

[Act No. 1458, February 21, 1906]

AN ACT REGULATING THE ESTABLISHMENT AND MAINTENANCE OF BURIAL GROUNDS AND CEMETERIES, AND GOVERNING PUBLIC FUNERALS AND THE DISPOSAL OF THE DEAD IN THE PHILIPPINE ISLANDS, OUTSIDE THE CITY OF MANILA, AND FOR OTHER PURPOSES.

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. This Act shall apply and be effective throughout the Philippine Islands, except in the city of Manila, which shall be governed by the provisions of the Sanitary Code of Manila, provided for in Act Numbered Eleven hundred and fifty.

SEC. 2. It shall be unlawful for any person or persons, or for any order or society of persons, or for any corporation or corporations, or for any church or other organization whatsoever, to bury or inter the dead, or to use any land or lands, in any way whatsoever, as a burial place or as temporary or permanent place of interment or disposal of the dead, within fifty meters of either side of any river, or within fifty meters of any spring, well, or other source of water supply: *Provided*, That the Director of Health may, in his discretion, authorize the continuance of any burial ground, cemetery, or other place for the temporary or permanent disposal of the dead, not meeting the requirements of this section, which may have been established prior to the passage of this Act.

SEC 3. After the passage of this Act, no burial ground or cemetery shall be authorized or established, which shall not be at least twenty-five meters from any dwelling house: *Provided*, That abandoned houses, or houses used by employees or attendants of the cemetery, and houses used for administrative or other necessary purposes connected with the cemetery, shall not, within the meaning of this Act, be considered as dwelling houses : *And provided further*, That it shall be the duty of the person or persons, or of the order or society of persons, or of the corporation or corporations, or of the church or other organization establishing such cemetery, to maintain an open space, unobstructed by habitations or other structures, of at least twenty-five meters on all sides of said burial ground or cemetery, except as herein before provided.

SEC. 4. Subject to the approval of the Director of Health, the council of any municipality may set apart any tract of land, or part thereof, belonging to the municipality, which it may deem advisable, for a municipal burial ground or cemetery, and may designate any portion thereof as a place of burial for the poor, and may lay out the remaining unoccupied portion in suitable lots, with the necessary paths, avenues, or other reserved spaces, and may plant and embellish the same with trees, shrubs and flowers and other suitable ornaments, and the said council or any person designated by it, may grant: and convey for and in the name of the municipality, by deed or other legal conveyance. lots in such burial ground or cemetery, to be used for the burial of the dead, and on which to erect tombs, cenotaphs, and other monuments. Land so acquired shall be exempt from taxation, attachment or levy of execution.

SEC. 5. The proceeds realized from the sale of cemetery lots in a municipal burial

ground or cemetery shall be deposited in the municipal treasury and kept separate; from other funds and may be disbursed by order of the municipal council, upon properly prepared and signed vouchers, for the purpose of keeping in order, improving, and embellishing said burial ground or cemetery.

SEC. 6. Subject to the approval of the Director of Health, a municipal council may make, alter, amend, or repeal when made, such by-laws and regulations as may be necessary for the administration of the business affairs of municipal burial grounds or cemeteries in their respective municipalities, and such by-laws and regulations shall be recorded by the municipal secretary and certified copies filed with the local board of health, if there be any. No by-laws or regulations shall be made so as to restrict or interfere with any person in the full exercise of his religious sentiments in respect to the burial of the dead, nor to interfere with any person or persons, organization, church, religious denomination, or sect in maintaining and regulating burial grounds or cemeteries in accordance with their beliefs or customs: *Provided, however,* That no municipality in prescribing rules and regulations for the government of municipal burial grounds or cemeteries, shall discriminate against the burial of bodies on account of race, nationality, or religion. Sanitary by-laws and regulations for all cemeteries may be made by the local health authorities, but such sanitary by-laws and regulations shall be submitted to the Director of Health for approval.

SEC. 7. Any municipal council may designate the municipal board of health of its municipality or any member thereof to act as its representative in the administration of municipal cemeteries, and such organization or officer shall perform the duties thus imposed without extra compensation.

SEC. 8. Municipal councils may receive and hold grants, gifts, or bequests of property or money, and apply the same to the improvement or embellishment of municipal burial-grounds or cemeteries or any part thereof, or for the erection, preservation, or removal of monuments, fences or other structure in or around said burial grounds or cemeteries, according to the terms of the grant, gift, or bequest. In cases where such grants, gifts, or bequests have been made without terms or conditions, they may be applied to such improvement of the municipal burial ground or cemetery as the council may deem advisable.

SEC. 9. Municipalities shall have authority to acquire land for the purpose of establishing or enlarging burial grounds or cemeteries by purchase, by lease, by the acceptance of gifts and bequests or, when necessary, by condemnation by judicial proceedings in accordance with existing law.

SEC. 10. Any burial ground, cemetery, or other place for the burial or interment of the dead, not a municipal cemetery, may be enlarged by obtaining a permit therefor in the manner prescribed in section twelve of this Act. Land used for private burial grounds or cemeteries shall be exempt from taxation, attachment, or levy of execution. Municipal cemeteries may be enlarged or extended by the municipal council in the manner provided for their establishment in this Act.

