


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

5 SEP 21 P4:7

Senate Bill No. 2125

RECEIVED BY: 

Introduced by Sen. Juan Ponce Enrile

**EXPLANATORY NOTE**

In the past several years, our country has been a witness to an exodus of Filipino medical practitioners going abroad to take on other professions, such as the nursing profession. A study by the National Institute of Health revealed that at least 3,500 doctors have left the country since the year 2000 to work as nurses. These figures were confirmed by the Philippine Overseas Employment Agency (POEA) in its annual report where they indicated that health care professionals continue to dominate the number of professionals leaving the Philippines every year.

Compounding the personal economic considerations of each doctor who seek greener pasture abroad are the prevailing political instability and the apparent lack of commitment on the part of the government to prioritize the health care system in the country. Undeniably, the health sector continues to receive one of the lowest allocations under the annual appropriations of the government.


According to a group called Health Alliance for Democracy, health care services in the Philippines are already operating at 3.5% of the GNP budget – below the 5% percent recommended by the World Health Organization. This could only mean that fewer people could afford to see the doctor or to pay for prescribed medicines. This also meant budget cuts for government-run hospitals, stoppage of various health programs and, ultimately, less income and resources for doctors and nurses.

Unfortunately, the consequence of medical practitioners high-tailing it to another country for better opportunities has caused dire working conditions of the health care system they left behind. We have now started to feel the effects of dwindling professional health care providers as the decision by many doctors to become nurses has aggravated the doctor-to-population ratio. While the ideal ratio is one doctor for every 6,000 Filipinos, there is now one for every 26,000. Furthermore, reports from the Department of Health indicate that 42 towns in the country, belonging to the 5<sup>th</sup> and 6<sup>th</sup> income brackets of government, remained without a doctor.

Thus, it is incumbent upon the government to take the necessary steps to revitalize, develop and sustain the practice of medicine here in the Philippines. Congress is now being urged to undertake a much-needed review of the Medical Act of 1959. Hence, this bill.

This proposed measure seeks to enact a new Physicians Act that will govern the regulation of the education, licensing and the practice of medicine by physicians here in the Philippines. It is not only enough to address their economic concerns by increasing their pay and remuneration but as the government thus recognizes the very crucial role of physicians in the national health care system, it is also essential that an environment be provided for them where they can further cultivate and enhance their skills and expertise thereby upgrading the standards by which their practice shall be measured.

In view of the foregoing, the passage of this bill is earnestly sought.

  
**JUAN PONCE ENRILE**  
Senator

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

5

Senate Bill No. 2125



---

Introduced by Sen. Juan Ponce Enrile

---

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

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

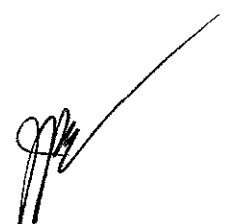
**ARTICLE I - GENERAL PROVISIONS**

**SECTION 1. Title.** - This Act shall be known as the "*Physicians Act of 2005*."

**SEC. 2. Declaration of Policy.** - The State recognizes the vital role of physicians in nation-building and, towards this end, promotes the sustained development of a pool of physicians whose competence shall be certified through honest and credible licensure examinations and whose standards of professional service and practice shall be at par with internationally recognized ethics and conduct

**SEC. 3. Objectives.** - This Act shall govern:

- (a) the standardization, upgrading, and regulation of medicine courses including internship training;
- (b) the examination for registration and licensure of Physicians;
- (c) the supervision, control and regulation of the practice of medicine;
- (d) the integration of the medical profession; and,



(e) the development of the professional competence of physicians through continuing professional education in accordance with the guidelines set by the Professional Regulation Commission.

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

## **ARTICLE II – COUNCIL ON MEDICAL EDUCATION**

**SEC. 5. *Composition of the Council on Medical Education.*** - There shall be created the Council on Medical Education which shall be composed of the following:

- (a) Chairman of the Commission on Higher Education, or his/her duly authorized representative, as Chairman;
- (b) the Secretary of the Department of Health, or his/her duly authorized representative, as member;
- (c) the Chairman of the Professional Regulatory Board For Medicine, or his/her duly authorized representative, as member;
- (d) the President of the Philippine Medical Association, or his/her authorized representative, as member; and,
- (e) the President of the Association of Philippine Medical Colleges, or his/her duly authorized representative, as member.

