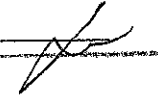


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

7 JAN 31 P8 (5

SENATE

COMMITTEE REPORT NO. 240

RECEIVED BY: 

Submitted jointly by the Committees on Civil Service and Government Reorganization, Education, Arts and Culture, and Finance on JAN 31 2007

RE : S.B. No. 2590 prepared by the Committees.

Recommending its approval in substitution of S.B. Nos. 334, 1541 and 2125, taking into consideration H.B. No. 4861

Sponsor : Senator Panfilo M. Lacson

MR. PRESIDENT:

The Senate Committee on Civil Service and Government Reorganization jointly with the Committees on Education, Arts and Culture and Finance, to which were referred:

Senate Bill No. 334, introduced by Senator S. Osmena III, *entitled*:

“AN ACT
REGULATING THE EDUCATION AND LICENSURE OF
PHYSICIAN AND THEIR PRACTICE OF MEDICINE
IN THE PHILIPNES AND FOR OTHER PURPOSES”

Senate Bill No. 1541, introduced by Senator Pimentel, Jr., *entitled*:

“AN ACT
REGULATING THE EDUCATION AND LICENSURE OF
PHYSICIANS AND THEIR PRACTICE OF MEDICINE
AND FOR OTHER PURPOSES”

And Senate Bill No. 2125, authored by Senator Enrile, *entitled*:

“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”

taking into consideration H.B. No. 4861, introduced by Representatives Aquino (A), Del Mar, Nepomuceno, *et al.*, *entitled*:

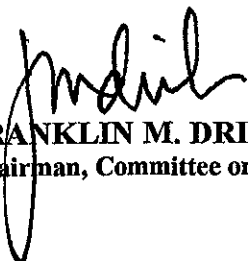
“AN ACT
REGULATING THE EDUCATION AND LICENSURE OF
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THE PHILIPPINES, REPEALING FOR THE PURPOSE
REPUBLIC ACT NO. 2382, AS AMENDED,
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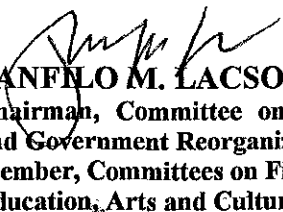
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached S.B. No. 2590, prepared by the Committees, entitled:

**“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 approved in substitution of S.B. Nos. 334, 1541 and 2125, taking into consideration H.B. No. 4861 with Senators S. Osmeña III, Pimentel, Jr. and Enrile as authors thereof.

Respectfully Submitted:


FRANKLIN M. DRILON
Chairman, Committee on Finance

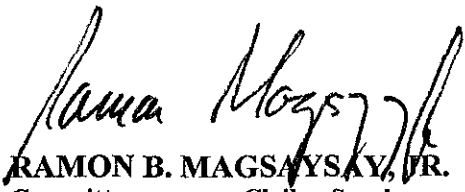

PANFLO M. LACSON
Chairman, Committee on Civil Service
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Member, Committees on Finance and
Education, Arts and Culture

VICE CHAIRMAN


RODOLFO G. BIAZON
Vice Chairman, Committee on Civil Service and
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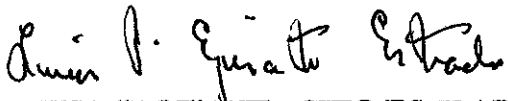

MIRIAM DEFENSOR SANTIAGO
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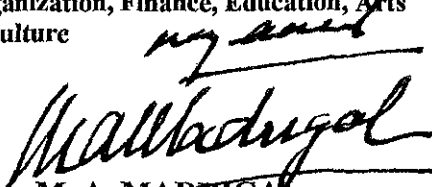

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Government Reorganization, and
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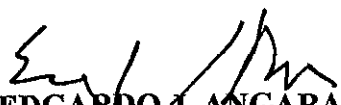

LUISA "LOI" EJERCITO ESTRADA
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Committees on Civil Service and
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and Education, Arts and
Culture

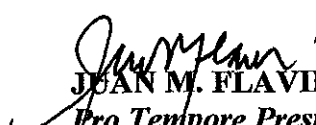
MANUEL "MAR" ROXAS
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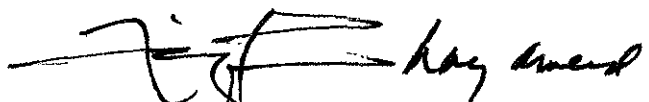

