

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15TH CONGRESS
First Regular Session

HOUSE BILL NO. 3368

Introduced by **REP. SALVADOR H. ESCUDERO III**

EXPLANATORY NOTE

This bill seeks to integrate the Philippine Medical Association, Inc. (PMA), the existing umbrella organization of the medical profession. By way of integration, it makes the PMA as a partner of the government in the improvement of the country's health care service and delivery system. It is basically designed to ensure and preserve the integrity, competence, accountability, and accessibility of the medical profession.

As a backgrounder, the PMA is a duly registered non-stock, non-profit organization. It was founded 15 September 1903 or during the American period.

The PMA brings together the entire medical profession under one roof to serve as an authoritative source of information on health, disease and medical practice. It is responsible for the training of specialists through its Specialty Societies. It is responsible for the sustained excellent quality healthcare delivery through its continuing medical education, formulation of clinical practices, guidelines, directly or through the specialty societies. It polices its ranks through the rigid Code of Ethics of the medical profession.

The PMA has eight specialty divisions such as Pathology, Radiology, Anesthesiology, Surgery, Physicians, Pediatrics, Obstetrics and Gynecology and Family Medicine. All of these specialty divisions have several subspecialty societies.

There are 28,000 physicians who are members of the PMA. Membership in the PMA is coursed through the Component Society. There are presently 118 Component Societies, which is the basic unit of the PMA, equitably distributed in all regions of the country. All provinces and cities in the Philippines have Component Societies, more popularly known as medical societies. A group of these medical societies form a region or regional council. The Board of Governors exercise control and supervision over the regional councils and the component societies. The Board of Governors has the power to realign regions and component societies and further the power to create new component society or de-list existing ones.

Aside from its by-laws, the PMA has codes governing its affairs and the conduct of its members. Among its codes are the Administrative Code, the Code on Continuing Medical Education, Code of Ethics, the Election Code and Mutual Aid Code and Guidelines on Protocol and Procedures and Guidelines on Affiliate Societies.

For the benefit of its members, the PMA and its Specialty Societies conduct periodic seminars, workshops and conventions educating its members on the latest medical technology and medicine. Its Specialty Societies determine the specialists in several fields of medicine.

There is no other medical organization that possesses the breadth, composition, membership and nationwide coverage of the PMA. In almost all matters affecting health or the medical profession, the government seeks the advice of the PMA.

Further, this proposed legislation wants to get rid of the so called misfits in the medical profession or those found to be negligent in their practice. The negligent acts of some doctors have led to a spate of incidents where patients die, are maimed or scarred, or suffer physical injuries.

Under existing laws, a patient has three (3) options to remedy or punish such negligent acts, one is the filing of a criminal action under the Revised Penal Code under Article 365 (reckless imprudence), the second is the filing of a civil case for the recovery of damages and the third is the filing of a case before the Professional Regulations Commission (PRC) for the revocation of the license of the doctor.

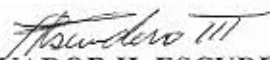
Patients usually find the above remedies inconvenient and ineffective because:

- a) court or administrative actions are time consuming since the courts and the PRC's dockets are already clogged;
- b) it entails considerable expense;
- c) court or administrative actions involve too much technicalities.

This bill provides a patient with a fourth and perhaps the most efficient remedy by filing a case with an integrated professional medical organization. The medical profession, just like the legal profession, once integrated shall mean that no doctor can practice his/her profession unless he/she becomes a member of such integrated professional organization. An aggrieved patient may now seek the revocation of membership of a doctor in that integrated professional medical organization.

This bill, in making the PMA as the integrated professional medical organization, mandates all physicians who are engaged or will engage in the practice of medicine to become members of the PMA. It likewise becomes a professional medical organization that can serve as an extension of the government at no cost in regulating the medical profession, maintaining the high standard and ethical conduct of medical practitioners, and help in the continued efficient and quality delivery of health care and service.

