

Will to Live: A Proposal for a Philippine Law Recognizing, Governing, and Regulating Living Wills

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52 ATENEO L.J. 463 (2007)

SUBJECT(S): FAMILY LAW

KEYWORD(S): LIVING WILLS, INCAPACITY

Living wills are documents which will govern the future of medical treatment to a person in the event of incapacity. The Author argues for the adoption of legislation recognizing, governing, and regulating living wills. An accident or an illness placing a person in a vegetative state raises the possibility of terminating the life of that person. In such an instance, two opposing interests arise.

The interests of the State in preserving life are pitted against the interests of the individual or his/her family in ending the prolonged suffering. The Author examines these opposing interests in terms of the right to refuse medical treatment, the right to privacy, the right to bodily self-determination, the right to free exercise of religion, the preservation of life, the prevention of suicide, protecting innocent third parties, and the maintenance of the integrity of the medical profession.

The Author makes her case against the backdrop of Philippine laws and jurisprudence on individual rights versus state interests. Ultimately, living wills are constitutional and she proposes laws recognizing the right to refuse medical treatment and on living wills.