


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

7 JUL 16 2015

SENATE

S.B. No. 1226RECEIVED BY: 

Introduced by SENATOR 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 5th and 6th 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.



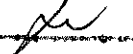
JUAN PONCE ENRILE
Senator

FOURTEENTH CONGRESS OF THE)
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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 in the Senate and the House of Representatives of the Philippines in
Congress assembled:*

ARTICLE I - GENERAL PROVISIONS

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

2
3

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

9

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

- 11 (a) the standardization, upgrading, and regulation of medicine courses
- 12 including internship training;
- 13 (b) the examination for registration and licensure of Physicians;
- 14 (c) the supervision, control and regulation of the practice of medicine;
- 15 (d) the integration of the medical profession; and,
- 16 (e) the development of the professional competence of physicians
- 17 through continuing professional education in accordance with the
- 18 guidelines set by the Professional Regulation Commission.

19

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

1 Medicine, hereinafter referred to as the Board, under the administrative supervision and
2 control of the Professional Regulation Commission (PRC), hereinafter referred to as the
3 Commission.

4
5 **ARTICLE II - COUNCIL ON MEDICAL EDUCATION**
6

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

- 9 (a) Chairman of the Commission on Higher Education, or his/her duly
10 authorized representative, as Chairman;
11 (b) the Secretary of the Department of Health, or his/her duly
12 authorized representative, as member;
13 (c) the Chairman of the Professional Regulatory Board For Medicine,
14 or his/her duly authorized representative, as member;
15 (d) the President of the Philippine Medical Association, or his/her
16 authorized representative, as member; and,
17 (e) the President of the Association of Philippine Medical Colleges, or
18 his/her duly authorized representative, as member.
19

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

- 22 (a) To determine and prescribe requirements for admission into a
23 recognized College of Medicine in accordance with the guidelines
24 issued by the CHED;
25 (b) To determine and prescribe requirements for minimum physical
26 facilities of colleges of Medicine, to wit: buildings, including
27 hospitals, equipment and supplies, apparatus, instruments,
28 appliances, laboratories, bed capacity for instruction purposes,
29 operating and delivery rooms, facilities for out-patient services,
30 and other equipment used for didactic and practical instruction in
31 accordance with modern trends;
32 (c) To determine and prescribe the minimum number and the
33 minimum qualifications of teaching personnel including student-to-
34 teacher ratio;
35 (d) To determine and prescribe the minimum required curriculum
36 including internship leading to the degree of Doctor of Medicine;
37 (e) To authorize the implementation of innovative and medical
38 curricula in a medical school that has exceptional faculty and

1 instrumental facilities. Such an innovative curriculum may include
2 admission and graduation requirements other than those prescribed
3 in this Act: *Provided, That only exceptional students shall be*
4 enrolled in the innovative curriculum;

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

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

11
12 **SEC. 7. *Compensation and Travel Expenses.*** - The Chairman, members and
13 secretary of the Council shall receive reasonable per diems for every meeting attended:
14 *Provided, That the number of meetings shall not exceed four times in a month. They shall*
15 likewise be entitled to travelling expenses in connection with their official duties. The
16 grant of per diems and travelling expenses shall be at rates in accordance with existing
17 accounting and auditing rules and regulations.

18
19 **SEC. 8. *Minimum Required Course.*** - Students seeking admission to a medical
20 course must have a bachelor's degree in science or arts. The said medical course leading
21 to the degree of Doctor of Medicine shall be for five (5) years inclusive of clinical
22 clerkship and internship and shall consist of the following subjects: Anatomy and
23 Histology; Physiology; Biochemistry and Molecular Biology; Pharmacology and
24 Therapeutics; General Pathology; Clinical Pathology, Microbiology and Parasitology;
25 Internal Medicine; Neurology and Psychiatry; Obstetrics and Gynecology; Pediatrics and
26 Nutrition; Surgery, Ophthalmology and; Otorhinolaryngology; Preventive Medicine and
27 Public Health; Legal Medicine, Medical Jurisprudence, Medical Ethics and Economics:
28 *Provided, That, the Council is authorized to modify, rearrange, add, recluster, and revise*
29 the above-mentioned subjects as the needs and the demands of development in the
30 medical profession may require.

