

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

5 AUG 31 P4:17

2106

RECEIVED BY: 

Introduced by Sen. Juan Ponce Enrile

EXPLANATORY NOTE

In the recent Dentist Licensure Examination conducted by the Philippine Board of Dentistry in May 2005, the Professional Regulation Commission attested that 458 out of 1,313 examinees passed the exam. While these board-passers may have obtained the necessary qualifications and requirements for them to legally practice their profession, it is essential that the government sustain an environment where they can further cultivate and enhance their skills and expertise.

Forty years (40) after the enactment of the Philippine Dental Act which currently governs the practice of dentistry in the Philippines, Republic Act No. 4419 needs to be amended and revised in order to provide for a better, more competitive environment for our own dentists. Hence, this bill.

The amendments introduced under this proposed measure shall hopefully pave the way for a more proficient practice of dentistry. The bill aims to establish a more comprehensive regulation, control and supervision of the practice of dentistry, dental hygiene and dental technology in the Philippines. Among others, it will look after the promotion and development of continuing dental education and research in the country including the implementation of the Code of Ethics and the Code of Dental Practice which will be established under the proposed law. Moreover, the new provisions seek to guarantee that concerns on public health, hygiene and safety are likewise addressed by the dental profession.

By enacting the amendments embodied in his bill, we seek to upgrade the standards surrounding the practice of dental profession in order to keep up with the developments and challenges in the field as well as in allied disciplines brought about a globalized economy. Furthermore, the passage of this bill will go a long way in professionalizing the ranks of the dental practitioners and in giving the profession the public recognition it deserves.


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


JUAN PONCE ENRILE
Senator

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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SENATE
S. B. No. 2106

RECEIVED BY: 

Introduced by Senator Juan Ponce Enrile

AN ACT
TO REGULATE THE PRACTICE OF DENTISTRY, DENTAL HYGIENE AND
DENTAL TECHNOLOGY IN THE PHILIPPINES, REPEALING FOR THE
PURPOSE REPUBLIC ACT NO. 4419, OTHERWISE KNOWN AS "AN ACT TO
REGULATE THE PRACTICE OF DENTISTRY IN THE PHILIPPINES, AND FOR
OTHER PURPOSES", AND REPUBLIC ACT NO. 768, OTHERWISE KNOWN
AS "AN ACT TO REGULATE THE PRACTICE OF DENTAL HYGIENISTS IN
THE PHILIPPINES AND FOR OTHER PURPOSES", APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

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

ARTICLE I
TITLE, STATEMENT OF POLICY, OBJECTIVES,
AND SCOPE OF PRACTICE

SECTION 1. Title. – This Act shall be known as "The New Philippine Dental Act of 2005".

Sec. 2. Statement of Policy. – The State recognizes the importance of dentists, dental hygienists and dental technologists in nation-building. Hence, it shall develop and nurture competent, productive, morally-upright, and well-rounded dentists, dental hygienists and dental technologists whose standards of professional practice and service shall be excellent, qualitative, world-class and internationally recognized, globally competitive through regulatory measures, programs and activities that foster their continuing professional development.

Sec. 3. Objectives. – This Act provides for:

- (a) the regulation, control, and supervision of the practice of dentistry, dental hygiene and dental technology in the Philippines;
- (b) the giving of licensure examination to graduates of recognized dental schools of dentistry, dental hygiene and dental technology for the purpose of registration;
- (c) the accreditation of the various specialties of dentistry;
- (d) the promotion and development of continuing dental education and research in the country;
- (e) the enforcement of the Code of Ethics and Code of Dental Practice in the Philippines which will be created under Section 25 of this Act; and,
- (f) the stipulation of penalties for infractions or violations of this Act or any other laws, rules and regulations authorized under the provisions of this Act.



