THE IMPLEMENTING RULES AND REGULATIONS GOVERNING THE PROCESSING OF APPLICATIONS FOR LOCATIONAL CLEARANCE OF FUNERAL ESTABLISHMENTS, AS AMENDED (RESOLUTION NO. R-638, DATED MARCH...

Read online (full-text search, related cases, audio case brief): https://batas.org/library/fe216a740e3f/

The attached Implementing Rules and Regulations Governing the Processing of Applications for Locational Clearance of Funeral Establishments, as Amended, approved by the Board of Commissioners on 10 March 1999 under Resolution No. R-638, was published in Ang Malaya and Nation Today on 12 and 19 May 1999.

Accordingly, the same takes effect fifteen (15) days after the completion of the publication, or on 03 June 1999.

For your guidance and information.

Adopted: 10 March 1999

(SGD.) ROMULO Q.M. FABUL
Commissioner and Chief Executive Officer

BOARD OF COMMISSIONERS
RESOLUTION NO. R-638, SERIES OF 1999

Approving The Amendments To The Implementing Rules And Regulations Governing The Processing Of Applications For Locational Clearance Of Funeral Establishments

RESOLVED AS IT IS HEREBY RESOLVED, that the Implementing Rules and Regulations to Govern the Processing of Applications for Locational Clearance of Funeral Establishments as Amended, hereto attached as Annex A, BE APPROVED as the same is hereby APPROVED.

Approved, 10 March 1999, Quezon City.

(SGD.) KARINA CONSTANTINO-DAVID
Chair, HUDCC
Ex-Officio Chair

(SGD.) ISAGANI B. VALDELLON
Deputy Director-General, NEDA
Ex-Officio Commissioner

(SGD.) REGIS V. PUNO
Undersecretary, DOJ
Ex-Officio Commissioner

(SGD.) JESUS I. INGENIERO
Assistant Secretary, DILG
Ex-Officio Commissioner

(SGD.) JOEL L. ALTEA
Assistant Secretary, DPWH
Ex-Officio Commissioner

(SGD.) ROMULO Q.M. FABUL
Commissioner and Chief Executive Officer

(SGD.) TERESITA A. DESIERTO
Commissioner

(SGD.) ROQUE ARRIETA MAGNO
Commissioner

Attested:

(SGD.) CHARITO M. BUNAGAN
Board Secretary

ANNEX A

Implementing Rules And Regulations To Govern The Processing Of Applications For Locational Clearance Of Funeral Establishments As Amended
The following Rules and Regulations are hereby promulgated, pursuant to the policies and objectives embodied in Executive Order No. 648, the charter of the Human Settlements Regulatory Commission, now Housing and Land Use Regulatory Board, specifically Article IV, Section 5(c).

These Rules and Regulations shall apply to all applications for locational clearance of Funeral Establishments with the Board or the Local Government Units concerned.

RULE I
Definition of Terms
Section 1. Definition of Terms. As used in these Rules, the following definitions/descriptions shall apply:

1. BOARD — shall mean the Housing and Land Use Regulatory Board.

2. CHAPEL — also called Reposing and/or Slumber room. It is where the deceased is temporarily laid to rest for viewing by the mourners.

3. COMPATIBILITY USE — uses or land activities capable of existing together harmoniously.

4. DOMINANT LAND USE — shall mean that pervasive land use within a perimeter of 500 meter radius from a specific parcel of land or building.

5. EMBALMING — preparing, disinfecting and preserving dead body before its final disposal.

6. EMBALMING ESTABLISHMENT — a place where a body of human being is embalmed or treated for burial with preservatives.

7. EMBALMER — a duly licensed person who applies, injects, or introduces any chemical substance or drug or herbs internally or externally to dead human body for the purpose of embalming, disinfecting and preserving it.

8. 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.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Funeral Establishments shall be classified as follows:

8.1 Category I — funeral establishments with chapels and embalming facilities and offering funeral services.

8.2 Category II — funeral establishments with chapels and offering funeral services without embalming facilities; and

8.3 Category III — funeral establishments offering only funeral services from the house of the deceased to the burial place.

9. FUNERAL SERVICES — this covers all undertaking, embalming and brought to burial site and crematorium.

10. MORGUE — a place in which dead bodies are temporarily kept pending identification or burial.

11. PREPARATION ROOM — the place/room for dressing and cosmetizing the deceased.

12. RULES — shall mean the Rules Implementing the Design Standards and Guidelines for Funeral Establishments.

13. 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 on inspection conducted in accordance with Presidential Decree No. 522 and 856 and local ordinances.