**SEC. 6. *Functions and Duties.*** - The Council on Medical Education shall have the following functions and duties:

- (a) To determine and prescribe requirements for admission into a recognized College of Medicine in accordance with the guidelines issued by the CHED;



- (b) To determine and prescribe requirements for minimum physical facilities of Colleges of Medicine, to wit: buildings, including hospitals, equipment and supplies, apparatus, instruments, appliances, laboratories, bed capacity for instruction purposes, operating and delivery rooms, facilities for out-patient services, and other equipment used for didactic and practical instruction in accordance with modern trends;
- (c) To determine and prescribe the minimum number and the minimum qualifications of teaching personnel including student-to-teacher ratio;
- (d) To determine and prescribe the minimum required curriculum including internship leading to the degree of Doctor of Medicine;
- (e) To authorize the implementation of innovative and medical curricula in a medical school that has exceptional faculty and instrumental facilities. Such an innovative curriculum may include admission and graduation requirements other than those prescribed in this Act: *Provided*, That only exceptional students shall be enrolled in the innovative curriculum;
- (f) To select, determine and approve hospitals or some departments of the hospitals for training which comply with the minimum specific physical facilities as provided in subparagraph (b) hereof; and,
- (g) To promulgate, prescribe and enforce the necessary rules and regulations for the proper implementation of the foregoing functions.

**SEC. 7. *Compensation and Travel Expenses.*** - The Chairman, members and secretary of the Council shall receive reasonable per diems for every meeting attended: *Provided, That*, the number of meetings shall not exceed four times in a month. They shall likewise be entitled to travelling expenses in connection with their official duties. The grant of per diems and travelling expenses shall be at rates in accordance with existing accounting and auditing rules and regulations.



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

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

**SEC. 9. *Admission Requirements.*** - The College of Medicine may admit any student who has not been convicted by final judgment by any court of any criminal offense involving moral turpitude and who presents the following:

- (a) a record showing completion of a bachelor's degree in science or arts;
- (b) a certificate of good moral character issued by two (2) former professors in the college offering the pre-medicine course(s); and,
- (c) an authenticated birth certificate.

Nothing in this Act shall be construed to inhibit any College of Medicine from establishing, in addition to the requirements specified in the paragraph, other requirements that may be deemed necessary for admission.

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



Every College of Medicine must keep complete records of enrollment, grades, graduates and must publish each year a catalogue stating the following information:

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

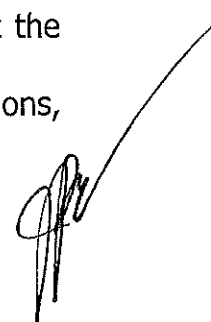
### **ARTICLE III**

#### **THE PROFESSIONAL REGULATORY BOARD FOR MEDICINE**

**SEC. 10. *Composition of the Board.*** - There is hereby created a Professional Regulatory Board for Medicine, hereinafter referred to as the Board, under the administrative control and supervision of the Professional Regulation Commission, hereinafter referred to as the Commission. The Board shall be composed of a Chairman and six (6) members to be appointed by the President of the Philippines from among three (3) recommendees for each position, chosen and ranked by the Commission from a list of five (5) nominees for each position submitted by the integrated and accredited professional organization. The Board shall be organized not later than six (6) months from the effectivity of this Act.

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

- (a) Supervise and regulate the practice of medicine in the Philippines;



- (b) Determine and evaluate the qualifications of the applicants for registration, with or without the Physician Licensure Examination, and for the purpose of the issuance of special permits;
- (c) Undertake the necessary preparations for the conduct of the Physician Licensure Examination, in relation to Section 19 hereof such as prescribing the syllabi of the subjects and their relative weights for the licensure examinations; formulating, modifying or adopting test questions and depositing them in a test question bank; drawing the test questions at random through a computerized process;
- (d) Conduct walk-in examinations, if practicable;
- (e) Correct and rate the examinations papers and submit the examination results to the Commission within the period provided for by the rules of the Commission;
- (f) Prescribe, amend or revise the requirements for the subjects in the Physician Licensure Examination and their relative weights subject to the approval of the Commission;
- (g) Register successful examinees in the physician licensure examination and issue the corresponding certificates of registration;
- (h) Issue special or temporary permits to foreign physicians with highly specialized skills which no Filipino possesses, as certified by the Department of Health and the Department of Labor, to practice medicine for specific projects and for a specific duration of time;
- (i) Look into the conditions affecting the practice of medicine, adopt measures for the enhancement of the profession and the maintenance of a high professional, technical, and ethical standards;
- (j) Recommend to CHED the opening or closure of a program of Medicine and conduct ocular inspection of places where physicians practice their profession;