31
32 **SEC. 9. *Admission Requirements.*** - The College of Medicine may admit any
33 student who has not been convicted by final judgment by any court of any criminal
34 offense involving moral turpitude and who presents the following:

35 (a) a record showing completion of a bachelor's degree in science or
36 arts;

37 (b) a certificate of good moral character issued by two (2) former
38 professors in the college offering the pre-medicine course(s); and,

1 (c) an authenticated birth certificate.

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

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

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

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

20

21

ARTICLE III

22

THE PROFESSIONAL REGULATORY BOARD FOR MEDICINE

23

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

33

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

38

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

- 1 (b) Determine and evaluate the qualifications of the applicants for
2 registration, with or without the Physician Licensure Examination,
3 and for the purpose of the issuance of special permits;
- 4 (c) Undertake the necessary preparations for the conduct of the
5 Physician Licensure Examination, in relation to Section 19 hereof
6 such as prescribing the syllabi of the subjects and their relative
7 weights for the licensure examinations; formulating, modifying or
8 adopting test questions and depositing them in a test question bank;
9 drawing the test questions at random through a computerized
10 process;
- 11 (d) Conduct walk-in examinations, if practicable;
- 12 (e) Correct and rate the examinations papers and submit the
13 examination results to the Commission within the period provided
14 for by the rules of the Commission;
- 15 (f) Prescribe, amend or revise the requirements for the subjects in the
16 Physician Licensure Examination and their relative weights subject
17 to the approval of the Commission;
- 18 (g) Register successful examinees in the Physician Licensure
19 Examination and issue the corresponding certificates of
20 registration;
- 21 (h) Issue special or temporary permits to foreign physicians with
22 highly specialized skills which no Filipino possesses, as certified
23 by the Department of Health and the Department of Labor and
24 Employment, to practice medicine for specific projects and for a
25 specific duration of time;
- 26 (i) Look into the conditions affecting the practice of medicine, adopt
27 measures for the enhancement of the profession and the
28 maintenance of a high professional, technical, and ethical
29 standards;
- 30 (j) Recommend to CHED the opening or closure of a program of
31 Medicine and conduct ocular inspection of places where physicians
32 practice their profession;
- 33 (k) Monitor the performance of the medical schools and their
34 compliance with the rules and regulations of the Council on
35 Medical Education;
- 36 (l) Promulgate rules and regulations, and a Code of Ethics for
37 Physicians, administrative policies, orders, and issuances to carry
38 out the provisions of this Act;

- 1 (m) Investigate violations of the Act and the rules and regulations,
2 Code of Ethics, administrative policies, orders and issuances
3 promulgated by the Board: *Provided*, That the rules on
4 administrative investigation promulgated by the Commission shall
5 govern such investigation;
- 6 (n) Issue *subpoena* or *subpoena duces tecum* to secure the attendance
7 of respondents or witnesses or the production of documents
8 relative to the investigation conducted by the Board;
- 9 (o) Delegate to the Chairman, Vice-chairman, Member of the Board,
10 or a Commission Attorney the hearing of an administrative case. If
11 the case is technical in nature or concerns strictly the practice of
12 the profession, the investigation shall be presided by the Chairman,
13 Vice-chairman or a Member of the Board with assistance of a PRC
14 attorney;
- 15 (p) Render decision, order or resolution on preliminary investigation
16 or inquiry against violators of this Act, Rules and Regulations or
17 any policy on undocketed cases and on docketed administrative
18 cases against examinees or registrants which shall become final
19 and executory unless appealed to the Commission within fifteen
20 (15) days from receipt of the copy thereof;
- 21 (q) After due notice and hearing, cancel examination papers and/or bar
22 any examinee who shall be found to have violated provision or
23 provisions of this Act from future examinations; refuse or defer his
24 registration; reprimand the registrant with stern warning; suspend
25 him/her from the practice of the profession; revoke his/her
26 certificate of registration; cancel special or temporary permit;
27 remove his/her name from the roll of physicians for continuous
28 nonpayment of annual registration fees and non-compliance with
29 Continuing Professional Education (CPE) requirements;
- 30 (r) After due consideration, notice, hearing and deliberation, reinstate
31 or re-enroll his name in the said roll and reissue or return his/her
32 certificate of registration and professional identification card
33 pursuant to Section 31 hereof;
- 34 (s) Administer oaths in connection with the administration,
35 implementation, or enforcement of this Act;
- 36 (t) Prosecute or institute criminal action against any violator of this
37 Act and/or the rules and regulations of the Board;
- 38 (u) Adopt an official seal;

