

On the Proposed Law Legalizing Euthanasia

To be known as the Magna Carta of Patients' Rights is House Bill No. 564 introduced by Representatives Raoul B. del Mar, Oscar R. Rodriguez, Hilarion J. Ramiro, Jr., Robert Ace S. Barbers, Ma. Catalina Loreto-Go, Julita Lorenzo-Villareal, Gerardo S. Espina and Gorgonio P. Unde. The bill seeks to declare the rights of patients and prescribing penalties for violations thereof. In general, the bill has laudable motives to declare as the policy of the State to insure and protect the rights of patients to decent, humane and quality health care.

Included in said bill, however, is Section 4 (7), which reads:

"Rights to (self-determination) REFUSE DIAGNOSTIC AND MEDICAL TREATMENT

"The patient has the right to refuse diagnostic and MEDICAL treatment procedures, provided, that a) he is of age TWENTY ONE and (of sound mind) MENTALLY COMPETENT; b) he is informed of the medical consequences of his refusal; c) he releases those involved in his care from any obligation relative to the consequences of his decisions; and d) his refusal will not jeopardize public health and safety.

An adult with a sound mind may execute an advance directive for physicians not to put him on prolonged life support if, in the future, his condition is such that there is a little or no hope of reasonable recovery. The qualifications listed as a, b, and c of the preceding paragraph shall be considered as satisfied if a patient whose condition makes him unable to express his will executed an advance directive."

The said provision will lead to "euthanasia" or the termination of the patient's life. A similar bill, House Bill No. 8148, was filed in the House of Representatives last year authorizing the patient to terminate his life upon his will or with the assistance of a physician. With the opposition from several quarters including the CHR, the bill was not acted upon by the House of Representatives.

To make it more acceptable, the present bill allows the patient to refuse diagnostic and medical treatment procedures. The conditions are that the patient is mentally competent, is informed of the medical consequence of the refusal, and to release those involved in his case of any obligation relative to his decision, and lastly, his decision will not jeopardize public health and safety. Said provision is still "euthanasia" or mercy killing.

"Euthanasia" is defined as the "termination of human life by painless means for the purpose of ending physical suffering." It is a form of suicide and violates the Constitutional policy that the State values the dignity of every human person (*Article II, Sec. 11, Philippine Constitution*). Any act or omission which in itself or by deliberate intent causes death in order to eliminate suffering constitutes murder and is contrary to the dignity of the human person and to the respect due to his Creator.

The aforesaid provision also involves the moral obligation of the attending physician to administer proper medical treatment. The bill allows the physician to violate the *Hypocratic Oath* taken by all persons who are admitted to the medical profession and swear to protect the life of their patients. The provision makes the physician criminally liable under Article 253 of the Revised Penal Code for giving assistance to suicide.

Section 4(8) of the bill also allows the patient to terminate his life even if it is contrary to his religious belief. This provision destroys and degrades the sacredness of religion and the basic rights of religious freedom.

The Commission on Human Rights issues this Advisory for all concerned of the grave

consequence of Section 4 (7 & 8) of the bill as morally unacceptable and violates the dignity of the human person.

Quezon City, 22 August 2000