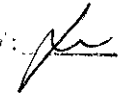


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SENATE  
S. NO. 3137

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(In substitution of Senate Bill No. 2669)

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Prepared by the Committees on Civil Service and Government Reorganization; Education, Culture and Sports; and Finance with Senators Drilon and Trillanes IV as authors thereof

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

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

ARTICLE I

GENERAL PROVISION

SECTION 1. *Title.* - This Act shall be known as the "*Physicians' Act of 2012.*"

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

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

- (a) Standardization, upgrading and regulation of the medical education including internship training;
- (b) Administration of the medical licensure examination, licensure and registration of the physicians;
- (c) Supervision, control and regulation of the practice of medicine;
- (d) Integration of the profession under one national Accredited Professional Organization (APO) of Physicians; and
- (e) Promotion of competence, moral values and professional attitude of physicians through the integrated national APO of Physicians.

SEC. 4. *Enforcement.* - For the purpose of implementing the provisions of this Act, there shall be created the following: Council of Medical Education, hereinafter referred to as the Council, and the Professional Regulatory Board of Medicine, hereinafter

1 referred to as the Board, under the Professional Regulation Commission (PRC), hereinafter  
2 referred to as the Commission.

3  
4 **ARTICLE II**

5 **THE COUNCIL OF MEDICAL EDUCATION**

6  
7 **SEC. 5. *Composition of the Council of Medical Education.*** - The Council of  
8 Medical Education shall be composed of the following:

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

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

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

15 (d) The President of the integrated national Accredited Professional Organization (APO) of  
16 Physicians or his duly authorized representative as member;

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

19 (f) The President of the Philippine Hospital Association (PHA) or his duly authorized  
20 representative as member; and

21 (g) The Dean of the National Teacher's Training Center, University of the Philippines – Manila  
22 or his duly authorized representative as member.

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

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

28  
29 **SEC. 6. *Functions and Duties.*** - The Council shall have the following functions  
30 and duties:

31 (a) To determine the requirements for admission into a recognized college of medicine.  
32 Considering the fact that medicine is a service-oriented profession, such admission criteria  
33 should not be limited to academic qualifications but should also include screening for aptitude,  
34 attitude and inter-personal skills necessary to ensure compassionate care for patients as well as  
35 psychological stability and fitness to withstand the rigors of studying medicine;

36 (b) To determine the minimum requirements for physical facilities of colleges of  
37 medicine, to wit: buildings including hospitals, equipment and supplies, apparatus,  
38 instruments, appliances, laboratories and bed capacity for instruction purposes, operating

- 1 and delivery rooms, facilities for out-patient services and others used for didactic and  
2 practical instruction in accordance with modern trends;
- 3 (c) To determine the minimum number and the standard qualifications of teaching  
4 personnel, including student-teacher ratio;
- 5 (d) To determine the minimum required curriculum including internship leading to the  
6 degree of Doctor of Medicine;
- 7 (e) To authorize the implementation of an acceptable innovative medical  
8 curriculum/strategy in a medical school that has the appropriate faculty expertise and suitable  
9 teaching and clinical practicum resources available. Such an innovative curriculum may  
10 prescribe admission and graduation requirements other than those prescribed in this Act to  
11 to ensure that only exceptional and/or appropriately prepared students shall be enrolled in the  
12 innovative curriculum.
- 13 (f) To develop and put into place programs as well as adopt and implement policies which will  
14 encourage and allow applicants coming from marginalized areas and/or groups as well as  
15 financially-challenged families to be admitted into medical colleges and complete their medical  
16 education;
- 17 (g) To accept applications and issue certificates of admission to a medical school and keep a  
18 registry of those issued said certificate; and to collect from said applicants reasonable  
19 fees as may be determined by the Council which shall accrue to the operating funds of the  
20 Council of Medical Education;
- 21 (h) To recommend to the CHED the closure or suspension of the degree of Doctor of  
22 Medicine program of a college of medicine when called for based on the evaluation of the  
23 statistical information on the performance of the said college in the Physician Licensure  
24 Examination as furnished by the Board of Medicine and the Commission and upon  
25 inspection of the college of medicine by the Council, for various deficiencies and/or  
26 violations;
- 27 (i) To promulgate, prescribe and enforce policies and programs which will ensure the proper  
28 and orderly operations and upkeep of medical colleges as well as in order to ensure that medical  
29 education is not treated merely as a business enterprise but one with a social dimension;
- 30 (j) To select and approve hospitals or departments of hospitals for training which comply  
31 with the minimum specific physical facilities as provided in subparagraph hereof; and
- 32 (k) To promulgate, prescribe and enforce the necessary rules and regulations for the proper  
33 implementation of the foregoing functions.

