

9 DEC -7 AM 1:14

SENATE  
S. B. No. 3549

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

Medical Parole is defined as the release of a person from prison prior to the end of his sentence due to medical considerations. It is usually considered a gesture of mercy or compassion. Medical Parole may however also be considered to save tax payer's money from prisoner's expenses. This is because caring for inmates cost taxpayers nearly twice as much as it does to lock up healthy inmate because they can end up needing high-level care in expensive nursing homes.

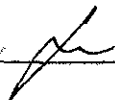
The statistics on deaths due to medical conditions while in custody are overwhelming. The grant of Medical Parole by the Board of Pardons and Parole should be allowed since all persons must be treated as human beings, whether in or out of prison, and irrespective of the crimes they had committed.

The proposed bill seeks to authorize the Board of Pardons and Parole to grant qualified prisoners a medical parole based on medical considerations. The proposed bill also seeks to provide the guidelines and the necessary requirements for the grant of the medical parole.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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S. B. NO. **3549**

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Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 PROVIDING FOR MEDICAL PAROLE TO QUALIFIED PRISONERS  
3 AND SETTING RULES ON THE GRANT THEREOF

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

4 SECTION 1. *Title.* - This Act shall be known as the "Medical Parole Act of  
5 2009."

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

10 1. A determination that the prisoner suffers from an incapacitating  
11 physical condition, disease or syndrome.

12 2. A description of the physical condition, disease or syndrome  
13 and a detailed description of the prisoner's physical incapacity.

14 3. A prognosis addressing the likelihood of the prisoner's recovery  
15 from the physical condition, disease or syndrome and the extent of any  
16 potential recovery.

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

22 1. A determination that the prisoner suffers from an incapacitating  
23 physical condition, disease or syndrome;

24                   2. A description of the physical condition, disease or syndrome  
25                   and a detailed description of the prisoner's physical incapacity;

26                   3. A prognosis addressing the likelihood of the prisoner's  
27                   recovery from the physical condition, disease or syndrome and the extent  
28                   of any potential recovery;

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

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

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

46                   SECTION 7. *Eligibility.* - A prisoner is eligible for medical parole only if both of  
47                   the following apply:

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

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

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

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

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

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

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

Approved.