

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5067

Introduced by: HON. ALFREDO D. MARAÑON III AND HON. ANTHONY T.
GOLEZ JR.

EXPLANATORY NOTE

The Medical Act of 1959 has been governing the practice of medicine in the Philippines for 52 years. In the last 5 decades important changes in governance with the creation of the Professional Regulation Commission (PRC) and the Commission on Higher Education (CHED) have overtaken the wise and good intentions of Medical Act of 1959.

Today the making of a physician and the practice of his profession have become the common domain of the PRC and the CHED. In addition over the same period, dramatic advances in various disciplines in the science and technology of medicine have revolutionized the diagnosis, treatment and management of diseases. These changes in governance and the rapid progress of modern medicine dictate the relevance of upgrading and updating the curriculum of the study and practice of medicine.

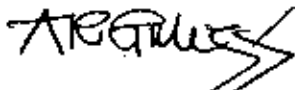
This bill incorporates a carefully crafted blending of the mission, vision and goals of the PRC and the Philippine Medical Association (PMA) distilled from an impressive sum total of more than 100 years experience of monitoring the medical profession in our country.

To meet the challenges of improving the quality of health care of our citizenry and the imperatives of global competitiveness in medicine the passage of this bill is deemed urgent.

This bill was thoroughly discussed in the 14th Congress and in fact was approved by the House.

Approval of this bill is therefore urgently requested.


HON. ALFREDO D. MARAÑON III


HON. ANTHONY T. GOLEZ JR.

CONGRESS OF THE PHILIPPINES
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2nd Regular Session
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HOUSE BILL No. 5067

Introduced by HONORABLE ALFREDO D. MARAÑON III and
ANTHONY GOLEZ

**AN ACT REGULATING THE LICENSURE OF
PHYSICIANS AND 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

POLICY, OBJECTIVE AND IMPLEMENTATION

SECTION 1. Short Title – This Act shall be known as the “*Physicians Act of 2011*”.

SECTION 2. Declaration of Policy. – The State recognizes the vital role of physicians in the preservation, maintenance, safeguard, cure and enhancement of the 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.

SECTION 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;
- (c) Supervision, control and regulation of the practice of medicine;
- (d) Integration of the profession into one national medical organization called the integrated Philippine Medical Association; and,
- (e) Promotion of competence, moral values and professional attitude of physicians through the integrated Philippine Medical Association;

SECTION 4. Enforcement. – For the purpose of implementing the provisions of this Act, there shall be created the following:

- (a) Council of Medical Education, hereinafter referred to as the Council, and
- (b) the Professional Regulatory Board of Medicine, hereinafter referred to as the Board

ARTICLE II

THE COUNCIL OF MEDICAL EDUCATION

SECTION 5. *Composition of the Council of Medical Education.* – The Council of Medical Education shall be the Technical Panel on Medical Education of the Commission on Higher Education composed of the following:

- (a) The Chairperson of the Commission on Higher Education ~~or~~^{sp/} his duly authorized representative as chairperson, provided that his Authorized Representative shall be permanent and shall be a Commissioner of the CHE
- (b) The Secretary of the Department of Health (DOH) or his duly authorized permanent representative as member; provided that such Authorized Representative shall be at least an UnderSecretary

- (c) The Chairperson of the Professional Regulatory Board of Medicine or his duly authorized permanent representative as member;
- (d) The President of the integrated Philippine Medical Association or his duly authorized permanent representative as member; and
- (e) The President of the Association of the Philippine Medical Colleges (APMC) or his duly authorized permanent representative as member; and

The Chairperson and members of the Council shall hold office during their incumbency in the respective institutions that they represent.

SECTION 6. *Functions and Duties.* – The Council shall have the following functions and duties:

- (a) To determine the requirements for admission into a recognized college of medicine;
- (b) To determine the minimum requirements for physical facilities of colleges of medicine such as buildings, hospitals, equipment, supplies, apparatus, instruments, appliances, laboratories, bed capacity for instruction purposes, operating and delivery rooms, facilities for out-patient services and others used for didactic and practical instruction in accordance with modern trends;
- (c) To determine the minimum number and the standard qualifications of teaching personnel including student-teacher ratio;
- (d) To determine the minimum required curriculum leading to the degree of Doctor of Medicine including internship, when applicable;
- (e) To accept applications and issue certificates of eligibility for admission to a medical school and keep a registry of those issued with said certificate; and to collect from said applicants reasonable fees as may be determined by the Council which shall accrue to the operating funds of the Council of Medical Education;