34

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

- 38 (a) Anatomy and Histology;

- 1 (b) Physiology;
- 2 (c) Biochemistry and Molecular Biology;
- 3 (d) Pharmacology and Therapeutics;
- 4 (e) Microbiology and Parasitology;
- 5 (f) Internal Medicine, Radiology;
- 6 (g) General and Clinical Pathology and Oncology;
- 7 (h) Obstetrics and Gynecology;
- 8 (i) Pediatrics and Nutrition;
- 9 (j) Surgery, Preventive Medicine and Public Health;
- 10 (k) Otorhinolaryngology, Ophthalmology, Neurology, Psychiatry;
- 11 (l) Family Medicine, Preventive Medicine and Public Health; and
- 12 (m) Legal Medicine, Medical Jurisprudence, Medical Ethics and Economics.

13

14 *Provided,* That the Council may recommend to the CHED to rearrange, recluster or  
15 integrate and/or revise the abovementioned subjects to keep up to with the latest developments  
16 and trends in the medical profession.

17

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

- 21 (1) Record showing completion of a Bachelor's Degree in Science or Arts;
- 22 (2) Certificate of eligibility for entrance to a school of medicine from the Board of  
23 Medical Education;
- 24 (3) Certificate of good moral character issued by two (2) former professors in the  
25 college offering the pre-medical course(s);
- 26 (4) Birth certificate duly authenticated by the National Statistics Office (NSO); and
- 27 (5) Proof of successfully passing the National Medical Admission Test.

28

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

32

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

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

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

### 12 ARTICLE III

#### 13 THE PROFESSIONAL REGULATORY BOARD OF MEDICINE

14  
15 **SEC. 9. *Composition of the Board.*** - There is hereby created a Professional  
16 Regulatory Board of Medicine, hereinafter referred to as the Board, under the  
17 administrative control and supervision of the Professional Regulation Commission,  
18 hereinafter referred to as the Commission, composed of a Chairperson, a Vice  
19 Chairperson and five (5) members to be appointed by the President of the Philippines  
20 from among three (3) recommendees for each position, chosen and ranked by the  
21 Commission from a list of five (5) nominees for each position submitted by the integrated  
22 and accredited professional organization for medicine. The Board shall be organized not later  
23 than six (6) months from the effectivity of this Act.

24  
25 **SEC. 10. *Powers and Duties.*** - The Board shall be vested with the following  
26 specific powers, functions, duties and responsibilities:

- 27 (a) Supervise and regulate the practice of medicine in the Philippines;
- 28 (b) Determine and evaluate qualifications of the applicants for registration with
- 29 physician licensure examinations and for special permits;
- 30 (c) Prepare the questions in physicians' licensure examinations in accordance with
- 31 recognized principles of evaluation and of pertinent provisions of Section 23, Article IV
- 32 of this Act; prescribe the syllabi of the subjects and their relative weights for the licensure
- 33 examinations; formulate or adopt test questions and deposit them in a test question bank;
- 34 draw the test questions at random through the process of computerization; conduct the
- 35 examination; correct and rate the examination papers; and submit the examination results to
- 36 the Commission within the period provided for by the rules of the Commission. The
- 37 above test questions should be in congruence with the syllabi and the table of
- 38 specifications of the Association of Philippine Medical Colleges (APMC);