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

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

13

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

- 16 (a) Be a natural born Filipino citizen and a resident of the Philippines
17 for at least ten (10) consecutive years;
- 18 (b) Be at least *forty* (40) years old;
- 19 (c) Be a physician who is a holder of a valid certificate of registration
20 and a valid professional identification card;
- 21 (d) Be a medical practitioner for at least ten (10) years;
- 22 (e) Be a *bonafide* member of the integrated and accredited national
23 organization of Physicians;
- 24 (f) Have not been convicted by final judgment by a competent court of
25 a criminal offense involving moral turpitude;
- 26 (g) Have at least two (2) years experience as faculty members in a
27 college of medicine;
- 28 (h) Not be a member of the faculty in an institute, school or college of
29 medicine or not have a pecuniary interest, direct or indirect, in the
30 institution which offers and operates the course or degree of Doctor
31 of Medicine;
- 32 (i) Not be connected with a review center or school or group or
33 association where review classes or lectures in preparation for the
34 Physician Licensure Examination are being conducted, at the time
35 of appointment; and,
- 36 (j) Not be an officer of the accredited organization of physicians or the
37 integrated and accredited national organization of registered and
38 licensed physicians at the time of appointment.

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

10
11 **SEC. 14. *Compensation of Board Members.*** - The Chairman and Members of the
12 Board shall receive compensation and allowances comparable to the compensation and
13 allowances received by the chairmen and members of existing regulatory boards under
14 the Commission as provided for under the General Appropriations Act.

15
16 **SEC. 15. *Suspension or Removal of Board Member.*** - The President of the
17 Philippines, upon the recommendation of the Commission after giving the concerned
18 member an opportunity to defend himself/herself in a proper administrative investigation
19 to be conducted by the Commission, may suspend or remove any member of the Board
20 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 Examination's
24 results, providing secret information, or disclosure of the
25 examination questions prior to the conduct of the said examination,
26 or tampering of the grades therein; or
27 (d) Final conviction by the court of criminal offenses involving moral
28 turpitude.

29
30 **SEC. 16. *Administrative Management, Custody of Records, Secretariat and***
31 ***Support Services.*** - The Board shall be under the administrative and executive
32 management of the Commission, with the Chairman of the Commission as the Chief
33 Executive Officer thereof. All records of the Board shall be under the custody of the
34 Commission.

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

37

1 (e) He/she has completed one year of post-graduate internship in a
2 Philippine hospital or training abroad accredited as equivalent to
3 such internship by the Board,
4

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

11 **SEC. 22. Registration, Issuance of Certificate of Registration and Professional**
12 **Identification Card, and Non-registration.** - All successful examinees, upon compliance
13 with all the legal requirements and payment of fees prescribed by the Commission, shall
14 be registered and issued certificates of registration and professional identification cards
15 by the Commission. The certificate of registration shall bear the registration number and
16 date of issuance and the signatures of the Chairperson and the members of the Board,
17 stamped with the seal of the Commission and the Board, certifying that the name of the
18 person stated therein appears in the Registry or Roll of Physicians under the custody of
19 the Commission; that he or she has met or complied with all the legal requirements for
20 registration as a physician; that he or she is entitled to exercise all the privileges
21 appurtenant to the practice of his or her profession; *Provided, That,* he/she does not
22 violate this Act, its implementing rules and regulations, Code of Ethics for Physicians,
23 Code of Technical or Professional Standards and other regulatory policies of the
24 Commission and the Board.