Sec. 4. Definition and Scope of Practice. –

(A) A Dentist is:

- (i) a person who is a holder of a valid certificate of registration/professional license and professional identification card in Dentistry and who renders dental service within the meaning and intent of this Law who, for a fee, salary, compensation or reward, paid to him or through another, or even without such compensation or reward, performs any operation or part of an operation, upon the human oral cavity, jaws, teeth and surrounding tissues;
- (ii) prescribes drugs or medicines for the treatment of oral diseases or lesions, or prevents and/or corrects malpositions of the teeth or implantation of artificial substitutes for lost teeth;
- (iii) teaches subjects in the licensure examination; and,
- (iv) or engages in dental research. *Provided, however,* that this provision shall not apply to dental technologists engaged in the mechanical construction of artificial dentures or fixtures or other oral devices, as long as none of such procedures is done inside the mouth of the patient; nor shall this provision apply to students of dentistry undergoing practical training in a legally constituted dental school or college under the direction or supervision of a member of the faculty who is duly licensed to practice dentistry in the Philippines; or to registered dental hygienists who may be allowed to perform preventive oral hygiene procedures and other procedures or to underboard dental graduates working as dental assistants to licensed and registered dentist authorized to practice dentistry in the Philippines who are engaged in private practice. *Provided, further,* that these underboard dental graduates work under their direct supervision.

(B) Dental Hygienist – a person who is a holder of a valid certificate of registration/professional license and professional identification card and one who has undergone a two-year course in dental hygiene from a government recognized school under a college of dentistry and passed the prescribed board examination for dental hygienist, renders oral health promotion and preventive measures, performs scaling and polishing, oral examination, takes brief clinical history, takes radiograph, and gives oral health education to patients under the supervision of a licensed dentist.

(C) Dental Technologist – a person who is a holder of a valid certificate of registration/professional license and professional identification card and who renders technical services such as mechanical construction of artificial denture and other oral devices, and one who has finished a two-year certificate course in dental technology under the College of Dentistry from any government-recognized school, college or university.

**ARTICLE II
THE PROFESSIONAL REGULATORY BOARD OF DENTISTRY**

Sec. 5. Composition of the Board. – There is hereby created a Professional Regulatory Board of Dentistry, hereinafter referred to as the Board, under the administrative control and supervision of the Professional Regulation Commission, hereinafter referred to as the Commission, composed of a Chairperson and four (4) members who shall be appointed by the President of the Philippines from the recommendees chosen and ranked by the Commission from a list of nominees submitted by the accredited professional organization.

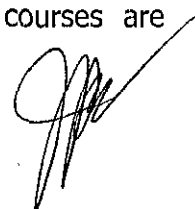


Sec. 6. Powers and Functions of the Board. –The Board shall have the following powers and functions:

- (a) Promulgate, administer and enforce rules and regulations necessary for carrying out the provision of this Act;
- (b) Administer oaths in connection with the administration of this Act;
- (c) Study the conditions affecting the practice of dentistry, dental hygiene and dental technology in the Philippines;
- (d) Adopt or recommend such measures or discharge such duties, as may be deemed proper for the advancement of the profession and the vigorous enforcement of this Act;
- (e) In coordination with the Commission on Higher Education (CHED), Accredited Professional Organization, and Association of Dental Colleges, ensure that all educational institutions offering dentistry, dental hygiene, and dental technology comply with the policies, standards and requirements of the course prescribed by CHED in the areas of curriculum, faculty, library, and facilities;
- (f) Supervise and regulate the registration, licensure and practice of Dentistry, Dental Hygiene and Dental Technology in the Philippines;
- (g) Adopt an official seal of the Board;
- (h) Issue, reinstate, suspend or revoke the certificate of registration/professional license and professional identification card or cancel special permits for the practice of dentistry, dental hygiene and dental technology;
- (i) Prescribe and/or adopt a Code of Ethics and a Code of Dental Practice for the practice of dentistry, dental hygiene and dental technology;
- (j) Prescribe guidelines and criteria in the Continuing Professional Education (CPE) program for dentistry, dental hygiene and dental technology;
- (k) Hear or investigate any violation of this Act, its implementing rules and regulations, and the code of ethics for dentists as shall come to the knowledge of the Board and for this purpose, issue a *subpoena duces tecum* to secure the appearance of witnesses and the production of documents in connection therewith;
- (l) Accredite various specialties, dental societies/organizations;
- (m) Perform such other powers and functions as it may deem necessary to carry out the objectives of this Act.