- 1 (d) In the formulation of test questions, the Board shall see to it that the questions shall  
2 have relevant distributions as to the knowledge, skill and attitude of the examinees;
- 3 (e) Determine, amend or revise the requirements for the subjects in the physician  
4 licensure examinations and their relative weights and the manner of giving the  
5 examination, subject to the approval of the Commission;
- 6 (f) To explore and develop ways on how to measure and evaluate the clinical competence of  
7 applicants and to introduce and integrate the same into the physician's licensure examination to  
8 ensure not only the theoretical knowledge but also the clinical skills of successful examinees;
- 9 (g) Register successful examinees in the physician licensure examinations in the rolls of  
10 physicians and issue the corresponding certificates of registration;
- 11 (h) Issue special/temporary permits to foreign physicians to practice medicine for specific  
12 projects and for a specific duration of time, in coordination with the integrated APO for  
13 Physicians;
- 14 (i) Administer the qualifying examinations given to physicians who wish to train in the  
15 Philippines for a specialty field, in coordination with the integrated APO for Physicians;
- 16 (j) In coordination with the integrated APO for Physicians, look into the conditions affecting  
17 the practice of medicine, adopt measures for the enhancement of the profession and the  
18 maintenance of high professional, technical and ethical standards, in coordination with the  
19 Council and conduct ocular inspections of places where physicians practice their  
20 profession;
- 21 (k) Monitor the performance of medical schools and their compliance with the rules and  
22 regulations of the Council of Medical Education;
- 23 (l) In coordination with the integrated APO for Physicians, promulgate rules and regulations  
24 including a Code of Ethics for Physicians, administrative policies, orders and issuances to  
25 carry out the provisions of this Act;
- 26 (m) Investigate violations of this Act and the rules and regulations, Code of Ethics,  
27 administrative policies, orders and issuances promulgated by the Board. The rule on  
28 administrative investigation promulgated by the Commission shall govern in such  
29 investigation;
- 30 (n) Issue *subpoena ad testificandum* or *subpoena duces tecum* to secure attendance of  
31 respondents or witnesses as well as the production of documents relative to the investigation  
32 conducted by the Board: *Provided*, That failure of the party to whom a subpoena has been issued  
33 to comply therewith shall be punishable by way of indirect contempt of the Board. For this  
34 purpose, the Board is hereby vested the power to cite any party for contempt which may be  
35 exercised pursuant to the applicable provisions of the Rules of Court;
- 36 (o) At the Board's discretion, delegate to the Chairperson, Vice chairperson or any member of the  
37 Board, or a Commission attorney (PRC attorney) the hearing of an administrative case. If the  
38 case concerns strictly the practice of medicine as defined in Section 27 hereof, the investigation

1 shall be presided over by a member of the Board with the assistance of a PRC attorney;  
2 *Provided*, That the power to cite a party in contempt shall be issued exclusively by the Board,  
3 upon recommendation of the member charged with such investigation;

4 (p) After due notice and hearing, cancel examination papers and/or bar any examinee from future  
5 examination; refuse or defer his/her registration; reprimand the registrant with stern warning;  
6 suspend him/her from the practice of his/her profession; revoke his/her certificate of registration;  
7 cancel special/temporary permit; remove his/her name from the roll of physicians for continuous  
8 nonpayment of annual registration fees and noncompliance with the CME requirement; reinstate  
9 or reenroll his/her name in the said roll; and reissue or return his/her certificate of registration  
10 and professional identification card. A decision of suspension, revocation of the certificate of  
11 registration or removal from the roll by the Board as provided herein may be appealed initially to  
12 the Commission within fifteen (15) days from receipt thereof;

13 (q) Administer the physician's oath pursuant to Section 26 herein;

14 (r) Institute and prosecute or cause to be instituted and prosecuted any and all criminal action  
15 against any violation of this Act and/or the rules and regulations of the Board, subject to the  
16 provisions of Section 5, Rule 110 of the Rules of Criminal Procedure, as amended;

17 (s) Adopt an official seal;

18 (t) Coordinate with the Council of Medical Education and the integrated APO for Physicians in  
19 prescribing, amending and/or revising the courses in a medical program;

20 (w) Assist the Commission in the implementation of its prescribed guidelines and criteria on the  
21 Continuing Professional Education (CPE) for registered licensed physicians;

22 (x) Set the standards and guidelines for the issuance and re-issuance of certificates of  
23 registration; and

24 (y) Perform such other functions and duties as may be necessary to efficiently and effectively  
25 implement the provisions of this Act.