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

29 A successful examinee who has been convicted in final judgment by a court for a
30 criminal offense on moral turpitude, found guilty by the Board for dishonorable or
31 immoral conduct, or declared by the court to be of unsound mind shall not be included in
32 the Registry. The decision of the Board, finding the examinee guilty for dishonorable or
33 immoral conduct, may be appealed by the examinee to the Commission and/or to the
34 Court of Appeals. The facts and the reasons for refusal to register shall be in writing,
35 communicated to the examinee, and duly incorporated in the records of the Commission.
36

37 **SEC. 23. Scope of Examination.** - The Physician Licensure Examinations shall
38 cover the following individual or combined/clustered subjects with equal weights for

1 each one final examination after completion of internship: (1) Anatomy; (2) Physiology;
2 (3) Biochemistry and Molecular Biology; (4) Pharmacology and Therapeutics; (5)
3 Microbiology and Parasitology; (6) Medicine; (7) Pediatrics and Nutrition; (8) Pathology;
4 (9) Obstetrics and Gynecology; (10) Surgery, Ophthalmology, Otolaryngology and
5 Otorhinotoryngology (11) Preventive Medicine and Public Health; (12) Legal Medicine,
6 Code of Ethics for Physicians, and Jurisprudence on the Practice of Medicine; and (13)
7 Neurology and Psychiatry.

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

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

21
22 **SEC. 24. Rating in the Examination.** - To pass the Physician Licensure
23 Examination, an examinee must obtain a general weighted average rating in all thirteen
24 (13) subjects of no less than seventy-five percent (75%) with no rating in any subject
25 below fifty per cent (50%).

26
27 **SEC. 25. Reports and Publication of the Results of Examination.** - The Board
28 shall report the rating of each examinee to the Commission within ten (10) days from the
29 last day of examination. The official results of the examination, containing the list of
30 topnotcher examinees, and the names of the schools or colleges obtaining top percentages
31 of successful graduate examinees shall be published by the Commission in a newspaper
32 of general circulation.

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

35
36 **SEC. 26. Oath.** - All successful examinees shall be required to take their oath
37 before the Board, or any official authorized by the Commission to administer oath, prior

1 to the issuance of their certificates of registration and professional identification card or
2 before they start the practice of their profession.

3
4 **ARTICLE V**

5 **REGULATION OF THE PRACTICE OF THE MEDICAL PROFESSION**

6
7 **SEC. 27. *Acts Constituting the Practice of Medicine.*** - A person shall be
8 considered as engaged in the practice of Medicine:

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

27
28 **SEC. 28. *Suspension or Revocation of the Certificate of Registration.*** - The
29 Board shall have the power, upon proper notice and hearing, to revoke the certificate of
30 registration of a physician, suspend him/her from the practice of him/her profession or, in
31 case of a foreign physician, reprimand him/her of a cancellation of the special or
32 temporary permit issued thereto, for any of the following grounds or causes:

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

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

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

35
36 **SEC. 29. Rights of Respondents.** - The respondent physician shall be entitled to
37 be represented by a counsel or be heard in person, to have a speedy and public hearing, to

1 confront, and to cross-examine witness or witnesses testifying against him, and to all
2 other rights guaranteed by the Constitution provided for in the Rules of Court.

3
4 **SEC. 30. Appeals from Judgment.** - The decision of the Board shall
5 automatically become final fifteen (15) days after the date of its promulgation unless the
6 respondent, during the same period, has appealed the said decision of the Commission. If
7 the final decision is not satisfactory, the respondent may appeal the decision to the Court
8 of Appeals.

9
10 **SEC. 31. Reissuance of Revoked Certificate of Registration and Professional**
11 **License and Replacement of Lost Certificate or Professional License.** - After two (2)
12 years and after due consultation with the integrated and accredited national organization
13 of physicians, the Board may order the reinstatement of any physician whose certificate
14 of registration has been revoked, if the respondent has acted in an exemplary manner in
15 the community.

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

18
19 **SEC. 32. Indication of Certificate or Registration and Professional Tax Receipt.**
20 - A registered physician shall indicate his/her certificate of registration number, date of
21 issuance, the expiry date, and the professional tax receipt number on the prescription and
22 other documents he/she signs, uses or issues in connection with the practice of his/her
23 profession.

24
25 **SEC. 33. Vested Rights.** - All physicians registered at the time this law takes
26 effect shall automatically be registered under the provisions hereof, subject however to
27 future requirements set forth hereunder.

