

FIFTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
First Regular Session

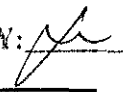


Senate  
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SENATE

S. No. 2669

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Introduced by Senator Franklin M. Drilon

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EXPLANATORY NOTE

The Medical Act of 1959 has been the governing law on the practice of medicine in the country since its inception more than fifty years ago. Over the years, medical advances and innovations have been made to revitalize and improve the practice of medicine. Therefore, it is incumbent upon us to review the present law and accommodate the changes in the medical field for the benefit of our medical professionals and the general public who deserve quality medical care, first and foremost.

This proposed measure seeks to enact a new Physicians Act that will govern the standardization, upgrading and regulation of the operation of medicine-proper courses including internship training; the examination for registration and licensure; the supervision, control and regulation of the practice of medicine; the integration of the profession; and the development of the competence and moral values and the professional attitude of physicians through continuing professional medical education (CPME).

This bill attempts to meet the demands and the imperatives of global competitiveness in medicine.


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

  
FRANKLIN M. DRILON

'11 FEB -1 P3:07

**SENATE**

S. No. 2669

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Introduced by Senator Franklin M. Drilon

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**AN ACT REGULATING THE EDUCATION AND LICENSURE OF PHYSICIANS AND  
THE PRACTICE OF MEDICINE IN THE PHILIPPINES, REPEALING FOR THE  
PURPOSE REPUBLIC ACT NO. 2382, AS AMENDED, AND FOR OTHER  
PURPOSES**

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

ARTICLE I

GENERAL PROVISION

1 SECTION 1. *Title.* – This Act shall be known as the “Physicians Act of 2011”.

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3  
4 SEC. 2. *Declaration of Policy.* – The State recognizes the vital role of physicians in the  
5 preservation, maintenance, safeguard, cure and enhancement of life, health and general  
6 welfare of the citizenry. Physicians' professional services shall, therefore, be promoted as  
7 a regular component of the total health care system.

8 SEC. 3. *Objectives.* – This Act provides for and shall govern the:

9 (a) Standardization, upgrading and regulation of the medical education including  
10 internship training;

11 (b) Administration of the medical licensure examination, licensure and registration of  
12 the physicians;

13 (c) Supervision, control and regulation of the practice of medicine;

14 (d) Integration of the profession into one Philippine Medical Association (PMA); and

15 (e) Promotion of competence, moral values and professional attitude of physicians  
16 through an integrated PMA.

17 SEC. 4. *Enforcement.* – For the purpose of implementing the provisions of this Act,  
18 there shall be created the following: Council of Medical Education, hereinafter referred to  
19 as the Council, and the Professional Regulatory Board of Medicine, hereinafter referred to  
20 as the Board, under the Professional Regulation Commission (PRC), hereinafter referred  
21 to as the Commission.

22 ARTICLE II

23 THE COUNCIL OF MEDICAL EDUCATION

1 SEC. 5. *Composition of the Council of Medical Education.* – The Council of Medical  
2 Education shall be composed of the following:

3 (a) The Chairperson of the Commission on Higher Education (CHED) or his duly  
4 authorized representative as chairperson;

5 (b) The Secretary of the Department of Health (DOH) or his duly authorized  
6 representative as member;

7 (c) The Chairperson of the Professional Regulatory Board of Medicine or his duly  
8 authorized representative as member;

9 (d) The President of the Philippine Medical Association (PMA) or his duly authorized  
10 representative as member;

11 (e) The President of the Association of the Philippine Medical Schools (APMS) or his  
12 duly authorized representative as member; and

13 (f) The President of the Philippine Hospital Association (PHA) or his duly authorized  
14 representative as member.

15 The Chairperson and members of the Council shall hold office during their incumbency in  
16 the respective institutions that they represent.

17 The Council, within sixty (60) days after the effectivity of this Act, shall appoint a technical  
18 panel composed of seven (7) outstanding members of the academe and/or the profession  
19 whose responsibility is to assist the Council in carrying out its functions and powers.

20 SEC. 6. *Functions and Duties.* – The Council shall have the following functions and  
21 duties:

22 (a) To determine the requirements for admission into a recognized college of  
23 medicine;

24 (b) To determine the minimum requirements for physical facilities of colleges of  
25 medicine, to wit: buildings including hospitals, equipment and supplies, apparatus,  
26 instruments, appliances, laboratories and bed capacity for instruction purposes, operating  
27 and delivery rooms, facilities for out-patient services and others used for didactic and  
28 practical instruction in accordance with modern trends;

29 (c) To determine the minimum number and the standard qualifications of teaching  
30 personnel including student-teacher ratio;

31 (d) To determine the minimum required curriculum including internship leading to the  
32 degree of Doctor of Medicine;

33 (e) To authorize the implementation of an acceptable innovative medical  
34 curriculum/strategy in a medical school that has exceptional faculty and equipment  
35 facilities. Such an innovative curriculum may prescribe admission and graduation  
36 requirements other than those prescribed in this Act: *Provided*, That only exceptional  
37 students shall be enrolled in the innovative curriculum;

38 (f) To accept applications and issue certificates of admission to a medical school and

1 keep a registry of those issued with said certificate; and to collect from said applicants  
 2 reasonable fees as may be determined by the Council which shall accrue to the operating  
 3 funds of the Board of Medical Education;

4 (g) To recommend to the CHED the closure or suspension of the degree of Doctor of  
 5 Medicine program of a college of medicine when called for based on the evaluation of the  
 6 statistical information on the performance of the said college in the Physician Licensure  
 7 Examination as furnished by the Board of Medicine and the Commission and upon  
 8 inspection of the college of medicine by the Council, for various deficiencies and/or  
 9 violations;

10 (h) To select and approve hospitals or some departments of hospitals for training  
 11 which comply with the minimum specific physical facilities as provided in subparagraph (b)  
 12 hereof; and

13 (i) To promulgate, prescribe and enforce the necessary rules and regulations for the  
 14 proper implementation of the foregoing functions.

