

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**FIFTEENTH CONGRESS**  
**First Regular Session**

**HOUSE BILL NO. 1616**

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**Introduced by Honorable Mar-Len Abigail S. Binay**

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**EXPLANATORY NOTE**

This house bill seeks to repeal Republic Act 2382 or the Philippine Medical Act of 1959. The intent is to have a new law regulating the practice of the medical profession, with the accompanying purpose of helping assure better availability of an improved health care system and globally competitive medical practitioners.

Among other things, this bill plans to:

- Reconstitute the current Board of Medical Examiners into a Professional Regulatory Board of Medicine under the Professional Regulatory Commission or PRC;
- Revamp the current Board of Medical Education, to reflect the significant changes in the structure of the government after RA 2382 was enacted;
- Include psychiatry in the list of subjects covered by the medical licensure examinations;
- Mandate internship training as a requirement in the completion of a doctorate degree in medicine;
- Integrate the medical profession into one national organization; and
- Promote the Continuing Professional Education (CPE) program for the enhancement of the medical profession.

I would also like to note that this bill was already approved on third and final reading during the 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> Congresses. However, lack of material time prevented the Senate from approving a counterpart measure, and thus pave the way for the necessary bicameral conference committee report and its proposed enactment into law. This bill is already a product of extensive debates and vital amendments, both in the committee and plenary levels. Speedy approval of this bill is therefore in order.

  
**MAR-LEN ABIGAIL S. BINAY**

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

Fifteenth Congress  
First Regular Session

House Bill No. **1616**

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Introduced by: Reps. Mar-Len Abigail S. Binay

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

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

**ARTICLE I**

**GENERAL PROVISION**

**SECTION 1. *Title.*** – This Act shall be known as the “Physicians Act of 2009”.

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

**SEC. 3. *Objectives.*** – This Act provides for and shall govern the: (a) standardization, upgrading, and regulation of the medical education including internship training; (b) administration of the medical licensure examination, licensure and registration of the physicians and the (c) supervision, control and regulation of the practice of medicine; (d) integration of the profession into one Philippine Medical Association (PMA); and (e) promotion of competence, moral values and professional attitude of physicians through an integrated Philippine Medical Association.

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

**ARTICLE II**

**THE COUNCIL OF MEDICAL EDUCATION**

**SEC. 5. *Composition of the Council of Medical Education.*** – The Council of Medical Education shall be composed of the following:

(a) The Chairperson of the Commission on Higher Education (CHED) or his duly

- 1 authorized representative as Chairperson;
- 2 (b) The Secretary of the Department of Health (DOH) or his duly authorized
- 3 representative as member;
- 4 (c) The Chairperson of the Professional Regulatory Board of Medicine or his duly
- 5 authorized representative as member;
- 6 (d) The President of the Philippine Medical Association (PMA) or his authorized
- 7 representative as member;
- 8 (e) The President of the Association of the Philippine Medical Schools (APMS) or his
- 9 duly authorized representative as member; and
- 10 (f) The President of the Philippine Hospital Association (PHA) or his duly authorized
- 11 representative as member;

12 The Chairperson and members of the Council shall hold office during their incumbency

13 in the respective institutions that they represent.

14 The Council, within sixty (60) days after the effectivity of this Act, shall appoint a

15 technical panel composed of seven (7) outstanding members of the academe and/or the

16 profession whose responsibility is to assist the Council of Medical Education in carrying out its

17 functions and powers.