26

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

31

32 **SEC. 11. *Qualifications of the Board Members.*** - Each Board member must, at the time  
33 of his/her appointment:

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

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

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

- 1 (d) Has been a practitioner for at least ten (10) years;
- 2 (e) Be a bona fide member of the integrated APO of Physicians;
- 3 (f) Has not been convicted by final judgment by a competent court of a criminal offense  
4 involving moral turpitude;
- 5 (g) Has an experience of at least two (2) years, as a faculty member of a college of medicine;
- 6 (h) Is not a current member of the faculty of an institute, school or college of medicine nor have  
7 any pecuniary interest in any institution which offers and operates the course or degree of Doctor  
8 of Medicine; and
- 9 (i) Is not connected with a review center/school/group or association offering classes or lectures  
10 in preparation for the physician licensure examination.
- 11

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

20

21 **SEC. 13. *Compensation of the Board Members.*** - The Chairperson, Vice Chairperson  
22 and members of the Board shall receive compensation and allowances or other benefits pursuant  
23 to the provisions of the "*PRC Modernization Act of 2000*" and other pertinent laws and  
24 comparable to the compensation and allowances received by the Chairperson and members of  
25 existing professional regulatory boards.

26

27 **SEC. 14. *Suspension or Removal of Board Member.*** - The President, upon  
28 recommendation of the Commission, after giving the member concerned an opportunity to be  
29 heard by himself or counsel in a proper administrative investigation to be conducted by the  
30 Commission, may suspend or remove any member of the Board on any the following grounds:

- 31 (a) Neglect of duty or incompetence;
- 32 (b) Unprofessional, unethical or dishonorable conduct;
- 33 (c) Manipulation or rigging of results of any physician licensure examination, divulging of secret  
34 information or disclosure of the said examination, or tampering of the grades therein; and
- 35 (d) Final conviction by the court of any criminal offense involving moral turpitude.
- 36

37 **SEC. 15. *Administrative Management, Custody of Records, Secretariat and Support***  
38 ***Services.*** - The Board shall be under the administrative and executive management of the



1 Commission, with the Commission chairperson as the chief executive officer thereof. All records  
2 of the Board shall be under the custody of the Commission. The Commission shall designate the  
3 Secretary of the Board and shall provide the Secretariat and other support services to implement  
4 the provisions of this Act.

5  
6 **SEC. 16. *Implementing Rules and Regulations.*** - The Board, with the approval of the  
7 Commission, shall prescribe, issue and promulgate rules and regulations implementing and  
8 carrying out the provisions of this Act, which shall take effect after fifteen (15) days following  
9 the completion of their publication in the *Official Gazette* or in a major daily newspaper of  
10 general circulation in the Philippines.

11  
12 **SEC. 17. *Annual Report.*** - The Board shall, on or before the end of January of the  
13 following year, submit to the Commission its annual report of accomplishments on programs,  
14 projects and activities for the calendar year together with its appropriate recommendations on  
15 issues or problems affecting the practice of medicine.

16  
17 **ARTICLE IV**  
18 **PHYSICIAN LICENSURE EXAMINATION**  
19

20 **SEC. 18. *Prerequisites to the Practice of Medicine.*** - No person shall engage in the  
21 practice of medicine in the Philippines unless he/she:

- 22 (a) Holds a valid certificate of registration and a valid professional identification card issued by  
23 the Commission;  
24 (b) Holds a valid special/temporary permit issued by the Board of Medicine subject to approval  
25 by the Commission, or unless he/she is exempted by this Act from holding any of the foregoing  
26 certificates of registration; and  
27 (c) Is a member of the integrated APO of Physicians and its component society in good standing.  
28 Any foreign doctor who intends to undergo specialty training in the practice of medicine must  
29 pass the qualifying examination given by the Board of Medicine.