15 SEC. 7. *Minimum Required Course.* – The medical course leading to the degree of  
 16 Doctor of Medicine shall be five (5) years inclusive of clinical clerkship and internship and  
 17 shall consist of the following subjects:

18 (a) Anatomy and Histology;

19 (b) Physiology;

20 (c) Biochemistry and Molecular Biology;

21 (d) Pharmacology and Therapeutics;

22 (e) Microbiology and Parasitology;

23 (f) Internal Medicine, Radiology;

24 (g) General and Clinical Pathology and Oncology;

25 (h) Obstetrics and Gynecology;

26 (i) Pediatrics and Nutrition;

27 (j) Surgery, Preventive Medicine and Public Health;

28 (k) Otorhinolaryngology, Ophthalmology, Neurology, Psychiatry;

29 (l) Family Medicine, Preventive Medicine and Public Health; and

30 (m) Legal Medicine, Medical Jurisprudence, Medical Ethics and Economics.

31 *Provided,* That the Council may recommend to the CHED to rearrange, recluster or  
 32 integrate and revise the abovementioned subjects.

33 SEC. 8. *Admission Requirements.* – (a) A medical college may admit any student who  
 34 has not been finally convicted by a court of competent jurisdiction of any criminal offense  
 35 involving moral turpitude and who presents all of the following:

36 (1) Record showing completion of a Bachelor's Degree in Science or Arts;

37 (2) Certificate of eligibility for entrance to a school of medicine from the Board of  
 38 Medical Education;

- 1 (3) Certificate of good moral character issued by two (2) former professors in the
- 2 college offering the pre-medical course(s);
- 3 (4) Birth certificate duly authenticated by the National Statistics Office (NSO); and
- 4 (5) Proof of successfully passing the National Medical Admission Test.

5 Nothing in this Act shall be construed to inhibit any college of medicine from establishing,  
6 in addition to the requirements set forth in this section, any other reasonable entrance  
7 requirements relevant to the degree.

8 For the purpose of this Act, the term "College of Medicine" shall mean to include faculty of  
9 medicine, institute of medicine, school of medicine and other similar institution which has  
10 complied with the standards and requirements set forth by the Board, offering a complete  
11 medical course leading to the degree of Doctor of Medicine.

12 (b) Every college of medicine shall keep complete records of enrollment, grades,  
13 graduates and must publish each year a catalogue giving the following information:

- 14 (1) Date of publication;
- 15 (2) Calendar of academic year;
- 16 (3) Roll of faculty members indicating whether on full-time or part-time basis and  
17 their curriculum vitae;
- 18 (4) Requirements for admission;
- 19 (5) Grading system;
- 20 (6) Requirements for promotion;
- 21 (7) Requirements for graduation;
- 22 (8) Curriculum and description of course by department; and
- 23 (9) Number of students enrolled in each class in the preceding year.

### 24 ARTICLE III

#### 25 THE PROFESSIONAL REGULATORY BOARD OF MEDICINE

26 SEC. 9. *Composition of the Board.* – There is hereby created a Professional  
27 Regulatory Board of Medicine, hereinafter referred to as the Board, under the  
28 administrative control and supervision of the Professional Regulation Commission,  
29 hereinafter referred to as the Commission, composed of a Chairperson, a Vice  
30 Chairperson and five (5) members to be appointed by the President of the Philippines  
31 from among three (3) recommendees for each position, chosen and ranked by the  
32 Commission from a list of five (5) nominees for each position submitted by the integrated  
33 and accredited professional organization. The Board shall be organized not later than six  
34 (6) months from the effectivity of this Act.

35 SEC. 10. *Powers and Duties.* – The Board shall be vested with the following specific  
36 powers, functions, duties and responsibilities:

- 37 (a) Supervise and regulate the practice of medicine in the Philippines;

