



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
21st City Council

PO21CC-268

27th Regular Session

ORDINANCE NO. SP- **2907**, S-2020

AN ORDINANCE ESTABLISHING PROTOCOLS FOR THE MANAGEMENT OF THE DECEASED DURING THE COVID-19 PANDEMIC.

Introduced by Councilor PEACHY V. DE LEON and FRANZ S. PUMAREN.

Co-Introduced by Councilors Bernard R. Herrera, Lena Marie P. Juico, Dorothy A. Delarmente, M.D., Tany Joe "TJ" L. Calalay, Nicole Ella V. Crisologo, Victor V. Ferrer, Jr., Winston "Winnie" T. Castelo, Eden Delilah "Candy" A. Medina, Ramon P. Medalla, Mikey F. Belmonte, Estrella C. Valmocina, Kate Galang-Coseteng, Matias John T. Defensor, Wencerom Benedict C. Lagumbay, Jorge L. Banal, Sr., Imee A. Rillo, Marra C. Suntay, Irene R. Belmonte, Resty B. Malañgen, Ivy L. Lazman, Hero M. Bautista, Jose A. Visaya, Karl Castelo, Patrick Michael Vargas, Shaira L. Liban, Ram V. Medalla, Allan Butch T. Francisco, Marivic Co Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Diorella Maria G. Sotto-Antonio, Donato "Donny" C. Matias, Eric Z. Medina, Freddy S. Roxas and Noe Dela Fuente.

WHEREAS, on March 12, 2020, the President declared Community Quarantine over Metro Manila due to the COVID-19 pandemic;

WHEREAS, on March 13, 2020, the City Council declared Quezon City to be under a state of calamity due to the COVID-19 pandemic;

WHEREAS, on March 16, 2020, the President declared an Enhanced Community Quarantine (ECQ) over the entire Luzon island. Among others, the ECQ prohibited mass gatherings, closed down all but essential businesses and suspended public transportation;

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WHEREAS, despite the foregoing measures, the death toll of the COVID-19 pandemic has continued to rise. In this regard, the remains of persons deceased due to COVID-19 may pose a health hazard, as the virus may linger in the bodily fluids of the cadaver. Further, even in cases where the death was unrelated to COVID-19, customary gatherings for wakes or funerals may pose public health risks due to danger of community transmission of COVID-19;

WHEREAS, the Department of Health issued Department Order No. 2020-0067 providing for the "Guidelines on the Disposal and Shipment of the Remains of Confirmed Cases of 2019 Novel Coronavirus Acute Respiratory Disease." Among others, the Guidelines recommend that the remains of those deceased due to COVID-19 be cremated within 12 hours from death;

WHEREAS, Sec. 6 (e) of Republic Act No. 11332, entitled "The Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act," provides that local governments have the authority to conduct and enforce disease surveillance and response systems, epidemic/outbreak and epidemiologic investigations, and rapid containment, quarantine and isolation, disease prevention and control measures;

WHEREAS, based on Section 16 of the Local Government Code, the City has the implied power to do all things necessary, appropriate, or incidental to govern efficiently and effectively, promote general welfare, promote health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

WHEREAS, Section 458 (a)(1)(iv) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that the City Council may adopt measures to protect the inhabitants of the city from the harmful effects of natural disasters and calamities;

WHEREAS, Section 458 (a)(4)(ix) of the same Code provides that the City Council may regulate the establishment, operation and maintenance of funeral parlors and the burial or cremation of the dead;

WHEREAS, Section 458 (a)(5)(xii) of the said code also provides that the City Council may approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases.

NOW, THEREFORE,

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

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SECTION 1. COVID-RELATED DEATH; MANDATORY CREMATION - In case a deceased person (i) was identified as COVID-19 positive; or (ii) was a Probable COVID-19 Positive; (iii) Suspected COVID-19 positive or (iii) died of respiratory failure, pneumonia or exhibited symptoms that could reasonably be attributed to COVID-19 (collectively, "COVID-19 Related Death"); mandatory cremation of the remains shall be undertaken within twelve (12) hours from death.

