



SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'13 OCT -2 AM 11:27

SENATE
S. No. 1755

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

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
PP

* This bill was originally filed in the third regular session of the 14th Congress.

*13 OCT -2 AM 1:27

SENATE
S. No. **1755**

RECEIVED BY: *ji*

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.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved,