

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

'04 JUN 30 P4:18

SENATE

RECEIVED BY: Alu

S. No. 334

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Introduced by Senator S. R. Osmeña III

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### EXPLANATORY NOTE

For more than forty years, the Medical Act of 1959 has been the governing law on the practice of medicine in the country. The laws creating the Philippine Regulations Commission (PRC) and the Commission on Higher Education (CHED) included provisions further improving the medical profession.

In the same manner, medical technological advances and innovations have proliferated to enhance and improve the life-saving services of the health professionals.

These changes makes it necessary to update and upgrade the curriculum of study and practice of medicine.

This measure incorporates the mission, vision and goals of the PRC and the Philippine Medical Association (PMA) distilled from more than 100 years of monitoring the medical profession in the country.

To further quality care for the Filipino people and the demands of globally-competitive health professionals, the passage of this bill is earnestly sought.

  
SERGIO OSMEÑA III  
Senator

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S E N A T E

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**AN ACT  
REGULATING THE EDUCATION AND LICENSURE OF PHYSICIAN AND  
THEIR PRACTICE OF MEDICINE IN THE PHILIPPINES AND FOR OTHER  
PURPOSES**

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

1                   **ARTICLE I – TITLE, POLICY AND OBJECTIVES**

2           **SECTION 1. Title** - This shall be known as the "Physician's Act of 2004".

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

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

15                   **ARTICLE II - THE BOARD OF MEDICAL EDUCATION**

16           **SEC. 4. Composition of the Board of Medical Education** - The Board  
17 of Medical Education, hereinafter referred to as the Board, shall be headed by

1 the Chairperson of the Commission on Higher Education (CHED) and  
2 composed of the following as members: the Secretary of the Department of  
3 Health (DOH) or his duly authorized representative; the Chairperson of the  
4 Professional Regulation Commission (PRC), the President of the Philippine  
5 Medical Association (PMA) and the President of the Philippine Medical Colleges  
6 Inc. (APMC) and the Chairperson of the Board of Medicine.

7 The Chairperson and members of the Board shall hold office during their  
8 incumbency in their respective positions.

9 The Board, shall, within sixty (60) days after the effectivity of this Act, shall  
10 appoint a technical panel composed of specialists and academicians from the  
11 Government and private sector to be appointed by the Board in the discharge of  
12 its functions and powers.

13 **SEC. 5. Composition and other Benefits** - The Chairperson, members,  
14 and the staff of the Board of Medical Education shall receive compensation and  
15 other benefits

16 **SEC. 6. Functions and Duties** - The Board of Medical Education shall  
17 have the following functions and duties:

- 18 (a) To determine and prescribe requirements for admission into a  
19 recognized college of medicine;
- 20 (b) To determine and prescribe requirements for minimum physical  
21 facilities of colleges of medicine, to wit: building, including  
22 hospitals, equipment and supplies, apparatus, instruments,  
23 appliances, laboratories and bed capacity for instruction purposes,  
24 operating and delivery rooms, facilities for outpatient services and  
25 others, used for didactic and practical instruction in accordance with  
26 modern trends;
- 27 (c) To determine and prescribe the minimum number and standard and  
28 qualification of teaching personnel including student-teacher ratio;

- 1 (d) To determine and prescribe the minimum required curriculum with  
2 internship leading to degree of Doctor of Medicine;
- 3 (e) To authorize the implementation of experimental medical  
4 curriculum in a medical school that has exceptional faculty and  
5 instruments facilities. Such an experimental curriculum may  
6 prescribe admission and graduation requirements other than those  
7 prescribed in this Act. Provided, that only exceptional students  
8 shall be enrolled in the experimental curriculum;
- 9 (f) To accept applications for certification for admission to a medical  
10 school and keep a registry of those issued with said certificate; and  
11 to collect from said applicants a reasonable fee as may be  
12 determined by the Board which shall accrue to the operating funds  
13 of the CHED;
- 14 (g) To select, determine and approve hospitals, or some departments  
15 of the hospitals, for training which comply with the minimum specific  
16 physical facilities as provided in subparagraph (b) hereof;
- 17 (h) To recommend to the CHED the closure or suspension of the  
18 Degree of Doctor of Medicine upon evaluation of the statistical  
19 information on the performance of the said college in the Physical  
20 Licensure Examination as furnished by the Board of Medicine and  
21 the Professional Regulation Commission; and
- 22 (i) To promulgate, prescribe, and enforce the necessary rules and  
23 regulations for the proper implementation of the foregoing  
24 functions.

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

27 The medical course leading to the degree of doctor of medicine shall be  
28 five (5) years including internship and shall consist of the following subjects:

29 Anatomy

- 1 Physiology
- 2 Biochemistry & Molecular Biology
- 3 Pharmacology & Therapeutics
- 4 Microbiology & Parasitology
- 5 Medicine
- 6 Pathology & Oncology
- 7 Obstetrics & Gynecology
- 8 Pediatrics and Nutrition
- 9 Neurology & Psychiatry
- 10 Ophthalmology, Otology & Laryngology
- 11 Orthopedics
- 12 Urology
- 13 Radiology
- 14 Surgery
- 15 Preventive Medicine & Public Health
- 16 Legal Medicine, Medical Jurisprudence, Ethics & Economics

17 Provided, that the Board is hereby authorized to modify, rearrange, re-  
18 cluster, add to or reduce the subjects listed above as the needs and demands of  
19 progress in the medical profession may require.

20 **SEC. 8. Admission Requirements** - The medical college may admit any  
21 student who has not been finally convicted in court of any criminal offense  
22 involving moral turpitude and who presents: (a) a record showing completion of  
23 a bachelor's degree in science or arts; (b) a certificate of eligibility for entrance to  
24 a school of medicine from the Board of Medical education; (c) a certificate of  
25 good moral character issued by two former professors in the college offering the  
26 pre-medicine course(s); and (d) certificate of live birth. Nothing in this Act shall  
27 be construed to inhibit any college of medicine from establishing, in addition to  
28 the preceding, any other entrance requirements that may be deemed reasonable.

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

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

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

### 18 **ARTICLE III - THE PRACTICE OF MEDICINE**

19 **SEC. 9. Prerequisite to the Practice of Medicine** - No person shall  
20 engage in the practice of medicine in the Philippines unless s/he holds a (1) a  
21 valid certificate of registration and a valid professional license issued by the  
22 Professional Regulation Commission, or (2) a valid special/temporary permit  
23 issued by the Board of Medicine subject to approval by the PRC, unless s/he is  
24 exempted from this Act from holding any of the foregoing license.

25 **SEC. 10. Acts Constituting Practice of Medicine** - A person shall be  
26 considered as engaged in the practice of medicine who shall:

- 27 1.) for compensation, fee, salary or reward in any form paid to him  
28 directly or through another, even without the same, physically  
29 examine any person, and diagnose, treat, operate or prescribe and

1 dispense any remedy for human disease, injury, deformity,  
2 physical, mental, psychical condition or any ailment, real or  
3 imaginary, regardless of the nature of the remedy or treatment  
4 administered, prescribed or recommended, or

5 2.) by means of signs, cards, advertisements, written or printed matter,  
6 or through the radio, television or any other means of  
7 communication, either offer or undertake by any means or method  
8 to diagnose, treat, operate or prescribe and dispense any remedy  
9 for any human disease, injury, deformity, physical, mental or  
10 physical condition or

11 3.) who shall falsely use M.D. after his/her name.

12 **SEC. 11.** Practice through Special Permit/Temporary Permit -

13 Special/Temporary permit may be issued by the Board of Medicine subject to  
14 approval by the PRC and payment of the fees it has prescribed and charged  
15 thereof to the following persons:

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

18 (a) if they are internationally well-known specialists or  
19 outstanding experts in any branch or specialty of  
20 medicine; and

21 (b) if their services are urgently and importantly  
22 necessary for lack or inadequacy of available local  
23 specialists/experts or for the promotion or  
24 advancement of the practice of medicine through  
25 transfer of technology.

26 (2) Licensed physicians from foreign countries/states whose  
27 services shall be free and limited to indigent patients in a  
28 particular hospital, center or clinic;

1           (3) Licensed physicians from foreign countries/states employed  
2           as exchange professors in a branch of specialty of medicine  
3           by colleges of medicine.