- (k) Monitor the performance of the medical schools and their compliance with the rules and regulations of the Council on Medical Education;
- (l) Promulgate rules and regulations, and a Code of Ethics for Physicians, administrative policies, orders, and issuances to carry out the provisions of this Act;
- (m) Investigate violations of the Act and the rules and regulations, Code of Ethics, administrative policies, orders and issuances promulgated by the Board: Provided that, the rules on administrative investigation promulgated by the Commission shall govern such investigation;
- (n) Issue *subpoena* or *subpoena duces tecum* to secure the attendance of respondents or witnesses or the production of documents relative to the investigation conducted by the Board;
- (o) Delegate to the Chairman, Vice-Chairman, Member of the Board, or a Commission Attorney the hearing of an administrative case. If the case is technical in nature or concerns strictly the practice of the profession, the investigation shall be presided by the Chairman, Vice-Chairman or a Member of the Board with assistance of a PRC attorney;
- (p) Render decision, order or resolution on preliminary investigation or inquiry against violators of this Act, Rules and Regulations or any policy on undocketed cases and on docketed administrative cases against examinees or registrants which shall become final and executory unless appealed to the Commission within fifteen days from receipt of the copy thereof;
- (q) After due notice and hearing, cancel examination papers and/or bar any examinee who shall be found to have violated provision or provisions of this Act from future examinations; refuse or defer his registration; reprimand the registrant with stern warning; suspend him/her from the practice of the profession; revoke his/her certificate of registration; cancel special or temporary





permit; remove his/her name from the roll of physicians for continuous non-payment of annual registration fees and non-compliance with Continuing Professional Education (CPE) requirements;

- (r) After due consideration, notice, hearing and deliberation, reinstate or re-enroll his name in the said roll and reissue or return his/her certificate of registration and professional identification card pursuant to Section 31 hereof;
- (s) Administer oaths in connection with the administration, implementation, or enforcement of this Act;
- (t) Prosecute or institute criminal action against any violator of this Act and/or the rules and regulations of the Board;
- (u) Adopt an official seal;
- (v) Coordinate with the Council of Medical Education in prescribing, amending and/or revising the courses;
- (w) Assist the Commission in the implementation of its prescribed guidelines and criteria on the Continuing Professional Education for registered/licensed physicians; and
- (x) Perform such other functions and duties as may be necessary to effectively implement this Act.

The policies, resolutions, and rules and regulations, issued or promulgated by the Board shall be subject to the review, revision, and approval by the Commission: Provided, however, that the Board's decisions, resolutions or orders which are not interlocutory, rendered in an administrative case, shall be subject to review only if on appeal.

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

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

- (b) Be at least forty (40) years old;
- (c) Be a physician who is a holder of a valid certificate of registration and a valid professional identification card;
- (d) Be a medical practitioner for at least ten (10) years;
- (e) Be a *bonafide* member of the integrated and accredited national organization of Physicians;
- (f) Have not been convicted by final judgment by a competent court of a criminal offense involving moral turpitude;
- (g) Have at least two (2) years experience as faculty members in a college of medicine;
- (h) Not be a member of the faculty in an institute, school or college of medicine or not have a pecuniary interest, direct or indirect, in the institution which offers and operates the course or degree of Doctor of Medicine;
- (i) Not be connected with a review center or school or group or association where review classes or lectures in preparation for the Physician Licensure Examination are being offered or conducted, at the time of appointment; and,
- (j) Not be an officer of the accredited organization of physicians or the integrated and accredited national organization of registered and licensed physicians at the time of appointment.

**SEC. 13. *Term of Office.*** - The Members of the Board shall hold office from the date of their appointment for a term of three (3) years or until their successors shall have been appointed. They may, however, be reappointed for another term after expiry of their first term. Appointments to fill up vacancies created by causes other than through expiration of regular terms shall be for the unexpired period only. Each member shall take an oath of office before entering upon the performance of his/her duties. The incumbents whose terms have not yet expired or who are serving in a



holdover capacity at the effectivity of this Act shall be allowed to serve the unexpired portions of their terms and may be appointed under this Act.