- (f) To recommend to the Commission on Higher Education the closure or suspension of the degree of Doctor of Medicine program of a college of medicine when called for based on the evaluation of the statistical information on the performance of the said college in the physician licensure examination as furnished by the Board of Medicine, and upon inspection of the medical college by the Council for various deficiencies and/or violations;
- (g) To select and approve hospitals or some departments of hospitals for training which comply with the minimum requirements in cooperation with the Association of Philippine Medical Colleges;
- (h) To promulgate, prescribe and enforce the necessary rules and regulations for the proper implementation of the foregoing functions.

SECTION 7. *Minimum Required Course.* – The medical course leading to the degree of Doctor of Medicine shall be at least four (4) years and shall consist of the following subjects:

- (a) Anatomy and Histology
- (b) Physiology
- (c) Biochemistry and Molecular Biology
- (d) Pharmacology and Therapeutics
- (e) Microbiology and Parasitology
- (f) Internal Medicine
- (g) Radiology
- (h) General and Clinical Pathology and Oncology;
- (i) Obstetrics and Gynecology
- (j) Pediatrics and Nutrition
- (k) Surgery
- (l) Otorhinolaryngology
- (m) Ophthalmology
- (n) Psychiatry

- (o) Family Medicine, Preventive Medicine and Public Health
- (p) Legal Medicine, Medical Jurisprudence
- (q) Bioethics, Medical Economics
- (r) Perspectives in Medicine
- (s) Physical Diagnosis

Provided, That the Council may recommend to the CHED to rearrange, recluster, integrate or revise the abovementioned subjects.

SECTION 8. *Admission Requirements.* –

- (a) A medical college may admit any student who has not been convicted in a final judgment by a court of competent jurisdiction of any criminal offense involving moral turpitude and who presents all of the following:
 - (1) Record showing completion of a Bachelor's Degree in Science or Arts;
 - (2) Certificate of eligibility for entrance to a school of medicine from the CHED
 - (3) Certificate of good moral character issued by two (2) former professors in the college offering the pre-medical course(s);
 - (4) Birth certificate duly authenticated by the National Statistics Office (NSO); and
 - (5) Proof of taking 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 the 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 Council, 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) Requirement 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 OF MEDICINE

SECTION 9. *Composition of the Board.* – There shall be a Professional Regulatory Board of 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 four (4) 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 Philippine Medical Association.

SECTION 10. – *Powers and Duties.* The Board shall be vested with the following specific powers, functions, duties and responsibilities:

- (a) Supervise, control 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 the Physician Licensure Examinations in accordance with recognized principles of evaluation and of pertinent provisions of Section 22, Article IV of this Act; prescribe the syllabi of the subjects and their relative weights for the licensure examinations; formulate test questions and deposit them in a test question bank; draw the test questions through the process of computerization; conduct the examination; correct and rate the examination papers; and submit the examination results to the Commission within the period provided under the rules of the Commission. The above test questions should be consistent with the table of specifications and in congruence with the syllabi of the Association of Philippine Medical Colleges (APMC).
- (d) Determine, amend or revise the requirements for the subjects in the physician licensure examinations and their relative weights and the manner of giving the examination, subject to the approval of the Commission;
- (e) Register successful examinees in the physician licensure examinations in the rolls of physicians and issue the corresponding certificates of registration;
- (f) Issue special/temporary permits to foreign physicians to practice medicine for specific projects and for a specific duration of time, in coordination with the integrated Philippine Medical Association and the Department of Health;
- (g) In coordination with the integrated Philippine Medical Association, administer the qualifying examinations to foreign medical graduates who wish to train in accredited residency/fellowship training programs in the Philippines and issue Temporary Training Permits renewable annually;
- (h) In coordination with the integrated Philippine Medical Association, look into the conditions affecting the practice of medicine, adopt measures for the enhancement of the profession, and the maintenance of high professional, technical and ethical

standards, and conduct ocular inspections of places where physicians practice their profession.

