

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

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M. Reyes

FIFTEENTH CONGRESS
Third Regular Session

House Bill No. 6608

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
PROVIDING MEDICAL PAROLE TO QUALIFIED PRISONERS AND
ESTABLISHING RULES ON ITS GRANT THEREOF

EXPLANATORY NOTE

As a gesture of mercy and compassion, medical parole is granted to a prisoner prior to the end of his/her sentence due to medical considerations. It is also considered in order to save on tax payer's money since maintaining a prisoner has corresponding expenses. Providing the necessary care for inmates once they become sick cost taxpayers nearly twice if you compare it with the expenses needed in maintaining healthy inmates. This is because inmates who become sick end up needing high-level care in expensive nursing homes.

Based on data from the Board of Pardons and Parole, there is an overwhelming number of inmate deaths due to medical complications while in custody. For humanitarian considerations, the grant of medical parole should be allowed since all persons must be treated with dignity, whether in or out of prison, and irrespective of the crimes committed.

The proposed bill, therefore, seeks to authorize the Board of Pardons and Parole, under the Department of Justice, to grant qualified prisoners medical parole and provide the necessary guidelines and requirements to justify its grant.

Given the importance of this bill, we, therefore, enjoin our colleagues to ensure its expeditious passage into law.


DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur


GLORIA MACAPAGAL ARROYO
Second District, Pampanga

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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Title.* – This Act shall be known as the "Medical Parole Act of 2012."

SECTION 2. *Medical Parole Applicability.* – Except for prisoners who are sentenced to death or *reclusion perpetua*, the Board of Pardons and Parole may release a prisoner on medical parole if the prisoner has been examined by a licensed Government Physician and has received a written diagnosis that includes all of the following:

1. A determination that the prisoner suffers from an incapacitating physical condition, disease or syndrome.
2. A description of the physical condition, disease or syndrome and a detailed description of the prisoner's physical incapacity.
3. A prognosis addressing the likelihood of the prisoner's recovery from the physical condition, disease or syndrome and the extent of any potential recovery.

SECTION 3. *Review of the Bureau of Corrections.* – Except for prisoners who are sentenced to death, life, or *reclusion perpetua*, the Board of Pardons and Parole may release a prisoner on medical parole if the prisoner has been examined by a licensed Government Physician and has received a written diagnosis that includes all of the following:

1. A determination that the prisoner suffers from an incapacitating physical condition, disease or syndrome;
2. A description of the physical condition, disease or syndrome and a detailed description of the prisoner's physical incapacity;
3. A prognosis addressing the likelihood of the prisoner's recovery from the physical condition, disease or syndrome and the extent of any potential recovery;

SECTION 4. *Periodic Examinations.* – The Board of Pardons and Parole may require as a condition of medical parole that the prisoner agree to periodic examinations and diagnoses at the prisoner's expense. The examining physician shall submit reports of each examination and diagnosis to the board and the Bureau of Corrections. If the Board of Pardons and Parole or the Bureau of Corrections determines that the prisoner's incapacitating physical condition, disease or syndrome has improved to the extent that the prisoner is likely to pose a possible danger to the public, the board may revoke medical parole and return the prisoner to the custody of the department.

SECTION 5. *Release Credit Limit.* – The Board of Pardons and Parole shall not grant medical parole sooner than one year before the prisoner's parole or earned release credit date unless, based on medical information furnished to it, the Board determines that the physical condition of the prisoner is so serious that the prisoner would not be reasonably expected to live for more than one year.

SECTION 6. *Request.* – The Board of Pardons and Parole, The Bureau of Corrections, a prisoner or a prisoner's parent, grandparent, child or sibling may request medical parole by submitting the request in writing to the director of the Bureau of Corrections.

SECTION 7. *Eligibility.* – A prisoner is eligible for medical parole only if both of the following apply;

1. The board determines, based on the prisoner's medical condition and the written diagnosis, that the prisoner does not constitute a threat to public safety and is not likely to commit an offense while on medical parole; and

2. The board prepares a medical parole plan that ensures appropriate supervision and placement of the prisoner;

SECTION 8. *Additional Requirement.* – Notwithstanding any other law, a prisoner who has served ten consecutive years or more in prison shall not be paroled pursuant to this section until the Board first receives a report as to the prisoner's mental condition and ability to adjust to life outside the prison from a licensed psychiatrist or psychologist of the National Center for Mental Health (NCMH).

SECTION 9. *Non-Disqualification.* – A grant or denial of medical parole does not affect a prisoner's eligibility for non-medical parole.

SECTION 10. *Separability Clause.* – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 11. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,