14. UNDERTAKER — a duly licensed person who practices the care, transport and disposal of the body of a deceased person by any means other than embalming.

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

16. VIEWING ROOM — any enclosed place where the family can view the preparation of the remains.

RULE II
Application for Locational Clearance
Section 2. Scope and Coverage. — These Rules and Regulations shall apply to development and/or expansion of existing funeral establishments.

Section 3. Application for Locational Clearance. — A registered owner of a parcel of land who wishes to utilize the same as site for Funeral Establishment/s shall apply with the Board or the Local Government Unit concerned pursuant to Executive Order No. 71 and Executive Order No. 72 for the approval of plans for funeral establishments by accomplishing and filing in duplicate the following:

A. Requirements for LC/Other Permits

- Vicinity Map — Drawn to the scale of 1:10,000 showing clearly and specifically the exact location of proposed site and all existing adjacent land uses/establishments within 500-meter radius.

- Site Development Plan — Drawn to the scale 1:200 indicating lot property boundaries, building layout and future expansion area (if any), entrance or exit to the main service road and parking.

- Transfer Certificate of Title (TCT) or contract of sale or lease together with an approved survey plan if available.

- After securing a locational clearance, obtain an initial clearance from the city or municipal health office that the plans are in accordance with the provisions of PD 856 per Funeral Establishments Category I, II and III.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

- Floor plan showing the different areas or rooms within the building.

- Environmental Compliance Certificate (ECC) from DENR for Category I project, prior to application for building permit.

B. A Locational Clearance is required for all proposed Funeral Establishments to be located in cities and municipalities with or without Comprehensive Land Use Plans and/or Zoning Ordinances.

C. Inspection — Inspection of the proposed site shall be conducted considering the following factors:

- Conformity of the project to the land use plan/zoning ordinance or compatibility of the project to the dominant existing land use in the locality in the absence of a land use plan/zoning ordinance.

- Accessibility

- Presence of/or the ability to provide utilities/facilities in the site.

- Degree of traffic generation. This provision shall be in accordance with the Local Government Unit concerned on traffic management, especially during wakes (evening) or actual interment.

- Determine if proposed site is flood prone (through observation, interview, etc.)

D. Evaluation — Evaluation shall be based on substantial conformance to the herein standards and provisions of applicable codes.

- PD 825 (Providing Penalty for Improper Disposal of Garbage and Other Forms of Uncleanliness and for Other Purposes) and its implementing Rules and Regulations prescribing and regulating disposal of wastes in public places to promote environmental sanitation.

- PD 856, Code on Sanitation of the Philippines and its Implementing Rules and Regulations, regulating the establishment of all trades and occupations, institutions, commercial undertaking, refuse disposal system, sewage collection and disposal system, etc. in accordance with prescribed guidelines and standards promoting environmental sanitation hygiene.

- Other related rules and regulations.

RULE III
Design Standards and Requirements
Section 4. Design Standards and Requirements

A. General Guidelines

1. Site Criteria

1.1 Conformity with Zoning Ordinance/Land Use Plan

a) Funeral Establishments shall be allowed in the following zones subject to Rule III, Sec. 4.A.1.1c

Category I C2 (Medium Density Commercial Zone)

Category II GRZ (General Residential Zone)

GCZ (General Commercial Zone)

C1 (Low Density Commercial Zone)

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

C2 (Medium Density Commercial Zone)

GIZ (General Institutional Zone)

SIZ (Special Institutional Zone)

Category III GRZ (General Residential Zone)

GCZ (General Commercial Zone)

C1 (Low Density Commercial Zone)

C2 (Medium Density Commercial Zone)

GIZ (General Institutional Zone)

SIZ (Special Institutional Zone)

b) Category II & III must have an existing valid contract with a Category I establishment for embalming purposes.

c) Any shift or change from a lower Category to a higher Category shall be subject to Rule III, Sec. 4.A.1.1a; F and G and these rules.

1.2 Physical Suitability. No funeral establishment/s shall be allowed in floodprone areas.

1.3 Accessibility.

a) The site must be served by a road and accessible by public transport.

b) Funeral establishment/s shall be at a minimum radial distance from the following: [1] restaurants, food center and other food establishments - at least 25 meters; [2] markets - at least 50 meters; [3] abattoirs, schools and hospitals - at least 200 meters.

2. Planning Considerations

2.1 Funeral establishments and all properties therein shall be used for funeral purposes only including flower shop with proper maintenance of the premises.