4           The permit shall, among other things, include these limitations and  
5 conditions: the period for no more than one (1) year subject to renewal, the  
6 branch or specialty of medicine, and the specific place of practice such as clinic,  
7 hospital, center, college of medicine. The Board of Medicine, subject to approval  
8 by the PRC, shall prescribe rules and regulations on the implementation of this  
9 particular Section

10           **SEC.12. Persons Exempted from Holding Valid Certificate of**  
11 **Registration and Valid Professional License or Special/ Temporary Permit -**

12           The preceding section shall not be construed to affect (a) any medical student  
13 duly enrolled in an approved medical college or school, or graduate under  
14 training, serving without any professional fee in any government or private  
15 hospital, provided that he renders such service under the direct supervision and  
16 control of a registered physician: (b) any legally registered dentist engaged  
17 exclusively in the practice of dentistry; (c) any duly registered masseur or  
18 physiotherapist, provided that he applies massage or other physical means upon  
19 written order or prescription of a duly registered physician, or provided that such  
20 application of massage or physical means shall be limited to physical or muscular  
21 development; (d) any duly registered optometrist who mechanically fits or sells  
22 lenses, artificial eyes, limbs or other similar appliances or who is engaged in the  
23 mechanical examination of eyes for the purpose of constructing or adjusting  
24 eyeglasses, spectacles and lenses; (e) any person who renders any service  
25 gratuitously in cases of emergency, or in places where the services of a duly  
26 registered physician, nurse or midwife are not available; (f) any person who  
27 administers or recommends any household remedy as per classification of  
28 existing, Pharmacy Laws; (g) any clinical psychologist or mental hygienist, in the  
29 performance of his/her duties in regard to patients with psychiatric problems,



1 provided such performance is done with the prescription and direct supervision of  
2 a duly registered physician; (h) prosthetists who fit artificial limbs under the  
3 supervision of a registered physician; and (i) cosmetologists who compounds and  
4 sells beauty skin products provided they do not perform surgical intervention.

5 **ARTICLE IV - Board of Medicine**

6 **SEC. 13. Composition of the Board** - The Board of Medicine,  
7 hereinafter referred to as the Board, is hereby created as a collegial body under  
8 the administrative control and supervision of the Professional Regulation  
9 Commission, hereinafter called Commission, composed of a Chairman, a Vice-  
10 Chairman and four (4) Members to be appointed by the President of the  
11 Philippines from among three (3) recommendees of the Board of Medical  
12 Education for every vacancy of the Board who were chosen from nominees of  
13 the PMA and the DOH.

14 **SEC. 14. Qualification of Board Members** - Each Board Member  
15 must, at the time of his appointment,

- 16 (a) Be a natural born Filipino citizen and a resident of the  
17 Philippines for at least ten (10) consecutive years;
- 18 (b) Be at least forty (40) years old;
- 19 (c) Be a holder of a valid certificate of registration and a valid  
20 professional license as a physician and practitioner for at  
21 least ten (10) years;
- 22 (d) Be a bona fide member of the PMA, or if not a PMA member,  
23 be a government physician;
- 24 (e) Not be finally convicted of a criminal offense with moral  
25 turpitude by the court;
- 26 (f) Have an experience of at least two (2) years as faculty  
27 member in a college of medicine;
- 28 (g) Not be a member of the faculty in an institute, school, or  
29 college of medicine or not have a pecuniary interest, direct, in

1 any institution which offers and operates the course or degree  
2 of Doctor of Medicine; and not be connected with a review  
3 center/school/group or association where review classes or  
4 lectures in preparation for the Physician Licensure  
5 Examination are being offered or conducted; and

6 (h) Not be an officer of the PMA, nor an Assistant Secretary or  
7 higher position in the DOH.

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

18 **SEC. 16. Removal of Board Member** - The President, upon  
19 recommendation of the Commission after due investigation, may remove any  
20 member of the Board on the following grounds:

21 (a) Neglect of duty or incompetence;

22 (b) Unprofessional, unethical or dishonorable conduct;

23 (c) Manipulation or rigging of the Physician Licensure  
24 Examination's results, secret information, or disclosure of the  
25 examination questions prior to the conduct of said examination,  
26 or tempering of the grades therein; or

27 (d) Final conviction by the court of criminal offenses with moral  
28 turpitude.

1           **SEC. 17. Compensation of the Board Members** - The Chairman,  
2 Vice-Chairman and Members of the Board shall receive compensation and  
3 allowances or other benefits pursuant to the rules of the Commission, law,  
4 executive order and General Appropriations Act.

