

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



15 AUG 18 P3:46

SENATE  
S. No. 2904

RECEIVED BY: *J.*

Introduced by Senator Miriam Defensor Santiago

AN ACT  
INCREASING PENALTIES FOR PERSONS FOUND GUILTY OF ILLEGAL  
PRACTICE OF MEDICINE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.  
2382, OTHERWISE KNOWN AS THE MEDICAL ACT OF 1959

EXPLANATORY NOTE

The Constitution, Article 2, Sections 5 and 12, provide:

Section 5. The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

This bill seeks to deter individuals from the illegal practice of medicine, which threatens public health and erodes trust in licensed physicians, by increasing penalties under Republic Act No. 2382, otherwise known as the Medical Act of 1959.

Let this bill be also called Kate's Law. It is inspired by the quest for justice for Kate Tan, who in 2013 died of Hodgkin's lymphoma, months after being taken under the exclusive medical care of an allegedly unlicensed physician.

The Tan family in June 2015 launched a signature campaign through online petition platform Change.org, calling on law enforcement agencies to stop the purported illegal practice of medicine by businesswoman Antonia Carandang-Park.

The petition further claimed that Park continues to practice medicine despite the charges filed against her. Park owns a wellness spa in Tagaytay, where she offers, among others, stem cell therapy to patients like Tan.

This hopes to fulfill the State's obligation to protect public health. Any person accused of engaging in the illegal practice of medicine must immediately be stopped from doing so, even during the pendency of a case or cases filed against him or her.

A person engaged in the illegal practice of medicine does not have a license that the government may revoke. This means that, unless arrested, such person may continue to practice medicine under a legitimate business establishment.

To prevent such a scenario, this bill, if enacted, will also empower local government units to revoke the business permit of any establishment proven to have knowingly benefited from the illegal practice of medicine.

This bill also seeks to ensure that if the illegal practice of medicine is proven to have led to bodily harm, illness, or death, persons found guilty of engaging in such practice must be held liable under Act No. 3815, otherwise known as the Penal Code.

Such a provision is necessary to ensure protection for patients who, filled with hope or driven by despair, entrust their lives to persons who have neither right nor privilege to practice medicine in the Philippines.

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

1 SECTION 1. Republic Act No. 2382, otherwise known as the Medical Act of  
2 1959, Article 4, Section 28 is hereby amended to read as follows:

3 Section 28. *Penalties.* – Any person found guilty of “illegal practice  
4 of medicine” shall be punished by a fine of not less than ~~one thousand~~  
5 ~~pesos nor more than ten thousand pesos~~ **ONE HUNDRED THOUSAND**  
6 **PESOS NOR MORE THAN ONE MILLION PESOS** with subsidiary  
7 imprisonment in case of insolvency, or by imprisonment of not less than  
8 ~~one year nor more than five years~~ **SIX YEARS AND ONE DAY NOR**  
9 **MORE THAN 12 YEARS**, or by both such fine and imprisonment, in the  
10 discretion of the court.

11 **PROVIDED, THAT IF PROVEN TO HAVE RESULTED IN**  
12 **PHYSICAL INJURY OR DEATH OF A PATIENT OR PATIENTS,**  
13 **THE ILLEGAL PRACTICE OF MEDICINE SHALL BECOME AN**  
14 **AGGRAVATING CIRCUMSTANCE TO CORRESPONDING**  
15 **CRIME OR CRIMES UNDER ACT NO. 3815, OTHERWISE**  
16 **KNOWN AS THE PENAL CODE.**

1 SECTION 2. The same law is further amended by adding Sections 28-A  
2 and 28-B, after Section 28, to read as follows:

3 SECTION 28-A. *PENALTIES AGAINST ESTABLISHMENTS.* –  
4 IF PROVEN TO HAVE KNOWINGLY BENEFITED FROM THE  
5 ACT OR ACTS OF A PERSON OR PERSONS ENGAGED IN THE  
6 ILLEGAL PRACTICE OF MEDICINE, THE OWNER OR OWNERS  
7 OF AN ESTABLISHMENT SHALL BE PUNISHED BY A FINE OF  
8 NOT LESS THAN FIFTY THOUSAND PESOS NOR MORE THAN  
9 FIVE HUNDRED THOUSAND PESOS, WITH SUBSIDIARY  
10 IMPRISONMENT IN CASE OF INSOLVENCY, OR BY  
11 IMPRISONMENT OF NOT LESS THAN SIX YEARS AND ONE  
12 DAY NOR MORE THAN 12 YEARS, OR BY BOTH SUCH FINE  
13 AND IMPRISONMENT, IN THE DISCRETION OF THE COURT.

14 PROVIDED, THAT IF THE ILLEGAL PRACTICE OF  
15 MEDICINE BY A PERSON OR PERSONS IN THEIR EMPLOY  
16 RESULTED IN A CRIME OR CRIMES PUNISHABLE UNDER ACT  
17 NO. 3815, OTHERWISE KNOWN AS THE PENAL CODE, THE  
18 OWNER OR OWNERS OF THE ESTABLISHMENT SHALL BE  
19 CONSIDERED ACCOMPLICES TO SUCH CRIME OR CRIMES.

20 SECTION 28-B. *REVOCAION OF BUSINESS PERMIT.* – A  
21 LOCAL GOVERNMENT UNIT EXERCISING JURISDICTION  
22 OVER AN ESTABLISHMENT PROVEN TO HAVE KNOWINGLY  
23 HIRED A PERSON OR PERSONS ENGAGED IN THE ILLEGAL  
24 PRACTICE OF MEDICINE SHALL, UPON RECEIVING A COURT  
25 ORDER, REVOKE THE BUSINESS PERMIT OF SUCH  
26 ESTABLISHMENT.

1           SECTION 3. *Separability Clause.* – If any provision of this Act is held invalid or  
2 unconstitutional, the same shall not affect the validity and effectivity of the other  
3 provisions hereof.

4           SECTION 4. *Repealing Clause.* – All laws, decrees, orders, and issuances, or  
5 portions thereof, which are inconsistent with the provisions of this Act, are hereby  
6 repealed, amended or modified accordingly.

7           SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after  
8 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,