

14<sup>th</sup> Congress of the Republic )  
 Of the Philippines )  
 1<sup>st</sup> Regular Session )

7 JUL -4 P5:20

SENATE

S.B. No. **1173**RECEIVED BY: 


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*Introduced by Senator Aquilino Q. Pimentel Jr.*

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### EXPLANATORY NOTE

Over the years, dramatic advances in various disciplines in the science and technology of medicine have revolutionized the diagnosis, treatment, and management of disease. The rapid progress of modern medicine dictates the need to upgrade and update the curriculum of the study and practice of medicine. There is an urgent need therefore, to update the existing Medical Act of 1959 that has been the standard reference in the practice of medicine.


This proposed legislation aims to 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, moral values, and the professional attitude of physicians through continuing professional medical education (CPME).

To meet the challenges of improving the quality of health care of our citizenry and the imperatives of global competitiveness in medicine, the passage of this bill is urgently requested.

  
 AQUILINO Q. PIMENTEL, JR.

7 JUL -4 P5:24

14<sup>th</sup> Congress of the Republic )  
Of the Philippines )  
First Regular Session )

RECEIVED BY: 

**SENATE**

S.B. No. 1173

*Introduced by Senator Aquilino Q. Pimentel, Jr.*

**"AN ACT  
REGULATING THE EDUCATION AND LICENSURE OF  
PHYSICIANS AND THEIR PRACTICE OF MEDICINE  
AND FOR OTHER PURPOSES"**

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

**ARTICLE I**

**TITLE, POLICY AND OBJECTIVES**

1       **SECTION 1. Title.** - This shall be known as the "Physician's  
2 Act of 2007"

3  
4       **SEC. 2. Declaration of Policy** - The State recognizes  
5 the vital role of physicians as professionals involved in the  
6 preservation, safeguard, cure and enhancement of life, health, and  
7 general welfare of the citizenry. Physicians' professional services  
8 shall, therefore, be promoted as a regular component of the  
9 primary health care system and as a vehicle towards the progress of  
10 the country.

11  
12       **SEC. 3. Objectives.**- This Act provides for and shall  
13 govern: (a) the standardization, upgrading, and regulation of the  
14 operation of medicine-proper courses including internship training;  
15 (b) the examination for registration and licensure; (c) supervision,  
16 control and regulation of the practice of medicine; (d) the  
17 integration of the profession; and (e) the development of the  
18 competence, moral values, and professional attitude of physicians  
19 through continuing professional medical education (CPME).



1 outpatient services and other requirements used for  
2 didactic and practical instruction in accordance  
3 with modern trends;

4 (c) To determine and prescribe the minimum number  
5 and standard and qualification of teaching  
6 personnel including student-teacher ratio;

7 (d) To determine and prescribe the minimum required  
8 curriculum with internship leading to degree of  
9 Doctor of Medicine;

10 (e) To authorize and regulate the implementation of  
11 experimental or innovative medical curriculum in a  
12 medical school that has exceptional faculty and  
13 instrumental facilities. Such an experimental or  
14 innovative curriculum may prescribe admission and  
15 graduation requirements other than those  
16 prescribed in this Act: *Provided*, That only  
17 exceptional students shall be enrolled in the  
18 experimental curriculum;

19 (f) To accept applications and issue eligibility for  
20 certification for admission to a medical school and  
21 keep a registry of those issued with said certificate;  
22 and to collect from said applicants a reasonable  
23 fees as may be determined by the Board which shall  
24 accrue to the operating funds of the CHED;

25 (g) To select, determine and approve hospitals, or some  
26 departments of the hospitals, for training which  
27 comply with the minimum specific physical facilities  
28 as provided in subparagraph (b) hereof;

29 (h) To recommend to the CHED the closure or  
30 suspension of the degree of Doctor of Medicine  
31 program of a College of Medicine upon evaluation  
32 of the statistical information on the performance of  
33 the said college in the Physician Licensure  
34 Examination as furnished by the Board of Medicine  
35 and the Commission; and

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

39  
40 **SEC. 7. Minimum Required Course** – Students seeking  
41 admission to medical course must have a bachelor's degree in  
42 science or arts. The medical course leading to the degree of

1 doctor of medicine shall be five (5) years including internship  
2 and shall consist of the following subjects:

3  
4 Anatomy  
5 Physiology  
6 Biochemistry and Molecular Biology  
7 Pharmacology and Therapeutics  
8 Microbiology and Parasitology  
9 Medicine  
10 Pathology and Oncology  
11 Psychiatry  
12 Gynecology  
13 Pediatrics and Nutrition  
14 Neurology and Psychiatry  
15 Ophthalmology, Otology and Laryngology  
16 Orthopedics  
17 Urology  
18 Radiology  
19 Surgery  
20 Preventive Medicine and Public Health/Family and  
21 Community Medicine  
22 Legal Medicine, Medical Jurisprudence, Ethics and Health  
23 Economics

24  
25 Provided, that the Board of Medical Education is hereby  
26 authorized to modify, rearrange, recluster, add to or reduce  
27 the subjects listed above as the needs and demands of  
28 progress in the medical profession may require.