5           **SEC. 18. Power and Duties of the Board** - The Board shall exercise  
6 executive/administrative or quasi-legislative or quasi-judicial powers in carrying  
7 out the provisions of this Act. It shall be vested with the following specific  
8 powers, functions, duties and responsibilities:

9           (a) Supervise and promulgate regulations on the practice of  
10 medicine in the Philippines;

11           (b) Determine and evaluate qualifications of the applicants for  
12 registration with physician licensure examinations and for  
13 special permits

14           (c) Prepare the examination questions in accordance with  
15 Section 25 hereof or the modifications thereof prescribe the  
16 syllabi of the subjects and their relative weights for the  
17 licensure examinations; formulate or adopt test questions and  
18 deposit them in a test question bank; draw the test questions  
19 at random through process of computerization and submit the  
20 examination results to the Commission within the period  
21 provided for by the rules of the Commission;

22           (d) Prescribe, amend or revise the requirements for the subjects  
23 in the physician licensure examination and their relative  
24 weights, subject to the approval of the Commission;

25           (e) Register successful examinees in the physician licensure  
26 examination and issue the corresponding certificates of  
27 registration and professional licenses;

- 1 (f) Issue special/temporary permits to foreign physicians to  
2 practice medicine for specific projects and for a specific  
3 duration of time;
- 4 (g) Look into the conditions affecting the practice of medicine,  
5 adopt measures for the enhancement of the profession and  
6 the maintenance of high professional, technical, and ethical  
7 standards and conduct ocular inspections of places where  
8 physicians practice their profession;
- 9 (h) Promulgate rules and regulations including a code of ethics  
10 for physicians, administrative policies, orders, issuances to  
11 carry out the provisions of this Act.
- 12 (i) Investigate violations of this Act and the rules and regulations,  
13 code of ethics, administrative policies, orders and issuances  
14 promulgated by the Board. The rule on administrative  
15 investigation promulgated by the Commission shall govern in  
16 such investigation;
- 17 (j) Issue subpoena to secure the attendance of respondents or  
18 witnesses or the production of documents at and relative to  
19 the investigation conducted by the Board;
- 20 (k) Delegate to the Chairman, Vice-Chairman, Member of the  
21 Board, or a Commission Attorney (PRC Attorney) the hearing  
22 of an administrative case. If the case is technical or concerns  
23 strictly the practice of the profession, the investigation shall  
24 be presided by the Chairman, Vice-Chairman or a Member of  
25 the Board with assistance of a PRC attorney;
- 26 (l) Render decision, order or resolution on preliminary on  
27 preliminary investigation or inquiry against violators of this  
28 Act, Rules and Regulations or any policy on undocketed  
29 cases and on docketed administrative cases against

1           examinees or registrants which shall become final and  
2           executory unless appealed with the Commission within fifteen  
3           (15) days from receipt thereof. The decision of the  
4           Commission maybe appealed to the Court of Appeals in  
5           accordance with the procedures provided in the Rules of  
6           Court;

7           (m) After due notice and hearing, cancel examination papers  
8           and/or bar any examinee from future examination; refuse or  
9           defer his/her registration; reprimand the registrant with stern  
10          warning; *suspend him/her* from the practice of her/his  
11          position; revoke his/her certificate of registration; cancel  
12          special/temporary permit; remove his/her name from the roll  
13          of physicians for continuous non-payment of annual  
14          registration fees and non-compliance with the CPE  
15          requirements; reinstate or reenroll his/her name in the said  
16          roll; reissue or return his/her certificate of registration and  
17          professional license. A decision of suspension, revocation of  
18          the certificate of registration or removal from the roll by the  
19          Board as provided herein maybe appealed initially to the  
20          Commission within fifteen (15) days from receipt thereof. The  
21          decision of the Commission maybe appealed to the Court of  
22          Appeals in accordance with the procedures provided in the  
23          Rules of Court.

24          (n) Administer oath in connection with the administration,  
25          implementation, or enforcement of this Act.

26          (o) Prosecute or institute criminal action against any violator of  
27          the Act and of the rules and regulations of the Board;

28          (p) Adopt an official seal;

- 1 (q) Coordinate with the Board of Medical Education in  
2 prescribing, amending and/or revising the courses;
- 3 (r) Assist the Commission in the implementation of its prescribed  
4 guidelines and criteria on the CPE for registered and licensed  
5 physicians;
- 6 (s) Perform such other functions and duties as may be necessary  
7 to implement effectively this Act.

