

Live and Let Die: Establishing the Legal Status of Advance Directives for Refusal of Life-Sustaining Medical Treatment, Their Enforceability, and Limitations

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Throughout every individual's life, the concept of death and its inevitability is, oftentimes, shrugged off. Rarely does one become fascinated by the grim reality of mortality. Especially in the Philippine setting, the idea of having discussions about death is regarded as taboo and usually done in hushed tones. Nevertheless, there will come a time when one will be faced with such, albeit in different ways.

This Note tarries in the twilight of an individual's life particularly that of patients under medical care. Specifically, the Note talks about the most intimate and personal moments when a patient or their respective families or surrogates are made to ponder whether to choose to live or to die. In other words, it contemplates a situation when a patient is of a condition where it can be reasonably derived that such individual is better off dead than alive.

The Note thoroughly elucidates the moral, ethical, and legal implications of a patient's or their surrogate's exercise of the patient's right to die. For this purpose, the Author borrows heavily from American jurisprudence wherein the concepts of Advance Directives, Informed Consent, and Patient Autonomy have already been enriched. Likewise, the Author discusses the development and corresponding obligations of the relationship between a physician and patient in relation to the exercise of the right to die.

Most importantly, the Note establishes a legal framework by fusing the lessons derived from foreign jurisprudence into Philippine law in order that this right to die can be recognized, respected and duly enforced within certain limits that reasonableness might permit.