- 1 (b) Determine and evaluate qualifications of the applicants for registration with  
2 physician licensure examinations and for special permits;
- 3 (c) Prepare the questions in physicians' licensure examinations in accordance with  
4 recognized principles of evaluation and of pertinent provisions of Section 23, Article IV of  
5 this Act; prescribe the syllabi of the subjects and their relative weights for the licensure  
6 examinations; formulate or adopt test questions and deposit them in a test question bank;  
7 draw the test questions at random through the process of computerization; conduct the  
8 examination; correct and rate the examination papers; and submit the examination results  
9 to the Commission within the period provided for by the rules of the Commission. The  
10 above test questions should be in congruence with the syllabi and the table of  
11 specifications of the Association of Philippine Medical Colleges (APMC);
- 12 (d) In the formulation of test questions, the Board shall see to it that the questions  
13 shall have relevant distributions as to the knowledge, skill and attitude of the examinees;
- 14 (e) Determine, amend or revise the requirements for the subjects in the physician  
15 licensure examinations and their relative weights and the manner of giving the  
16 examination, subject to the approval of the Commission;
- 17 (f) Register successful examinees in the physician licensure examinations in the rolls  
18 of physicians and issue the corresponding certificates of registration;
- 19 (g) Issue special/temporary permits to foreign physicians to practice medicine for  
20 specific projects and for a specific duration of time, in coordination with the integrated  
21 PMA;
- 22 (h) Administer the qualifying examinations given to physicians who wish to train in the  
23 Philippines for a specialty field, in coordination with the integrated PMA;
- 24 (i) In coordination with the integrated PMA, look into the conditions affecting the  
25 practice of medicine, adopt measures for the enhancement of the profession and the  
26 maintenance of high professional, technical and ethical standards, in coordination with the  
27 Council and conduct ocular inspections of places where physicians practice their  
28 profession;
- 29 (j) Monitor the performance of medical schools and their compliance with the rules  
30 and regulations of the Board of Medical Education;
- 31 (k) In coordination with the integrated PMA, promulgate rules and regulations  
32 including a Code of Ethics for Physicians, administrative policies, orders and issuances to  
33 carry out the provisions of this Act;
- 34 (l) Investigate violations of this Act and the rules and regulations, Code of Ethics,  
35 administrative policies, orders and issuances promulgated by the Board. The rule on  
36 administrative investigation promulgated by the Commission shall govern in such  
37 investigation;

- 1 (m) Issue *subpoena ad testificandum* or *subpoena duces tecum* to secure  
2 attendance of respondents or witnesses as well as the production of documents relative to  
3 the investigation conducted by the Board: *Provided*, That failure of the party to whom a  
4 subpoena has been issued to comply therewith shall be punishable by way of indirect  
5 contempt of the Board. For this purpose, the Board is hereby vested the power to cite  
6 any party for contempt which may be exercised pursuant to the applicable provisions of  
7 Rule 71 of the Rules of Court;
- 8 (n) At the Board's discretion, delegate to the Chairperson, Vice chairperson  
9 or any member of the Board, or a Commission attorney (PRC attorney) the hearing of an  
10 administrative case. If the case concerns strictly the practice of medicine as defined in  
11 Section 27 hereof, the investigation shall be presided over by a member of the Board with  
12 the assistance of a PRC attorney: *Provided*, That the power to cite a party in contempt  
13 shall be issued exclusively by the Board, upon recommendation of the member charged  
14 with such investigation;
- 15 (o) After due notice and hearing, cancel examination papers and/or bar any  
16 examinee from future examination; refuse or defer his/her registration; reprimand the  
17 registrant with stern warning; suspend him/her from the practice of his/her profession;  
18 revoke his/her certificate of registration; cancel special/temporary permit; remove his/her  
19 name from the roll of physicians for continuous nonpayment of annual registration fees  
20 and noncompliance with the CME requirement; reinstate or reenroll his/her name in the  
21 said roll; and reissue or return his/her certificate of registration and professional  
22 identification card. A decision of suspension, revocation of the certificate of registration or  
23 removal from the roll by the Board as provided herein may be appealed initially to the  
24 Commission within fifteen (15) days from receipt thereof;
- 25 (p) Administer the physician's oath pursuant to Section. 26 herein;
- 26 (q) Institute and prosecute or cause to be instituted and prosecuted any and all  
27 criminal action against any violation of this Act and/or the rules and regulations of the  
28 Board, subject to the provisions of Section 5, Rule 110 of the Rules of Criminal Procedure,  
29 as amended;
- 30 (r) Adopt an official seal;
- 31 (s) Coordinate with the Board of Medical Education and the integrated PMA in  
32 prescribing, amending and/or revising the courses in a medical program;
- 33 (t) Assist the Commission in the implementation of its prescribed guidelines and  
34 criteria on the Continuing Professional Education (CPE) for registered/licensed physicians;
- 35 (u) Set the standards and guidelines for the issuance and re-issuance of certificates  
36 of registration; and
- 37 (v) Perform such other functions and duties as may be necessary to efficiently and  
38 effectively implement the provisions of this Act.

1 The policies, resolutions, rules and regulations, orders or decisions issued or promulgated  
2 by the Board shall be subject to the review, revision and approval by the Commission.  
3 However, the Board's final decisions, resolutions or orders rendered in an administrative  
4 case shall be immediately executory.

5 SEC. 11. *Qualifications of the Board Members.* – Each Board member must, at the time  
6 of his/her appointment:

7 (a) Be a natural born Filipino citizen and has been a resident of the Philippines for at  
8 least ten (10) consecutive years;

9 (b) Be at least forty (40) years old;

10 (c) Be a holder of a valid certificate of registration and a valid professional  
11 identification card as a physician;

12 (d) Has been a practitioner for at least ten (10) years;

13 (e) Be a *bona fide* member of the integrated Philippine Medical Association;

14 (f) Has not been convicted by final judgment by a competent court of a criminal  
15 offense involving moral turpitude;

16 (g) Has an experience of at least two (2) years as a faculty member of a college of  
17 medicine;

18 (h) Not be a current member of the faculty of an institute, school or college of  
19 medicine nor have any pecuniary interest in any institution which offers and operates the  
20 course or degree of Doctor of Medicine; and

21 (i) Not be connected with a review center/school/group or association offering  
22 classes or lectures in preparation for the physician licensure examination.

