

**[DOH IMPLEMENTING RULES AND REGULATIONS
OF CHAPTER XXI — "DISPOSAL OF DEAD
PERSONS" OF THE CODE ON SANITATION OF THE
PHILIPPINES (P.D. 856), September 30, 1996]**

To carry out the provisions of Chapter XXI — "Disposal of Dead Persons" of the Code on Sanitation of the Philippines (P.D. 856), these rules and regulations are hereby formulated for implementation and strict compliance of all concerned.

SECTION 1. Scope. — These implementing rules and regulations shall apply to all crematories, funeral and embalming establishments, medical and research institutions, undertakers, embalmers, public and private burial grounds and other similar institutions operated by government agencies or instrumentalities including government-owned or controlled corporations, private organizations, firms, individuals or other entities.

SECTION 2. Definition of Terms. — As used in these rules and regulations, the following terms shall mean:

- 1. BURIAL** — interment of remains in a grave, tomb or the sea.
- 2. BURIAL GROUNDS** — cemetery, memorial park or any place duly authorized by law for permanent disposal of the dead.
- 3. CATACOMB** — place of burial consisting of galleries or passages with side recesses for tombs.
- 4. CEMETERY** — public or private land used for the burial of the dead and other uses dedicated for cemetery purposes, to include landscaped grounds, driveways, walks, columbaria, crematories, mortuaries mausoleums, niches, graveyards and public comfort rooms.
- 5. CINERARY REMAINS/CREMAINS** — the ashes resulting from cremation of a dead body.
- 6. CLOSURE OF CEMETERIES** — termination of burial activities in the cemetery concerned.
- 7. COMMITTEE** — the Department of Health Committee of Examiners for Undertakers and Embalmers.
- 8. CODE** — the Code on Sanitation of the Philippines, P.D. 856.
- 9. CREMATION** — a process that reduces human remains to bone fragments of fine sand or ashes through combustion and dehydration.

- 10. CREMATORIUM** — any designated place duly authorized by law to cremate dead persons.
- 11. DEATH CERTIFICATE** — a document issued by the attending physician or in his absence, by the city/municipal health officer or other duly authorized government official, using the prescribed form certifying the death of a person.
- 12. DEPARTMENT** — the Department of Health.
- 13. DISINTERMENT** — the removal or exhumation of remains from places of interment.
- 14. EMBALMING** — preparing, disinfecting and preserving a dead body before its final disposal.
- 15. EMBALMING ESTABLISHMENT** — a place where a body of a human being is embalmed or treated for burial with preservatives.
- 16. EMBALMER** — a duly licensed person who applies, injects or introduces any chemical substance or drug or herbs internally or externally to a dead human body for the purpose of embalming, disinfecting and preserving it.
- 17. FUNERAL ESTABLISHMENT** — includes funeral parlors, funeral chapels and any similar place used in the preparation, storage and care of the body of a deceased person for burial or cremation.
- 18. HEALTH CERTIFICATE** — a certification in writing issued by the city or municipal health officer using the prescribed form to person employed in the funeral establishment and other related services after passing the required physical and medical examinations and immunizations.
- 19. LOCAL GOVERNMENT UNIT** — the local political subdivision which refers to the province, city, municipality or barangay.
- 20. LOCAL HEALTH OFFICER** — the provincial, city or municipal health officer.
- 21. LOCAL HEALTH AUTHORITY** — an official or employee responsible for the application of a prescribed health measure in a local political subdivision. For a province, the local health authority is the governor and for a city or a municipality, the local health authority is the mayor.
- 22. MEMORIAL PARK** — a cemetery with well kept landscaped lawns and wide roadways and footpaths separating the areas assigned for ground interments, tombs, mausoleums and columbaria; with or without a mortuary chapel; and provided with systematic supervision and maintenance.
- 23. MORGUE** — a place in which dead bodies are temporarily kept pending identification or burial.
- 24. NICHE** — interment space for remains.
- 25. PUBLIC CEMETERY** — a burial ground, government or privately owned,

open for general use of the public.

26. PRIVATE BURYING GROUND OR PLACE OF ENSHRINEMENT — a family or individual or other similar exclusive burial ground established and authorized subject to these rules and regulations.

27. REGIONAL DIRECTOR — an official who heads a Department of Health regional health office.

28. REMAINS — the body or parts of the body of a dead person including the cremated remains.

29. REMOVAL OF CEMETERIES — termination of all burial activities in the cemetery and subsequent exhumation of all human remains.

30. SANITATION INSPECTOR — a government officer, employed by the national, provincial, city or municipal government, who enforces sanitary rules, laws and regulations and implements environmental sanitation activities under the supervision of the provincial/city/municipal health officer/sanitary engineer.

31. SANITARY ENGINEER — a person duly registered with the Board of Examiners for Sanitary Engineers (Republic Act 1364) and who heads the sanitation division/section/unit of the provincial or city or municipal health office or rural health unit or employed with the Department of Health or its regional health offices.