29 **SEC. 8. Admission Requirements.** - The medical  
30 college may admit any student who has not been finally  
31 convicted by any court of any criminal offense involving moral  
32 turpitude and who presents: (a) a record showing completion of  
33 a bachelor's degree in science or arts; (b) a certificate of  
34 eligibility for entrance to a school of medicine from the Board  
35 of Medical Education; (c) a certificate of good moral  
36 character issued by two former professors in the college  
37 offering the pre-medicine course(s); and (d) certificate of live  
38 birth. Nothing in this Act shall be construed to inhibit any  
39 college of medicine from establishing, in addition to the  
40 preceding, any other entrance requirements that may be  
41 deemed reasonable.

42

1 For the purpose of this Act, the term "College of  
2 Medicine" shall include faculty of medicine, institute of  
3 medicine, school of medicine or of her similar institution that  
4 has met the standards and requirements set forth by the Board  
5 of Medical Education, offering a complete medical course  
6 leading to the degree of Doctor of Medicine or its equivalent  
7 course obtained.

8  
9 Every college of medicine must keep complete records of  
10 enrolment, grades, graduates and must publish each year a  
11 catalogue giving the following information:

- 12
- 13 1. date of publication
- 14 2. calendar of academic year
- 15 3. faculty roll indicating whether on full or part time
- 16 basis
- 17 4. requirements for admission
- 18 5. grading system
- 19 6. requirements for promotion
- 20 7. requirements for graduation
- 21 8. curriculum and description of course by department
- 22 9. number of students enrolled in each class in the
- 23 preceding year

## 24 25 **ARTICLE III**

### 26 27 **BOARD OF MEDICINE**

28  
29 **SEC. 9. Composition of the Board.** – The Board of Medicine,  
30 hereinafter referred to as the Board, is hereby created as a collegial  
31 body under the administrative control and supervision of the  
32 Commission, composed of a Chairman, a Vice-Chairman and five  
33 (5) members to be appointed by the President of the Philippines  
34 from among three (3) recommendees of the Board for every  
35 vacancy chosen from nominees of the integrated national  
36 organization of physicians.

37  
38 **SEC. 10. Qualifications of Board Members.** – Each Board  
39 Member must, at the time of his appointment,

40  
41 (a) Be a natural born Filipino citizen and a resident of  
42 the Philippines for at least (10) consecutive years;

43  
44 (b) Be at least forty (40) years old;

45

- 1 (c) Be a holder of a valid certificate of registration and  
 2 a valid professional identification card as a  
 3 physician and a practitioner for at least ten (10)  
 4 years;
- 5 (d) Be a *bona fide* member of the integrated national  
 6 organization of physicians accredited by the Board  
 7 of Medicine and the Commission.;
- 8 (e) Not be convicted by final judgment by a  
 9 competent court of a criminal offense involving  
 10 moral turpitude;
- 11 (f) Have an experience of at least two (2) years as  
 12 faculty member in a college of medicine;
- 13 (g) Not be a member of the faculty or a lecturer, nor  
 14 shall have any direct or indirect pecuniary interest  
 15 in any institute, school or college offering the course  
 16 of Doctor of Medicine or conducting review classes  
 17 for the licensure examinations; and
- 18 (h) Not be an officer of the integrated national  
 19 organization of physicians accredited by the Board  
 20 of Medicine and the Commission.

21  
 22  
 23 **SEC. 11. Term of Office.** – The Members of the Board shall hold  
 24 office from the date of their appointment for a term of three (3)  
 25 years or until their successors shall have been appointed and  
 26 qualified. They may, however, be reappointed for another term  
 27 after the expiry of their first term. Appointments to fill up nominees  
 28 created by causes other than through expiration of regular terms  
 29 shall be for the unexpired period only. Each member shall qualify by  
 30 taking an oath of office before entering upon the performance of  
 31 his duties. The incumbents whose terms have not yet expired or who  
 32 are merely holding over, at the effectivity of this Act, shall be  
 33 allowed to serve the unexpired portion of their terms or may be  
 34 appointed under this Act.