18 **SEC. 6. Functions and Duties.** – The Council of Medical Education shall have the

19 following functions and duties:

- 20 (a) To determine the requirements for admission into a recognized college of medicine;
- 21 (b) To determine the minimum requirements for physical facilities of colleges of
- 22 medicine, to wit: buildings including hospitals, equipment and supplies, apparatus,
- 23 instruments, appliances, laboratories and bed capacity for instruction purposes,
- 24 operating and delivery rooms, facilities for out-patient services and others used for
- 25 didactic and practical instruction in accordance with modern trends;
- 26 (c) To determine the minimum number and the standard qualifications of teaching
- 27 personnel including student-teacher ratio;
- 28 (d) To determine the minimum required curriculum including internship leading to the
- 29 degree of Doctor of Medicine;
- 30 (e) To authorize the implementation of an acceptable innovative medical
- 31 curriculum/strategy in a medical school that has exceptional faculty and equipment
- 32 facilities. Such an innovative curriculum may prescribe admission and graduation
- 33 requirements other than those prescribed in this Act: *Provided*, That only exceptional
- 34 students shall be enrolled in the innovative curriculum;
- 35 (f) To accept applications and issue certificates of admission to a medical school and
- 36 keep a registry of those issued with said certificate; and to collect from said applicants
- 37 reasonable fees as may be determined by the Council which shall accrue to the
- 38 operating funds of the Board of Medical Education;

- 1 (g) To recommend to the CHED the closure or suspension of the degree of Doctor of  
2 Medicine program of a College of Medicine when called for based on the evaluation  
3 of the statistical information on the performance of the said college in the Physician  
4 Licensure Examination as furnished by the Board of Medicine and the Professional  
5 Regulation Commission; and upon inspection of the medical college by the Council  
6 of Medical Education, for various deficiencies and/or violations;
- 7 (h) To select and approve hospitals or some departments of hospitals for training which  
8 comply with the minimum specific physical facilities as provided in subparagraph (b)  
9 hereof; and
- 10 (i) To promulgate, prescribe, and enforce the necessary rules and regulations for the  
11 proper implementation of the foregoing functions.

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

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

28 *Provided,* That the Council may recommend to the CHED to rearrange, recluster or  
29 integrate and revise the above-mentioned subjects.

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

- 33 1. Record showing completion of a bachelor's degree in Science or Arts;  
34 2. Certificate of eligibility for entrance to a school of medicine from the Board of  
35 Medical Education;  
36 3. Certificate of good moral character issued by two former professors in the college  
37 offering the pre-medical course(s);  
38 4. Birth Certificate duly authenticated by the National Statistics Office; and

5. Proof of successfully passing the National Medical Admission Test.

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

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

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

1. Date of publication
2. Calendar of academic year
3. Roll of faculty members indicating whether on full time or part time basis and their curriculum vitae
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. 9. *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, composed of a Chairperson, a Vice-Chairperson, and five (5) 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. 10. Powers and Duties.** – The Board 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 qualifications of the applicants for registration with physician licensure examinations and for special permits;
- (c) Prepare the questions in Physicians' Licensure Examinations in accordance with recognized principles of evaluation and of pertinent provisions of Section 23, Article IV of this Act; prescribe the syllabi of the subjects and their relative weights for the