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

35  
36 **SEC. 20. *Qualifications of Applicants for the Physician Licensure Examination.*** - All  
37 applicants for the physician licensure examination must possess all qualifications and none of the  
38 disqualifications hereunder set forth, as follows:

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

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

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

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

11  
12 **SEC. 21. *Venues and Schedule of Examinations.*** - The Board shall give examinations  
13 for the registration of physicians at least twice a year, in such places as the Commission may  
14 designate in accordance with the provisions of Republic Act No. 8981, otherwise known as the  
15 "*PRC Modernization Act of 2000*".

16  
17 **SEC. 22. *Registration, Issuance of Certificate of Registration and Professional***  
18 ***Identification Card; APO Membership Card; Non-registration; Grounds Therefor.*** - All  
19 successful examinees, upon compliance with all legal requirements and payment of fees  
20 prescribed by the Commission, shall be registered and issued certificates of registration and  
21 professional identification cards. They shall likewise be deemed members of the duly recognized  
22 integrated APO for Physicians upon compliance with all requirements and payment of  
23 compulsory dues, and shall be issued the necessary identification cards proving such  
24 membership therein, upon presentation of their certificates of registration and professional  
25 identification card.

26  
27 The certificate of registration of a physician shall bear the registration number and the date of  
28 issuance and the signatures of the chairperson of the Commission and the members of the Board  
29 stamped with the seals of the Commission and the Board, certifying that the name of the person  
30 stated therein appears in the Registry/Roster/Roll of Physicians under the custody of the  
31 Commission; that the person has met or complied with all the legal requirements for registration  
32 as a physician; and that the person is entitled to exercise all the privileges appurtenant to the  
33 practice of his/her profession;

34  
35 *Provided,* That he or she does not violate this Act, the rules and regulations, Code of Ethics for  
36 Physicians, and other regulatory policies of the Commission and the Board. The professional  
37 identification card shall bear the name of the registered licensed physician, the registration  
38 number and the date of issuance, and its date of expiry and, together with the membership

1 identification card issued by the integrated APO of Physicians, shall be sufficient evidence that  
2 the physician can lawfully practice his/her profession.

3  
4 A successful examinee who has been finally convicted by a competent court of a criminal  
5 offense involving moral turpitude, or found guilty by the Board of dishonorable or immoral  
6 conduct, or declared by the court to be of unsound mind shall not be registered. The decision of  
7 the Board, finding the examinee guilty of dishonorable or immoral conduct, may be appealed by  
8 the examinee to the Commission within fifteen (15) days from receipt of the Board's decision or  
9 resolution, and to the Court of Appeals within the same period from the receipt of the decision or  
10 resolution of the Commission. The facts and the reasons for refusal to register shall be clearly  
11 stated in writing, communicated to the examinee and duly incorporated in the records of the  
12 Commission.

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

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

30  
31 When an urgent and important need arises in order to conform to technological advancements  
32 and other changes, the Board and the Council, in coordination with the APO of Physicians, may  
33 revise the substance and the conduct of such examinations.

34  
35 Each of the thirteen (13) subjects shall have its syllabus or table of specifications. The Board  
36 shall apply each syllabus after a lapse of three (3) months reckoned from the concurrence of all  
37 the following requisites:

- 38 (a) Consultation with the concerned members of the academe;

- 1 (b) Approval by the Commission;  
2 (c) Publication of the Board resolution in a newspaper of general circulation; and  
3 (d) Dissemination to all Colleges of Medicine.  
4

5 **SEC. 24. *Rating in the Examination.*** - To pass the physician licensure examination, an  
6 examinee must obtain a general average rating of at least seventy-five percent (75%) in all  
7 thirteen (13) subjects, with no rating in any subject below fifty percent (50%).  
8