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

**SEC. 15. *Suspension or Removal of Board Member.*** - The President of the Philippines, upon the recommendation of the Commission after giving the concerned member an opportunity to defend himself/herself in a proper administrative investigation to be conducted by the Commission, may suspend or remove any member of the Board on the following grounds:

- (a) Neglect of duty or incompetence;
- (b) Unprofessional, unethical or dishonorable conduct;
- (c) Manipulation or rigging of the Physician Licensure Examination's results, providing secret information, or disclosure of the examination questions prior to the conduct of the said examination, or tampering of the grades therein; or
- (d) Final conviction by the court of criminal offenses involving moral turpitude.

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

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

**SEC. 17. *Annual Report.*** - The Board shall, on or before the end of January of the following year, submit its annual report of accomplishments on programs, projects, and activities undertaken during the previous calendar year together with its

appropriate recommendations on issues or problems affecting the practice of medicine, to be submitted to the Commission.

#### ARTICLE IV

##### EXAMINATION, REGISTRATION AND LICENSURE

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

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

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

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

- (a) He/she is a citizen and resident of the Philippines; Provided, that in cases of a foreign citizen, he or she must first comply with the provisions of Section 38 of this Act;
- (b) He/she is mentally, emotionally and physically sound;
- (c) He/she has not been convicted in a final judgment by a court for any criminal offense involving moral turpitude;
- (d) He/she is a holder of a degree of Doctor of Medicine conferred by a College of Medicine established in the Philippines and duly recognized by CHED or of a degree conferred by a College of Medicine abroad and accredited by CHED as substantially



equivalent to the degree of Doctor of Medicine offered by a College of Medicine here in the Philippines; and,

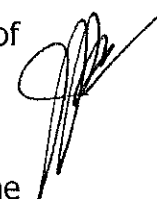
**(e)** He/she has completed one year of post-graduate internship in a Philippine hospital or training abroad accredited as equivalent to such internship by the Board.

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

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

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

The Professional Identification Card duly signed by the Chairperson of the Commission shall bear the name of the registered physician, his/her registration

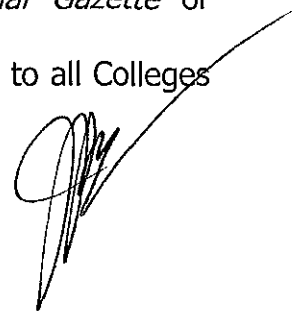


number, the date of issuance, its date of expiry, and shall be evidence that he/she can lawfully practice his/her profession.

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

**SEC. 23. *Scope of Examination.*** - The Physician Licensure Examinations shall cover the following individual or combined/clustered subjects with equal weights for each one final examination after completion of internship: (1) Anatomy; (2) Physiology; (3) Biochemistry and Molecular Biology; (4) Pharmacology and Therapeutics; (5) Microbiology and Parasitology; (6) Medicine; (7) Pediatrics and Nutrition; (8) Pathology; (9) Obstetrics and Gynecology; (10) Surgery, Ophthalmology, Otolaryngology and Otorhinotoryngology (11) Preventive Medicine and Public Health; (12) Legal Medicine, Code of Ethics for Physicians, and Jurisprudence on the Practice of Medicine; and (13) Neurology and Psychiatry.

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



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

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

**SEC. 25. *Reports and Publication of the Results of Examination.*** - The Board shall report the rating of each examinee to the Commission within ten (10) days from the last day of examination. The official results of the examination, containing the list of topnotcher examinees, and the names of the schools or colleges obtaining top percentages of successful graduate examinees shall be published by the Commission in a newspaper of general circulation.

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

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

## **ARTICLE V**

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

**SEC. 27. *Acts Constituting the Practice of Medicine.*** - A person shall be considered as engaged in the practice of Medicine:

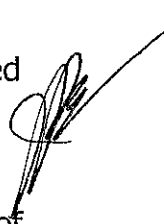
- (a) for compensation, fee, salary or reward in any form paid to him directly or through another, physically examine any person and diagnose, treat, operate or prescribe any remedy for human disease, injury, deformity, physical, mental, psychical condition or any ailment, real or imaginary, regardless of the nature of the remedy for treatment administered, prescribed or recommended;
- (b) by means of signs, cards, advertisements, written or printed matter; or through the radio, television or any other means of communication, either offer or undertake by any means or method to diagnose, treat, operate or prescribe any remedy for any human disease, injury, deformity, physical, mental or psychological condition;
- (c) administer medical aid or treatment in life threatening situations where pharmacy services are not accessible;
- (d) use M.D. after his/her name;
- (e) teach, lecture or conduct review classes on subjects on the medical degree or in the Physicians Licensure Examination; or
- (f) be a holder of a special/temporary permit.