- 1 licensure examinations; formulate or adopt test questions and deposit them in a test  
2 question bank; draw the test questions at random through the process of  
3 computerization; conduct the examination; correct and rate the examination papers  
4 and submit the examination results to the Commission within the period provided for  
5 by the rules of the Commission; the above test questions should be in congruence  
6 with the syllabi and the table of specifications of the Association of Philippine  
7 Medical Colleges (APMC);
- 8 (d) In the formulation of test questions, the Board shall see to it that the questions shall  
9 have relevant distributions as to the knowledge, skill and attitude of the examinees;
- 10 (e) Determine, amend or revise the requirements for the subjects in the physician  
11 licensure examination and their relative weights and the manner of giving the  
12 examination, subject to the approval of the Commission;
- 13 (f) Register successful examinees in the physician licensure examination in the rolls of  
14 physician and issue the corresponding certificates of registration;
- 15 (g) Issue special/temporary permits to foreign physicians to practice medicine for specific  
16 projects and for a specific duration of time, in coordination with the integrated PMA;
- 17 (h) Administer the qualifying examinations given to physicians who wish to train in the  
18 Philippines for a specialty field, in coordination with the integrated PMA;
- 19 (i) In coordination with the integrated PMA, look into the conditions affecting the  
20 practice of medicine, adopt measures for the enhancement of the profession and the  
21 maintenance of high professional, technical, and ethical standards, in coordination  
22 with the Council of Medical Education and conduct ocular inspections of places  
23 where physicians practice their profession;
- 24 (j) Monitor the performance of medical schools and their compliance with the rules and  
25 regulations of the Board of Medical Education;
- 26 (k) In coordination with the integrated PMA, promulgate rules and regulations including  
27 a code of ethics for physicians, administrative policies, orders, issuances to carry out  
28 the provisions of this Act;
- 29 (l) Investigate violations of the Act and the rules and regulations, code of ethics,  
30 administrative policies, orders and issuances promulgated by the Board. The rule on  
31 administrative investigation promulgated by the Commission shall govern in such  
32 investigation;
- 33 (m) Issue *subpoena ad testificandum* or *subpoena duces tecum* to secure attendance of  
34 respondents or witnesses as well as the production of documents relative to the  
35 investigation conducted by the Board. *Provided That*, failure of the party to whom a  
36 subpoena has been issued to comply therewith shall be punishable by way of indirect  
37 contempt of the Board. For this purpose, the Board is hereby vested the power to cite

any party for contempt which may be exercised pursuant to the applicable provisions of Rule 71 of the Rules of Court;

- (n) At the Board's discretion, delegate to the Chairperson, Vice-Chairperson, or any member of the Board, or a Commission Attorney (PRC Attorney) the hearing of an Administrative case. If the case concerns strictly the practice of medicine as defined in Section 27 hereof, the investigation shall be presided over by a Member of the Board with the assistance of a PRC attorney. *Provided*, That the power to cite a party in contempt shall be issued exclusively by the Board, upon recommendation of the Member charged with such investigation;
- (o) After due notice and hearing, cancel examination papers and/or bar any examinee from future examination; refuse or defer his/her registration; reprimand the registrant with stern warning; suspend him/her from the practice of his/her profession; revoke his/her certificate of registration; cancel special/temporary permit; remove his/her name from the roll of physicians for continuous non-payment of annual registration fees and non-compliance with the CME requirement; reinstate or reenroll his/her name in the said roll; reissue or return his/her certificate of registration and professional identification card. 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 (15) days from receipt thereof;
- (p) Administer the Physician's Oath pursuant to Sec. 26 herein;
- (q) Institute and prosecute or cause to be instituted and prosecuted any and all criminal action against any violation of this Act and/or the Rules and Regulations of the Board subject to the provisions of Section 5, Rule 110 of the Rules of Criminal Procedure, as amended;
- (r) Adopt an official seal;
- (s) Coordinate with the Board of Medical Education and the integrated PMA in prescribing, amending and/or revising the courses in a medical program;
- (t) Assist the Commission in the implementation of its prescribed guidelines and criteria on the CPE for registered/licensed physicians;
- (u) Set the standards and guidelines for the issuance and re-issuance of certificates of registration; and
- (v) Perform such other functions and duties as may be necessary to efficiently and effectively implement the provisions of this Act.

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

1       **SEC. 11. *Qualifications of the Board Members.*** – Each Board Member must, at the  
2 time of his appointment:

- 3       (a) Be a natural born Filipino citizen and has been a resident of the Philippines for at  
4       least (10) consecutive years;
- 5       (b) Be at least forty (40) years old;
- 6       (c) Be a holder of a valid certificate of registration and a valid professional identification  
7       card as a physician;
- 8       (d) Has been a practitioner for at least ten (10) years;
- 9       (e) Be a *bona fide* member of the Integrated Philippine Medical Association;
- 10      (f) Has not been convicted by final judgment by a competent court of a criminal offense  
11      involving moral turpitude;
- 12      (g) Has an experience of at least two (2) years as a faculty member of a College of  
13      Medicine;
- 14      (h) Not be a current member of the faculty of an institute, school, or college of medicine  
15      nor have any pecuniary interest in any institution which offers and operates the course  
16      or degree of Doctor of Medicine;
- 17      (i) Not be connected with a review center/school/group or association offering classes or  
18      lectures in preparation for the Physician Licensure Examination.