23 SEC. 12. *Term of Office.* – The members of the Board shall hold office from the date of  
24 their appointment for a term of three (3) years or until their successors shall have been  
25 appointed and qualified. They may, however, be reappointed for another term but not for  
26 a third (3<sup>rd</sup>) term. Appointments to fill up positions created by causes other than through  
27 expiration of regular terms shall be for the unexpired period only. Each member shall  
28 qualify by taking an oath of office before the performance of his/her duties. The  
29 incumbents whose terms have not yet expired or who are merely holding over, at the  
30 effectivity of this Act, shall be allowed to serve the unexpired portion of their terms or may  
31 be appointed under this Act.

32 SEC. 13. *Compensation of the Board Members.* – The Chairperson, Vice Chairperson  
33 and members of the Board shall receive compensation and allowances or other benefits  
34 pursuant to the provisions of the "PRC Modernization Act of 2000" and other pertinent  
35 laws and comparable to the compensation and allowances received by the Chairperson  
36 and members of existing professional regulatory boards.

37 SEC. 14. *Suspension or Removal of Board Member.* – The President, upon  
38 recommendation of the Commission after giving the member concerned an opportunity to



1 be heard by himself or counsel in a proper administrative investigation to be conducted by  
2 the Commission, may suspend or remove any member of the Board on any the following  
3 grounds:

- 4 (a) Neglect of duty or incompetence;
- 5 (b) Unprofessional, unethical or dishonorable conduct;
- 6 (c) Manipulation or rigging of results of any physician licensure examination, divulging  
7 of secret information or disclosure of the said examination, or tampering of the grades  
8 therein; and
- 9 (d) Final conviction by the court of any criminal offense involving moral turpitude.

10 SEC. 15. *Administrative Management, Custody of Records, Secretariat and Support*  
11 *Services.* – The Board shall be under the administrative and executive management of the  
12 Commission, with the Commission chairperson as the chief executive officer thereof. All  
13 records of the Board shall be under the custody of the Commission.

14 The Commission shall designate the Secretary of the Board and shall provide the  
15 Secretariat and other support services to implement the provisions of this Act.

16 SEC. 16. *Implementing Rules and Regulations.* – The Board, with the approval of the  
17 Commission, shall prescribe, issue and promulgate rules and regulations implementing  
18 and carrying out the provisions of this Act, which shall take effect after fifteen (15) days  
19 following the completion of their publication in the *Official Gazette* or in a major daily  
20 newspaper of general circulation in the Philippines.

21 SEC. 17. *Annual Report.* – The Board shall, on or before the end of January of the  
22 following year, submit to the Commission its annual report of accomplishments on  
23 programs, projects and activities for the calendar year together with its appropriate  
24 recommendations on issues or problems affecting the practice of medicine.

#### 25 ARTICLE IV

#### 26 PHYSICIAN LICENSURE EXAMINATION

27 SEC. 18. *Prerequisites to the Practice of Medicine.* – No person shall engage in the  
28 practice of medicine in the Philippines unless he/she:

- 29 (a) Holds a valid certificate of registration and a valid professional identification card  
30 issued by the Commission;
- 31 (b) Holds a valid special/temporary permit issued by the Board of Medicine subject to  
32 approval by the Commission, and upon coordination with the integrated PMA, or unless  
33 he/she is exempted by this Act from holding any of the foregoing certificates of  
34 registration; and
- 35 (c) Is a member of the integrated PMA and its component society in good standing.

36 Any foreign doctor who intends to undergo specialty training in the practice of medicine  
must pass the qualifying examination given by the Board of Medicine and concurred by  
the integrated PMA.

1 SEC. 19. *Examination Required.* – All applicants for registration, before they can be  
2 issued a certificate of registration and a professional identification card as a physician  
3 shall be required to pass a written licensure examination for physician as provided for in  
4 this Act, subject to the payment of the fees prescribed by the Commission.

5 SEC. 20. *Qualifications of Applicants for the Physician Licensure Examination.* – All  
6 applicants for the physician licensure examination must possess all qualifications and  
7 none of the disqualifications hereunder set forth, as follows:

8 (a) He/she is a citizen and resident of the Philippines or a citizen of a foreign  
9 country/state which observes reciprocity in the practice of medicine with the Philippines or  
10 who has been a permanent resident of the Philippines for at least one (1) year prior to the  
11 examination;

12 (b) He/she is mentally, emotionally and physically sound;

13 (c) He/she has not been convicted in a final judgment by a court of any criminal  
14 offense involving moral turpitude;

15 (d) He/she is a holder of the degree of Doctor of Medicine conferred by a College of  
16 Medicine established in the Philippines and duly recognized by the CHED or a degree  
17 conferred by a college of medicine abroad and accredited by the CHED as substantially  
18 equivalent to the degree of Doctor of Medicine offered by a Philippine College of Medicine.