35  
 36  
 37 **SEC. 12. Removal of Board Member.** – The President, upon  
 38 recommendation of the Commission after due investigation, may  
 39 remove any member of the Board on the following grounds:

- 40 (a) Neglect of duty or incompetence;  
 41 (b) Unprofessional, unethical or dishonorable conduct;
- 42  
 43  
 44  
 45

- 1 (c) Manipulation or rigging of the Physician Licensure  
 2 Examination's results, or disclosure of the examination  
 3 questions prior to the conduct of the said  
 4 examination, or tampering of the grades therein; or  
 5 (d) Final conviction by the court of a criminal offense  
 6 involving moral turpitude.  
 7

8 **SEC. 13. Compensation of the Board Members.** – The  
 9 Chairman, Vice-Chairman and Members of the Board shall receive  
 10 compensation and allowances or other benefits in accordance with  
 11 law and the rules of the Commission.  
 12

13 **SEC. 14. Powers and Duties of the Board.** – The Board shall  
 14 exercise executive/administrative or quasi-legislative or quasi-judicial  
 15 powers in carrying out the provisions of this Act. It shall be vested  
 16 with the following specific powers, functions, duties and  
 17 responsibilities:  
 18

- 19 (a) Supervise and promulgate regulations on the practice of  
 20 medicine;  
 21  
 22 (b) Determine and evaluate qualifications of the applicants  
 23 for registration with physician licensure examinations and for  
 24 the grant of temporary/special permits;  
 25  
 26 (c) Prepare the examination questions in accordance with  
 27 Section 25 hereof or the modifications thereof, prescribe the  
 28 syllabi of the subjects and their relative weights for the  
 29 licensure examinations; formulate or adopt test questions in  
 30 accordance with the rules of the Commission and conduct  
 31 the examinations; correct and rate the examination papers  
 32 through process of computerization and submit the  
 33 examination results to the Commission within the period  
 34 provided for by the rules of the Commission;  
 35  
 36 (d) Prescribe, amend or revise the requirements for the  
 37 subjects in the physician licensure examination and their  
 38 relative weights, subject to the approval of the Commission;  
 39  
 40 (e) Register successful examinees in the physician licensure  
 41 examination and issue the corresponding certificates of  
 42 registration and professional identification card;  
 43  
 44 (f) Issue special/temporary permits to foreign physicians to  
 45 practice medicine for specific projects and for a specific  
 46 duration of time;



- 1  
2 (g) Look into the conditions affecting the practice of  
3 medicine, adopt measures for the enhancement of the  
4 profession and the maintenance of high professional,  
5 technical, and ethical standards and conduct ocular  
6 inspections of places where physicians practice their  
7 profession whenever necessary;  
8
- 9 (h) Promulgate rules and regulations including a Code of Ethics  
10 and Code of Technical Standards for physicians,  
11 administrative policies, orders, and issuances to carry out  
12 the provisions of this Act;  
13
- 14 (i) Upon verified complaint, investigate violations of this Act  
15 and the rules and regulations, Code of Ethics, administrative  
16 policies, orders and issuances promulgated by the Board.  
17 The rule on administrative investigation promulgated by the  
18 Commission shall govern in such investigation;  
19
- 20 (j) Issue *subpoena ad testificandum* or *subpoena duces*  
21 *tecum* to secure the attendance of respondents or  
22 witnesses or the production of documents at and relative to  
23 the investigation conducted by the Board;  
24
- 25 (k) Delegate to the Chairman, Vice-Chairman, member of the  
26 Board, or a Commission Attorney (PRC attorney) the  
27 hearing of an administrative case. If the case is technical  
28 or concerns strictly the practice of the profession, the  
29 investigation shall be presided by the Chairman, Vice-  
30 Chairman or a Member of the Board with the assistance of  
31 a PRC attorney and/or representative of the integrated  
32 national organization of physicians;  
33
- 34 (l) Render decision, order or resolution on preliminary  
35 investigation or inquiry against violators of this Act, rules and  
36 regulations or any policy on undocketed cases and on  
37 docketed administrative cases against examinees or  
38 registrants which shall become final and executory unless  
39 appealed with the Commission within fifteen (15) days from  
40 receipt of the copy thereof. The decision of the  
41 Commission may be appealed to the Court of Appeals in  
42 accordance with the procedures provided in the Rules of  
43 Court;  
44
- 45 (m) After due notice and hearing, if found guilty, cancel  
46 examination papers and/or bar any examinee from future

