



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 contribute 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 realization the dictum of the great father of our beloved city, Pres. Manuel Luis Quezon, that "those who have less in life should have more in law".

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NOW, THEREFORE,

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

SECTION 1. SHORT TITLE - This Ordinance shall be known as an
"Ordinance Prohibiting the Detention of Cadavers of Deceased Indigents in Quezon
City 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,
clinic, or any other healthcare facility or establishment to cause, directly or
indirectly, the detention of cadaver of deceased indigent patient for non-payment of
the 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
presents the following supporting documents:

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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.

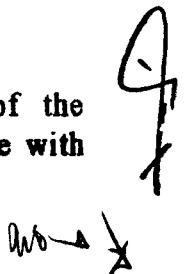
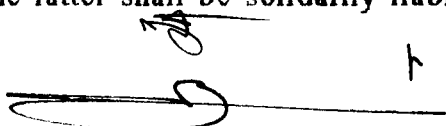
Third Apprehension - Any person found violating any of the provisions of this ordinance shall, upon conviction, be penalized by imprisonment of not less than five (5) months or a fine of not more than three thousand pesos (P3,000.00), or both imprisonment and fine at the discretion of the court.

Fourth Apprehension - Any person found violating any of the provisions of this ordinance shall, upon conviction, be penalized by imprisonment of not less than eight (8) months or a fine of not more than four thousand pesos (P4,000.00), or both imprisonment and fine 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 imprisonment and fine at the discretion of the court.

Provided, that if the offender is a partnership, corporation, or any other entity duly 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 abovementioned juridical entity, the latter shall be solidarily liable for the fine with the offender.



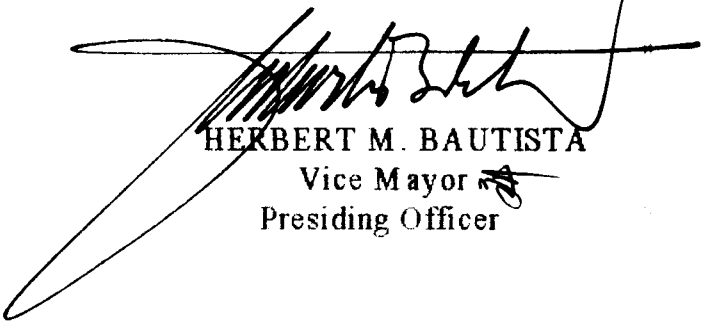
Provided, Finally, that the officers, members of governing boards, representatives or agents, or members of the partnership, corporation, who have actually participated in, authorized or ratified the violation of this Ordinance shall be held criminally liable with the offender.

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

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

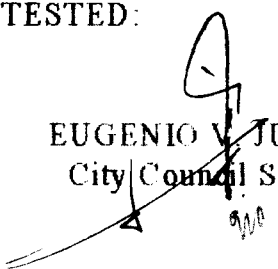
SECTION 8. EFFECTIVITY CLAUSE - this Ordinance shall take effect upon its approval.

ENACTED: June 4, 2002.



HERBERT M. BAUTISTA

Vice Mayor
Presiding Officer

ATTESTED:



EUGENIO V. JURILLA
City Council Secretary

APPROVED: July 3, 2002


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

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


EUGENIO V. JURILLA
City Council Secretary