19 SEC. 21. *Venues and Schedule of Examinations.* – The Board shall give examinations for  
20 the registration of physicians at least twice a year in such places as the Commission may  
21 designate in accordance with the provisions of Republic Act No. 8981, otherwise known as  
22 the "PRC Modernization Act of 2000".

23 SEC. 22. *Registration, Issuance of Certificate of Registration and Professional*  
24 *Identification Card; PMA Membership Card; Non-registration; Grounds Therefor.* – All  
25 successful examinees, upon compliance with all legal requirements and payment of fees  
26 prescribed by the Commission, shall be registered and issued certificates of registration  
27 and professional identification cards. They shall likewise be deemed members of the duly  
28 recognized integrated PMA upon compliance with all requirements and payment of  
29 compulsory dues, and shall be issued the necessary identification cards proving such  
30 membership therein, upon presentation of their certificates of registration and professional  
31 identification card.

32 The certificate of registration of a physician shall bear the registration number and the  
33 date of issuance and the signatures of the chairperson of the Commission and the  
34 members of the Board stamped with the seals of the Commission and the Board,  
35 certifying that the name of the person stated therein appears in the Registry/Roster/Roll of  
36 Physicians under the custody of the Commission; that the person has met or complied  
37 with all the legal requirements for registration as a physician; and that the person is  
38 entitled to exercise all the privileges appurtenant to the practice of his/her profession;

1 *Provided*, That his/her or she does not violate this Act, the rules and regulations, Code of  
2 Ethics for Physicians, and other regulatory policies of the Commission and the Board.

3 The professional identification card shall bear the name of the registered/licensed  
4 physician, the registration number and the date of issuance, and its date of expiry and,  
5 together with the membership identification card issued by the integrated PMA, shall be  
6 sufficient evidence that the physician can lawfully practice his/her profession.

7 A successful examinee who has been finally convicted by a competent court of a criminal  
8 offense involving moral turpitude, or found guilty by the Board of dishonorable or immoral  
9 conduct, or declared by the court to be of unsound mind shall not be registered. The  
10 decision of the Board, finding the examinee guilty of dishonorable or immoral conduct,  
11 may be appealed by the examinee to the Commission within fifteen (15) days from receipt  
12 of the Board's decision or resolution, and to the Court of Appeals within the same period  
13 from the receipt of the decision or resolution of the Commission. The facts and the  
14 reasons for refusal to register shall be clearly stated in writing, communicated to the  
15 examinee and duly incorporated in the records of the Commission.

16 SEC. 23. *Scope of Examination.* – The physician licensure examination shall cover the  
17 following thirteen (13) individual or combined/clustered subjects with relative weights for  
18 each one final examination after completion of internship:

- 19 (a) Anatomy and Histology;
- 20 (b) Physiology;
- 21 (c) Biochemistry and Molecular Biology;
- 22 (d) Pharmacology and Therapeutics;
- 23 (e) Microbiology and Parasitology;
- 24 (f) Internal Medicine, Radiology;
- 25 (g) General and Clinical Pathology and Oncology;
- 26 (h) Obstetrics and Gynecology;
- 27 (i) Pediatrics and Nutrition;
- 28 (j) Surgery, Preventive Medicine and Public Health;
- 29 (k) Otorhinolaryngology, Ophthalmology, Neurology, Psychiatry;
- 30 (l) Family Medicine, Preventive Medicine and Public Health; and
- 31 (m) Legal Medicine, Medical Jurisprudence, Medical Ethics and Economics.

32 When an urgent and important need arises in order to conform to technological  
33 advancements and other changes, the Board, in coordination with the integrated PMA and  
34 the Council, may revise the substance and the conduct of such examinations.

35 Each of the thirteen (13) subjects shall have its syllabus or table of specifications. The  
36 Board shall apply each syllabus after a lapse of three (3) months reckoned from the  
37 concurrence of all the following requisites:

- 38 (a) Consultation with the concerned academe;

1 (b) Approval by the Commission;

2 (c) Publication of the Board resolution in a newspaper of general circulation; and

3 (c) Dissemination to all Colleges of Medicine.

4 SEC. 24. *Rating in the Examination.* – To pass the physician licensure examination, an  
5 examinee must obtain a general average rating of at least seventy-five percent (75%) in all  
6 thirteen (13) subjects, with no rating in any subject below fifty percent (50%).

7 SEC. 25. *Report and Publication of the Results of Examination.* – The Board shall  
8 report the rating of each examinee to the Commission within ten (10) days from the last  
9 day of examination. The official results of the examination containing the list of topnotcher  
10 examinees without indication of their respective schools/colleges, the names of the  
11 schools/colleges obtaining top percentages of successful graduate-examinees shall be  
12 published by the Commission in the major daily newspapers of general circulation.

13 The report of rating of every examinee shall be mailed to his/her given address, using the  
14 mailing envelope he/she submitted during the examination.

15 SEC. 26. *Oath.* – All successful examinees shall be required to take their oath before  
16 the Board or any person authorized by the Commission to administer oath before they are  
17 issued their certificates of registration and professional identification cards or before they  
18 start the practice of the profession.