9 **SEC. 25. *Report and Publication of the Results of Examination.*** - The Board shall  
10 report the rating of each examinee to the Commission within ten (10) days from the last day of  
11 examination. The official results of the examination containing the list of topnotcher examinees  
12 without indication of their respective schools/colleges, the names of the schools/colleges  
13 obtaining top percentages of successful graduate-examinees shall be published by the  
14 Commission in the major daily newspapers of general circulation.  
15

16 The report of rating of every examinee shall be mailed to his/her given address using the mailing  
17 envelope he/she submitted during the examination.  
18

19 **SEC. 26. *Oath.*** - All successful examinees shall be required to take their oath before the  
20 Board or any person authorized by the Commission to administer oath before they are issued  
21 their certificates of registration and professional identification cards and before they start the  
22 practice of the profession.  
23

## 24 **ARTICLE V**

### 25 **REGULATION OF THE PRACTICE OF THE MEDICAL PROFESSION**

26  
27 **SEC. 27. *Acts Constituting the Practice of Medicine.*** - (a) A person shall be considered  
28 as engaged in the practice of medicine under any of the following circumstances:

- 29 (1) Physically examining any person for any disease, injury or deformity, or diagnosing, treating,  
30 operating, prescribing or dispensing any remedy therefor;  
31 (2) Examining a person's mental condition for any ailment, real or imaginary, regardless of the  
32 nature of the remedy or treatment administered, prescribed or recommended;  
33 (3) Offering or undertaking to diagnose, treat, operate or prescribe and administer any remedy  
34 for any human disease, injury, deformity, physical or mental condition either personally or by  
35 means of signs, cards or advertisements by way of mass media or any other means of  
36 communication;  
37 (4) Using or affixing "MD" with his/her name in the practice of the medical profession or in  
38 his/her written or oral communications; or

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

3 (b) Practice through Special Temporary Permit - A special/temporary permit may be issued by  
4 the Board in consultation with the APO for Physicians and the DOH, subject to approval by the  
5 Commission and the Department of Labor and Employment (DOLE) pursuant to its mandate as  
6 provided for in Articles 40 to 42 of the Labor Code. Such permits shall likewise be issued, only  
7 after payment of fees as prescribed by the Commission, to the following:

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

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

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

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

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

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

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

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

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

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

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

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

36 (b) Immoral or dishonorable conduct;

37 (c) Insanity;

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

33

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

1           **SEC. 30. Appeal from Judgment.** - The decision of the Board shall become final fifteen  
2 (15) days from the date of receipt of such decision by the parties or their counsel. Within the  
3 same period, the aggrieved party may ask for a reconsideration of the decision for being contrary  
4 to law or for insufficiency of evidence. No second motion for reconsideration to the Board shall  
5 be allowed. A decision of suspension, revocation of the certificate of registration or removal  
6 from the roll by the Board as provided herein may be appealed initially to the Commission  
7 within fifteen (15) days from receipt thereof.

8  
9 The aggrieved party may appeal to the Court of Appeals under Rule 43 of the Rules of Court. A  
10 decision rendered by the Commission against the respondent shall be executory.

11  
12           **SEC. 31. Re-issuance of Revoked Certificate of Registration and Professional**  
13 **Identification Card and Replacement of Lost Certificate of Registration and Identification**  
14 **Card.** - After two (2) years and after due consultation with the integrated APO of Physicians  
15 organization of physicians, the Board may order the reinstatement of any physician whose  
16 certificate of registration has been revoked, if the respondent has acted in an exemplary manner  
17 in the community.

18  
19 A new certificate of registration or professional identification card that has been lost, destroyed  
20 or mutilated may be issued, subject to the rules of the Commission.

21  
22           **SEC. 32. Mandatory Use of Certificate of Registration, Professional and APO**  
23 **Membership Card and Professional Tax Receipt Number.** - A registered physician shall  
24 indicate his/her certificate of registration number, the number and the expiry date of the  
25 professional identification card and his/her APO membership card, and the professional tax  
26 receipt number on the prescription and other documents he/she signs, uses or issues in  
27 connection with the practice of his/her profession.