**SEC. 28. *Suspension or Revocation of the Certificate of Registration.* -**

The Board shall have the power, upon proper notice and hearing, to revoke the certificate of registration of a physician, suspend him/her from the practice of his/her profession or, in case of a foreign physician, reprimand him/her or a cancellation of the special or temporary permit issued thereto, for any of the following grounds or causes:

- (a) Final conviction by a court of competent jurisdiction of any criminal offense involving moral turpitude;
- (b) Immoral or dishonorable conduct;
- (c) Insanity;
- (d) Fraud in the acquisition of certificate of registration and professional identification card or temporary or special permit;



- (e) Gross negligence, ignorance or incompetence in the practice of his/her profession, resulting in an injury or death of the patient;
  - (f) Addiction to alcoholic beverages, or to any habit-forming drug rendering him/her incompetent to practice his/her profession,
  - (g) False or extravagant or unethical advertisements wherein other things than his name, profession, limitation of practice, clinic hours, office and home address are mentioned;
  - (h) Performance of, or aiding in, any criminal abortion;
  - (i) Issuance of any false medical certificate;
  - (j) Issuance of any statement or spreading any news or rumor which is derogatory to the character and reputation of another physician without justifiable move;
  - (k) The aiding or acting as dummy for unqualified or unregistered person to practice medicine;
  - (l) Violation of any provision of the Code of Ethics for Physicians or the Code of Technical or Professional Standards as prescribed by the organization of physicians accredited by the Commission or by the integrated and accredited national organization of physicians, and adopted and promulgated by the Board subject to the approval of the Commission;
  - (m) The practice of profession during the period of his suspension from the practice thereof;
  - (n) Refusal to attend to a patient in danger of death if there is no risk to his own life;
  - (o) Expulsion or termination of membership in the integrated and accredited national organization of physicians; and
  - (p) Violation of this Act, its implementing rules and regulations and other policies of the Board and the Commission issued pursuant to this Act.
- 

A decision of suspension, revocation of the certificate of registration or removal from the roll by the Board as provided herein may be appealed initially to the Commission within fifteen days from receipt thereof. The decision of the Commission may be appealed to the Court of Appeals in accordance with the procedures provided in the Rules of Court.

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

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

**SEC. 31. *Reissuance of Revoked Certificate of Registration and Professional License and Replacement of Lost Certificate or Professional License.*** - After two (2) years and after due consultation with the integrated and accredited national organization of physicians, the Board may order the reinstatement of any physician whose certificate of registration has been revoked, if the respondent has acted in an exemplary manner in the community.

A new certificate of registration or professional license may be issued to a physician who has lost, destroyed or mutilated, subject to the rules of the Commission.

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



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

**SEC. 34. *Persons Exempted from Holding Valid Certificate of Registration or Special Temporary Permit.*** - The preceding section shall not be construed to affect the following:

- (a) any medical student duly enrolled in an approved medical college or school, or any graduate who is under training, or who is serving without any professional fee in any government or private hospital: *Provided, That,* he/she renders such service under the direct supervision and control of a registered physician;
- (b) any legally registered dentist engaged exclusively in the practice of dentistry;
- (c) any duly registered masseur or physiotherapist: *Provided,* that he/she applies massage or other physical means upon written order or prescription of a duly registered/licensed physician: *Provided, further,* that such application of massage of physical means shall be limited to physical or muscular development;
- (d) any duly registered optometrist who mechanically fits or sells lenses, artificial eyes, limbs, or other similar appliances or who is engaged in the mechanical examination of the eyes for the purpose of constructing or adjusting eyeglasses, spectacles and lenses;
- (e) any person who renders any service gratuitously in cases of emergency, or in places where the services of a duly registered physician, nurse or midwife are not available;
- (f) any person who administers or recommends any household remedy as per classification of existing pharmacy laws;
- (g) any clinical psychologist, or mental hygienist, in the performance of his/her duties, with regard to patients with psychiatric problems: *Provided,* that such

performance is done with the prescription and direct supervision of a duly registered/licensed physician; and,

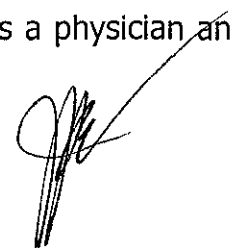
(h) a prosthetist who fits artificial limbs under the supervision of a registered physicians.