## 19 ARTICLE V

### 20 REGULATION OF THE PRACTICE OF THE MEDICAL PROFESSION

21 SEC. 27. *Acts Constituting the Practice of Medicine.* – (a) A person shall be considered  
22 as engaged in the practice of medicine under any of the following circumstances:

23 (1) Physically examining any person for any disease, injury or deformity, or  
24 diagnosing, treating, operating, prescribing or dispensing any remedy therefor;

25 (2) Examining a person's mental condition for any ailment, real or imaginary,  
26 regardless of the nature of the remedy or treatment administered, prescribed or  
27 recommended;

28 (3) Offering or undertaking to diagnose, treat, operate or prescribe and administer  
29 any remedy for any human disease, injury, deformity, physical or mental condition either  
30 personally or by means of signs, cards or advertisements by way of mass media or any  
31 other means of communication;

32 (4) Using or affixing "MD" with his/her name in the practice of the medical  
33 profession or in his/her written or oral communications; or

34 (5) Conducting formal medical classes in medical schools, seminars, lectures,  
35 symposia and the like.

36 (b) Practice through Special/Temporary Permit – A special/temporary permit may be  
37 issued by the Board in consultation with the PMA and the DOH, subject to approval by the  
38 Commission and the Department of Labor and Employment (DOLE) pursuant to its

1 mandate as provided for in Articles 40 to 42 of the Labor Code. Such permits shall likewise  
2 be issued, only after payment of fees as prescribed by the Commission, to the following:

3 (1) Physicians licensed from foreign countries/states whose services are either for a  
4 fee or free:

5 (i) If they are internationally well-known specialists or publicly acknowledged as  
6 experts in any area of medical specialization; and

7 (ii) If their services are urgently necessary, owing to the lack of available local  
8 specialists/experts, or for the promotion or advancement of the practice of medicine  
9 including, but not limited to, the conduct of formal classes, acting as resource persons in  
10 medical seminars, fora, symposia and the like;

11 (2) Physicians licensed in foreign countries/states who intend to render services for  
12 free and limited only to indigent patients in a particular hospital, center or clinic: *Provided,*  
13 *however,* That they render such services under the direct supervision and control of a duly  
14 registered/licensed physician; and

15 (3) Physicians licensed in foreign countries/states employed as exchange professors  
16 in any area of medical specialization.

17 (c) The permit shall, among others, provide for such limitations, specifications and  
18 conditions hereunder cited, as follows:

19 (1) A period of not more than one (1) year subject to renewal or extension: *Provided,*  
20 That such renewal or extension shall be under the same process and requirements  
21 hereinabove provided;

22 (2) The specific area of medical specialization; and

23 (3) The specific place of practice, such as clinic, hospital, center, college of medicine.

24 (d) The Board, subject to approval by the Commission and the DOLE, shall prescribe  
25 rules and regulations for the implementation of this particular section.

26 SEC. 28. *Disciplinary Sanctions.* – The Board shall have the power, upon proper notice  
27 and hearing, to suspend from the practice of profession or revoke the certificate of  
28 registration of a physician, or issue a reprimand or cancel the special/temporary permit  
29 issued to a foreign physician for any of the following grounds/causes:

30 (a) Final conviction by a court of competent jurisdiction of any criminal offense  
31 involving moral turpitude;

32 (b) Immoral or dishonorable conduct;

33 (c) Insanity;

34 (d) Fraud in the acquisition of the certificate of registration and the professional  
35 identification card or special/temporary permit;

36 (e) Gross negligence, ignorance or incompetence in the practice of his/her  
37 profession, resulting in an injury to or death of the patient;

- 1 (f) Addiction to alcoholic beverages, to any habit forming drug or to any form of  
2 illegal gambling, rendering him incompetent to practice his/her profession;
- 3 (g) Making or causing to be made false, misleading, extravagant or unethical  
4 advertisements wherein things other than his name, profession, limitation of practice, clinic  
5 hours, office and home address are mentioned;
- 6 (h) Issuance of any false statement or spreading any false news or rumor which is  
7 derogatory to the character and reputation of another physician without justifiable motive;
- 8 (i) Knowingly issuing any false medical certificates and/or findings, or making any  
9 fraudulent claims with government or private health insurance;
- 10 (j) Performance of, or aiding in, any criminal abortion;
- 11 (k) Performing any act constituting the practice of an area of medical specialization  
12 without fulfilling the specialization requirements prescribed by the integrated PMA and the  
13 Board;
- 14 (l) Knowingly aiding or subjecting one's self to be a patient of any person who is  
15 unqualified or unregistered to practice medicine or an area of medical specialization,  
16 except in aid of training of a medical student, or performing any act constituting the  
17 practice of medicine or an area of medical specialization in behalf of any such unlicensed  
18 or unregistered person: *Provided, however,* That this provision shall not apply when an act  
19 constituting the practice of medicine or an area of medical specialization is performed in a  
20 hospital, clinic or medical center as an accredited practitioner of such hospital, clinic or  
21 medical center. For this purpose, all hospitals, clinics and medical centers are hereby  
22 required to furnish the appropriate regional office of the DOH a list of all medical  
23 practitioners duly accredited to practice within their respective institutions every three (3)  
24 months;
- 25 (m) Violation of any provision of the Code of Ethics for Physicians as prescribed by the  
26 integrated PMA and adopted and promulgated by the Board, subject to approval by the  
27 Commission;
- 28 (n) Practice of profession during the period of his suspension; and
- 29 (o) Willful failure or refusal to be a member of the integrated PMA or expulsion or  
30 termination of membership therefrom.