28  
29           **SEC. 33. Vested Rights.** - All physicians registered at the time this law takes effect shall  
30 be automatically registered under the provisions hereof, without prejudice to the other  
31 requirements herein set forth.

32  
33           **SEC. 34. Exceptions.** - For purposes of this Act, any medical student duly enrolled in an  
34 accredited medical college or school, or any graduate of medicine undergoing training, serving  
35 without any professional fee in any government or private hospital, shall not be considered as  
36 engaging in the practice of medicine: *Provided*, That he/she renders such service under the direct  
37 supervision and control of a duly registered/licensed physician.

1           **SEC. 35. Integration of the Profession.** - The profession shall be integrated into one (1)  
2 national Accredited Professional Organization (APO) of Physicians to be duly recognized and  
3 accredited by the Board and the Commission. A physician duly registered and licensed by the  
4 Board and the Commission shall automatically become a member of the said APO and shall  
5 receive the benefits and privileges appurtenant thereto upon payment of required fees and dues.  
6 Membership in the integrated APO shall not be a bar to membership in any other association of  
7 physicians.

8  
9           **SEC. 36. Mandatory Continuing Medical Education.** - The Board shall implement a  
10 mandatory continuing' medical education among practicing physicians in consonance with the  
11 guidelines of the CPE as shall hereafter be promulgated by the Commission.

12  
13           **SEC. 37. Automatic Registration of Physicians.** - All physicians whose names appear at  
14 the Registry/Roll/Roster of Physicians at the time of the effectivity of this Act shall  
15 automatically be registered by the Board and the Commission as physicians and, thereafter, by  
16 the Accredited Professional Organization (APO) of registered and licensed physicians as its *bona*  
17 *fide* members, pursuant to Section 22 of this Act.

18  
19           **SEC. 38. Foreign Reciprocity.** - Unless the country of which he/she is a subject or  
20 citizen specifically permits Filipino physicians to practice within its territorial limits on the same  
21 basis as the subject or citizen of the said foreign state or country under reciprocity and under  
22 international agreements, no foreigner shall be admitted to licensure examinations, given a  
23 certificate of registration to practice as a physician nor be entitled to any of the privileges under  
24 this Act.

25  
26                                   **ARTICLE VI**  
27                                   **PENAL PROVISIONS**

28  
29           **SEC. 39. Penalties.** - (a) The penalty of imprisonment of not less than one (1) year but  
30 not exceeding five (5) years or a fine of not less than Two Hundred Thousand Pesos  
31 (P200,000.00) but not exceeding Five Hundred Thousand Pesos (P500,000.00), or both, upon the  
32 discretion of the court, shall be suffered by:

- 33 (1) Any person who practices or offers to practice medicine in the Philippines without a valid  
34 certificate of registration and a valid professional identification card, or a valid temporary/special  
35 permit in accordance with the provisions of this Act;  
36 (2) Any person using or attempting to use as his/her own the certificate of registration or  
37 professional identification card or temporary/special permit duly issued to another;