ALFREDO S. LIM
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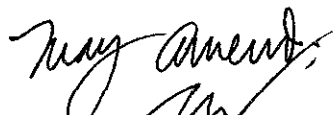

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EX-OFFICIO MEMBERS:



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Pro Tempore President
Chairman, Committee on
Education, Arts and Culture


FRANCIS N. PANGILINAN
Majority Floor Leader


AQUILINO Q. PIMENTEL, JR.
Minority Floor Leader

The Honorable
MANNY VILLAR
Senate President
Pasay City

7 JAN 31 P8 05

RECEIVED BY: 

SENATE

S. B. NO. 2590

Prepared by the Committees on Civil Service and Government Reorganization, Education, Culture and Arts, and Finance, with Senators Osmena III, Pimentel, and Enrile, as authors thereof.

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 in the Senate and House of Representatives of the Philippines in Congress assembled:

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Title.* - This Act shall be known as the "Physicians Act of 2007."

SEC. 2. *Declaration of Policy.* - The state recognizes the important role of physicians in nationbuilding and, towards this end, promotes the sustained development of a reservoir of physicians whose competence has been determined by honest and credible physician licensure examinations and whose standards of professional service and practice are internationally recognized and considered world-class brought about by regulatory measures, programs and activities that foster professional growth and advancement

SEC. 3. *Objectives.* - This Act shall govern: (a) the standardization, upgrading, and regulation of medicine courses including internship training; (b) the examination for registration and licensure of physicians; (c) the supervision, control and regulation of the practice of medicine; (d) the integration of the medical profession; and (e) the development of the professional competence of physicians through continuing professional education in accordance with the guidelines set by the Professional Regulation Commission (PRC).

SEC. 4. *Enforcement.* - For the purpose of implementing the provisions of this Act, there shall be created the following: Council on Medical Education, hereinafter referred to as the Council, under the administrative control and supervision of the Commission on Higher Education (CHED); and the Professional Regulatory Board of Medicine, hereinafter referred to as the Board, under administrative supervision and control of the PRC, hereinafter referred to as the Commission.

1 (f) To select, determine and approve hospitals or some departments of the hospitals for
2 training which comply with the minimum specific physical facilities as provided in
3 subparagraph (b) hereof; and

4 (g) To promulgate, prescribe and enforce the necessary rules and regulations for the proper
5 implementation of the foregoing functions.

6 **SEC. 8. *Minimum Required Course.*** - Students seeking admission to a medical course
7 must have a bachelor's degree in science or arts.

8 The medical course leading to the degree of Doctor of Medicine shall be five (5) years
9 inclusive of clinical clerkship and internship and shall consist of the following subjects:
10 Anatomy and Histology; Physiology; Biochemistry and Molecular Biology; Pharmacology and
11 Therapeutics; General Pathology; Clinical Pathology, Microbiology and Parasitology; Internal
12 Medicine; Neurology and Psychiatry; Obstetrics and Gynecology; Pediatrics and Nutrition;
13 Surgery, Ophthalmology and Otorhinolaryngology; Preventive Medicine and Public Health;
14 Legal Medicine, Medical Jurisprudence, Medical Ethics and Economics: *Provided*, That, the
15 Council is authorized to modify, rearrange, add, recluster, and revise the abovementioned
16 subjects as the needs and demands of progress in the medical profession may require.

17 **SEC. 9. *Admission Requirements.*** - The College of Medicine may admit any student who
18 has not been convicted by final judgment by any court of any criminal offense involving moral
19 turpitude and who presents: (a) a record showing completion of a bachelor's degree in science or
20 arts; (b) a certificate of good moral character issued by two (2) former professors in the college
21 offering the pre-medicine course(s); and (c) an authenticated birth certificate.

22 Nothing in this Act shall be construed to inhibit any College of Medicine from establishing,
23 in addition to the preceding, other entrance requirements that may be deemed admissible.

24 For the purpose of this Act, the term "College of Medicine" shall mean to include faculty of
25 medicine, institute of medicine, school of medicine or other similar institution, offering a
26 complete medical course leading to the degree of Doctor of Medicine or its equivalent course
27 obtained abroad.