Sec. 7. Qualifications of the Chairperson and Members of the Board. – The Chairperson and members of the Board shall, at the time of his/her appointment, possess the following qualifications:

- (a) be a natural-born citizen of the Philippines and a resident thereof;
- (b) be a duly registered dentist in the Philippines with a valid certificate of registration/professional license and professional identification card;
- (c) be a member of good standing of the accredited professional organization for the last five years; *Provided, That no member of the Board shall seek any other position, either elective or appointive, in the accredited professional organization during his/her incumbency as such;*
- (d) have at least ten (10) years of continuous experience as a Dentist and preferably with three (3) years of teaching experience;
- (e) not be a member of the faculty of any school, college, or university where undergraduate and graduate courses in dentistry are taught and where dental hygiene and dental technology courses and review courses are



offered, nor shall have, directly or indirectly, any pecuniary interest in such institution; and,

- (f) not be connected in any capacity with any business enterprise, firm or company in the buying, selling or manufacture of dental goods, equipment, materials or supplies.

Sec. 8. *Tenure of Office.* – The members of the Board shall serve for a term of five (5) years after their appointment. The member serving the last year of his term shall automatically become the Chairperson of the Board and shall not be entitled to succeed himself/herself immediately after the expiration of his/her term of office; *Provided, however,* that not more than one member shall be appointed for the full term within the same calendar year, and that appointments shall be made to fill existing vacancies only, so that the term of one member shall be due to expire every year; *Provided, however,* that all appointments as Chairperson shall be approved by the President; *Provided, further,* that an appointment for any existing vacancy or vacancies shall be made within one (1) month from the time the vacancy occurred and shall be for the unexpired portion of the term only.

Sec. 9. *Compensation and Allowances of the Board.* – The Chairperson and members of the Board shall receive compensation and allowances comparable to that being received by the Chairman and members of existing regulatory boards under the Commission as provided for in the General Appropriation Act.

Sec. 10. *Suspension and Removal from Office.* – Any member of the Board may, upon the recommendation of the Commission after due process of law and investigation conducted by the Commission, be suspended or removed by the President from office for cause such as the examination, and unprofessional or dishonorable conduct.

Sec. 11. *Supervision of the Board.* – The Secretary of the Board shall be appointed by the Commission subject to the provisions of existing laws, and all records, and minutes of the deliberation of proceedings of the Board and other confidential documents shall be kept under the direct custody of the Commission. The Commission shall provide the secretariat and other support services to implement the provisions of this Act.

Sec. 12. *Annual Report.* – The Board shall, within sixty (60) days after the close of each fiscal year, prepare and submit an annual report to the Commission, giving a detailed account of the proceedings of the Board during the year, recommending measures to be adopted, with the end in view of upgrading and improving the conditions affecting the practice of dentistry in the Philippines.

ARTICLE III LICENSURE EXAMINATION AND REGISTRATION

SEC. 13. *Examination Required.* – All applicants for registration for the practice of dentistry, dental hygiene and dental technology shall be required to undergo a licensure examination to be given by the Board in such places and dates as the Commission may designate subject to the compliance with the requirements prescribed by the Commission.

SEC. 14. *Qualification for Admission to the Licensure Examination.* –

A. For Dentistry – An applicant for the licensure examination for dentists shall establish, to the satisfaction of the Board, that:

- (1) he/she is a citizen of the Philippines, or if a foreigner, must prove that the country of which he/she is a subject or citizen permits Filipino dentists to practice within its territorial jurisdiction on the same basis as the subjects or citizens of such country;
- (2) he/she has not been convicted of an offense involving moral turpitude; and,
- (3) he/she is a graduate of a recognized and legally constituted university, college, school or institute with a Degree of Doctor of Dental medicine or its equivalent.

B. For Dental Hygiene – In order to be admitted to the licensure examination for dental hygienists, an applicant must, at the time of filing his application thereof, establish to the satisfaction of the Board, that:

- (1) he/she is a citizen of the Philippines;
- (2) he/she possesses good moral character; and,
- (3) he/she had finished a two-year certificate course in dental hygiene conferred by a recognized and legally constituted college, or school of dentistry.

C. For Dental Technology – In order to be admitted to the licensure examination for dental technology, an applicant must, at the time of filing his/her application thereof, establish to the satisfaction of the Board that:

- (1) he/she is a citizen of the Philippines;
- (2) he/she possesses good moral character;
- (3) he/she had finished the two years certificate in dental technology conferred by a recognized and legally constituted college, or school of dentistry; and,
- (4) he/she has undergone on-the-job training in a registered/accredited dental laboratory for at least six (6) months.