8 The policies, resolutions, rules and regulations, orders or decisions issued  
9 or promulgated by the Board shall be subject to the review and approval by the  
10 Commission; however, the Board's decisions, resolutions or orders which are not  
11 interlocutory, rendered in an administrative case, shall be subject to review only if  
12 on appeal.

13 **SEC. 19. Administrative Management, Custody of Records,**  
14 **Secretariat and Support Services** - The Board shall be under the administrative  
15 and executive management of the Commission with the Commission Chairman  
16 as the Chief Executive Officer thereof. All records of the Board shall be under  
17 the custody of the Commission.

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

21 **SEC. 20. Implementing Rules and Regulations** - The Board with the  
22 approval of the Commission shall prescribe, issue, and promulgate Rules and  
23 Regulations implementing and carrying out the provisions of this Act, which shall  
24 be effective after fifteen (15) days following the completion of its publication in the  
25 Official Gazette for a major daily newspaper of general circulation in the  
26 Philippines, whichever comes earlier.

27 **SEC. 21. Annual Report** - The Board shall, on or before the end of  
28 January of the following year, submit to the PRC and the Board of Medical  
29 Education its annual report of accomplishments on programs, projects, and

1 activities for the calendar year together with its appropriate recommendation on  
2 issues or problems affecting the practice of medicine.

3 **ARTICLE V - PHYSICIAN LICENSURE EXAMINATION**

4 **SEC. 22. Examination Required** - All applicants for registration and  
5 issuance of a Certificate of Registration and a Professional License as a  
6 physician shall be required to pass a written technical licensure examination for  
7 physician as provided for in this Act, subject to the payment of the fees  
8 prescribed thereof by the Commission.

9 **SEC. 23. Qualifications of Applicant for Examination** - Every  
10 applicant for examination, prior to admission to the examination, must have the  
11 following qualifications:

- 12 (a) Filipino citizenship or citizenship of a foreign state which provides  
13 reciprocal rights with the Philippines in the practice of medicine and  
14 who has been a permanent resident in the Philippines for at least  
15 three (3) years prior to the examination;
- 16 (b) Mental, emotional and physical soundness;
- 17 (c) Non-conviction by final judgment by a court of any criminal offense  
18 involving moral turpitude'
- 19 (d) Holder of the degree of Doctor of Medicine conferred by a college of  
20 Medicine abroad and accredited by the CHED as substantially  
21 equivalent to the Degree of Doctor of Medicine offered by a Philippine  
22 College of Medicine; and
- 23 (e) Completion of one (1) year of internship in a Philippine hospital or a  
24 training abroad accredited as equivalent to such internship by a  
25 Technical Panel.

26 **SEC. 24. Venue and Schedule of Examination** - The examination shall  
27 be held simultaneously in venue's and schedule's that the Commission shall fix  
28 after consultation with the Board.

1           **SEC. 25. Scope of Examination** - The Physician Licensure Examination  
2 shall cover the following twelve (12) individual or combined/clustered subjects  
3 with equal weights for each in one final examination after completion of  
4 internship.

- 5           1. Anatomy
- 6           2. Physiology
- 7           3. Biochemistry
- 8           4. Pharmacology & Therapeutics
- 9           5. Microbiology     & Parasitology
- 10          6. Medicines
- 11          7. Pathology & Oncology
- 12          8. Obstetrics & Gynecology
- 13          9. Pediatrics and Nutrition
- 14          10. Surgery
- 15          11. Preventive Medicine & Public Health
- 16          12. Legal Medicine, Medical Jurisprudence, Ethics & Economics

17           As urgent and important need arise so as to conform to technological,  
18 modern changes, the Board may re-cluster, rearrange, modify the foregoing  
19 subjects, add to exclude any subject, prescribe the number of final  
20 examination(s) per year in consultation with the Technical Panel and after  
21 approval by the Commission. The Board resolution thereon shall not only be  
22 officially published in the Official Gazette or major daily newspapers of general  
23 circulation but also circularized and disseminated to all colleges of Medicine.

24           Each of the twelve subjects shall have its syllabus or table of specification.  
25 The board shall apply the syllabi only after necessary consultation with the  
26 concerned academe, approval by the Commission, publication of its Board  
27 Resolution pursuant to legal requirements dissemination to all colleges of  
28 Medicine, and a lapse of at least three (3) months from its effectivity. Each  
29 syllabus shall be subject to modification or amendment.