28 Every College of Medicine must keep complete records of enrollment, grades and graduates
29 and must publish each year a catalogue giving the following information: (a) date of
30 publication; (b) calendar of academic year; (c) faculty roll indicating whether on full or part
31 time basis; (d) requirements for admission; (e) grading system; (f) requirements for promotion;
32 (g) requirements for graduation; (h) curriculum and description of course by department; and (i)
33 number of students enrolled in each class in the preceding year.

34 35 **ARTICLE III**

36 **THE PROFESSIONAL REGULATORY BOARD FOR MEDICINE**

37 **SEC. 10. *Composition of the Board.*** - There is hereby created a Professional Regulatory
38 Board for Medicine, hereinafter referred to as the Board, under the administrative control and

1 supervision of the PRC, hereinafter referred to as the Commission, composed of a Chairman and
2 six members to be appointed by the President of the Philippines from among three
3 recommendees for each position, chosen and ranked by the Commission from a list of five
4 nominees for each position submitted by the integrated and accredited professional organization.
5 The Board shall be organized not later than six months from the effectivity of this Act.

6 **SEC. 11. Powers and Duties of the Board.** - The Board shall exercise
7 executive/administrative, rule-making and quasi-judicial powers in carrying out the provisions of
8 this Act. It shall be vested with the following specific powers, functions, duties and
9 responsibilities:

- 10 (a) Supervise and regulate the practice of medicine in the Philippines;
- 11 (b) Determine and evaluate the qualifications of the applicants for registration, with or
12 without the physician licensure examination, and for issuance of special permits;
- 13 (c) Prepare the examination questions in accordance with Sec. 23 hereof or the
14 modifications thereof, prescribe the syllabi of the subjects and their relative weights for
15 the licensure examinations; formulate or adopt test questions and deposit them in a test
16 question bank; draw the test questions at random through process of
17 computerization; conduct the examinations or conduct walk-in examination, if
18 practicable; correct and rate the examination papers and submit the examination results
19 to the Commission within the period provided for by the rules of the Commission;
- 20 (d) Prescribe, amend or revise the requirements for the subjects in the physician licensure
21 examination and their relative weights subject to the approval of the Commission;
- 22 (e) Register successful examinees in the physician licensure examination and issue the
23 corresponding certificates of registration;
- 24 (f) Issue special/temporary permits to foreign physicians to practice medicine for specific
25 projects and for a specific duration of time;
- 26 (g) Look into the conditions affecting the practice of medicine, adopt measures for the
27 enhancement of the profession and the maintenance of high professional, technical, and
28 ethical standards, and recommend to CHED the opening or closure of a program of
29 Medicine and conduct ocular inspection of places where physicians practice their
30 profession;
- 31 (h) Monitor the performance of the medical schools and their compliance with the rules and
32 regulations of the Council on Medical Education;
- 33 (i) Promulgate rules and regulations, and a Code of Ethics for Physicians, administrative
34 polices, orders, and issuances to carry out the provisions of this Act;
- 35 (j) Investigate violations of the Act and the rules and regulations, code of ethics,
36 administrative policies, orders and issuances promulgated by the Board. The rules on
37 administrative investigation promulgated by the Commission shall govern in such
38 investigation;

- 1 (k) Issue *subpoena* or *subpoena duces tecum* to secure the attendance of respondents or
2 witnesses or the production of documents relative to the investigation conducted by the
3 Board;
- 4 (l) Delegate to the Chairman, Vice-Chairman, Member of the Board, or a Commission
5 Attorney the hearing of an administrative case. If the case is technical in nature or
6 concerns strictly the practice of the profession, the investigation shall be presided by the
7 Chairman, Vice-Chairman or a Member of the Board with assistance of a PRC attorney;
- 8 (m) Render decision, order or resolution on preliminary investigation or inquiry against
9 violators of this Act, rules and regulations or any policy on undocketed cases and on
10 docketed administrative cases against examinees or registrants which shall become final
11 and executory unless appealed to the Commission within fifteen (15) days from receipt
12 of the copy thereof. The decision of the Commission may be appealed to the Court of
13 Appeals in accordance with the procedures provided in the Rules of Court;
- 14 (n) After due notice and hearing, cancel examination papers and/or bar any examinee from
15 future examination; refuse or defer his/her registration; reprimand the registrant with
16 stern warning; suspend him/her from the practice of the profession; revoke his/her
17 certificate of registration; cancel special/temporary permit; remove his/her name from
18 the roll of physicians for continuous non-payment of annual registration fees and non-
19 compliance with Continuing Professional Education (CPE) requirements; reinstate or
20 re-enroll his/her name in the said roll; reissue or return his/her certificate of
21 registration and professional identification card. A decision of suspension, revocation
22 of the certificate of registration or removal from the roll by the Board as provided
23 herein may be appealed initially to the Commission within fifteen (15) days from
24 receipt thereof. The decision of the Commission may be appealed to the Court of
25 Appeals in accordance with the procedures provided in the Rules of Court;
- 26 (o) Administer oaths in connection with the administration, implementation, or enforcement
27 of this Act;
- 28 (p) Prosecute or institute criminal action against any violator of this Act and/or the rules and
29 regulations of the Board;
- 30 (q) Adopt an official seal;
- 31 (r) Coordinate with the Council of Medical Education in prescribing, amending and/or
32 revising the courses;
- 33 (s) Assist the Commission in the implementation of its prescribed guidelines and criteria on
34 the CPE for registered physicians; and
- 35 (t) Perform such other functions and duties as may be necessary to effectively implement
36 this Act.