Sec. 15. Scope of Examination. – An examination shall be given to the licensure applicants for dentists, dental hygienists, and dental technologists, which shall include, but not limited to, the following:

- (a) *For Dentists* – general anatomy, oral anatomy, general and microscopic anatomy and embryology, general and oral physiology, general and oral pathology, pharmacology, microbiology, nutrition, dental materials, restorative dentistry, prosthodontics, orthodontics, pedodontics, pediatric dentistry, oral physiology, anesthesiology, oral diagnosis and treatment planning, endodontics, periodontics, roentgenology, oral surgery, dental jurisprudence and ethics, community dentistry and practice management.
- (b) *For Dental Hygienists* – oral anatomy and physiology, dental materials, periodontology, roentgenology, preventive dentistry, pedodontics, dental anesthesia and pharmacology, pathology, and dental jurisprudence and ethics.
- (c) *For Dental Technologists* – oral anatomy, oral physiology, complete, fixed and removable prosthodontics, ceramics, orthodontic appliances, dental materials, dental jurisprudence, and ethics.

The Board may recluster, rearrange, modify, add or exclude and prescribe subjects as the need arises.

Sec. 16. Ratings in the Examinations. –The licensure examination shall consist of both written and practical tests and in order to pass the examination, an

examinee must obtain a general weighted average of at least seventy-five percent (75%), with no rating below fifty percent (50%) in any subject.

Sec. 17. Report of the Results of the Examinations. – The Board shall submit to the Commission the ratings obtained by each candidate within twenty (20) days after the last day of examination unless extended for just cause.

Sec. 18. Oath. – All successful examinees and registrants without examination shall be required to take a professional oath before any member of the Board or any other person authorized by the Commission or by law before they start their practice.

Sec. 19. Issuance of the Certificate of Registration/Professional License and Professional Identification Card. – A certificate of registration/professional licenses shall be issued to examinees who pass the licensure examination for dentistry subject to payment of fees prescribed by the Commission. The certificate of registration/professional license shall bear the signature of the chairperson of the Commission and the chairperson and members of the Board stamped with the official seal of the Board and the Commission, indicating that the person named therein is entitled to practice the profession with all the benefits and privileges appurtenant thereto. The certificate of registration/professional license shall remain in force and effect until revoked or suspended in accordance with this Act.

A professional identification card bearing the registration number, date of issuance, expiry date, duly signed by the chairperson of the Commission shall likewise be issued to every registrant upon payment of the required fees. The professional identification card shall be renewed every three (3) years and upon payment of fees and upon satisfying the requirements of the Board.

Sec. 20. Fees for Examination and Registration. – Every applicant to the licensure examination for dentistry shall pay an examination fee and a registration fee as determined and fixed by the Commission.

Sec. 21. Refusal to Issue Certificates for Certain Causes. – The Board shall refuse to issue a certificate of registration to any successful examinee or to any examinee registered without examination who has been convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude or has been found guilty of immoral or dishonorable conduct after investigation by the Board, or has been declared to be of unsound mind. The reason for the refusal shall be set forth in writing.

Sec. 22. Revocation or Suspension of Certificate of Registration/Professional License and Professional Identification and Cancellation of Temporary/Special Permit. – The Board shall have the power to recommend the nullification or suspension of the validity of the certificate of registration/professional license and professional identification card of a dentist, dental technologist/dental hygienist or the cancellation of a temporary/special permit for any of the causes mentioned in the preceding section, or for:

- (a) unprofessional and unethical conduct;
- (b) malpractice;
- (c) incompetency, serious ignorance or negligence in the practice of dentistry, dental hygiene, and dental technology;

- (d) willful destruction or mutilation of a natural tooth of a patient with the deliberate purpose of substituting the same by an unnecessary or inessential artificial tooth;
- (e) for making use of fraud, deceitful or false statement to obtain a certification of registration;
- (f) for alcoholism or drug addiction causing him/her to become incompetent to practice dentistry, dental hygiene and dental technology;
- (g) for the employment of persons who are not duly authorized to do the work which under this Act can only be done by persons who have certificates of registration to practice dentistry, dental hygiene and dental technology in the Philippines;
- (h) for the employment of deceit or any form of fraud with the public in general or some clients in particular for the purpose of extending his/her clientele;
- (i) for making false advertisements, publishing or circulating fraudulent or deceitful allegations regarding his/her professional attainment, skill or knowledge, or methods of treatment employed by him; or,
- (j) utter disregard and continue violation of any of the provisions of this Act: *Provided*, that the action of the Board in the exercise of this power shall be appealable to the Commission.