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

27       **SEC. 13. *Compensation of the Board Members.*** – The Chairperson, Vice Chairperson,  
28 and members of the Board shall receive compensation and allowances or other benefits pursuant  
29 to the provisions of PRC Modernization Law of 2000 and other pertinent laws and comparable to  
30 the compensation and allowances received by the Chairperson and Members of existing  
31 Professional Regulatory Boards.

32       **SEC. 14. *Suspension or Removal of Board Member.*** – The President, upon  
33 recommendation of the Commission after giving the Member concerned an opportunity to be  
34 heard by himself or counsel in a proper administrative investigation to be conducted by the  
35 commission, may suspend or remove any member of the Board on any the following grounds:

- (a) Neglect of duty or incompetence;
- (b) Unprofessional, unethical or dishonorable conduct;

(c) Manipulation or rigging of results of any Physician Licensure Examination, divulging of secret information, or disclosure of the said examination, or tampering of the grades therein; and

(d) Final conviction by the court of any criminal offense involving moral turpitude.

**SEC. 15. *Administrative Management, Custody of Records, Secretariat and Support Services.*** – The Board shall be under the administrative and executive management of the Commission, with the Commission Chairperson 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. 16. *Implementing Rules and Regulations.*** – The Board with the approval of the Commission shall prescribe, issue, and promulgate rules and regulations implementing and carrying out the provisions of this Act, which shall take effect after fifteen (15) days following the completion of their publication in the Official Gazette or in a major daily newspaper of general circulation in the Philippines.

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

#### ARTICLE IV

##### PHYSICIAN LICENSURE EXAMINATION

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

(a) Holds a valid certificate of registration and a valid professional identification card issued by the Professional Regulation Commission;

(b) Holds a valid special/temporary permit issued by the Board of Medicine subject to approval by the Commission, and upon coordination with the integrated PMA, or unless he is exempted by this Act from holding any of the foregoing certificates of registration.

(c) Is a member of the integrated PMA and its component society in good standing;

Any foreign doctor who intends to undergo specialty training in the practice of medicine must pass the qualifying examination given by the Board of Medicine and concurred by the Integrated PMA.

**SEC. 19. *Examination Required.*** – All applicants for registration, before they can be issued a Certificate of Registration and a Professional Identification Card as a physician shall be required to pass a written licensure examination for physician as provided for in this Act, subject to the payment of the fees prescribed by the Commission.

**SEC. 20. *Qualifications of Applicants for Physicians' Licensure Examination.*** – All applicants for the Physicians' Licensure Examination must possess all qualifications and none of

the disqualifications hereunder set forth, as follows:

- (a) He or she is a citizen and resident of the Philippines or a citizen of a foreign country/state which observes reciprocity in the practice of medicine with the Philippines or who has been a permanent resident in the Philippines for at least one (1) year prior to the examination;
- (b) He or she is mentally, emotionally and physically sound;
- (c) He or she has not been convicted in a final judgment by a court of any criminal offense involving moral turpitude;
- (d) He or she is a holder of the degree of Doctor of Medicine conferred by a College of Medicine established in the Philippines and duly recognized by the CHED or a degree conferred by a college of medicine abroad and accredited by the CHED as substantially equivalent to the Degree of Doctor of Medicine offered by a Philippine College of Medicine.

**SEC. 21. *Venues and Schedule of Examinations.*** – The Board shall give examinations for the registration of Physicians at least twice a year in such places as the Commission may designate in accordance with the provisions of Republic Act No. 8981 otherwise known as the PRC Modernization Act of 2000.