2.2 Maintenance. Maintenance of the funeral establishment/s shall be the sole responsibility of the owner/operator.

2.3 Easements. Where such project is traversed by a water course, drainage way, channel or stream, an easement or right of way prescribed by the Forestry and Water Code must be maintained.

Easement for public utilities shall likewise be provided and shall conform with relevant codes.

2.4 Setbacks and Parking Requirements. Setback and parking requirements for all categories of funeral establishments shall be in accordance with the provisions specified in the National Building Code and its updated Implementing Rules and Regulations (IRR).

B. Sanitary Permit (as per IRR of Chapter XXI of the Code on Sanitation of the Philippines, PD 856)

- No establishment mentioned in the preceding paragraph shall be operated without a sanitary permit issued by the city or municipal health officer where it is located.

- Any extension or additional construction or alteration in an establishment shall require a new sanitary permit

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

before it could be operated.

- The sanitary permit shall be posted in a conspicuous place of the establishment.

- Sanitary permit shall be renewed annually.

C. Sanitary and Utility Requirement for Funeral Chapels (as per IRR of Chapter XXI of the Code on Sanitation of the Philippines, PD 856)

- Funeral chapels shall be adequately lighted and ventilated. Power supply shall be connected to an approved public or commercial power supply system. In addition, a stand by power generator must be provided.

- Each funeral establishment shall be provided with sanitary facility as per DOH standard.

- There shall be adequate potable water always available for use of its personnel and visitors. Where available it shall be connected to an approved public or community water system.

- The food preparation area shall be in accordance with Chapter III - “Food Establishments” of the Code on Sanitation of the Philippines (PD 856) and its Implementing Rules and Regulations.

- A DOH approved sewage disposal system shall be provided subject to the requirements of the Code on Sanitation of the Philippines (PD 856) and its Implementing Rules and Regulations.

- There shall be two (2) waste receptacles one for biodegradable and the other for non-biodegradable waste with tight-fitting cover and placed in appropriate visible location for easy access and collection in accordance with Chapter XVIII - “Refuse Disposal” of the Code on Sanitation of the Philippines (PD 856) and its Implementing Rules and Regulations.

- A regular vermin abatement program shall be maintained in accordance with Chapter XVI - “Vermin Control” of the Code on Sanitation of the Philippines (PD 856) and its Implementing Rules and Regulations.

D. Sanitary Requirements for Embalming and Dressing Room (as per IRR of Chapter XXI of the Code on Sanitation of the Philippines, PD 856)

- Embalming and dressing rooms shall be constructed of concrete or semi-concrete materials.

- There shall be provided a minimum working space of 1.50 m. x 2.0 m. for every remains.

- The floor shall be constructed of concrete or other impervious or easily cleaned material that is resistant to wear and corrosion and shall be sloped to drain; all angles between the floors and the walls shall be rounded off to height of not less than 7.62 cm. (3 inches) from the floor.

- Floor drains shall be provided. It shall be constructed and sloped to drain that all washing and body fluids shall flow to waste water treatment facility separate from the septic tank. All solid wastes which include pathological and infectious wastes shall be placed in receptacles lined with yellow plastic bag while sharps shall be placed in receptacles lined with red plastic bag or any approved type of sharps collector.

- The internal surface of walls shall have a smooth, even, non-absorbent surface easily cleaned without damage to the surface and constructed of dust-proof materials.

- All ceilings or if no ceiling is provided, the entire under-surface of the roof shall be dust-proof and washable.

- All lightings shall be free from glare and distributed so as to avoid shadows.

- Ventilation shall be provided which shall be effective and suitable to maintain comfortable condition. The

natural air supply in any room shall in no instance be less than 0.005 cubic meter per second per person.

- Embalming shall be performed on a table of single marble slab or aluminum, stainless steel or other equally impervious materials with a minimum size of 0.60 x 1.80 m.

- Embalmers and assistants shall use personal protective equipments such as rubber gloves, aprons, boots and safety goggles while working.

- Washing facilities with soaps, detergents and germicidal solutions shall be provided for use of the working personnel.

- Embalmers and assistants shall be provided with lockers and closets for personal protective equipment and a separate closet for chemicals used for embalming.

E. Sanitary Requirements for Morgue (as per IRR of Chapter XXI of the Code on Sanitation of the Philippines, PD 856)

- Location — The morgue shall be constructed either as a separate structure or part of the funeral and embalming establishments. In either case, strict privacy must be maintained.

