facility or establishment to cause, directly or indirectly, the detention of cadaver of deceased indigent patient for non-payment of hospital bills or medical expenses incurred while being treated.

SECTION 4. RIGHTS OF RELATIVES OF THE DECEASED - The surviving relatives of the deceased indigent patient shall have the right to the issuance of the death certificate and to the release of the cadaver of the said deceased indigent patient; Provided, that the relative of the deceased indigent patient shall submit the following supporting documents:



1. A certification from the resident representative of the Department of Social Welfare and Development nearest to the last known residence of the deceased indigent patient stating, among others, that the deceased is an indigent;
2. A certification from the Barangay Captain of the last known residence of the deceased, stating, among others, that the deceased is known to him to be an indigent, and that the person claiming the benefits of this Ordinance is known to him to be a relative of the deceased indigent.

SECTION 5. PENALTY CLAUSE - There shall be imposed the following penalty for any violation of this Ordinance, to wit:

First Apprehension - Any person found violating any of the provisions of this ordinance shall, upon conviction, be penalized by imprisonment of not less than thirty (30) days or a fine of not more than one thousand pesos (P1,000.00) or both fine and imprisonment at the discretion of the court.

Second Apprehension - Any person found violating any of the provisions of this ordinance shall, upon conviction, be penalized by imprisonment of not less than three (3) months or a fine of not more than two thousand pesos (P2,000.00), or both fine and imprisonment at the discretion of the court.

Third Apprehension - Any person found violating any of the provisions of this ordinance shall, upon conviction, be penalized by imprisonment of not less than five (5) months or a fine of not more than three thousand pesos (P3,000.00), or both fine and imprisonment at the discretion of the court.

Fourth Apprehension - Any person found violating any of the provisions of this ordinance shall, upon conviction, be penalized by imprisonment of not less than six (6) months or a fine of not more than four thousand pesos (P4,000.00), or both fine and imprisonment at the discretion of the court.

Fifth Apprehension - Any person found violating any of the provisions of this ordinance shall, upon conviction, be penalized by imprisonment of not less than one (1) year or a fine of not more than five thousand pesos (P5,000.00), or both fine and imprisonment at the discretion of the court.

Provided, that if the offender is a partnership, corporation, or any other entity organized under existing laws, the Business Permits and Licensing Office (BPLO) of the Quezon City government shall revoke/cancel/refuse the renewal of the license of the offender.

Provided, Further, that if the offender is an employee of any of the aforementioned juridical entity, the latter shall be solidarily liable for the fine with the offender.

Regular Session

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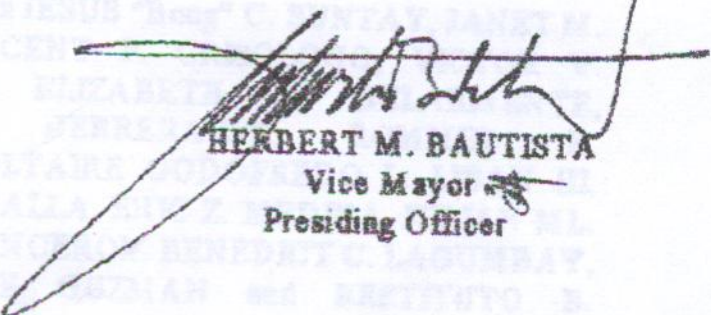
Provided, Finally, that the officers, members of governing boards, representatives or agents, or members of the partnership, corporation, who have fully participated in, authorized or ratified the violation of this Ordinance shall be criminally liable with the offender.

SECTION 6. SEPARABILITY CLAUSE - If any provision or part hereof is invalid or unconstitutional, the remainder of the ordinance or the provision not so affected shall remain valid and subsisting.

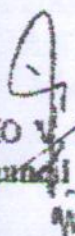
SECTION 7. REPEALING CLAUSE - All provisions of laws, orders, rules, including rules and regulations and local legislative measures inconsistent with are hereby repealed or modified accordingly.

SECTION 8. EFFECTIVITY CLAUSE - this Ordinance shall take effect upon approval.

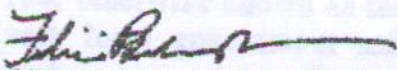
ENACTED: June 4, 2002.


HERBERT M. BAUTISTA
Vice Mayor
Presiding Officer

APPROVED:

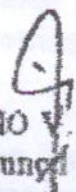

EUGENIO V. JURILLA
City Council Secretary

APPROVED: July 3, 2002


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

is to certify that this Ordinance which was APPROVED on Second June 4, 2002, was finally PASSED by the City Council on June 11,


EUGENIO V. JURILLA
City Council Secretary