**SEC. 22. *Registration, Issuance of Certificate of Registration and Professional Identification Card; PMA Membership Card; Non-registration, Grounds Therefor.*** – All successful examinees, upon compliance with all legal requirements and payment of fees prescribed by the Commission, shall be registered and issued certificates of registration and professional identification cards. They shall likewise be deemed members of the duly recognized integrated Philippine Medical Association upon compliance with all requirements and payment of compulsory dues, and shall be issued the necessary identification cards proving such membership therein, upon presentation of their certificates of registration and professional identification card.

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

The Professional Identification Card shall bear the name of the registered/licensed physician, the registration number and date of issuance, and its date of expiry, and, together with the membership identification card issued by the Integrated PMA, shall be sufficient evidence

1 that the physician can lawfully practice his profession.

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

11 **SEC. 23. Scope of Examination.** – The Physician Licensure Examination shall cover  
12 the following thirteen (13) individual or combined/clustered subjects with relative weights for  
13 each one final examination after completion of internship:

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

27 When an urgent and important need arises in order to conform to technological  
28 advancements and other changes, the Board, in coordination with the Integrated PMA and  
29 Council of Medical Education, may revise the substance and the conduct of such examinations.

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

- 33 (a) Consultation with the concerned academe;
- 34 (b) Approval by the Commission;
- 35 (c) Publication of the Board Resolution in a newspaper of general circulation; and
- 36 (d) Dissemination to all colleges of Medicine.

37 **SEC. 24. Rating in the Examination.** – To pass the Physician Licensure Examination,  
38 an examinee must obtain a general average rating of at least seventy-five per cent (75%) in all

thirteen (13) subjects, with no rating in any subject below fifty per cent (50%).

**SEC. 25. *Report 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 without indication of their respective schools/colleges, the names of the schools/colleges obtaining top percentages of successful graduate-examinees shall be published by the Commission in the major daily newspapers of general circulation.

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

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

## ARTICLE V

### REGULATION OF THE PRACTICE OF THE MEDICAL PROFESSION

**SEC. 27. *Acts Constituting Practice of Medicine.*** –

(a) A person shall be considered as engaged in the practice of medicine under any of the following circumstances:

1. Physically examining any person for any disease, injury or deformity, or diagnosing, treating, operating, prescribing or dispensing any remedy therefor;
2. Examining a person's mental condition for any ailment, real or imaginary, regardless of the nature of the remedy or treatment administered, prescribed or recommended;
3. Offering or undertaking to diagnose, treat, operate or prescribe and administer any remedy for any human disease, injury, deformity, physical or mental condition either personally or by means of signs, cards, or advertisements by way of mass media or any other means of communication;
4. Using or affixing "MD" with his/her name in the practice of the medical profession or in his/her written or oral communications; or
5. Conducting formal medical classes in medical schools, seminars, lectures, symposia and the like.

(b) Practice through Special /Temporary Permit. – A Special/Temporary permit may be issued by the Board of Medicine in consultation with the Philippine Medical Association (PMA) and the Department of Health (DOH) subject to approval by the Commission and the Department of Labor (DOLE) pursuant to its mandate as provided for in Articles 40 to 42 of the Labor Code. Such permits shall likewise be issued, only after payment of fees as prescribed by the Commission, to the following:

1. Physicians licensed from foreign countries/states whose services are either for

1 a fee or free:

- 2 i. If they are internationally well-known specialists or publicly  
3 acknowledged as experts in any area of medical specialization;  
4 and,  
5 ii. If their services are urgently necessary owing to the lack of  
6 available local specialists/experts, or for the promotion or  
7 advancement of the practice of medicine, including, but not  
8 limited to, conduct of formal classes, acting as resource  
9 persons in medical seminars, fora, symposia and the like.

10 2. Physicians licensed in foreign countries/states who intend to render services  
11 for free and limited only to indigent patients in a particular hospital, center or  
12 clinic, *Provided*, however, That they render such services under the direct  
13 supervision and control of a duly registered/licensed physician;

14 3. Physicians licensed in foreign countries/states employed as exchange  
15 professors in any area of medical specialization.

