



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 5461



Introduced by HONORABLE ERNESTO “ERNIX” M. DIONISIO, JR.

AN ACT
PROVIDING FOR MEDICAL PAROLE TO PERSONS DEPRIVED OF LIBERTY

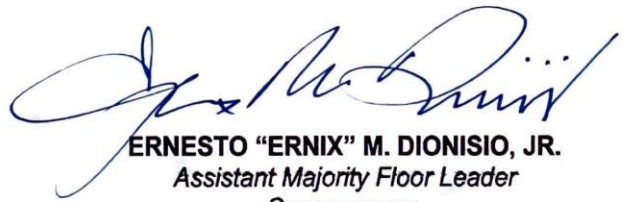
EXPLANATORY NOTE

Article II, Sec. 15 of the 1987 Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them. In this regard, measures must be undertaken to ensure that the right to health individuals are upheld. This extends to persons deprived of liberty.

The situation in our prisons is not ideal for PDLs suffering from life-threatening medical conditions or incapacity. Leaving them in a condition where they are suffering runs counter to the rehabilitative and reformatory purpose of our prisons. Considering this, it is essential that PDLs be given an opportunity to access necessary life-saving health services.

In view of the foregoing, this proposed bill pushes for the grant of medical paroles to persons deprived of liberty (PDL) based on humanitarian grounds. It entails a conditional release of the PDLs who, because of their condition, cannot continue serving the remainder of their prison sentence. The measure lays down the guidelines and procedure to be followed by the Board of Pardons and Parole (BPP) in granting applications for medical parole, to ensure its expeditious and proper administration.

Considering the foregoing, the passage of this bill is earnestly sought.

A handwritten signature in blue ink, appearing to read 'Ernesto M. Dionisio, Jr.', with a stylized flourish at the end.

ERNESTO "ERNIX" M. DIONISIO, JR.

Assistant Majority Floor Leader

Congressman

First Congressional District of Manila



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

SECTION 1. Short Title. This Act shall be known as the "*Medical Parole Act.*"

SECTION 2. Grant of Medical Parole. – The Board of Pardons and Parole (BPP) may, upon its own initiative or upon application as provided in this Act, grant medical parole to a Person Deprived of Liberty (PDL) who suffers from the following conditions:

- a) Terminal illness, which is defined as having a prognosis of having a life expectancy of one (1) year or less, due to an incurable illness, disease, or condition; or
- b) Permanently and irreversibly incapacitated by a physical or medical condition that is not terminal, but which prevents the PDL from having sufficient understanding or capacity to competently manage his or her own affairs; and
- c) Is eligible for parole.

SECTION 3. Medical Parole Application. – PDLs or their authorized representatives under Section 4 of this Act may apply with the BPP for medical parole. Their application must include a certification under oath by a licensed government physician containing the following:

- a) That the licensed government physician conducted a due examination of the PDL;
- b) That based on said examination, there is a determination that the PDL suffers from a terminal illness, which is defined under this Act as having a prognosis of life expectancy of one (1) year or less due to an incurable illness, disease, or condition; or is permanently and irreversibly incapacitated by a physical or medical condition that is not terminal, but

which prevent the PDL from having sufficient understanding or capacity to competently manage his or her own affairs;

- c) A detailed description of the physical condition, disease or syndrome suffered by the PDL and/or the PDL's incapacity; and
- d) A prognosis addressing the likelihood of the PDL's recovery from the condition, disease or syndrome and the extent of any potential.

Consideration for medical parole shall be in addition to any other parole for which the PDL may be eligible.

SECTION 4. Authorized Representatives. – The PDL or a PDL's parent, grandparent, child, or sibling may apply for medical parole, on behalf of the PDL, by submitting the application in writing to the Chairman or Executive Director of the BPP.

SECTION 5. Oppositions to the Grant of Medical Parole. – The BPP shall regularly publish, online, and in conspicuous places within the city or municipality where the PDL is serving sentence, any pending proceedings for grant of medical parole. Any person may object, through the filing of a verified opposition, to the grant of medical parole on the following grounds:

- a) The condition, disease, syndrome, or incapacity does not exist, or its severity does not qualify the PDL for medical parole;
- b) The PDL's release will constitute a threat to public safety; or
- c) The PDL is likely to commit an offense while on medical parole.

The person who filed an opposition under the first ground shall pay for the cost of a second medical examination and accompanying diagnostic tests. The second medical examination shall be conducted by a different licensed government physician than the one who issued the original medical certification.

SECTION 6. Eligibility. – A PDL is eligible for medical parole if both the following apply:

1. The BPP determines, based on the PDL's medical condition and the written diagnosis, that the PDL does not constitute a threat to public safety and is not likely to commit an offense while on medical parole;
2. The BPP prepares a medical parole plan that ensures appropriate Supervision and placement of the PDL; and
3. Is eligible for parole.

SECTION 7. Conversion to Non-Medical Parole. – If the PDL who was granted medical parole recovers from the condition, disease, syndrome, or incapacity, the BPP may convert the medical parole to non-medical parole. BPP may impose any additional terms to ensure that the interests of the society will be protected.

SECTION 8. Periodic Examinations. – The BPP may require as a condition of medical parole that the PDL agrees to periodic examinations and diagnoses at the PDL's expense. The examining physician shall submit reports of each examination and diagnosis to the BPP.

SECTION 9. Release Credit Limit. – The BPP shall not grant medical parole sooner than one year before the PDL's parole or earned release credit date unless,

based on medical information furnished to it, the BPP determines that the physical condition of the PDL is so serious that the PDL would not be reasonably expected to live for more than one (1) year.

SECTION 10. Additional Requirement. – Notwithstanding any other law, a PDL who has served ten consecutive years or more in prison shall not be paroled until the BPP first receives a report as to the PDL'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 11. Non-disqualification. – A grant or denial of medical parole does not affect a PDL's eligibility for non-medical parole.

SECTION 12. Implementing Rules and Regulations. – The BPP, in consultation with relevant governmental entities and non-profit organizations, shall promulgate rules and regulations to implement the provisions of this Act within ninety (90) days from its effectivity.

SECTION 13. Repealing Clause. – All laws, decrees, executive orders, and rules and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SECTION 14. Separability Clause. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected and thereby remain in full force and effect.

SECTION 15. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,