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

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

**SEC. 37. *Automatic Registration of Physicians.*** - All physicians whose names shall appear in the Registry or Roll or Roster of Physicians at the time of the effectivity of this Act shall automatically be registered by the Board and the Commission as physicians and thereafter by the integrated and accredited national organization of registered and licensed physicians as its *bona fide* members pursuant to Section 35 of this Act.

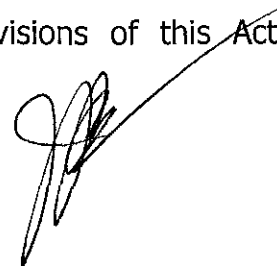
**SEC. 38. *Foreign Reciprocity.*** - Unless the country of which he/she is a subject or citizen specifically permits Filipino physicians to practice within its territorial limits on the same basis as the subject or citizen of such foreign state or country under reciprocity and under international agreements,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



**ARTICLE VI****PENAL PROVISIONS**

**SEC. 39. Penalties.** - The penalties of imprisonment of not less than one (1) year but not more than five (5) years or a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00), or both, upon discretion of the court, shall be imposed upon any of the following:

- a) Any person who shall practice or offer to practice medicine in the Philippines without a valid certificate of registration and a valid professional identification card or a valid temporary or special permit in accordance with the provision of this Act;
- b) Any person presenting or attempting to use as his/her own the certificate of registration or temporary or special permit of another;
- c) Any person who shall give any false or forged evidence of any kind to the Board or to the Commission in obtaining a certificate of registration or temporary or special permit;
- d) Any person who shall impersonate a registrant using the same name;
- e) Any registered or licensed physician who shall abet or assist the illegal practice of a person who is not lawfully qualified to practice medicine;
- f) Any person who shall attempt to use a revoked or suspended certificate of registration or professional identification card or a cancelled special or temporary permit;
- g) Any person who shall use or advertise any title of description tending to convey the impression that he is a registered licensed physician;
- h) Any person who shall violate any of the provisions of this Act and its implementing rules and regulations.



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

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

## ARTICLE VII

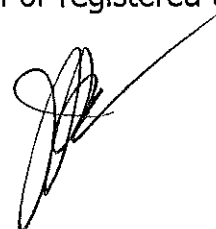
### FINAL PROVISIONS

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

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

**SEC. 42. *Appropriations.*** - The Chairpersons of CHED and the PRC shall immediately include in their programs the implementation of this Act, the funding of which shall be charged against their current year's appropriations and thereafter in their annual appropriations.

**SEC. 43. *Implementing Rules and Regulations.*** - Within ninety days from the effectivity of this Act, the Board, subject to the approval of the Commission, and in coordination with the accredited and integrated national organization of registered and



licensed physicians, shall prepare the necessary rules and regulations, including a Code of Ethics for Physicians, to implement the provisions of this Act.

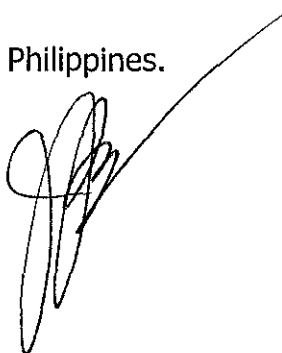
**SEC. 44. *Transitory Provision.*** - The incumbent Board shall continue to function in the interim until such time as the new Board shall have been constituted pursuant to this Act.

**SEC. 45. *Separability Clause.*** - If any clause, provisions, paragraphs or part hereof shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate, impair any other part thereof, 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 known as "The Medical Act of 1959" as amended by Republic Act Nos. 4224 and 5946, all laws amending the said Act, and 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.*** - This Act shall take effect after fifteen (15) days following the completion of its publication in the *Official Gazette* or any major daily newspaper of general circulation in the Philippines.

Approved ,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.