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

- 18 1. A period of not more than one (1) year subject to renewal or extension provided that  
19 such renewal or extension shall be under the same process and requirements herein  
20 above-provided;  
21 2. The specific area of medical specialization;  
22 3. The specific place of practice, such as clinic, hospital, center, college of medicine.

23 (d) The Board of Medicine, subject to approval by the Commission and the DOLE, shall  
24 prescribe rules and regulations for the implementation of this particular Section.

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

- 29 (a) Final conviction by a court of competent jurisdiction of any criminal offense  
30 involving moral turpitude;  
31 (b) Immoral or dishonorable conduct;  
32 (c) Insanity;  
33 (d) Fraud in the acquisition of the certificate of registration and professional  
34 identification card or temporary/special permit;  
35 (e) Gross negligence, ignorance or incompetence in the practice of his profession,  
36 resulting in an injury to or death of the patient;  
37 (f) Addiction to alcoholic beverages, to any habit forming drug, or to any form of illegal  
38 gambling rendering him incompetent to practice his profession;

- 1 (g) Making, or causing to be made false, misleading, extravagant or unethical  
2 advertisements wherein things other than his name, profession, limitation of practice,  
3 clinic hours, office and home address are mentioned;
- 4 (h) Issuance of any false statement or spreading any false news or rumor which is  
5 derogatory to the character and reputation of another physician without justifiable  
6 motive;
- 7 (i) Knowingly issuing any false medical certificates and/or findings, or making any  
8 fraudulent claims with government or private health insurance;
- 9 (j) Performance of, or aiding in, any criminal abortion;
- 10 (k) Performing any act constituting practice of an area of medical specialization without  
11 fulfilling the specialization requirements prescribed by the Integrated Philippine  
12 Medical Association and the Board of Medicine;
- 13 (l) Knowingly aiding or subjecting one's self to be a patient of any person who is  
14 unqualified or unregistered to practice medicine or an area of medical specialization,  
15 except in aid of training of a medical student, or performing any act constituting  
16 practice of medicine or an area of medical specialization in behalf of any such  
17 unlicensed or unregistered person: *Provided*, however, That this provision shall not  
18 apply when an act constituting practice of medicine or an area of medical  
19 specialization is performed in a hospital, clinic or medical center as an accredited  
20 practitioner of such hospital, clinic or medical center. For this purpose, all hospitals,  
21 clinics and medical centers are hereby required to furnish the appropriate Regional  
22 Office of the Department of Health a list of all medical practitioners duly accredited  
23 to practice within their respective institutions every three (3) months.
- 24 (m) Violation of any provision of the Code of Ethics for Physicians as prescribed by the  
25 integrated PMA and adopted and promulgated by the Board subject to approval by the  
26 Commission;
- 27 (n) Practice of profession during the period of his suspension; and
- 28 (o) Willful failure or refusal to be a member of the integrated PMA or expulsion or  
29 termination of membership therefrom;

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

35 **SEC. 30. *Appeal from Judgment.*** – The decision of the Board shall become final fifteen  
36 (15) days from the date of receipt of such decision by the parties or their counsel. Within the  
37 same period, the aggrieved party may ask for a reconsideration of the decision for being contrary  
38 to law or for insufficiency of evidence. When such Motion for Reconsideration is denied, the

aggrieved party may appeal to the Court of Appeals under Rule 43 of the Rules of Court. No second motion for reconsideration to the Board shall be allowed.

A decision rendered by the Commission against the respondent shall be executory.

**SEC. 31. *Reissuance of Revoked Certificate of Registration and Professional Identification Card and Replacement of Lost Certificate of Registration and Identification Card.*** – After two (2) years and after due consultation with the integrated PMA 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 identification card that has been lost, destroyed or mutilated may be issued, subject to the rules of the Commission.