37 The policies, resolutions, and rules and regulations, issued or promulgated by the Board
38 shall be subject to the review, revision, and approval by the Commission; however, the Board's

1 decisions, resolutions or orders which are not interlocutory, rendered in an administrative case,
2 shall be subject to review only if on appeal.

3 **SEC. 12. *Qualifications of Board Members.*** - Each Board member must, at the time of
4 his/her appointment:

- 5 (a) Be a natural born Filipino citizen and a resident of the Philippines for at least ten (10)
6 consecutive years;
- 7 (b) Be at least forty (40) years old;
- 8 (c) Be a physician who is a holder of a valid certificate of registration and a valid
9 professional identification card;
- 10 (d) Be a practitioner for at least ten (10) years;
- 11 (e) Be a *bona fide* member of the integrated and accredited national organization of
12 Physicians;
- 13 (f) Have not been convicted by final judgment by a competent court of a criminal offense
14 involving moral turpitude;
- 15 (g) Have at least two (2) years experience as faculty member in a college of medicine;
- 16 (h) At the time of appointment, must not be a member of the faculty in an institute, school
17 or college of medicine, and not have any pecuniary interest, direct or indirect, in an
18 institution which offers and operates the course of degree of Doctor of Medicine; and
19 not be connected with a review center/ school/ group or association where review
20 classes or lectures in preparation for the *Physician Licensure Examination* are being
21 offered or conducted; and
- 22 (i) Not be an officer of the accredited organization of physicians or the integrated and
23 accredited national organization of registered physicians at the time of appointment.

24 **SEC. 13. *Term of Office.*** - The members of the Board shall hold office from the date of
25 their appointment for a term of three years or until their successors shall have been appointed
26 and qualified. They may, however, be reappointed for another term after expiry of their first
27 term. Appointments to fill up vacancies created by causes other than through expiration of
28 regular terms shall be for the unexpired period only. Each member shall take an oath of office
29 before entering upon the performance of his/her duties. The incumbents whose terms have not
30 yet expired or who are serving in a holdover capacity at the effectivity of this Act, shall be
31 allowed to serve the unexpired portions of their terms and may be appointed under this Act.

32 **SEC. 14. *Compensation of Board Members.*** - The chairman and members of the Board
33 shall receive compensation and allowances comparable to the compensation and allowances
34 received by the chairman and members of existing regulatory boards under the Commission as
35 provided for by the General Appropriations Act.

36 **SEC. 15. *Suspension or Removal of Board Member.*** - The President of the Philippines,
37 upon the recommendation of the Commission after giving the concerned member an opportunity

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

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

9 **SEC. 16. *Administrative Management, Custody of Records, Secretariat and Support***
10 ***Services.*** - The Board shall be under the administrative and executive management of the
11 Commission, with the Commission Chairman as the Chief Executive Officer thereof. All
12 records of the Board shall be under the custody of the Commission.

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

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

19 **ARTICLE IV**

20 **EXAMINATION, REGISTRATION AND LICENSURE**

21 **SEC. 18. *Prerequisite to the Practice of Medicine.*** - No person shall engage in the
22 practice of Medicine in the Philippines unless he/she holds:

- 23 (a) A valid certificate of registration and professional identification card;
- 24 (b) A valid special/temporary permit issued by the Board subject to approval by the
25 Commission, or unless he/she is exempted by this Act from holding any of the foregoing
26 licenses.