1 and the member of the Boards stamped with the seal of the Commission and the  
2 Board, certifying that the name of the person stated therein appears in the  
3 Registry/Roster/Roll of Physicians under the custody of the Commission that he  
4 has met or complied with all the legal requirements for registration as a  
5 physician; and that he is entitled to exercise all the privileges appurtenant to the  
6 practice of his profession provided that he does not violate this Act, the Rules  
7 and Regulations, Code of Ethics for Physicians, and other regulatory policies of  
8 the Commission and Board, and that he holds a valid and unexpired professional  
9 license.

10 A successful examinee who has been finally convicted by a court of a  
11 criminal offense involving moral turpitude, or found guilty by the Board for  
12 dishonorable or immoral conduct, or declared by the court to be of unsound mind  
13 shall not be registered. The decision of the Board, finding the examinee guilty of  
14 dishonorable or immoral conduct, may be appealed by the examinee to the  
15 Commission and/or to the Court of Appeals. The facts and the reasons for  
16 refusal to register shall be communicated to the examinee in writing, and duly  
17 incorporated in the records of the Commission.

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

- 25 1. Final conviction by a court of criminal offense involving moral  
26 turpitude;
- 27 2. Immoral or dishonorable conduct;
- 28 3. Insanity;

- 1 4. *Fraud in the acquisition of the certificate of registration and*  
2 *professional license or temporary/special permit;*
- 3 5. *Gross negligence, ignorance or incompetence in the practice of*  
4 *his profession, resulting to an injury or death of the patient;*
- 5 6. *Addiction to alcoholic beverages or to any habit-forming drug*  
6 *rendering him incompetent to practice his profession, or to any*  
7 *form of gambling;*
- 8 7. *False or extravagant or unethical advertisements wherein other*  
9 *things than his name, profession, limitation of practice, clinic*  
10 *hours, and office and home addresses are mentioned;*
- 11 8. *Performance of, or aiding in any criminal abortion;*
- 12 9. *Knowingly issuing any false medical certificate;*
- 13 10. *Issuing any statement or spreading any news or rumor which is*  
14 *derogatory to the character and reputation of another physician*  
15 *without justifiable motive;*
- 16 11. *Aiding or acting, as a dummy of unqualified or unregistered or*  
17 *unlicensed person to practice medicine;*
- 18 12. *Violation of any provision of the Code of Ethics for Physicians*  
19 *as prescribed by the organization of physicians accredited by*  
20 *the Commission or by the integrated and accredited national*  
21 *organization of physicians, and adopted and promulgated by the*  
22 *Board subject to approval by the Commission;*
- 23 13. *Practicing his profession during the period of his suspension*  
24 *from the practice thereof;*
- 25 14. *Refusal to attend a patient in danger of death if there is no risk*  
26 *to his life; and*
- 27 15. *Violation of this Act, the Rules and Regulations, and other*  
28 *policies of the Board and the Commission issued pursuant to*  
29 *this Act.*

1           The rules on administrative investigation prescribed and promulgated by  
2 the Commission shall govern the procedures and conduct of administrative  
3 *investigation before the Board*. The rules on evidence in the Rules of Court shall  
4 be suppletory to the Commission rules. The Board may delegate the  
5 investigation of the case to any of its members or any attorney of the  
6 Commission. A case that directly and technically involves the practice of the  
7 profession shall require the presence of Board Member and an attorney of the  
8 Commission.

9           **SEC. 31. Rights of Respondents** - The respondent physicians shall be  
10 entitled to be represented by counsel or be heard in person, to have a speedy  
11 and public hearing, to confront and to cross-examine witness against him, and  
12 to all other rights guaranteed by the Constitution and provided for in the Rules of  
13 Court.

14           **SEC. 32. Appeal from Judgment** - The decision of the Board shall  
15 automatically become final fifteen (15) days after the date of its promulgation  
16 unless the respondent, during the same period, has appealed the said decision  
17 to the Commission. If the final decision is not satisfactory, the respondent may  
18 appeal the decision to the Court of Appeals.

19           **SEC. 33. Reissuance of Revoked Certificate of Registration and**  
20 **Professional License and Replacement of Lost Certificate of Professional**  
21 **Licenses** - After two years, the Board may order the reinstatement of any  
22 physician whose certificate of registration has been revoked, if the respondent  
23 has acted in an *exemplary manner* in the community wherein he resides and has  
24 not committed any illegal, immoral or dishonorable act.