1 examination; refuse or defer his registration; reprimand the  
 2 registrant with stern warning; suspend him from the practice  
 3 of his profession; revoke his certificate of registration; cancel  
 4 special/temporary permit; remove his name from the roll of  
 5 physicians for continuous non-payment of annual  
 6 registration fees and non-compliance with the CPE  
 7 requirements; reinstate or re-enroll his name in the said roll;  
 8 reissue or return his certificate of registration and  
 9 professional license. A decision of suspension, revocation of  
 10 the certificate of registration or removal from the roll by the  
 11 Board as provided herein maybe appealed initially to the  
 12 Commission within fifteen (15) days from receipt thereof.  
 13 The decision of the Commission may be appealed to the  
 14 Court of Appeals in accordance with the procedures  
 15 provided in the Rules of Court;

- 16
- 17 (n) Administer oath in connection with the administration,  
 18 implementation, or enforcement of this Act;
- 19
- 20 (o) Prosecute or institute criminal action against any violator  
 21 of this Act and or the rules and regulations of the Board;
- 22
- 23 (p) Adopt an official seal;
- 24
- 25 (q) Coordinate with the Board of Medical Education in  
 26 prescribing, amending and/or revising the courses;
- 27
- 28 (r) Assist the Commission in the implementation of its  
 29 prescribed guidelines and criteria on the CPE for registered  
 30 and licensed physicians; and
- 31
- 32 (s) Perform such other functions and duties as may be  
 33 necessary to effectively implement this Act.
- 34

35 The policies, resolutions, rules and regulations, orders or  
 36 decisions issued or promulgated by the board shall be subject to the  
 37 review and approval by the Commission; however, the Board's  
 38 decisions, resolutions or orders which are not interlocutory, rendered  
 39 in an administrative case, shall be subject to review only if on  
 40 appeal.

41

42 **SEC. 15. Administrative Management, Custody of**  
 43 **Records, Secretariat and Support Services.** - The Board shall be  
 44 under the administrative and executive management of the  
 45 Commission with the Commission Chairman as the Chief

1 Executive Officer thereof. All records of the Board shall be  
2 under the custody of the Commission.

3  
4 The Commission shall designate the Secretary of the Board  
5 and shall provide the Secretariat and other support services to  
6 implement the provisions of this Act.

7  
8 **SEC. 16. *Implementing Rules and Regulations.*** – The Board  
9 with the approval of the Commission shall prescribe, issue, and  
10 promulgate Rules and Regulations implementing and carrying out  
11 the provisions of this Act, which shall be effective after fifteen (15)  
12 days following the completion of its publication in the *Official*  
13 *Gazette* or a major daily newspaper of general circulation in the  
14 Philippines, or whichever comes earlier.

15  
16 **SEC. 17. *Annual Report.*** - The Board shall, on or before the  
17 end of January of the following year, submit to the Commission and  
18 the Board of Medical Education, its annual report of  
19 accomplishments on programs, projects, and activities for the  
20 calendar year together with its appropriate recommendations on  
21 issues or problems affecting the practice of medicine.

## 22 23 24 **ARTICLE IV**

### 25 26 **MEDICAL LICENSURE EXAMINATION**

27  
28 **SEC. 18. *Examinations Required.*** – All applicants for  
29 registration, before they can be issued a Certificate of Registration  
30 and a Professional Identification Card as a physician, shall be  
31 required to pass a written technical licensure examination for  
32 physician as provided for in this Act, subject to the payment of the  
33 fees prescribed by the Commission.

34  
35 **SEC. 19. *Qualifications of Applicant for Examination.*** – Every  
36 applicant for examination, prior to admission to the examination,  
37 must have the following qualifications:

- 38  
39 (a) Filipino citizenship or citizenship of a foreign state  
40 which provides reciprocal rights with the Philippines in  
41 the practice of medicine;  
42  
43 (b) Mentally, emotionally and physically competent to  
44 practice medicine;  
45

1 (c) Non-conviction by final judgment by a court of any criminal  
2 offense involving moral turpitude;

3  
4 (d) Holder of the degree of Doctor of Medicine conferred by a  
5 College of Medicine established in the Philippines and duly  
6 recognized by the CHED or of a degree conferred by a  
7 college of medicine abroad and accredited by the CHED  
8 as substantially equivalent to the Degree of Doctor of  
9 Medicine offered by a Philippine College of Medicine; and

10  
11 (e) Completion of one (1) year of internship in an accredited  
12 Philippine hospital or a training abroad accredited as  
13 equivalent to such internship by the Technical Panel.

14  
15 **SEC. 20. Venue and Schedule of Examination.** - The  
16 Examination shall be held simultaneously in venue/s and schedule/s  
17 that the Commission shall fix after consultation with the Board.