32. SANITARY PERMIT — the permission or certification in writing of the city or municipal health officer or in his absence the chief or head of the sanitation division/section/unit that the establishment complies with existing sanitation requirements upon evaluation or inspection conducted in accordance with Presidential Decree Nos. 522 and 856 and local ordinances.

33. UNDERTAKER — a duly licensed person who practices undertaking.

34. UNDERTAKING — the care, transport and disposal of the body of a deceased person by any means other than embalming.

SECTION 3. Burial Ground Requirements. —

3.1 The following are the requirements for securing an initial clearance from the Department of Health in establishing and opening of a public cemetery or memorial park:

3.1.1 Application for establishing and opening of a cemetery or a memorial park.

3.1.2 Resolution of the city/municipal council for the cemetery site embodying therein the strict compliance to these rules and regulations.

3.1.3 Map of the proposed cemetery in triplicate copies indicating the dimensions of the cemetery in length and width and the 25-50 meter zones, the dwelling places and sources of water supply within said zones.

3.1.4 Title of ownership of the land proposed to be utilized as a cemetery, duly registered with the office of the register of deeds of the province/city.

3.1.5 Certification from the sanitary engineer of the Department of Health with regards to the suitability of the land proposed to be utilized as a cemetery, as to the depth of water table during the dry and rainy seasons, highest flood level, direction of run-off, drainage disposal, the distance of any dwelling house within the 25 meter zone and drilling of a well or any source of potable water supply within the 50 meter zone.

3.1.6 Plan for the construction of a reinforced concrete wall or steel grille or combination thereof with a minimum height of two (2) meters around the cemetery with a steel grille main door provided with a lock.

3.1.7 Plan for the construction of a chapel or a structure/building for public assembly within the cemetery. It shall have a minimum area of 50 square meters, (5 m x 10 m) where funeral ceremonies may be held and serves as a haven for protection against the sun or rain.

3.1.8 Plan for the construction of a 4-meter wide main road from the gate to the rear and the 1-meter minimum cross roads which divide the cemetery in lots and sections.

3.1.9 Topographic map of the cemetery zone.

3.1.10 Technical description of the proposed cemetery showing the following:

- a. The name of the cemetery or memorial park or in case of private burying ground, the name of applicant, and the barangay, municipality or city or province where the proposed site is located;
- b. Exact dimension of all the sides of the proposed cemetery site;
- c. The area of said site;
- d. The 25 meter zone around the property delimited;
- e. The name of all the land or residential owners within the 25 meter zone, indicating the portion/s belonging to each owner;
- f. The direction of the compass, the top of the plan be the North; and
- g. The distance of the corners of the proposed cemetery site proper from some known and permanent topographical objects, or some characteristics of the place which will facilitate the accurate identification of the cemetery site proper even if its fence or wall is removed.

3.2 In case the land involved is a public land, the site shall be set aside by the President of the Philippines for cemetery purposes. The application shall be coursed through the Lands Management Bureau, Department of Environment and Natural

Resources in the form of a resolution by the city or municipal council or provincial board whichever body is concerned.

3.3 When the site is owned by the municipality or component city, the provincial board may set aside the said land for cemetery purposes upon recommendation of the city or municipal council concerned. For chartered/highly urbanized city, the city council concerned shall set aside such land.

3.4 In case the land involved is a private property, the title of ownership shall be duly registered with the register of deeds. If a donation, the deed of donation shall be likewise registered.

3.5 The following are the requirements for securing an initial clearance from the Department of Health for private burial grounds or place of enshrinement (including sectarian burial areas, catacomb, mausoleum):

3.5.1 Compliance to Section 3, paragraph 3.1, sub-paragraphs 3.1.1, 3.1.3 - 3.1.6 and 3.1.9 - 3.1.10 of these rules and regulations;

3.5.2 Resolution by the city/municipal council permitting the establishment of the private burial ground;

3.5.3 Certification by the city/municipal planning and development office with regards to the proposed site location;

3.5.4 Certification by the city/municipal engineer that the design of the proposed structures conforms to the National Building Code of the Philippines;

3.5.5 Size of the burial private ground shall be at least 1.2 hectares which includes a buffer zone of 50 meters around the niche or space for interment;

3.5.6 Burial shall be limited to 10 niches occupying an area not more than 30 square meters to be located at the center of the proposed site;

3.5.7 Additional burials shall not exceed or go beyond the 30 square meters designated site and shall be constructed only over and above the existing niches, but in no case more than 4 niches or 3.0 meter high whichever is lower;

3.5.8 All niches shall be totally enclosed with concrete or other impervious material strictly watertight and the flooring slightly sloped at the center; a 5 cm. noncorrosive "weep hole" shall be provided and constructed directly resting on the ground; the "weep hole" shall be located at the opposite side of the niche's opening and not exposed to the atmosphere as a drain; a reverse of an air vent; (also applicable to apartment-type or honeycomb-type or capsule-type arrangement of niches).

3.6 The regional health director shall issue an initial clearance upon submission and review of the requirements stated in paragraph 3.1 for public