- (i) Monitor the performance of medical schools in licensure examinations and provide feedback to the Commission on Higher Education, medical schools and the Association of Philippine Medical Colleges;
- (j) In coordination with the integrated Philippine Medical Association, promulgate rules and regulations including a Code of Ethics for Physicians, administrative policies, orders and issuances to carry out the provisions of this Act;
- (k) Investigate violations of this Act, Code of Ethics, and the rules and regulations, administrative policies, orders and issuances promulgated by the Board or the Commission. The rule on administrative Investigation promulgated by the Commission shall govern in such investigation;
- (l) Issue *subpoena ad testificandum* or *subpoena duces tecum* to secure attendance of respondents or witnesses as well as the production of documents relative to the investigation conducted by the Board: *Provided*, That failure of the party to whom a subpoena has been issued to comply therewith shall be punishable by way of indirect 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;
- (m) At the Board's discretion, delegate to the Chairperson, Vice Chairperson or any member of the Board, or deputize the integrated Philippine Medical Association, 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: *Provided*, That the power to cite a party in contempt shall be issued exclusively by the Board, upon recommendation of the member assigned to a case under investigation;

- (n) 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/temporary training permit; remove his/her name from the roll of physicians for continuous non-payment of annual registration fees and noncompliance with the CME requirements; reinstate or re-enroll his/her name in the said roll; and re-issue 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 to the Commission within fifteen (15) days from receipt thereof;
- (o) Administer the physician's oath pursuant to Section 25 herein;
- (p) 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;
- (q) Adopt an official seal;
- (r) Coordinate with the Council of Medical Education and the integrated Philippine Medical Association in prescribing, amending and/or revising the courses in a medical program;
- (s) Assist the Professional Regulation Commission in the implementation of its prescribed guidelines and criteria on the Continuing Professional Education (CPE) for registered/licensed physicians;
- (t) Set the standards and guidelines for the issuance and re-issuance of certificates of registration; and,

- (u) 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 Professional Regulation Commission. However, the Board's final decisions, resolutions or orders rendered in an administrative case shall be immediately executory.

SECTION 11. *Qualifications of the Board Members.* – Each Board member must, at the time of his/her appointment:

- (a) Be a natural born Filipino citizen and has been a resident of the Philippines for at least ten (10) consecutive years;
- (b) Be at least forty (40) years old;
- (c) Be a holder of a valid certificate of registration and a valid professional identification card as a physician;
- (d) Has been a medical practitioner for at least ten (10) years;
- (e) Be a member in good standing of the integrated Philippine Medical Association;
- (f) Has not been convicted by final judgment by a competent court of a criminal offense involving moral turpitude;
- (g) Has an experience of at least five (5) years as a faculty member of a college of medicine;
- (h) Not be a current member of the faculty of an institute, school or college of medicine nor have any pecuniary interest in any institution which offers and operates the course or degree of Doctor of Medicine; and,

- (i) Not be connected as owner, officer, lecturer, faculty, consultant or have any pecuniary interest with a review center/school/group or association offering classes or lectures in preparation for the physician licensure examination.

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

SECTION 13. *Compensation of the Board Members.* – The Chairperson, Vice Chairperson and members of the Board shall receive compensation and allowances or other benefits pursuant to the provisions of the “PRC Modernization Act of 2000” and other pertinent laws and comparable to the compensation and allowances received by the Chairperson and members of existing professional regulatory boards.

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

SECTION 15. *Administrative Management, Custody of Records, Secretariat and Support Services.* – The Board shall be under the administrative and executive management of the Professional Regulation 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.

SECTION 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 their publication in the *Official Gazette* or in a major daily newspaper of general circulation in the Philippines, whichever comes first.

SECTION 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

SECTION 18. *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 the licensure examination for physicians as provided for in this Act, subject to the payment of the fees prescribed by the Professional Regulation Commission.

SECTION 19. Qualifications of Applicants for the Physician Licensure Examination – All applicants for the physician licensure examination shall have the following qualifications:

- (a) 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;
- (b) Is mentally, emotionally and physically sound;
- (c) Has not been convicted by final judgment by a competent court of any criminal offense involving moral turpitude;
- (d) 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 Commission on Higher Education 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, and;
- (e) Has completed one year of internship in a hospital accredited by the APMC.

Medical graduates will be allowed to take the licensure examinations for a maximum of eight (8) times, to be taken within four (4) years after the end of internship.

SECTION 20. 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".