27 **SEC. 19. *Examinations Required.*** - All applicants for registration, before they can be
28 issued a certificate of registration and professional identification card as a physician, shall be
29 required to pass a written licensure examination for physicians as provided for in this Act,
30 subject to the payment of the fees prescribed by the Commission.

31 **SEC. 20. *Qualifications of Applicant for Examination.*** - Every applicant for examination
32 shall establish to the satisfaction of the Board that he/she has the following qualifications:

- 33 (a) He/she is a citizen and resident of the Philippines or a foreign citizen whose
34 country/state has reciprocity with the Philippines in the practice of Medicine;
- 35 (b) He/she is mentally, emotionally and physically sound;
- 36 (c) He/she has not been convicted in a final judgment by a court of any criminal offense
37 involving moral turpitude;

1 (d) He/she is a holder of a degree of Doctor of Medicine conferred by a College of
2 Medicine established in the Philippines and duly recognized by the CHED or of a degree
3 conferred by a College of Medicine abroad and accredited by CHED as substantially
4 equivalent to the degree of Doctor of Medicine offered by a Philippine College of Medicine;
5 and

6 (e) He/she has completed one year of post-graduate internship in a Philippine hospital or
7 training abroad accredited as equivalent to such internship by the Board.

8 **SEC. 21. *Venues and Schedule of Examinations.*** - The Board shall give examinations
9 for the registration of Physicians at least once a year in such places and dates as the Commission
10 may designate in accordance with the provisions of Republic Act No. 8981 otherwise known as
11 the PRC Modernization Act of 2000.

12 **SEC. 22. *Registration, Issuance of Certificate of Registration and Professional***
13 ***Identification Card, and Non-Registration.*** - All successful examinees, upon compliance with
14 all legal requirements and payment of fees prescribed by the Commission, shall be registered
15 and issued with certificates of registration and professional identification card.

16 The certificate of registration shall bear the registration number and date of issuance and the
17 signatures of the Commission chairperson and the members of the Board stamped with the seal
18 of the Commission and the Board, certifying that the name of the person stated therein appears
19 in the Registry/Roll of Physicians under the custody of the Commission; that he/she has met or
20 complied with all the legal requirements for registration as a physician; that he/she is entitled to
21 exercise all the privileges appurtenant to the practice of his/her profession: *Provided, That,*
22 he/she does not violate this Act, the Rules and Regulations, Code of Ethics for Physicians,
23 Code of Technical/Professional Standards and other regulatory policies of the Commission and
24 Board.

25 The professional identification card duly signed by the chairperson of the Commission shall
26 bear the name of the registered physician, his/her registration number and date of issuance, and
27 its date of expiry, and shall be evidence that he/she can lawfully practice his/her profession..

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

35 **SEC. 23. *Scope of Examination.*** - The Physician Licensure Examinations shall cover the
36 following individual or combined/clustered subjects with equal weights for each one final
37 examination after completion of internship: (1) Anatomy; (2) Physiology; (3) Biochemistry and
38 Molecular Biology; (4) Pharmacology and Therapeutics; (5) Microbiology and Parasitology;

1 (6) Medicine; (7) Pediatrics and Nutrition; (8) Pathology; (9) Obstetrics and Gynecology; (10)
2 Surgery, Ophthalmology, Otolaryngology and Otorhinotoryngology (11) Preventive Medicine
3 and Public Health; (12) Legal Medicine, Code of Ethics for Physicians, and Jurisprudence on the
4 Practice of Medicine; and (13) Neurology and Psychiatry.

5 When an *urgent and important need arises* to conform to technological and modern changes,
6 the Board may recluster, rearrange, modify the foregoing subjects, add or exclude any subject,
7 or prescribe the number of final examination (s) per year in consultation with the Council and
8 after approval by the Commission. The Board Resolution thereon shall be officially published in
9 the *Official Gazette* or in major daily newspapers of general circulation and also circularized and
10 disseminated to all colleges of Medicine.

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

16 **SEC. 24. *Rating in the Examination.*** - To pass the physician licensure examination, an
17 examinee must obtain a general weighted average rating in all thirteen (13) subjects of no less
18 than seventy-five per cent (75%) with no rating in any subject below fifty per cent (50%).