As an exception, if the deceased belonged to a Muslim religion, or any other religion that prohibits cremation, the family may opt for burial in accordance with Section 6 below.

The twelve (12) hour period from death policy shall also be observed by the hospitals/ health care facilities within Quezon City. Proper coordination with the City shall be strictly followed to halt the spread of the virus. The hospitals/ health care facilities shall also ensure the proper storage of the cadaver in case of deaths to be endorsed to the City Government for cremation/burial pursuant to the existing guidelines on the matter.

SECTION 2. NON-COVID-19 RELATED DEATH - If a person dies of a cause not related to COVID-19, the family of the deceased person may opt for burial or cremation, provided that the family must bury or cremate the deceased not later than two (2) days from the date of death. No wake or burol shall be allowed. Only immediate family members may attend the burial or cremation, aside from the officiating priest or minister.

SECTION 3. COVID-19 RELATED DEATH; PROTOCOLS - The following protocols shall apply in cases of COVID-19 Related Deaths.

- a. **Preparation of Death Certificate.** If the deceased was declared dead at a hospital, health center or clinic ("health facility"), the health facility shall prepare the death certificate in coordination with the family of the deceased. On the other hand, if the deceased died at home or outside a health facility, the deceased's family shall notify the City Health Department (CHD), and the CHD, through its representative physician, shall issue the death certificate. The CHD may also, on its own initiative, visit the reported location of any deceased person and, upon examination of the remains, prepare the death certificate. If the deceased cannot be identified, the health facility or CHD as the case may be shall ensure proper photographing and recordkeeping to facilitate later identification.

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- b. *Signing of Documents if Family is Unavailable.* If the family members of the deceased are unable to sign the death certificate and other relevant documents for any reason, such as inability to travel due to quarantine, the next of kin, a representative of the health facility, an official of the deceased's barangay, or any city official may sign.
- c. *Coordination with the City.* If a health facility issues the death certificate, it shall promptly send copies of the same to the City Health Department (CHD), the Civil Registry Department (CRD) and the Social Services and Development Department (SSDD).
- d. *Cremation of Indigent Resident.* The SSDD shall promptly determine whether the deceased was an indigent resident of Quezon City. To ensure timely transfer of the deceased, the SSDD may accept as sufficient basis the written statement of any credible person, including a representative of the health facility, or a family member or friend of the deceased. If the deceased was an indigent resident, the SSDD shall notify the CHD and the CRD accordingly. In this case, the CHD and CRD shall coordinate to ensure cremation of the remains within the mandatory 12-hour period at the Baesa Crematorium or any public crematorium. The City shall bear the costs of such cremation. The City may charge the cost of the cremation to any burial/cremation assistance that the City or other government agency would have otherwise provided to the concerned family.
- e. *Private Cremation.* If the deceased is not an indigent resident, the family of the deceased must arrange for cremation of the remains at a private crematorium within the 12-hour period.
- f. *Non-Resident.* In case the deceased was not a resident of Quezon City, the health facility (or CHD in case of death outside a health facility) shall coordinate with the deceased's family, or in their absence with the local government unit where the deceased resided, to facilitate the cremation or burial of the deceased preferably in the territory of the LGU concerned. The health facility concerned (or CHD in case of death outside a health facility) shall ensure that the remains are properly stored while waiting for the schedule of cremation or retrieval of the LGU concerned. If the family or LGU of the non-resident fails to arrange for the disposal of the remains within 12 hours from death, the City may proceed to undertake emergency cremation of the remains as provided in the paragraph below.

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g. Emergency Cremation In Case of COVID-19 Related Death. In any case where the deceased's family abandons the remains, or otherwise fails to arrange for the cremation of the remains within 12 hours, as a rapid containment and disease control measure under Sec. 6 (e) of R.A. No. 11332, the City may take immediate custody of the remains and cremate the same at the Baesa Crematorium or any public or private crematorium. The CRD shall ensure proper storage and tagging of the cremated remains ("cremains"). The CRD and CHD shall coordinate with the concerned health facility or barangay for completion of any necessary documentary requirements. The City shall advance the cost of the emergency cremation, provided that in cases where the deceased was not an indigent City resident, the City may require reimbursement from the family of the deceased or the LGU concerned, as the case maybe.