SEC. 11. The Director of Health shall have authority to close any burial ground or cemetery, whether conducted by a municipality, society, corporation, church, or by any person or persons, whenever he shall determine that such cemetery is a menace to the public health. Any municipal council, with the approval of the Director

of Health, may close any cemetery within the limits of the municipality over which it has jurisdiction, and may also cause the removal of such cemeteries when absolutely necessary: *Provided*, That no cemetery shall be removed without the approval" of the Director of Health and of the Secretary of the Interior.

SEC. 12. It shall be unlawful to establish, maintain, enlarge, or remove any burial ground or cemetery, until a permit therefor, approved by the Director of Health, shall have been obtained.

The application for such permit shall be transmitted by or through the municipal council of the municipality in which such burial ground or cemetery is to be established or is located and the municipal council shall make such indorsements thereon as it may deem proper before transmitting the same to the Director of Health.

Municipal councils shall forward all applications for the establishment, enlargement, or removal of burial grounds or cemeteries to the Director of Health within ten days after such applications are filed.

SEC. 13. When practicable, graves shall be dug to a depth of at least live feet, so that there shall be at least three feet of earth covering bodies that have been inclosed in coffins, boxes, or other solid receptacles, and at least four feet of earth covering uncoffined bodies.

SEC. 14. No decision or action of any provincial board of health , or of any municipal board of health, except in case of emergency, affecting the question of burial grounds, cemeteries, or disposal of the dead, shall be valid until the same is approved by the Director of Health.

SEC. 15. Except in cases of emergency, no dead body shall be buried without a certificate of death. If there has been a physician in attendance upon the deceased, it shall be the duty of the said physician to furnish the required certificate. If there has been no physician in attendance, it shall be the duty of a president of a municipal board of health, or of any physician registered under the provisions of Act Numbered Three hundred and ten to furnish such certificate. Should no physician or medical officer be available, it shall be the duty of the president, the secretary, or of a councilor of the municipality to furnish the required certificate.

SEC. 16. Death certificates shall contain the name of the deceased, age, sex, nationality, occupation, whether married or single, widowed or divorced, date of death, place of death, cause of death when known, duration of illness, residence of deceased, whether deceased was a permanent or transient resident of the municipality in which he shall have died, whether the deceased had medical attendance, and if so the length of such attendance, the name and address of the physician attending, and whether there are indications of violence or crime, and such other information as may be required for identification or statistical purposes. The death certificate shall be forwarded by the person issuing it to the municipal secretary within forty-eight hours after death.

SEC. 17. If the person who issues a death certificate has any reason to suspect or if lie shall observe any indication of violence or crime, he shall at once notify the provincial fiscal, if he be available, or if he be not available, he shall notify the

municipal president, who shall take proper steps to ascertain the circumstances and cause of death and the corpse of such deceased person shall not be buried or interred until permission is obtained from the provincial fiscal, if he be available, and if he be not available, from the president of the municipality in which the death occurred.

SEC. 18. Municipal secretaries in the capacity of secretaries of municipal boards of health, in places where such boards have been organized, or in places where there are no municipal boards of health, in the capacity of clerks to municipal councils, shall, upon the presentation of death certificates, issue permits for the burial or transfer of the dead and shall record on said certificates the place of interment and when practicable the number of the grave, and in cases of disinterment, in addition thereto, shall be noted the name of the cemetery and the number of the grave from which the body has been transferred. No permit shall be granted by any municipal secretary, or by any other person, to inter or disinter, bury or remove for burial, any human body or remains until a certificate of death, as herein before required, shall have been filed: *Provided*, That when it is impossible to secure a death certificate in the form and manner herein before provided, municipal secretaries may issue the same upon such data as may be obtainable.

In case of the transfer of bodies or remains from one municipality to another municipality, a copy of the death certificate shall accompany the transfer permit.

SEC. 19. No sexton, superintendent, or other person having charge of a burial ground or cemetery shall assist in, assent to, or allow any interment, disinterment, or cremation to be made until a permit from the municipal secretary, authorizing the same, has been presented.

SEC. 20. Any permit for burial, interment, or cremation shall be null and void after a period of forty-eight-hours has elapsed from the time of issue.

Except when required for the purpose of legal investigation or when specially authorized by local health authorities, no dead body shall remain unburied for a greater time than forty-eight hours after death.

Whenever it has been certified or is known that any person died with a contagious, infectious, or communicable disease of a dangerous character, the body of such person shall be buried within twelve hours after death, unless otherwise directed by the local board of health.

SEC. 21. Upon written request a special permit may be issued by a municipal board of health, or if there be no municipal board of health by a municipal secretary, for the conveyance of a dead body to sea for burial: *Provided*, That the body be transported in the manner prescribed by the municipal board of health and that the marine laws governing burials at sea are complied with: *And Provided further*, That death is not due to or with a contagious, infectious, or communicable disease of a dangerous character.

SEC. 22. The body of any person dead of infectious or contagious disease shall not be carried from place to place, except for the purpose of burial or cremation. It shall be the duty of the local health authorities to cause such body to be thoroughly disinfected before being prepared for burial, and the house, furniture, wearing apparel, and everything capable of conveying or spreading infection shall also be