19 **SEC. 25. *Reports and Publication of the Results of Examination.*** - The Board shall
20 report the rating of each examinee to the Commission within ten (10) days from the last day of
21 examination. The official results of the examination, containing the list of toponotcher
22 examinees without indication of their respective schools/colleges, and the names of the
23 schools/colleges obtaining top percentages of successful graduate examinees shall be
24 published by the Commission in a major daily newspaper of general circulation.

25 The Report of Rating of every examinee shall be mailed to his/her given address using
26 the mailing envelope he/she submitted during the examination.

27 **SEC. 26. *Oath.*** - All successful examinees shall be required to take their oath before the
28 Board or any official authorized by the Commission to administer oath before they are issued
29 their certificates of registration and professional identification card or before they start the
30 practice of their profession.

31 **ARTICLE V**

32 **REGULATION OF THE PRACTICE OF THE MEDICAL PROFESSION**

33 **SEC. 27. *Acts Constituting Practice of Medicine.*** - A person shall be considered as
34 engaged in the practice of Medicine if he/she shall:

- 35 (a) For compensation, fee, salary or reward in any form paid to him/her directly or through
36 another, even without the same, physically examine any person and diagnose, treat,
37 operate or prescribe any remedy for human disease, injury, deformity, physical,

1 mental, psychical condition or any ailment, real or imaginary, regardless of the nature of
2 the remedy for treatment administered, prescribed or recommended; or

3 (b) By means of signs, cards, advertisements, written or printed matter; or through radio,
4 television or any other means of communication, either offer or undertake by any means
5 or method to diagnose, treat, operate or prescribe any remedy for any human disease,
6 injury, deformity, physical, mental or psychical condition;

7 c) Administer drugs in life threatening situations or where pharmacy services are not
8 accessible;

9 (d) Use M.D. after his/her name;

10 (e) Teach, lecture or conduct review on subjects on the medical degree or in the physicians
11 licensure examination; or

12 (f) Be a holder of a special/temporary permit.

13 **SEC. 28. *Revocation of the Certificate of Registration.*** - The Board shall have the
14 power, upon proper notice and hearing, to revoke the certificate of registration of a physician,
15 suspend him/her from the practice of his/her profession or reprimand him/her, or to cancel the
16 special/temporary permit issued to a foreign physician, for any of the following grounds/causes:

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

19 (b) Immoral or dishonorable conduct;

20 (c) *Insanity*;

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

23 (e) Gross negligence, ignorance or incompetence in the practice of his/her profession,
24 resulting in injury or death of the patient;

25 (f) Addiction to alcoholic beverages, or to any habit-forming drug rendering him/her
26 incompetent to practice his/her profession,

27 (g) False, or extravagant, or unethical advertisements wherein things other than his/her
28 name, profession, limitation of practice, clinic hours, office and home address are
29 mentioned;

30 (h) Performance of, or aiding in, any criminal abortion;

31 (i) *Issuance of any false medical certificate*;

32 (j) Issuance of any statement or spreading any news or rumor which is derogatory to the
33 character and reputation of another physician without justifiable move;

34 (k) *Aiding or acting as dummy for unqualified or unregistered person to practice medicine*;

35 (l) Violation of any provision of the Code of Ethics for Physicians or the Code of
36 Technical/Professional Standards as prescribed by the organization of physicians
37 accredited by the Commission or by the integrated and accredited national organization

1 of physicians, and as adopted and promulgated by the Board subject to approval by
2 the Commission;

3 (m) Practice of profession during the period of his/her suspension from the practice thereof;

4 (n) Refusal to attend to a patient in danger of death if there is no risk to his/her life;

5 (o) Expulsion or termination of membership in the integrated and accredited national
6 organization of physicians; and

7 (p) Violation of this Act, the Rules and Regulations and other policies of the Board and the
8 Commission issued pursuant to this Act.

9 **SEC. 29. *Rights of Respondents.*** - The respondent physician shall be entitled to be
10 represented by counsel or be heard in person, to have a speedy and public hearing, to confront,
11 and to cross-examine witness against him/her, and to all other rights guaranteed by the
12 Constitution provided for in the Rules of Court.