18  
19 **SEC. 21. Scope of Examination.** - The Physician Licensure  
20 Examination shall cover the following thirteen (13) individual or  
21 combined/clustered subjects with equal weights for each in one  
22 final examination after completion of internship.

- 23  
24 1. Anatomy  
25 2. Physiology  
26 3. Biochemistry  
27 4. Pharmacology and Therapeutics  
28 5. Microbiology and Parasitology  
29 6. Medicine  
30 7. Pediatrics and Nutrition  
31 8. Pathology and Oncology  
32 9. Obstetrics and Gynecology  
33 10. Surgery/Otolaryngology/otorhinotoryngology/ophthalmolo  
34 gy  
35 11. Preventive Medicine and Public Health  
36 12. Legal Medicine, Code of Ethics for Physicians, and  
37 Jurisprudence on the Practice of Medicine.  
38 13. Psychiatry/Neurology

39  
40 As urgent and important need arises so as to conform to  
41 technological, modern changes, the Board may recluster,  
42 rearrange, modify the foregoing, subjects, add to or exclude any  
43 subject, prescribe the number of final examination(s) per year in  
44 consultation with the Technical Panel and after approval by the  
45 Commission. The Board resolution thereon shall not only be officially  
46 published in the Official Gazette or major daily newspapers of

1 general circulation but also circularized and disseminated to all  
2 colleges of medicine.

3  
4 Each of the thirteen (13) subjects shall have its syllabus or table  
5 of specification. The Board shall apply the syllabi only after  
6 necessary consultation with the concerned academe, approval by  
7 the Commission, publication of its Board Resolution pursuant to legal  
8 requirements, dissemination to all colleges of Medicine, and a lapse  
9 of at least three (3) months from its effectivity. Each syllabus shall be  
10 subject to modification or amendment, as the need arises.

11  
12 **SEC. 22. Rating in the examination.** - To pass the Physician  
13 Licensure Examination, an examinee must obtain a general average  
14 rating in all thirteen (13) subjects of no less than seventy-five percent  
15 (75%) with no rating in any subject below fifty percent (50%).

16  
17 However, an examinee who has obtained a general average  
18 rating in all thirteen (13) subjects of no less than seventy-five percent  
19 (75%) with a grade of below fifty percent (50%) in any subject/s must  
20 retake the same subject/s within one (1) year from the date of his  
21 last examination and must get a grade of no less than seventy-five  
22 percent (75%) in each subject retaken in order to pass the said  
23 examination.

24  
25 **SEC. 23. Report and Publication of the Results of Examination.**  
26 - The Board shall report the rating of each examinee to the  
27 Commission within ten (10) days from the last day of examination.  
28 The official results of the examination containing the list of  
29 topnotcher examinees without indication of their respective  
30 schools/colleges, the names of the schools/ colleges obtaining top  
31 percentages of successful graduate-examinees shall be published  
32 by the Commission in the major daily newspapers of general  
33 circulation.

34  
35 The Report of Rating of every examinee shall be mailed to his  
36 given address, using the mailing envelope he submitted during the  
37 examination.

## 38 39 **ARTICLE V**

### 40 41 **REGISTRATION**

42  
43 **SEC. 24. Oath.** - All successful examinees shall be required to  
44 take their oath before the Board or any officer authorized by the  
45 Commission to administer oath, before they are issued with their

1 certificates of registration and professional identification card or  
2 before they start the practice of their profession.

3  
4 **SEC. 25. *Registration, Issuance of Certificate of Registration***  
5 ***and Professional Identification Card, Non-registration.*** – All  
6 successful examinees upon compliance with all legal requirements  
7 and payment of fees prescribed by the Commission shall be  
8 registered and issued with certificates of registration and  
9 professional identification card.

10  
11 The certificate of registration as a physician shall bear the  
12 registration number and date of issuance and the signatures of the  
13 Commission Chairman and the members of the Board stamped with  
14 the seal of the Commission and the Board, certifying that the name  
15 of the person stated therein appears in the Registry/Roster/Roll of  
16 Physicians under the custody of the Commission; that he has met or  
17 complied with all the legal requirements for registration as a  
18 physician; and that he is entitled to exercise all the privileges  
19 appurtenant to the practice of his profession provided that he does  
20 not violate this Act, the Rules and Regulations, Code of Ethics for  
21 Physicians, and other regulatory policies of the Commission and  
22 Board, and that he holds a valid and unexpired professional  
23 identification card.

24 The professional identification card shall bear the name of the  
25 registered/licensed physician, his registration number and date of  
26 issuance and its date of expiry, and shall be an evidence that he  
27 can lawfully practice his profession.