28
29 **SEC. 34. Persons Exempted from Holding Valid Certificate of Registration or**
30 **Special Temporary Permit.** - The preceding section shall not be construed to affect the
31 following:

- 32 (a) any medical student duly enrolled in an approved medical college
33 or school, or any graduate who is under training, or who is serving
34 without any professional fee in any government or private hospital:
35 *Provided, That,* he/she renders such service under the direct
36 supervision and control of a registered physician;
- 37 (b) any legally registered dentist engaged exclusively in the practice of
38 dentistry;

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

21

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

29

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

34

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

1 registered and licensed physicians as its *bona fide* members pursuant to Section 35 of this
2 Act.

3
4 **SEC. 38. Foreign Reciprocity.** - Unless the country of which he/she is a subject
5 or citizen specifically permits Filipino physicians to practice within its territorial limits on
6 the same basis as the subject or citizen of such foreign state or country under reciprocity
7 and under international agreements, no foreigner shall be admitted to the examination and
8 be given a certificate of registration to practice as a physician and be entitled to any of the
9 privileges under this Act.

10
11 **ARTICLE VI**
12 **PENAL PROVISIONS**

13
14 **SEC. 39. Penalties.** - The penalties of imprisonment of not less than one (1) year
15 but not more than five (5) years or a fine of not less than Fifty Thousand Pesos
16 (*P50,000.00*) but not more than Two Hundred Thousand Pesos (*P200,000.00*), or both,
17 upon discretion of the court, shall be imposed upon any of the following:

- 18 a) Any person who shall practice or offer to practice medicine in the
19 Philippines without a valid certificate of registration and a valid
20 professional identification card or a valid temporary or special
21 permit in accordance with the provision of this Act;
- 22 b) Any person presenting or attempting to use as his/her own the
23 certificate of registration or temporary or special permit of another;
- 24 c) Any person who shall give any false or forged evidence of any
25 kind to the Board or to the Commission in obtaining a certificate of
26 registration or temporary or special permit;
- 27 d) Any person who shall impersonate a registrant using the same
28 name;
- 29 e) Any registered or licensed physician who shall abet or assist the
30 illegal practice of a person who is not lawfully qualified to practice
31 medicine;
- 32 f) Any person who shall attempt to use a revoked or suspended
33 certificate of registration or professional identification card or a
34 cancelled special or temporary permit;
- 35 g) Any person who shall use or advertise any title of description
36 tending to convey the impression that he is a registered licensed
37 physician;

1 h) Any person who shall violate any of the provisions of this Act and
2 its implementing rules and regulations.
3

4 **SEC. 40. *Injunctions.*** - The Board may file an action to enjoin any person
5 illegally practicing Medicine from the performance of any act constituting the practice of
6 Medicine if the case so warrants until the necessary certificate therefore is secured. Any
7 such person who, after having been so enjoined, continues on the illegal practice of
8 Medicine shall be punished for contempt of court. The said injunction shall not relieve
9 the person from criminal prosecution and punishment as provided in the preceding
10 section.

11 **ARTICLE VII**
12 **FINAL PROVISIONS**
13

14 **SEC. 41. *Enforcement.*** - The Commission shall be the enforcement agency of the
15 Board. As such, the Commission shall implement the concerned provisions of this Act,
16 enforce its implementing rules and regulations as adopted by the Board, assist the Board
17 in the investigation of complaints against violators of this Act, its implementing rules and
18 regulations, Code of Ethics for Physicians and other policies of the Board. The
19 Commission or the Board shall call upon or request any department, instrumentality,
20 office, bureau, institution or agency of the government, including local government units
21 to render such assistance as it may require, or to coordinate or cooperate in order to carry
22 out, enforce or implement the professional regulatory policies of the Government or any
23 program or activity it may undertake.
24

25 **SEC. 42. *Appropriations.*** - The Chairpersons of CHED and the PRC shall
26 immediately include in their programs the implementation of this Act, the funding of
27 which shall be charged against their current year's appropriations and thereafter in their
28 annual appropriations.
29

30 **SEC. 43. *Implementing Rules and Regulations.*** - Within ninety days from the
31 effectivity of this Act, the Board, subject to the approval of the Commission, and in
32 coordination with the accredited and integrated national organization of registered and
33 licensed physicians, shall prepare the necessary rules and regulations, including a Code of
34 Ethics for Physicians, to implement the provisions of this Act.
35

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

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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,