

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



Senate
Office of the Secretary

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SENATE

S. No. 1146

RECEIVED BY:

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

**AN ACT
PROVIDING FOR MEDICAL PAROLE TO QUALIFIED PERSONS
DEPRIVED OF LIBERTY AND SETTING RULES ON THE GRANT
THEREOF**

EXPLANATORY NOTE

Medical Parole or compassionate parole is one granted on humanitarian or medical grounds. It refers to the conditional release of a 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.

The condition in our prisons have also increased the mortality rate of persons detained of liberty (PDLs) who contracted illness or diseases during their incarceration. Ernesto Tamayo, hospital chief of the National Bilibid prison (NBP) in Muntinlupa, informs that the “mortality rate is 20%” for the NBP’s population of around 26,000, with most of the deaths occurring due to infectious diseases in overcrowded cells.¹

While it is admitted that we need to improve our healthcare services, including those in our jails and correctional facilities, we can also look into the policy of granting medical parole to those who truly deserve them.

Many studies have recommended the broader use of medical parole due to a number of factors, namely, an aging prison population, overcrowding, and rising deaths in custody, among others. The institutionalization of the medical parole not

¹ Rey, Aika. “Bilibid hospital chief says 20% of maximum security inmates die every year.” *Rappler*. (3 October 2019). Retrieved from: <https://www.rappler.com/nation/241655-hospital-chief-maximum-security-inmates-die-every-year>

only provides for a humane treatment of PDLs who are suffering from terminal illness or permanent incapacity, it also rationalizes the correctional practice by allowing the conditional release of PDLs who are no longer capable of serving their sentences within the correctional facilities due to their conditions.

This bill is meant to allow PDLs 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 PDLs 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 PDL will not constitute a threat to the safety of society. The BPP shall likewise consider whether the condition of the PDL 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



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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 2020.*”

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

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

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

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

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

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

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

28 The person who filed an opposition under the first ground shall pay for the cost
29 of a second medical examination and accompanying diagnostic tests. The second
30 medical examination shall be conducted by a different licensed government physician
31 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 PDL. This period
3 maybe extended to two months if there are oppositions.

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

- 6 1. The BPP determines, based on the PDL’s medical condition and the written
7 diagnosis, that the PDL does not constitute a threat to public safety and is
8 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 PDL.

11 Sec. 8. *Conversion to Non-Medical Parole.* – If the PDL 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 medical
16 parole that the PDL agrees to periodic examinations and diagnoses at the PDL’s
17 expense. The examining physician shall submit reports of each examination and
18 diagnosis to the BPP.

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

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

29 Sec. 12. *Non-disqualification.* – A grant or denial of medical parole does not affect
30 a PDL’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. *Mandatory Evaluation and Reporting.* – Every four (4) years, the BPP
6 shall conduct a mandatory review of the implementation of this Act and submit a
7 report of its findings to Congress.

8 Sec. 15. *Repealing Clause.* - All laws, decrees, executive orders, and rules and
9 regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby
10 repealed or modified accordingly.

11 Sec. 16. *Separability Clause.* - If, for any reason, any section or provision of this
12 Act is held unconstitutional or invalid, the other sections or provisions hereof shall not
13 be affected and thereby remain in full force and effect.

14 Sec. 17. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication
15 in the Official Gazette or in two (2) newspapers of general circulation.

Approved,