28  
29 A successful examinee who has been finally convicted by a  
30 court of a criminal offense involving moral turpitude, or found guilty  
31 by the Board for dishonorable or immoral conduct, or declared by  
32 the court to be of unsound mind shall not be registered. The  
33 decision of the Board, finding the examinee guilty of dishonorable or  
34 immoral conduct, may be appealed by the examinee to the  
35 Commission and/or to the Court of Appeal. The facts and the  
36 reasons for refusal to register shall be in writing communicated to the  
37 examinee, and duly incorporated in the records of the Commission.

## 40 **ARTICLE VI**

### 41 **THE PRACTICE OF MEDICINE**

42  
43  
44 **SEC. 26. *Prerequisite to the Practice of Medicine*** – No  
45 person shall engage in the practice of medicine unless he/she  
46 holds a (1) a valid certificate of registration and a valid

1 professional identification card issued by the Commission, or (2)  
 2 a valid special/temporary permit issued by the Board of  
 3 Medicine subject to approval by the Commission, unless he/she  
 4 is exempted from this Act from holding any of the foregoing  
 5 license.

6  
 7 **SEC. 27. Acts Constituting Practice of Medicine.** - A  
 8 person shall be considered as engaged in the practice of  
 9 medicine who shall:

10  
 11 (1) for compensation, fee, salary or reward in any form  
 12 paid to him directly or through another, even without  
 13 the same, physically examine any person, and  
 14 diagnose, treat, operate or prescribe any remedy for  
 15 human disease, injury, deformity, physical, mental,  
 16 psychical condition or any ailment, real or imaginary,  
 17 regardless of the nature of the remedy or treatment  
 18 administered, prescribed or recommended, or

19  
 20 (2) by means of signs, cards, advertisements, written or  
 21 printed matter, or through the radio, television or any  
 22 other means of communication, either offer or  
 23 undertake by any means or method to diagnose, treat,  
 24 operate or prescribe any remedy for any human  
 25 disease, injury, deformity, physical, mental or physical  
 26 condition.

27  
 28 **SEC. 28. Practice through Special Permit/Temporary**  
 29 **Permit.** - Special/ Temporary permit may be issued by the  
 30 Board subject to approval by the Commission and payment of  
 31 the fees it has prescribed and charged thereof to the following  
 32 persons:

33  
 34 (1) Licensed physicians from foreign countries/states whose  
 35 services are either for a fee or free.

36  
 37 (a) if they internationally well-known specialists or  
 38 outstanding experts in any branch or specialty of  
 39 medicine; and

40  
 41 (b) if their services are urgently and importantly  
 42 necessary for lack or inadequacy of available local  
 43 specialists/experts or for the promotion or

1 advancement of the practice of medicine through  
2 transfer of technology;

3  
4 (2) Licensed physicians from foreign countries/states whose  
5 services shall be free and limited to indigent patients in a  
6 particular hospital, center of clinic;

7  
8 (3) Licensed physicians from foreign countries/states employed  
9 as exchange professors in a branch of specialty of medicine  
10 by colleges of medicine.  
11

12 The permit shall, among other things, include these limitations  
13 and conditions: the period for no more than one (1) year subject to  
14 renewal, the branch or specialty of medicine, and the specific  
15 place of practice such as clinic, hospital, center, college of  
16 medicine. The Board, subject to approval by the Commission, shall  
17 prescribe rules and regulations on the implementation of this  
18 particular Section.  
19

20 **SEC. 29. *Persons Exempted from Holding Valid Certificate of***  
21 ***Registration and Valid Professional Identification Card or Special/Temporary***  
22 ***Permit.*** - The preceding section shall not be construed to affect  
23

24 (a) any medical student duly enrolled in an approved  
25 medical college or school, or graduate under  
26 training, serving without any professional fee in any  
27 government or private hospital, provided that he  
28 renders such service under the direct supervision and  
29 control of a registered physician;  
30

31 (b) any legally registered dentist engaged exclusively in  
32 the practice of dentistry;  
33

34 (c) any duly registered masseur or physiotherapist,  
35 provided that he applies massage or other physical  
36 means upon written order or prescription of a duly  
37 registered physician, or provided that such  
38 application of massage or physical means shall be  
39 limited to physical or muscular development;  
40

41 (d) any duly registered optometrist who mechanically fits  
42 or sells lenses, artificial eyes, limbs or other similar  
43 appliances or who is engaged in the mechanical  
44 examination of eyes for the purpose constructing or  
45 adjusting eyeglasses, spectacles and lenses;  
46