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


SALVADOR H. ESCUDERO III
Representative
1st District, Sorsogon

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Introduced by **REP. SALVADOR H. ESCUDERO III**

**AN ACT INTEGRATING
THE MEDICAL PROFESSION OF THE PHILIPPINES**

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

SECTION 1. *Title.* - This Act shall be known and cited as the ***"INTEGRATED MEDICAL PROFESSIONAL ORGANIZATION ACT"***.

The Philippine Medical Association, Inc. (PMA) as the recognized and existing umbrella organization of the medical profession is hereby integrated as the official medical professional organization of the Philippines.

SEC. 2. *Membership.* - All physicians duly registered by the Professional Regulations Commission (PRC) shall become members of the PMA. Membership in good standing in the PMA shall be a mandatory and continuing condition for the legal practice of medicine in the Philippines.

SEC. 3. *Organization.* - The organizational structure of the PMA including the specialty divisions, specialty and subspecialty societies and the component medical societies and as a non-stock, non-profit corporation duly registered with the Securities and Exchange Commission shall be retained unless, upon the initiative of the majority of all the members of the PMA as the Integrated Medical Professional Organization of the Philippines, a new organizational structure shall be had.

SEC. 4. *Integration.* - The PMA as the Integrated Medical Professional Organization of the Philippines, the Department of Health (DOH) and the PRC shall implement the integration of the medical profession in accordance with the provisions of this Act.

SEC. 5. *Complaints.* - The PMA as the Integrated Medical Professional Organization of the Philippines shall have the authority to hear and decide administrative complaints against its members. It shall prescribe its rules of procedure that shall govern the conduct of its proceedings. The rules shall be liberally construed and the technical rules of procedure on evidence shall not be strictly applied in order to have a speedy, just and efficient resolution of cases.

In this regard, the PMA as the Integrated Medical Professional Organization of the Philippines shall establish in the exercise of its authority to hear and decide administrative complaints against its members a Legal Division which shall serve as its legal counsel. It

shall be principally consist of at least three (3) lawyers and shall be headed by a Director General who shall be a lawyer and has been engaged in the practice of law for at least five (5) years.

SEC. 6. *Grounds.* - A person may file a verified complaint in the PMA as the Integrated Medical Professional Organization of the Philippines against any member thereof on the following grounds:

- (a) gross negligence, ignorance or incompetence in the practice of his/her profession;
- (b) conviction by a court of competent jurisdiction of any criminal offense involving moral turpitude;
- (c) immoral or dishonorable conduct;
- (d) insanity;
- (e) fraud in the acquisition of the certificate of registration, and professional license or renewal thereof;
- (f) addiction to alcoholic beverages or to any habit-forming drug rendering him or her incompetent to practice his or her profession;
- (g) false or extravagant or unethical advertisement;
- (h) performing or aiding in any criminal abortion;
- (i) knowingly issuing any false medical certificate;
- (j) Issuing any statement or spreading any news or rumor which is derogatory to the character and reputation of another physician without justifiable motive;
- (k) Aiding or acting as a dummy of unqualified or unregistered person to practice medicine; or
- (l) Violation of the Code of Ethics of the PMA.

SEC. 7. *Penalties.* - The PMA as the Integrated Medical Professional Organization of the Philippines shall impose the penalties of reprimand, suspension or expulsion depending on the gravity of the offense. If any of the grounds enumerated in Section 7 hereof shall result in the death or permanent disability of a patient the highest penalty of expulsion shall be imposed.

SEC 8. *Implementing Rules.* - The DOH, the PRC and the PMA as the Integrated Medical Professional Organization of the Philippines shall promulgate the necessary implementing rules and guidelines of this Act for its effective implementation.

SEC. 9. *Separability Clause.* - If any provision of this Act is declared unconstitutional or not valid, other provisions not affected herein shall remain in full force and effect.

SEC. 10. *Repealing Clause.* - Provisions on the integration of professionals/professions in the professional regulatory laws and all provisions of laws, decrees, order, rule and regulations that are inconsistent with this Act are hereby repealed and/or modified accordingly.

SEC. 11. *Effectivity.* - This act shall take effect fifteen (15) days after its publication in the Official Gazette or in any major leading newspaper of national circulation, whichever is earlier.

Approved,