SECTION 4. HANDLING OF REMAINS OF COVID-19 RELATED DEATHS - The following protocols shall apply to the physical handling of the remains of COVID-19 Related Deaths.

- a. Safety Protocols. All personnel handling the remains shall wear the appropriate personal protective equipment (PPEs) while performing their tasks. All PPEs shall be disposed of properly afterwards. The remains shall be placed in a sealed leak-proof body bag. No unzipping of the body bag and no removal of the body shall be allowed. The remains may not be subjected to any washing, tidying, embalming or other customary funeral preparation. The personnel handling the remains shall disinfect the exterior of the body bag. They must also disinfect the vehicle that transported the remains.*
- b. Transportation of Remains. The retrieval and transportation of the remains to the crematorium shall be the responsibility of the family of the deceased. However, in case of emergency cremation or cremation of an indigent City resident, the City shall handle retrieval and transportation of remains through accredited funeral service providers.*
- c. Attendance at Cremation. Only immediate family members of the deceased may attend the cremation.*
- d. Turnover of Cremains. The cremation process must reduce the remains to ashes of fine sand. The cremains shall be placed in a durable container and turned over to the family of the deceased. If no family is available, the crematorium shall properly store and tag the cremains.*

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SECTION 5. PROHIBITION ON NON-ACCEPTANCE; PRICE FREEZE - No funeral parlor or crematorium may refuse to accept the remains of a COVID-19 Related Death due to fear of infection or other unjustifiable reasons. Further, no funeral parlor or crematorium may increase their service prices higher than their prices prior to the declaration of Community Quarantine on March 12, 2020.

SECTION 6. RELIGIOUS OBJECTION TO CREMATION IN CASE OF COVID-19 RELATED DEATH - If the deceased in a COVID-19 Related Death is a Muslim or other religion that prohibits cremation, the deceased may be buried at the option of the family, provided that the burial must take place not later than 12 hours from death. The grave shall be at least one and one half (1.5) meters deep and filled well and firmly. The remains must be placed in a sealed leak-proof body bag as provided above. Opening of the bag or removal of the remains shall not be allowed. The remains may not be subjected to any washing, tidying, or other customary funeral preparation. Only immediate family members of the deceased may attend the burial.

Section 7. DURATION - This Ordinance shall remain effective until the City Mayor, on recommendation of the City Health Department, determines that the emergency public health measures contained herein are no longer necessary.

SECTION 8. VIOLATION -

(a) Persons that violate this Ordinance shall be penalized with a fine of Five Thousand Pesos (P5,000.00) and/or imprisonment of not more than Six (6) Months at the discretion of the court.

(b) Funeral Parlors and Crematoriums that violate this Ordinance shall be penalized the maximum fine of P5,000.00 per violation and the subsequent revocation of their Business Permit.

The foregoing is without prejudice to the filing of appropriate charges under Republic Act No. 11332, the Sanitation Code or any other applicable law. Neither the City nor its officers/employees shall be liable for any delay or failure to comply with this Ordinance due to (i) the lack of timely cooperation from the deceased's family, concerned health facility, or other local government unit or relevant third persons, or (ii) other circumstances beyond the City's control.

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SECTION 9. REPEALING CLAUSE - All Ordinances, Resolutions, Executive Orders, Memorandum Circulars and Administrative Orders or parts thereof which are inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 10. SEPARABILITY CLAUSE - If any provision of this Ordinance is declared void or unconstitutional, the remaining portions shall not be affected and shall remain in full force and effect.


SECTION 11. EFFECTIVITY - This Ordinance shall take effect upon its approval.

ENACTED: April 13, 2020.




GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:


Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

14 APR 2020

APPROVED: _____


MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on April 13, 2020 under Suspended Rules and was PASSED on Third/Final Reading on the same date.


Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