31 **SEC. 29. *Rights of the Parties.*** – The private complainant and the respondent physician  
32 shall be entitled to counsel and to be heard in person, to have a speedy and public  
33 hearing, to confront and to cross-examine witnesses, and to all other rights guaranteed by  
34 the Constitution and the Rules of Court. All cases filed or pending under this Act shall not  
35 be discussed or taken in any forum until after the same shall have been decided with  
36 finality.

37 **SEC. 30. *Appeal from Judgment.*** – The decision of the Board shall become final fifteen  
38 (15) days from the date of receipt of such decision by the parties or their counsel. Within

1 the same period, the aggrieved party may ask for a reconsideration of the decision for  
2 being contrary to law or for insufficiency of evidence. When such motion for  
3 reconsideration is denied, the aggrieved party may appeal to the Court of Appeals under  
4 Rule 43 of the Rules of Court. No second motion for reconsideration to the Board shall be  
5 allowed.

6 A decision rendered by the Commission against the respondent shall be executory.

7 SEC. 31. *Re-issuance of Revoked Certificate of Registration and Professional*  
8 *Identification Card and Replacement of Lost Certificate of Registration and Identification*  
9 *Card.* – After two (2) years and after due consultation with the integrated PMA and the  
10 accredited national organization of physicians, the Board may order the reinstatement of  
11 any physician whose certificate of registration has been revoked, if the respondent has  
12 acted in an exemplary manner in the community.

13 A new certificate of registration or professional identification card that has been lost,  
14 destroyed or mutilated may be issued, subject to the rules of the Commission.

15 SEC. 32. *Mandatory Use of Certificate of Registration, Professional and PMA*  
16 *Identification Cards and Professional Tax Receipt Number.* – A registered physician  
17 shall indicate his/her certificate of registration number, the number and the expiry date of  
18 the professional identification card and the PMA membership card, and the professional  
19 tax receipt number on the prescription and other documents he/she signs, uses or issues  
20 in connection with the practice of his/her profession.

21 SEC. 33. *Vested Rights.* – All physicians registered at the time this law takes effect  
22 shall be automatically registered under the provisions hereof, without prejudice to the  
23 other requirements herein set forth.

24 SEC. 34. *Exceptions.* – For purposes of this Act, any medical student duly enrolled in  
25 an accredited medical college or school, or any graduate of medicine undergoing post  
26 graduate training, serving without any professional fee in any government or private  
27 hospital, shall not be considered as engaging in the practice of medicine: *Provided,* That  
28 he/she renders such service under the direct supervision and control of a duly  
29 registered/licensed physician.

30 SEC. 35. *Integration of the Profession.* – The profession shall be integrated into one (1)  
31 organization, the Philippine Medical Association, to be duly recognized and accredited by  
32 the Board and the Commission. A physician duly registered and licensed by the Board  
33 and the Commission shall automatically become a member of the said organization and  
34 shall receive the benefits and privileges appurtenant thereto upon payment of required  
35 fees and dues. Membership in the integrated organization shall not be a bar to  
36 membership in any other association of physicians.

37 SEC. 36. *Mandatory Continuing Medical Education.* – The Board shall implement  
38 through the integrated PMA a mandatory continuing medical education among practicing

1 physicians in consonance with the guidelines of the CPE as shall hereafter be  
2 promulgated by the Commission.

3 SEC. 37. *Automatic Registration of Physicians.* – All physicians whose names appear  
4 at the Registry/Roll/Roster of Physicians at the time of the effectivity of this Act shall  
5 automatically be registered by the Board and the Commission as physicians and,  
6 thereafter, by the integrated PMA and the accredited national organization of registered  
7 and licensed physicians as its *bona fide* members, pursuant to Section 22 of this Act.

8 SEC. 38. *Foreign Reciprocity.* – Unless the country of which he/she is a subject or  
9 citizen specifically permits Filipino physicians to practice within its territorial limits on the  
10 same basis as the subject or citizen of the said foreign state or country under reciprocity  
11 and under international agreements, no foreigner shall be admitted to licensure  
12 examinations, given a certificate of registration to practice as a physician nor be entitled to  
13 any of the privileges under this Act.

#### 14 ARTICLE VI

#### 15 PENAL PROVISIONS

16 SEC. 39. *Penalties.* – (a) The penalty of imprisonment of not less than one (1) year but  
17 not exceeding five (5) years or a fine of not less than Two hundred thousand pesos  
18 (P200,000.00) but not exceeding Five hundred thousand pesos (P500,000.00), or both,  
19 upon the discretion of the court, shall be suffered by:

20 (1) Any person who practices or offers to practice medicine in the Philippines without  
21 a valid certificate of registration and a valid professional identification card, or a valid  
22 temporary/special permit in accordance with the provisions of this Act;

23 (2) Any person using or attempting to use as his/her own the certificate of registration  
24 or professional identification card or temporary/special permit duly issued to another;

25 (3) Any person who shall give any false or forged documents, credentials and any  
26 other proof of any kind to the Board or Commission in order to obtain a certificate of  
27 registration or professional identification card or temporary/special permit;

28 (4) Any person who shall falsely impersonate any *bona fide* registrant with like or  
29 different name;