**SEC. 32. *Mandatory Use of Certificate of Registration, Professional and PMA Identification Cards and Professional Tax Receipt Number.*** – A registered physician shall indicate his certificate of registration number, the number and expiry date of the professional identification card and PMA membership card, 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 take effects shall be automatically registered under the provisions hereof, without prejudice to the other requirements herein set forth.

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

**SEC. 35. *Integration of the Profession.*** – The profession shall be integrated into one organization, the Philippine Medical Association, to be duly recognized and accredited by the Board and the Commission. A physician duly registered and licensed 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. *Mandatory Continuing Medical Education.*** – The Board shall implement through the integrated PMA a Mandatory Continuing Medical Education among practicing physicians in consonance with the guidelines of the Continuing Professional Education (CPE) as shall be hereafter promulgated by the Commission.

**SEC. 37. *Automatic Registration of Physicians.*** – All Physicians whose names appear at the Registry/Roll/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 Philippine Medical Association and accredited national organization of registered and licensed physicians as its *bona fide* members pursuant to Section 22 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 the said foreign state or country under reciprocity and under international agreements, no foreigner shall be admitted to licensure examinations, given a certificate of registration to practice as a physician nor be entitled to any of the privileges under this Act.

## ARTICLE VI

## PENAL PROVISIONS

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

1. Any person who practices or offers to practice medicine in the Philippines without a valid certificate of registration and a valid professional identification card, or a valid temporary/special permit in accordance with the provisions of this Act;
2. Any person using or attempting to use as his/her own the certificate of registration or professional identification card or temporary/special permit duly issued to another;
3. Any person who shall give any false or forged documents, credentials and any other proof of any kind to the Board or Commission in order to obtain a certificate of registration or professional identification card or temporary/special permit;
4. Any person who shall falsely impersonate any bona fide registrant with like or different name;
5. Any registered and licensed physician or medical specialist who shall abet or assist in the illegal practice by a person who is not lawfully qualified to practice medicine or any of area of medical specialization;
6. Any person who actually engages in the practice of medicine as defined in paragraphs (a)(1) and (a)(2) of Section 27 of this Act without any certificate of registration;
7. Any person who shall attempt to use a revoked or suspended certificate of registration or a cancelled temporary/special permit.
8. Any person who shall use or advertise any title or description tending to convey the impression to the general public that he is a registered and licensed physician when in fact he is not;



1 office, bureau, institution, or agency of the Government including local government units to  
2 render such assistance as it may require, or to coordinate or cooperate in order to carry out,  
3 enforce or implement the professional regulatory policies of the Government or any program or  
4 activity it may undertake.

5 **SEC. 42. *Appropriations.*** – The Chairpersons of the Commission on Higher Education  
6 and the Professional Regulation Commission shall immediately include in their programs the  
7 implementation of this Act, the funding of which shall be charged against their current years’  
8 appropriations and thereafter in the Annual General Appropriations Act.

9 **SEC. 43. *Implementing Rules and Regulations.*** – Within ninety (90) days after the  
10 approval of this Act, the Professional Regulation Commission, together with the Board, the  
11 Philippine Medical Association and the Council of Medical Education of the Commission on  
12 Higher Education shall prepare and promulgate the implementing rules and regulations (IRRs) to  
13 carry out the provisions of this Act and adopt the Integrated PMA Code of Ethics. The IRRs shall  
14 take effect after fifteen (15) days following their publication in a major daily newspaper of  
15 general circulation.

16 **SEC. 44. *Transitory Provisions.*** – The incumbent Board shall continue to function in  
17 the interior until such term as the new Board shall have been constituted pursuant to this Act.

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

22 **SEC. 46. *Repealing Clause.*** – R.A. No. 2382 known as “The Medical Act of 1959”, as  
23 amended by Republic Act Nos. 4224 and 5946; all laws amending the said Act, all other laws,  
24 decrees, executive orders, and other administrative issuances and parts thereof which are  
25 inconsistent with the provisions of this Act are hereby modified, amended, superseded or  
26 repealed accordingly.

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

30 Approved,