- 1 (3) Any person who shall give any false or forged documents, credentials and any other proof of  
2 any kind to the Board or Commission in order to obtain a certificate of registration or  
3 professional identification card or temporary/special permit;
- 4 (4) Any person who shall falsely impersonate any *bona fide* registrant with like or different  
5 name;
- 6 (5) Any registered and licensed physician or medical specialist who shall abet or assist in the  
7 illegal practice by a person who is not lawfully qualified to practice medicine or any area of  
8 medical specialization;
- 9 (6) Any person who actually engages in the practice of medicine as defined in paragraphs (a)(1)  
10 and (a)(2) of Section 27 of this Act without any certificate of registration;
- 11 (7) Any person who shall attempt to use a revoked or suspended certificate of registration or a  
12 cancelled temporary/special permit;
- 13 (8) Any person who shall use or advertise any title or description tending to convey the  
14 impression to the general public that he/she is a registered and licensed physician when in fact  
15 he/she is not;
- 16 (9) Any registered and licensed physician or medical specialist who shall use or advertise any  
17 title or description tending to convey the impression to the general public that he/she is a  
18 specialist in an area of medical specialization when in fact he/she is not; and
- 19 (10) Any registered physician who shall commit any of the prohibited acts as enumerated in  
20 paragraphs (i), (j), (k) and (l) of Section 28 hereof.
- 21 (b) When any of the acts defined in paragraphs 5 and 6 of this section is committed by a person  
22 against three (3) or more persons, or when any of such acts is committed by at least three (3)  
23 persons who shall cooperate and confederate with one another, or when death occurs as a result  
24 of the commission of the prohibited act mentioned in paragraph (k) of Section 28 of this Act, the  
25 offense shall be considered as a qualified violation of this Act and shall be punishable by life  
26 imprisonment and a fine of not less than Five Hundred Thousand Pesos (P500,000.00) but not  
27 more than Two Million Pesos (P2,000,000.00). Prosecution of offenses under this Act shall be  
28 without prejudice to a separate prosecution under the provisions of the Revised Penal Code and  
29 other laws.

30

31 **SEC. 40. Injunctions.** - Upon written motion by any interested party and after notice and  
32 hearing, the Board may issue an order enjoining any person illegally practicing medicine from  
33 performing any act constituting the practice of medicine until the necessary certificate therefor is  
34 secured. However, if it is shown in the affidavits attached to the motion that the movant or the  
35 general public will suffer grave injustice or irreparable injury, the chairperson of the Board, or, in  
36 his/her absence, any Board member holding office may issue a temporary restraining order  
37 effective for seventy-two (72) hours. The applicable provisions of Rule 58 of the Rules of Court  
38 shall govern the issuance of the writ of injunction and lifting thereof, except that where after

1 hearing it is shown that the movant is entitled to the injunction prayed for, such writ of injunction  
2 shall be effective until there is clear showing that the respondent is authorized to practice  
3 medicine in the Philippines.

4  
5 Any such person who, after having been so enjoined, continues on the illegal practice of  
6 medicine shall be punished for contempt of court. The issuance of the said injunction shall not  
7 relieve the person from criminal prosecution and punishment as provided in the preceding  
8 section.

9  
10 **ARTICLE VII**  
11 **FINAL PROVISIONS**  
12

13 **SEC. 41. Enforcement.** - The Commission shall be the enforcement agency of the  
14 Board. As such, the Commission shall implement the provisions of this Act, enforce its  
15 implementing rules and regulations as adopted by the Board, assist the Board in the investigation  
16 of complaints against violators of this Act, its rules and regulations, the Code of Ethics for  
17 Physicians and other policies of the Board.

18  
19 The Commission or the Board shall call upon or request any department, instrumentality, office,  
20 bureau, institution or agency of the government including local government units (LGUs) to  
21 render such assistance as it may require, or to coordinate or cooperate in order to carry out,  
22 enforce or implement the professional regulatory policies of the government or any program or  
23 activity it may undertake.

24  
25 **SEC. 42. Appropriations.** - The Chairpersons of the Commission on Higher Education  
26 and the Professional Regulation Commission shall immediately include in their programs the  
27 implementation of this Act, the funding of which shall be charged against their current years'  
28 appropriations and thereafter in the annual General Appropriations Act.

29  
30 **SEC. 43. Implementing Rules and Regulations.** - Within ninety (90) days after the  
31 approval of this Act, the PRC, together with the Board, the integrated APO of Physicians and the  
32 Council of Medical Education of the CHED shall prepare and promulgate the implementing rules  
33 and regulations (IRRs) to carry out the provisions of this Act and adopt the integrated APO of  
34 Physicians' Code of Ethics. The IRRs shall take effect after fifteen (15) days following their  
35 publication in two (2) daily newspaper of general circulation.

36  
37 **SEC. 44. Transitory Provisions.** - The incumbent Board shall continue to function in the  
38 interior until such time as the new Board shall have been constituted pursuant to this Act.

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

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

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

Approved,