13 **SEC. 30. *Appeal from Judgment.*** - The decision of the Board shall automatically become
14 final fifteen (15) days after the date of its promulgation unless the respondent, during the same
15 period, has appealed the said decision of the Commission. If the final decision is not
16 satisfactory, the respondent may appeal the decision to the Court of Appeals.

17 **SEC. 31. *Reissuance of Revoked Certificate of Registration and Professional***
18 ***Identification Card and Replacement of Lost Certificate or Professional Identification Card.*** -
19 After two years and after due consultation with the integrated and accredited national
20 organization of physicians, the Board may order the reinstatement of any physician whose
21 certificate of registration has been revoked, if the respondent has acted in an exemplary manner
22 in the community.

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

25 **SEC. 32. *Indication of Certificate of Registration and Professional Tax Receipt.*** - A
26 registered physician shall indicate his/her certificate of registration number and its date of
27 issuance, and the professional tax receipt number, date of issuance and expiry date, on the
28 prescription and other documents he/she signs, uses or issues in connection with the practice of
29 his/her profession.

30 **SEC. 33. *Vested Rights.*** - All physicians registered at the time this law takes effect shall
31 automatically be registered under the provisions hereof, subject however to the provisions herein
32 set forth as to future requirements.

33 **SEC. 34. *Persons Exempted from Holding Valid Certificate of Registration or Special/***
34 ***Temporary Permit.*** - The preceding section shall not be construed to affect the following : (a)
35 any medical student duly enrolled in an approved medical college or school, or any graduate
36 under training serving without any professional fee in any government or private hospital:
37 *Provided, That,* he/she renders such service under the direct supervision and control of a
38 registered physician; (b) any legally registered dentist engaged exclusively in the practice of

1 dentistry; (c) any duly registered masseur or physiotherapist: *Provided, further,* That, he/she
2 applies massage or other physical means upon written order or prescription of a duly registered
3 physician: *Provided, furthermore,* That, such application of massage of physical means shall be
4 limited to physical or muscular development; (d) any duly registered optometrist who
5 mechanically fits or sells lenses, artificial eyes, limbs, or other similar appliances or who is
6 engaged in the mechanical examination of the eyes for the purpose of constructing or adjusting
7 eyeglasses, spectacles and lenses; (e) any person who renders any service gratuitously in cases of
8 emergency, or in places where the services of a duly registered physician, nurse or midwife are
9 not available; (f) any person who administers or recommends any household remedy as per
10 classification of existing pharmacy laws; (g) any clinical psychologist, or mental hygienist, in
11 the performance of his/her duties and regard to patients with psychiatric problems: *Provided,*
12 *finally,* That, such performance is done with the prescription and direct supervision of a duly
13 registered physician; or (h) any prosthetist who fits artificial limbs under the supervision of a
14 registered physician.

15 **SEC. 35. *Integration of the Profession.*** - The members of the profession shall be
16 integrated into one national organization of registered physicians to be duly recognized and
17 accredited by the Board subject to approval by the Commission. A physician duly registered by
18 the Board and the Commission shall automatically become a member of the said organization
19 and shall receive the benefits and privileges appurtenant thereto upon payment of required fees
20 and dues. Membership in the integrated organization shall not be a bar to membership in any
21 other association of physicians.

22 **SEC. 36. *Continuing Medical Education.*** - The Board shall implement the continuing
23 medical education among practicing physicians in consonance with the guidelines of the
24 Continuing Professional Education of the Commission. Exemption from the CPE program may
25 be applied for upon reaching the age of sixty-five (65).

26 **SEC. 37. *AUTOMATIC REGISTRATION OF PHYSICIANS.*** - All Physicians whose
27 names shall appear in the Registry/Roll/Roster of Physicians at the time of the effectivity of this
28 Act shall automatically be registered by the Board and the Commission as physicians and
29 thereafter by the integrated and accredited national organization of registered physicians as its
30 *bona fide* members pursuant to Section 35 of this Act.

31 **SEC. 38. *Foreign Reciprocity.*** - Unless the country of which he/she is a subject or citizen
32 specifically permits Filipino physicians to practice within its territorial limits on the same basis
33 as the subject or citizen of such foreign state or country under reciprocity and under international
34 agreements, no foreigner shall be admitted to the examination and be given a certificate of
35 registration to practice as a physician and be entitled to any of the privileges under this act.