30 (5) Any registered and licensed physician or medical specialist who shall abet or  
31 assist in the illegal practice by a person who is not lawfully qualified to practice medicine or  
32 any area of medical specialization;

33 (6) Any person who actually engages in the practice of medicine as defined in  
34 paragraphs (a)(1) and (a)(2) of Section 27 of this Act without any certificate of registration;

35 (7) Any person who shall attempt to use a revoked or suspended certificate of  
36 registration or a cancelled temporary/special permit;



1 (8) Any person who shall use or advertise any title or description tending to convey  
2 the impression to the general public that he/she is a registered and licensed physician  
3 when in fact he/she is not;

4 (9) Any registered and licensed physician or medical specialist who shall use or  
5 advertise any title or description tending to convey the impression to the general public  
6 that he/she is a specialist in an area of medical specialization when in fact he/she is not;  
7 and

8 (10) Any registered physician who shall commit any of the prohibited acts as  
9 enumerated in paragraphs (i), (j), (k) and (l) of Section 28 hereof.

10 (b) When any of the acts defined in paragraphs 5 and 6 of this section is committed  
11 by a person against three (3) or more persons, or when any of such acts is committed by  
12 at least three (3) persons who shall cooperate and confederate with one another, or when  
13 death occurs as a result of the commission of the prohibited act mentioned in paragraph  
14 (k) of Section 28 of this Act, the offense shall be considered as a qualified violation of this  
15 Act and shall be punishable by life imprisonment and a fine of not less than Five hundred  
16 thousand pesos (P500,000.00) but not more than Two million pesos (P2,000,000.00).

17 Prosecution of offenses under this Act shall be without prejudice to a separate prosecution  
18 under the provisions of the Revised Penal Code and other laws.

19 SEC. 40. *Injunctions.* – Upon written motion by any interested party and after notice  
20 and hearing, the Board may issue an order enjoining any person illegally practicing  
21 medicine from performing any act constituting the practice of medicine until the necessary  
22 certificate therefor is secured. However, if it is shown in the affidavits attached to the  
23 motion that the movant or the general public will suffer grave injustice or irreparable injury,  
24 the chairperson of the Board, or, in his/her absence, any Board member holding office  
25 may issue a temporary restraining order effective for seventy-two (72) hours. The  
26 applicable provisions of Rule 58 of the Rules of Court shall govern the issuance of the writ  
27 of injunction and lifting thereof, except that where after hearing it is shown that the movant  
28 is entitled to the injunction prayed for, such writ of injunction shall be effective until there is  
29 clear showing that the respondent is authorized to practice medicine in the Philippines.

30 Any such person who, after having been so enjoined, continues on the illegal practice of  
31 medicine shall be punished for contempt of court. The issuance of the said injunction shall  
32 not relieve the person from criminal prosecution and punishment as provided in the  
33 preceding section.

## 34 ARTICLE VII

### 35 FINAL PROVISIONS

36 SEC. 41. *Enforcement.* – The Commission shall be the enforcement agency of the  
37 Board. As such, the Commission shall implement the provisions of this Act, enforce its  
38 implementing rules and regulations as adopted by the Board, assist the Board in the

1 investigation of complaints against violators of this Act, its rules and regulations, the Code  
2 of Ethics for Physicians and other policies of the Board.

3 The Commission or the Board shall call upon or request any department, instrumentality,  
4 office, bureau, institution or agency of the government including local government units  
5 (LGUs) to render such assistance as it may require, or to coordinate or cooperate in order  
6 to carry out, enforce or implement the professional regulatory policies of the government  
7 or any program or activity it may undertake.

8 SEC. 42. *Appropriations.* – The Chairpersons of the Commission on Higher Education  
9 and the Professional Regulation Commission shall immediately include in their programs  
10 the implementation of this Act, the funding of which shall be charged against their current  
11 years' appropriations and thereafter in the annual General Appropriations Act.

12 SEC. 43. *Implementing Rules and Regulations.* – Within ninety (90) days after the  
13 approval of this Act, the PRC, together with the Board, the PMA and the Council of  
14 Medical Education of the CHED shall prepare and promulgate the implementing rules and  
15 regulations (IRRs) to carry out the provisions of this Act and adopt the integrated PMA  
16 Code of Ethics. The IRRs shall take effect after fifteen (15) days following their publication  
17 in a major daily newspaper of general circulation.

18 SEC. 44. *Transitory Provisions.* – The incumbent Board shall continue to function in the  
19 interior until such time as the new Board shall have been constituted pursuant to this Act.

20 SEC. 45. *Separability Clause.* – If any clause, provision, paragraph or part hereof be  
21 declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any  
22 other part hereof, but such judgment shall be merely confined to the clause, provision,  
23 paragraph or part directly involved in the controversy in which such judgment has been  
24 rendered.

25 SEC. 46. *Repealing Clause.* – Republic Act No. 2382 also known as "The Medical Act  
26 of 1959", as amended by Republic Act Nos. 4224 and 5946; all laws amending the said  
27 Act, all other laws, decrees, executive orders and other administrative issuances and parts  
28 thereof which are inconsistent with the provisions of this Act are hereby modified,  
29 amended, superseded or repealed accordingly.

30 SEC. 47. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days following  
31 its publication in the *Official Gazette* or in at least two (2) newspapers of general  
32 circulation in the Philippines.

Approved,