25           A new certificate of registration or professional license that has been lost,  
26 destroyed or mutilated may be issued, subject to the rules of the Commission.

27           **SEC. 34. Indication of Professional License Number and**  
28 **Professional Tax Receipt** - A registered and licensed physician shall indicate  
29 his certificate o registration/professional license number with date of issuance,

1 the expiry date of the professional license, and the professional tax receipt  
2 number, if required, on the prescription and other documents he signs, uses or  
3 issues in connection with the practice of his profession.

4 **SEC. 35. Integration of the Profession** - The profession shall be  
5 integrated into one and only national organization of registered and licensed  
6 physicians upon recognition and accreditation by the Board and the Commission.  
7 A physician duly registered and licensed by the Board and the Commission shall  
8 automatically become a member of the said organization and shall receive the  
9 benefits and privileges appurtenant hereto upon payment of required fees and  
10 dues. Membership in the integrated organization shall not be a bar membership  
11 in any other association of physicians.

12 **SEC. 36. Automatic Registration of Physicians** - All physicians whose  
13 name appear at the Registry/Roll/Roster of Physicians at the time of this Act shall  
14 be automatically or ipso facto registered.

#### 15 **ARTICLE VII - PENALTIES AND SUNDRY PROVISIONS**

16 **SEC. 37. Penalties** - Any person who shall practice or offer to practice  
17 medicine in the Philippines without a valid certificate of registration and a valid  
18 professional license, or a valid temporary/special permit in accordance with the  
19 provision of this Act, or any person presenting or attempting to use as his own  
20 the certificate of registration or professional license or temporary/special permit  
21 or any person who shall give any false or forged evidence of any kind to the  
22 Board of Commission in obtaining a certificate of registration or professional  
23 license or temporary/special permit or any person who shall falsely impersonate  
24 any registrant with like or different name, or any registered and licensed  
25 physician who shall abet or assist the illegal practice of a person who is not  
26 lawfully qualified to practice medicine, or any person who shall attempt to use a  
27 revoked or suspended certificate of registration or an invalid or expired  
28 professional license or a cancelled special/temporary permit, or any person who  
29 shall use or advertise any title or description tending to convey the impression

1 that he is a registered and licensed physician when he is not in fact a registered  
2 and licensed physician, or any person who shall violate any of the provisions of  
3 this Act and of the rules and regulations and the code of ethics shall, upon  
4 conviction by the court, suffer the penalties of imprisonment of not less than one  
5 (1) year nor more than five (5) years or not less than fifty thousand pesos  
6 (P50,000) nor more than two hundred thousand pesos (P200,000.00), or both  
7 upon discretion of the court.

8 **SEC. 38. Enforcement** - The Commission shall be the enforcement  
9 agency of the Board. As such, the Commission shall implement the concerned  
10 provisions of this Act, enforce its implementing rules and regulations as adopted  
11 by the Board, assist the Board in the investigations of complaints against  
12 violators of this Act, its rules and regulations, Code of Ethics for Physicians and  
13 other policies of the Board.

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

20 **SEC. 39. Appropriations** - Such sums as may be necessary to carry out  
21 the provisions of this Act shall be included in the General Appropriations Act of  
22 the year following its enactment into law and thereafter.

23 **SEC. 40. Separability Clause** - If any clause, provision, paragraph or  
24 part hereof be declared unconstitutional or invalid, such judgment shall not affect,  
25 invalidate, or impair any other part thereof, but such judgment shall be merely  
26 confined to the clause, provision, paragraph or part directly involved in the  
27 controversy in which such judgment has been rendered.

28 **SEC. 41. Repealing Clause** - R.A. No 3282 known as "The Medical Act  
29 of 1959", all laws amending the said Act, all other laws, decrees, executive

1 orders, and other administrative issuances and parts thereof which are  
2 inconsistent with the provisions of this Act are hereby modified, amended,  
3 superseded, or repealed accordingly.

4       **SEC. 42. Effectivity** - This Act shall take effect after fifteen (15) days,  
5 following the completion of its publication in the Official Gazette or any major  
6 daily newspaper or general circulation in the Philippines, whichever comes  
7 earlier.

8 *Approved,*