

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 2791



Introduced by **REP. JAVIER MIGUEL L. BENITEZ**

EXPLANATORY NOTE

The Philippines faces a growing challenge of providing humane and rights-based care for elderly persons deprived of liberty (“PDLs”), particularly those who are terminally ill or suffering from severe medical conditions. These individuals, despite their condition, often remain under custodial confinement without clear, compassionate mechanisms for release based on health and humanitarian grounds.

This bill aims to address that gap by seeking to authorize the grant of medical parole to elderly PDLs who are either (a) terminally ill or (b) suffering from a severe physical or mental condition that renders them incapable of self-care. Medical parole shall be granted only upon certification by at least two qualified medical professionals, one of whom must be a government physician. Grounds for opposition, deferment, and denial are also defined to ensure due process, transparency, and public safety.

Furthermore, it mandates inter-agency coordination among the Bureau of Corrections (“BuCor”), Bureau of Jail Management and Penology (“BJMP”), the Board of Pardons and Parole (“BPP”), and the Department of Health (“DOH”) for the identification of qualified PDLs, evaluation of applications, and implementation of release guidelines. An application process, notice and hearing procedures, and rulemaking by the Department of Justice (“DOJ”) are provided to support consistent and fair administration of this form of parole.

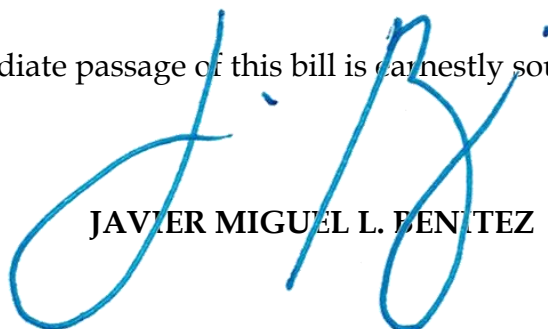
This bill finds its basis in the constitutional recognition that the State must “value the dignity of every human person and guarantee full respect for human rights”,¹

¹ 1987 Constitution, Article II, Section 11.

and “adopt a just and humane criminal justice system.”² Under Republic Act No. 10575 (2013), the State is mandated to ensure that correctional systems are secure, humane, and adequately equipped.³ International commitments likewise oblige the Philippines to respect the inherent dignity of persons deprived of liberty, including under the Nelson Mandela Rules, which specifically provide for early release mechanisms on medical grounds,⁴ and the International Covenant on Civil and Political Rights.⁵ Finally, Philippine law already recognizes parole as a mode of penal relief,⁶ which this bill seeks to expand through clearer and more compassionate criteria.

This bill is filed as a counterpart to a measure introduced by Senator Erwin Tulfo in the Senate, and is consistent with similar bills filed in both chambers of Congress in the 20th Congress. Its filing affirms a shared legislative commitment to providing medical parole for elderly persons deprived of liberty who are suffering from terminal or severe medical conditions, by establishing clear and compassionate implementation guidelines consistent with human rights standards and the right to humane treatment.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



JAVIER MIGUEL L. BENITEZ

² 1987 Constitution, Article XIII, Section 1.

³ Republic Act No. 10575, “Bureau of Corrections Act of 2013”, Section 2.

⁴ United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), G.A. Res. 70/175, U.N. Doc. A/RES/70/175, Rules 109–110.

⁵ International Covenant on Civil and Political Rights, Article 10 (1) (ratified by the Philippines Oct. 23, 1986).

⁶ Act No. 4103, as amended by Republic Act No. 4203 “Indeterminate Sentence Law”.

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House Bill No. **2791**

Introduced by **REP. JAVIER MIGUEL L. BENITEZ**

**AN ACT PROVIDING MEDICAL PAROLE FOR ELDERLY PERSONS
DEPRIVED OF LIBERTY WHO ARE SUFFERING FROM TERMINAL
OR SEVERE MEDICAL CONDITIONS, PROVIDING GUIDELINES
FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title.* – This Act shall be known as the “Medical Parole
Act of 2025.”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State
to uphold the dignity of every human person and to ensure full respect for human
rights, including those of persons deprived of liberty who are old or advanced in
years, and terminally ill or suffering from severe medical conditions.