Sec. 23. Reinstatement, Reissuance or Replacement of Certificate of Registration/Professional License and Professional Identification Card. – Two (2) years after the date of revocation, the Board may, upon application and for reasons deemed proper and sufficient, reinstate any revoked certificate of registration/professional license and reissue a professional identification card, and, in so doing, may, in its discretion, exempt the applicant from taking another examination.

Sec. 24. Issuance of Special/Temporary Permit to Foreigners. – Certificates of Registration shall not be required of:

- (1) commissioned dental officers of the army, navy and air force of any foreign country whose operations in the Philippines are permitted by the government while rendering dental service as such for the members of said forces only; and,
- (2) dentists and oral surgeons from other countries who are invited for consultation, demonstrations, medical missions or under an exchange visitor program as a member of a teaching faculty; *Provided*, that in such cases their work shall be limited to the specific task assigned to them; *Provided, further*, that a special permit shall be secured from the Board and the Commission stating therein the duration for which such permit shall be valid; *Provided, finally*, that the Board may designate the accredited professional organization, through its constituent chapters and affiliates, to monitor such activities.

ARTICLE IV PRACTICE OF DENTISTRY, DENTAL HYGIENE AND DENTAL TECHNOLOGY

Sec. 25. Code of Ethics and Code of Dental Practice for Dentists. – The Board shall adopt and promulgate the Code of Ethics and Code of Dental Practice of dentists, dental hygienists and dental technologists prescribed and issued by the accredited professional organization of dentists.

Sec. 26. *Vested Rights.* – All dentists and dental hygienists registered at the time this shall take effect shall automatically be registered under the provisions hereof, subject, however, to the provisions herein set forth regarding future requirements. Certificates of registration/professional license held by such persons in good standing shall have the same force and effect as though issued after the passage of this Act.

Sec. 27. *Registration without Examination for Dental Hygienists and Dental Technologists.* – A person who possesses the equivalent qualifications required for admission in the examination for dental hygienist or dental technologist pursuant to this Act may be registered without examination; *Provided*, that the applicant files with the Board within three years after the effectivity of this Act, an application for registration and issuance of a certificate of registration/professional license and professional identification card, by submitting credentials showing that the applicant, before the effectivity of this Act:

- (a) had been given a certificate in dental hygiene or dental technology by a duly recognized college, school or institution and had at least three (3) years of actual experience as dental hygienist or dental technologist in an accredited or licensed dental clinic or laboratory; or,
- (b) had been practicing as a dental hygienist or dental technologist for at least five (5) years in a licensed dental laboratory or clinic under the supervision of a dentist and had attended a training course given by an accredited school or institution.

Sec. 28. *Display of Name and Certificate of Registration.* – Every registered practicing dentist, dental hygienist and dental technologist shall display in a conspicuous place in the building or office where he/she practices, his/her name and his/her certificate or registration in plain sight of patients who enter the dental office, or dental clinic or dental laboratory. In case where the dentist has more than one clinic, the original certificate of registration should be displayed in his/her main office or clinic, and he/she shall display a copy of his/her certified original certificate of registration in the other branch or branches of his/her practice. Any owner or proprietor of a dental office or establishment shall display the certificates of registration of each person in the same manner as hereinafter provided.

Sec. 29. *Integration of Dentists, Dental Hygienists and Dental Technologists.* – All registered dentists, dental hygienists and dental technologist shall be integrated into one (1) national organization which shall be recognized by the Board and accredited by the Commission as the one and only accredited integrated association to which all dentists, dental hygienists and dental technologists shall belong. Henceforth, all dentists, dental hygienists and dental technologists to be registered with the Board shall automatically become a member of the accredited integrated professional organization upon payment of required fees and dues. Membership in the accredited and integrated organization shall not be a bar to membership in other associations of dentists, dental hygienists and dental technologists.