1 **ARTICLE VI**

2 **PENAL PROVISIONS**

3 **SEC. 39. Penalties.** - Any person who shall practice or offer to practice *Medicine* in the
4 Philippines without a valid certificate of registration and a valid professional identification card,
5 or a valid temporary/special permit in accordance with the provisions of this Act, or any person
6 presenting or attempting to use as his/her own the certificate of registration or temporary/special
7 permit of another, or any person who shall give any false or forged evidence of any kind to the
8 Board or to the Commission in obtaining a certificate of registration or temporary/ special
9 permit, or any person who shall impersonate a registrant using the same name, or any registered
10 physician who shall abet or assist the illegal practice of a person who is not lawfully qualified to
11 practice medicine, or any person who shall attempt to use a revoked or suspended
12 certificate of registration or professional identification card, or a cancelled special/temporary
13 permit, or any person who shall use or advertise any title of description tending to convey the
14 impression that he/she is a registered physician, or any person who shall violate any of the
15 provisions of this Act and of the rules and regulations shall, upon conviction by the court,
16 suffer the penalties of imprisonment of not less than one year nor more than five years or a
17 fine of not less than Fifty Thousand Pesos (P50,000.00) nor more than Two Hundred
18 Thousand Pesos
19 (P200,000.00), or both, upon discretion of the court.

20 **SEC. 40. Injunctions.** - The Board may file an action to enjoin any person illegally
21 practicing *Medicine* from the performance of any act constituting the practice of *Medicine* if the
22 case so warrants until the necessary certificate therefore is secured.

23 Any such person who, after having been so enjoined, continues in the illegal practice of
24 *Medicine* shall be punished for contempt of court. The said injunction shall not relieve the
25 person from criminal prosecution and punishment as provided in the preceding section.

26 **ARTICLE VII**

27 **FINAL PROVISIONS**

28 **SEC. 41. Enforcement.** - The Commission shall be the enforcement agency of the Board.
29 As such, the Commission shall implement the concerned provisions of this Act, enforce its
30 implementing rules and regulations as adopted by the Board, assist the Board in the investigation
31 of complaints against violators of this Act, its rules and regulations, Code of Ethics for
32 Physicians and other policies of the Board.

33 The Commission or the Board shall call upon or request any department, instrumentality,
34 office, bureau, institution or agency of the Government, including local government units to
35 render such assistance as it may require, or to coordinate or cooperate, in order to carry out,
36 enforce or implement the professional regulatory policies of the Government or any program or
37 activity it may undertake.

1 **SEC. 42. Appropriations.** - The Chairpersons of the Commission on Higher Education
2 and the Professional Regulation Commission shall immediately include in their programs the
3 implementation of this Act, the funding of which shall be charged against their current year's
4 appropriations and thereafter in the Annual General Appropriations Act.

5 **SEC. 43. Implementing Rules and Regulations.** - Within ninety days from the effectivity
6 of this Act, the Board, subject to the approval of the Commission, and in coordination with the
7 accredited and integrated national organization of registered physicians, shall prepare the
8 necessary rules and regulations, including a Code of Ethics for Physicians, to implement the
9 provisions of this Act which shall take effect fifteen (15) days following publication in the
10 *Official Gazette* or a major newspaper of general circulation.

11 **SEC. 44. Transitory Provision.** - The incumbent Board for Medicine shall continue to
12 function in the interim until such time as the new Board shall have been constituted pursuant to
13 this Act.

14 **SEC. 45. Separability Clause.** - If any clause, provision, paragraph or part hereof shall be
15 declared unconstitutional or invalid, such judgment shall not affect, invalidate, impair any other
16 part thereof, but such judgment shall be merely confined to the clause, provision, paragraph or
17 part directly involved in the controversy in which such judgment has been rendered.

18 **SEC. 46. Repealing Clause.** - Republic Act No. 2382 known as "The Medical Act of
19 1959", as amended by Republic Act Nos. 4224 and 5946, is hereby repealed. All other laws,
20 decrees, executive orders, and other administrative issuances and parts thereof which are
21 inconsistent with the provisions of this Act are hereby modified, amended, superseded or
22 repealed accordingly.

23 **SEC. 47. Effectivity.** - This Act shall take effect after fifteen (15) days following the
24 completion of its publication in the *Official Gazette* or any major daily newspaper of general
25 circulation in the Philippines.

26 Approved,