SEC. 3. *Definition of Terms.* – As used in this Act:

(a) *Medical Parole* – refers to the conditional release of a person deprived
of liberty who meets the criteria under this Act, due to old age and terminal or
severe medical conditions, allowing them to serve the remainder of their sentence
outside of prison under specific terms;

(b) *Person Deprived of Liberty* – refers to a person, 70 years old and above, who
confined in a correctional facility serving sentence by reason of a final judgment of
conviction;

(c) *Qualified Professional* – refers to a licensed physician accredited by the DOH, BuCor, or the BJMP, and authorized to conduct medical assessments for parole purposes;

(d) *Severe Medical Condition* – refers to any physical or mental illness, disease, or impairment that substantially diminishes the PDL's capacity to function independently and requires continuous care or support; and

(e) *Terminal Illness* – refers to a prognosis of having a life expectancy of one (1) year or less, due to an incurable illness, disease, or condition.

SEC. 4. *Grant of Medical Parole.* – The Board of Pardon and Parole (“BPP”) may, upon its own initiative or upon application as provided in this Act, grant medical parole to an elderly PDL suffering from any terminal illness or severe medical condition as certified by at least two (2) independent qualified medical professionals, one of whom shall be a government physician recognized by the DOH.

SEC. 5. *Medical Parole Application.* – Application for medical parole shall be filed by the PDLs or their authorized representatives with the BPP who shall evaluate the application within thirty (30) days from receipt of complete documentation, including the required medical certifications.

SEC. 6. *Notice and Hearing.* – Upon receipt of the application for medical parole, the BPP shall set them for hearing, notice of which shall be published on their official website and shall be posted in conspicuous places within the city or municipality where the concerned PDL is serving sentence.

SEC. 7. *Oppositions to the Application of Medical Parole.* – Any person may challenge, in writing, any application for medical parole, on the following grounds:

(a) The illness, medical condition, or incapacity of the PDL does not exist or its severity does not qualify the PDL for medical parole;

(b) The release of PDL will constitute a threat to public safety; or

(c) The PDL is likely to commit an offense while on medical parole.

SEC. 8. *Deferment of Medical Parole.* – The release of a PDL on medical parole shall be deferred until the danger ceases whenever there is clear and convincing evidence that release on medical parole will endanger:

(a) PDL's own life and those of his or her relatives; or

(b) The life, safety and well-being of the victim, his or her relatives, witnesses and the community.

SEC. 9. *Denial of Application for Medical Parole.* – In case of denial, the officer of BPP who rendered the decision shall send a formal notice to the PDL applicant or its authorized representative, within the prescribed period under Section 5 of this Act. Any denial of application for medical parole shall be fully explained in writing, stating the grounds upon which the denial is based.

The PDL or his or her authorized representative may submit re-application for medical parole with the BPP within sixty (60) days from receipt of decision denying the application.

SEC. 10. *Role of BuCor and the BJMP.* – BuCor and BJMP shall identify PDLs who are eligible for medical parole under this Act and shall regularly submit updated lists of qualified PDLs to the BPP and the DOJ to facilitate review.

SEC. 11. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the DOJ, in consultation with the DOH, BPP, BuCor, BJMP, and relevant stakeholders, shall formulate and promulgate the necessary rules and regulations to implement the provisions of this Act.

SEC. 12. *Separability Clause.* – Should any provision or part of this Act be declared unconstitutional or invalid, the other provisions and parts hereof, insofar as they are separable from the invalid ones, shall remain in full force and effect.

SEC. 13. *Repealing Clause.* – All laws, decrees, orders, issuances, rules, and regulations or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 14. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,