- Size — The size of the morgue depends on the number of remains to be stored. The cadavers shall be contained in tanks divided into compartments. Each compartment must have the following dimensions: length of 2.50 meters, width of 1.50 meters and a depth of 2.50 meters. Every compartment shall be provided with a drain pipe leading into a separate waste water treatment facility from the septic tank. The cover of each compartment shall be provided with tight fitting lids.

- Lighting and Ventilation — The aggregate window area shall not be less than 1/10 of the floor area. The room shall be well ventilated and well lighted. In addition to those openings, exhaust ducts of at least 1/50 of the floor area shall be provided in the ceiling or as close to the ceiling as possible.

F. Facility Requirements — Minimum facility requirements shall depend on type of funeral establishment enumerated as follows:

Category I

- Administration Offices

- Chapels

- Family room

- Preparation room

- Selection room/casket display room

- Comfort room

- Garage

- Parking area

- Viewing room (optional)

- Embalming room

Category II

- Administration offices

- Chapels

- Family room

- Selection room/casket display room

- Comfort rooms

- Garage

- Parking area

Category III

- Casket display area

- Business area

- Storage room

- Garage

- Parking area

G. Minimum Area Requirements (As agreed among participants and DOH in the consultation meeting on funeral establishments conducted by HLURB).

- Size of Funeral Establishment shall depend on the category given as follows:

Category I — minimum land area of 600 square meters

Category II — minimum land area of 420 square meters

Category III — minimum land area of 280 square meters

- Administration Offices — The administration offices shall include the manager's office, clerical pool's office, clinic, employee's locker and quarters and storage rooms.

A minimum area of 25 sq. m. for personnel and 1.10 sq. m. for each additional personnel.

- Cadaver Viewing Room (Optional)

- Embalming Room — Minimum area of 30 sq. m. to accommodate 4 cadavers/remains at one time and 3 sq. m. for each additional cadavers/remains.

- Family Rooms — Family rooms connecting to the chapel must have a minimum area of 20 sq. m. and at least 43.20 cubic meter of air space.

- Family Room/Comfort Room (1 water closet, 1 lavatory, 1 urinal, 1 shower) — a minimum of 5 sq. m./comfort room.

- Funeral Chapels — Chapels must be able to accommodate a variable number of visitors, with a minimum area of 45 sq. m. for 30 persons and at least 1.77 sq. m. for each additional person.

- Garage — Minimum area of 15 sq. m. for each funeral car.

- Morgue/Preparation Room — A minimum area of 60 sq. m. to accommodate 4 cadavers/remains at one time (3

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

sq.m. for each additional cadavers/remains) and 4 cadaver tanks (3.75 sq.m. for additional tanks).

- Parking Area — Minimum area of 50 sq.m. for each chapel.

- Selection Room/Casket Display Room — A minimum area of 40 sq.m.

- Communal Comfort Room (for Funeral Establishments)

A. Male Comfort Room

No. of Males

Water Closet

Urinal

Lavatory

Below 50

1

-

1

50-100

2

1

1

For each additional 100 persons

1

1

1

Source: DOH Standards

B. Female Comfort Room

Number of Females

Water Closet

Lavatory

Below 30

1

1

30-100

2

2

For each additional 50 females

1

For each additional 100 females

1

Source: DOH Standards

C. Funeral Parlor Personnel

Number of Personnel

Water Closet

Male Urinal

Lavatory

Male

Female

Male

Female

Below 30

1

1

-

1

1

30-49

1

2

1

2

2

50-99

2

2

2

3

3

For each additional 50

personnel

1

1

1

1

1

Source: DOH Standards

RULE IV
Transitory Provision
The owner of a non-conforming Funeral Establishment shall program the phase-out and relocation of the non-conforming use within five (5) years from the effectivity of this Rule.

RULE V
Miscellaneous Provisions
Section 5. Monitoring. — The DOH/LGU, may exercise its right to monitor funeral establishment projects granted locational clearance. It may exercise visitorial power at any reasonable hours during weekdays.

Section 6. Fees. — As per HLURB Resolution No. 622, series of 1998, adopting a revised schedule of fees charged and collected by the Board, the following locational clearance fee shall be collected based on the following project cost:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

1. Project cost of P100,000.00 and below — P1,000.00

2. Over P100,000.00 — P1,000.00 + 1/10 of 1% of cost in excess of P100,000.00

Section 7. Fines and Penalties. — Violation of any of the provisions of these Rules shall be subject to fines and penalties provided for in HLURB schedule of fines as per Resolution No. 622, series of 1998.

Section 8. Effectivity. — These Rules and Regulations shall take effect after the publication for two consecutive weeks in two newspapers of general circulation.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.