Sec. 30. *Foreign Reciprocity.* – No foreigner shall be admitted to the examination and be given a certificate of registration/professional license to practice as a dentist and be entitled to any of the privileges under this Act unless the country of which he/she is a subject or citizen specifically permits Filipino



dentists to practice within its territorial limits on the same basis as the subject or citizens of such foreign state or country under reciprocity and under international agreements.

Sec. 31. Roster of Dentists, Dental Hygienists and Dental Technologists. – The Board, in coordination with the accredited professional organization, shall maintain a roster of the name, residence and addresses of all registered dentists, dental hygienists and dental technologists and shall make this roster available to the public upon request.

ARTICLE V PENAL PROVISION AND ENFORCEMENT OF THE ACT

Sec. 32. Penal Provision. – The following, shall be punished by a fine of not less than Two Hundred Thousand Pesos (P200,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00) or to suffer imprisonment for a period of not less than ten (10) years and one day but not more than twenty years, or both, at the discretion of the court:

- (a) Any person who shall practice dentistry, dental hygiene or dental technology in the Philippines as defined in this Act, without a certificate of registration issued in accordance with the provisions of this Act, or has been declared exempt;
- (b) Any of those who practice the profession to whom the definition of the practice of dentistry, dental hygiene or dental technology does not apply;
- (c) Any licensed dentist who shall abet the illegal practice of dentistry;
- (d) Any person presenting or using as his/her-own the certificate of registration of another;
- (e) Any person who shall give any false or forged evidence to the Board in obtaining a certificate of registration;
- (f) Any person who shall impersonate any registrant of like or different name;
- (g) Any person who shall use a revoked or suspended certificate of registration;
- (h) Any person who shall assume, use or advertise as a bachelor of dental surgery, doctor of dental surgery, master of dental surgery, licentiate of dental surgery, doctor of dental medicine, or dental surgeon, or append to his name the letters D.D.S., B.D.S., L.D.S., or D.M.D. without having been conferred such title or degree in a legally constituted school, college or university, duly recognized and authorized to confer the same or other degrees; and,
- (i) Any person who advertise any title or description tending to convey the impression that he/she is a dentist, without holding valid certificates of registration from the Board.

Sec. 33. Enforcement of this Act. – It shall be the duty of all constituted officers of the law of the national, provincial, city, municipal or barangay level of the government, to enforce the provisions of this Act as well as the rules and regulations pertinent thereto, and to prosecute any person violating the same. The Secretary of Justice shall act as the legal adviser of the Board of Dentistry and shall render such legal assistance as may be necessary in carrying out the provisions of this Act.



**ARTICLE VI
MISCELLANEOUS PROVISIONS**

Sec. 34. *Funding Provision.* – The Chairman of the Professional Regulation Commission shall immediately include in the Commission's programs the implementation of this Act, the funding of which shall be included in the Annual General Appropriations Act.

Sec. 35. *Transitory Provision.* – The existing Board of Dentistry shall continue to function in the interim until such time that the new Professional Regulatory Board of Dentistry shall be constituted pursuant to this Act.

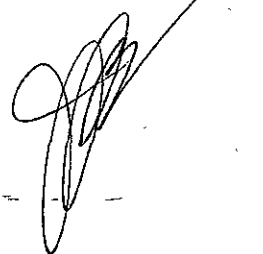
Sec. 36. *Implementing Rules and Regulations.* – The Board, in coordination with the accredited professional organization and with the approval of the Commission, shall promulgate, adopt and implement such rules and regulations to carry out the provisions of this Act.

Sec. 37. *Separability Clause.* – If any section or provision of this Act shall be declared invalid or unconstitutional, such shall not invalidate any other section or provision of this Act.

Sec. 38. *Repealing Clause.* – Republic Act No. 4419 and Republic Act No. 768, are hereby repealed. All other laws or portions thereof, orders, ordinances, or rules and regulations in conflict with the provisions of this Act as pertain to the practice of Dentistry shall be, and are hereby repealed.

Sec. 39. *Effectivity.* – This Act shall take effect following its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.