- 1 (e) any person who renders any service gratuitously in  
2 cases of emergency, or in places where the services  
3 of a duly registered physician, nurse or midwife are  
4 not available;  
5
- 6 (f) any person who administers or recommends any  
7 household remedy as per classification of existing  
8 Pharmacy Laws;  
9
- 10 (g) any clinical psychologist, or mental hygienist, in the  
11 performance of his/her duties in regard to patients  
12 with psychiatric conditions provided such  
13 performance is done with the prescription and direct  
14 supervision of a duly registered physician,  
15
- 16 (h) prosthetists who fit artificial limbs under the supervision  
17 of a registered physician, and  
18
- 19 (i) cosmetologists who compound and sell beauty skin  
20 products provided they do not perform surgical  
21 intervention.  
22

23 **SEC. 30. Revocation of the Certificate of Registration,**  
24 **Suspension from the Practice of the Profession, Reprimand,**  
25 **Cancellation of the Temporary/Special Permit.** – The Board shall  
26 have power, upon proper notice and hearing, to revoke the  
27 certificate of registration of a physician, suspend him from the  
28 practice of his profession or reprimand him, or to cancel the  
29 special/temporary permit issued to a foreign physician, for any of  
30 the following grounds/causes:  
31

- 32 1. Final conviction by a court of a criminal offense involving  
33 moral turpitude;  
34
- 35 2. Immoral or dishonorable conduct;  
36
- 37 3. Insanity;  
38
- 39 4. Fraud in the acquisition of the certificate of registration  
40 and professional license or temporary/special permit;  
41
- 42 5. Gross negligence, ignorance or incompetency in the  
43 practice of his profession, resulting in an injury to or death  
44 of the patient;  
45
- 46 6. Addiction to alcoholic beverages or to any habit-forming  
47 drug rendering him incompetent to practice his profession;

- 1
- 2 7. False, extravagant, or unethical advertisements.
- 3
- 4 8. Performance of or aiding in any criminal abortion;
- 5
- 6 9. Knowingly issuing any false medical certificate;
- 7
- 8 10. Issuing any statement or spreading any news or rumor
- 9 which is derogatory to the character and reputation of
- 10 another physician ;
- 11
- 12 11. Aiding or acting as a dummy of unqualified or unregistered
- 13 or unlicensed person to practice medicine;
- 14
- 15 12. Violation of any provision of the Code of Ethics for
- 16 Physicians as prescribed by the organization of physicians
- 17 accredited by the Commission or by the integrated and
- 18 accredited national organization of physicians, and
- 19 adopted and promulgated by the Board subject to
- 20 approval by the Commission;
- 21
- 22 13. Practicing his profession during the period of his suspension
- 23 from the practice thereof;
- 24
- 25 14. Violation of this Act, the Rules and Regulations, and other
- 26 policies of the Board and the Commission issued pursuant
- 27 to this Act.
- 28

29 The rules on administrative investigation prescribed and  
 30 promulgated by the Commission shall govern the procedures and  
 31 conduct of administrative investigation before the Board. The rules  
 32 on evidence in the Rules of Court shall be suppletory to the  
 33 Commission rules. The Board may delegate the investigation of the  
 34 case to any of its members or any attorney of the Commission. A  
 35 case that directly and technically involves the practice of the  
 36 profession shall require the presence of a Board Member and an  
 37 attorney of the Commission.

38  
 39 **SEC. 31. Rights of Respondents.** – The respondent physician  
 40 shall be entitled to be represented by counsel or be heard in person,  
 41 to have a speedy and public hearing, to confront, and to cross-  
 42 examine witnesses against him, and to all other rights guaranteed  
 43 by the Constitution and provided for in the Rules of Court.

44  
 45 **SEC. 32. Appeal from Judgment.** – The decision of the Board  
 46 shall automatically become final fifteen (15) days after the date of

1 its promulgation unless the respondent, during the same period, has  
2 appealed the said decision to the Commission. If the final decision  
3 is not satisfactory, the respondent may appeal the decision to the  
4 Court of Appeals.

5  
6 **SEC. 33. Reissuance of Revoked Certificate of Registration  
7 and Professional Identification Card and Replacement of Lost  
8 Certificate of Registration and Professional Identification Card. –**

9 After two years, the Board may order the reinstatement of any  
10 physician whose certificate of registration has been revoked, if the  
11 respondent has acted in an exemplary manner in the community  
12 wherein he resides and has not committed any illegal, immoral or  
13 dishonorable act.

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

18  
19 **SEC. 34. Indication of Professional Identification Card Number  
20 and Professional Tax Receipt. –** A registered and licensed physician  
21 shall indicate his certificate of registration/professional identification  
22 card number with date of issuance, the expiry date of the  
23 professional identification card, and the professional tax receipt  
24 number, if required, on the prescription and other documents he  
25 signs, uses or issues in connection with the practice of his profession.

