



'18 NOV -7 P1 :45

**SENATE**

**S. No. 2084**

RECEIVED

*[Handwritten signature]*

---

Introduced by **SENATOR LEILA M. DE LIMA**

---

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

**EXPLANATORY NOTE**

Medical Parole or compassionate parole is a parole granted on humanitarian or medical grounds. It refers to the conditional release of prisoner from a correctional institution on the grounds that he is suffering from a terminal illness or an incapacity that renders him incapable of managing his own affairs.

Many studies have recommended the broader use of medical parole due to aging prison population, overcrowding, and rising deaths in custody, among others. The institutionalization of the medical parole not only provides for a humane treatment of prisoners who are suffering from terminal illness or permanent incapacity, it also rationalizes the correctional practice by allowing the conditional release of prisoners who are no longer capable of serving their sentences within the correctional facilities due to their conditions.

This bill is meant to allow prisoners to serve out their sentence under the care of their families or seek better medical care outside the correctional facilities.

This proposed bill clarifies the mandate of Board of Pardons and Parole (BPP) to grant medical parole to prisoners who are suffering from terminal illness or permanent incapacity as provided in Act No. 4103, as amended, and standardizes the guidelines and necessary requirements for expeditious grant of medical parole.

The grant of medical parole presupposes that the conditional release of a prisoner will not constitute a threat to the safety of society. The BPP shall likewise

consider whether the condition of the prisoner applying for medical parole will eliminate the likelihood of him or her committing another crime upon his or her release.

This bill also provides for a mechanism for citizens and interested parties to oppose any application as a matter of check against any improvident or even fraudulent grant of medical parole.

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

  
LEILA M. DE LIMA



'18 NOV -7 P1 :45

SENATE  
S. No. 2084

REC.

-----  
*[Signature]*

---

Introduced by **SENATOR LEILA M. DE LIMA**

---

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

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

1           **SECTION 1.** *Short Title.* – This Act shall be known as the “*Medical Parole Act*  
2 *of 2018.*”

3           **Sec. 2.** *Grant of Medical Parole.* – The Board of Pardons and Parole (BPP)  
4 may, upon its own initiative or upon application as provided in this Act, grant medical  
5 parole to prisoners who suffers from the following conditions:

- 6           a. terminal illness, which is defined as having a prognosis of having a life  
7           expectancy of one (1) year or less, due to an incurable illness, disease, or  
8           condition; or  
9           b. permanently and irreversibly incapacitated by a physical or medical  
10           condition that is not terminal, but which prevents the prisoner from having  
11           sufficient understanding or capacity to competently manage his or her own  
12           affairs.

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

- 1 a. That the licensed government physician conducted due examination of the  
2 prisoner;
- 3 b. That based on said examination, there is a determination that the prisoner  
4 suffers from a terminal illness, which is defined under this Act as having a  
5 prognosis of life expectancy of one (1) year or less due to an incurable illness,  
6 disease, or condition; or is permanently and irreversibly incapacitated by a  
7 physical or medical condition that is not terminal, but which prevent the  
8 prisoner from having sufficient understanding or capacity to competently  
9 manage his or her own affairs;
- 10 c. A detailed description of the physical condition, disease or syndrome suffered  
11 by the prisoner and/or the prisoner's incapacity; and
- 12 d. A prognosis addressing the likelihood of the prisoner's recovery from the  
13 condition, disease or syndrome and the extent of any potential recovery.

14 Consideration for medical parole shall be in addition to any other parole for  
15 which a prisoner may be eligible.

16 **Sec. 4. *Authorized Representatives.*** – The prisoner or a prisoner's parent,  
17 grandparent, child, or sibling may apply for medical parole, in behalf of the prisoner,  
18 by submitting the application in writing to the Chairman or Executive Director of the  
19 BPP.

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

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

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

1           **Sec. 6. *Period to Resolve Application.*** – The BPP shall resolve the application  
2 in a summary proceeding within one month from application by the prisoner. This  
3 period maybe extended to two months if there are oppositions.

4           **Sec. 7. *Eligibility.*** – A prisoner is eligible for medical parole if both the  
5 following apply:

- 6           1. The BPP determines, based on the prisoner’s medical condition and the  
7           written diagnosis, that the prisoner does not constitute a threat to public  
8           safety and is not likely to commit an offense while on medical parole; and
- 9           2. The BPP prepares a medical parole plan that ensures appropriate  
10           supervision and placement of the prisoner.

11           **Sec. 8. *Conversion to Non-Medical Parole.*** – If the prisoner who was granted  
12 medical parole recovers from the condition, disease, syndrome, or incapacity, the BPP  
13 may convert the medical parole to non-medical parole. BPP may impose any additional  
14 terms to ensure that the interests of the society will be protected.

15           **Sec. 9. *Periodic Examinations.*** – The BPP may require as a condition of  
16 medical parole that the prisoners agree to periodic examinations and diagnoses at the  
17 prisoner’s expense. The examining physician shall submit reports of each examination  
18 and diagnosis to the BPP.

19           **Sec. 10. *Release Credit Limit.*** – The BPP shall not grant medical parole sooner  
20 than one year before the prisoner’s parole or earned release credit date unless, based  
21 on medical information furnished to it, the BPP determines that the physical condition  
22 of the prisoner is so serious that the prisoner would not be reasonably expected to live  
23 for more than one (1) year.

24           **Sec. 11. *Additional Requirement.*** – Notwithstanding any other law, a prisoner  
25 who has served ten consecutive years or more in prison shall not be paroled until the  
26 BPP first receives a report as to the prisoner’s mental condition and ability to adjust to  
27 life outside the prison from a licensed psychiatrist or psychologist of the National  
28 Center for Mental Health (NCMH).

29           **Sec. 12. *Non-disqualification.*** – A grant or denial of medical parole does not affect  
30 a prisoner’s eligibility for non-medical parole.

1       **Sec. 13. *Implementing Rules and Regulations.*** – The BPP, in consultation with  
2 relevant governmental entities and non-profit organizations, shall promulgate rules  
3 and regulations to implement the provisions of this Act within ninety (90) days from  
4 its effectivity.

5       **Sec. 14. *Repealing Clause.*** - All laws, decrees, executive orders, and rules and  
6 regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby  
7 repealed or modified accordingly.

8       **Sec. 15. *Separability Clause.*** - If, for any reason, any section or provision of this  
9 Act is held unconstitutional or invalid, the other sections or provisions hereof shall not  
10 be affected and thereby remain in full force and effect.

11       **Sec. 16. *Effectivity.*** - This Act shall take effect fifteen (15) days after its complete  
12 publication in at least two (2) national newspapers of general circulation.

*Approved,*