26  
27 **SEC. 35. Integration of the Profession. –** The profession shall be  
28 integrated into one national organization of registered and licensed  
29 physicians upon recognition and accreditation by the Board and  
30 the Commission. A physician duly registered and licensed by the  
31 Board and the Commission shall automatically become a member  
32 of the said organization and shall receive the benefits and privileges  
33 appurtenant hereto upon payment of required fees and dues.  
34 Membership in the integrated organization shall not be a bar  
35 membership in any other association of physicians.

36  
37 **SEC. 36. Continuing Medical Education.** The Board shall  
38 implement the continuing medical education among practicing  
39 physicians in consonance with the guidelines of the Continuing  
40 Professional Education (CPE) of the Commission.

41  
42 **SEC. 37. Automatic Registration of Physicians. –** All  
43 physicians whose name appear in the Registry/Roll/Roster of  
44 Physicians at the time of the effectivity of this Act shall be  
45 automatically registered.

46

1  
2 **ARTICLE VII**

3  
4 **PENALTIES AND SUNDRY PROVISIONS**

5  
6 **SEC. 38. Penalties.** - Any person who shall practice or offer  
7 to practice medicine without a valid certificate of registration and a  
8 valid professional identification card, or a valid temporary/special  
9 permit in accordance with the provision of this Act, or any person  
10 presenting or attempting to use as his own the certificate of  
11 registration or professional identification card or temporary/special  
12 permit of another or any person who shall give any false or forged  
13 evidence of any kind to the Board or Commission in obtaining a  
14 certificate of registration or professional identification card or  
15 temporary/special permit, or any person who shall falsely  
16 impersonate any registrant with like or different name, or any  
17 registered and licensed physician who shall abet or assist the illegal  
18 practice of a person who is not lawfully qualified to practice  
19 medicine, or any person who shall attempt to use a revoked or  
20 suspended certificate of registration or an invalid or expired  
21 professional identification card or a cancelled special/temporary  
22 permit of another, or any person who shall use or advertise any title  
23 or description tending to convey the impression that he is a  
24 registered and licensed physician when he is not in fact a registered  
25 and licensed physician, or any person who shall violate any of the  
26 provisions of this Act and of the rules and regulations shall, upon  
27 conviction by the court, suffer the penalties of imprisonment of not  
28 less than one (1) year nor more than five (5) years or not less than  
29 fifty thousand pesos (P50,000.00) nor more than two hundred  
30 thousand pesos (P200,000.00), or both upon discretion of the court.

31  
32 **SEC. 39. Enforcement.** - The Commission shall be the  
33 enforcement agency of the Board. As such, the Commission shall  
34 implement the concerned provisions of this Act, enforce its  
35 implementing rules and regulations as adopted by the Board, assist  
36 the Board in the investigations of complains against violators of this  
37 Act, its rules and regulation, Code of Ethics for Physicians, and other  
38 policies of the Board.

39  
40 *The Commission or the Board shall call upon or request any*  
41 *department, instrumentality, office, bureau, institution, or agency of*  
42 *the Government including local government units to render such*  
43 *assistance as it may require, or to coordinate or cooperate in order*  
44 *to carry out, enforce or implement the professional regulatory*  
45 *policies of the Government or any program or activity it may*  
46 *undertake.*

1  
2       **SEC. 40. Appropriations.** - Such sums as may be necessary to  
3 carry out the provisions of this Act shall be included in the General  
4 Appropriations Act of the year following its enactment into law and  
5 thereafter.

6  
7       **SEC. 41. Separability Clause.** - If any clause, provision,  
8 paragraph or part hereof be declared unconstitutional or invalid,  
9 such judgment shall not affect, invalidate or impair any other part  
10 hereof, but such judgment shall be merely confined to the clause,  
11 provision, paragraph or part directly involved in the controversy in  
12 which such judgment has been rendered.

13  
14       **SEC. 42. Repealing Clause.** - R. A. No.2382 known as "The  
15 Medical Act of 1959", all laws amending the said Act, all other laws,  
16 decrees, executive orders, and other administrative issuances and  
17 parts thereof which are inconsistent with the provisions of this Act are  
18 hereby modified, amended, superseded, or repealed accordingly.

19  
20       **SEC. 43. Effectivity.** - This Act shall take effect after fifteen  
21 (15) days, following the completion of its publication in the Official  
22 Gazette or any major daily newspaper of general circulation in the  
23 Philippines, whichever comes earlier.

24       **Approved,**  
25