SECTION 21. 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 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 the 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/her profession. Provided, That he/she does not violate this Act, the Code of Ethics for Physicians and the rules and regulations of the Commission and the Board.

The professional identification card, which shall be valid for three (3) years, shall bear the name of the registered/licensed physician, the registration number and the date of issuance, and its date of expiry and, together with the membership identification card issued by the integrated Philippine Medical Association, shall be sufficient evidence that the physician can lawfully practice his/her profession.

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

SECTION 22. Scope of Examination - The Board shall see to it that the test questions shall have relevant distributions to the knowledge, analytical and problem solving skills of the examinees. The physician licensure examination shall cover the following twelve

(12) individual or combined/clustered subjects with the relative weights for each one final examination after completion of internship;

- (a) Anatomy and Histology;
- (b) Physiology;
- (c) Biochemistry;
- (d) Pharmacology and Therapeutics;
- (e) Microbiology and Parasitology;
- (f) Medicine;
- (g) Pathology;
- (h) Obstetrics and Gynecology;
- (i) Pediatrics and Nutrition;
- (j) Surgery, Ophthalmology, Otolaryngology and Rhinology;
- (k) Preventive Medicine and Public health;
- (l) Legal Medicine, Ethics and Medical Jurisprudence

When an urgent and important need arises in order to conform to technological advancements and other changes, the Board, in coordination with the integrated Philippine Medical Association and the Council, may revise the substance and the conduct of such examinations.

Each of the twelve (12) subjects shall have its syllabus or table of specifications. The Board shall apply each syllabus after a lapse of three (3) months reckoned from the concurrence of all the following requisites:

- (a) Consultation with CHED and APMC
- (b) Approval by the Commission
- (c) Dissemination to all Colleges of Medicine through APMC

SECTION 23. Rating in the Examination – To pass the physician licensure examination, an examinee must obtain a general average rating of at least seventy-five

percent (75%) in all twelve (12) subjects, with no rating in any subject below fifty percent (50%).

An examinee who obtains a general average rating of seventy five (75%) percent or better but who obtains a grade below fifty (50%) percent in not more than three subjects may be allowed to take the re-examination test for the subjects where he or she fails provided the examinee takes the re-examination test within one year from the examination. In this event, the examinee shall obtain a rating of seventy five (75%) percent in all the re-examined subjects to be considered as having passed the licensure examination, otherwise, the examinee shall be considered as having failed the licensure examination and shall be required to take all the subjects anew.

SECTION 24. 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 or any other period granted by the Commission. The official results of the examination containing the list of topnotcher examinees indicating their respective schools/colleges and the names of the schools/colleges obtaining top percentage of successful 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/her given address, using the mailing envelope he/she submitted during the examination.

SECTION 25. 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

SECTION 26. 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 current, unexpired professional identification card issued by the Professional Regulation Commission;
- (b) Is a member in good standing of the integrated Philippine Medical Association and its component society.

Subject to the limitations and conditions imposed under Section 28 herein, a physician licensed in foreign countries may be allowed to practice medicine in the Philippines provided a special/temporary permit is issued by the Board and approved by the Professional Regulation Commission.

A foreign doctor who has passed the qualifying examination given by the Board in coordination with the integrated Philippine Medical Association and who is undergoing specialty training in an accredited residency training program may be allowed to practice medicine provided a Temporary Training Permit, renewable annually, is issued by the Board. Such doctor shall not charge any professional fee and shall only practice medicine in an area directly related to the residency training program. During the duration of the residency training, such doctor shall be a Temporary Member of the integrated PMA, subject to its rules and regulations and shall comply with the Code of Ethics of the medical profession.

SECTION 27. *Acts Constituting the Practice of Medicine.* –

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

- (1) Diagnosing, treating, operating, dispensing, or prescribing any remedy for any disease, injury or deformity;
- (2) Examining a person's mental condition for any ailment, real or imaginary, regardless of the nature of the remedy or treatment administered, dispensed, prescribed or recommended;
- (3) Offering or undertaking to diagnose, treat, operate or prescribe and administer or dispense 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;

SECTION 28. Practice Through Special/Temporary Permits

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

- (1) Physicians licensed in foreign countries/states whose services are either for a fee or free:
 - i. If they are internationally well-known specialists or publicly acknowledged as experts in any area of medical specialization; and
 - ii. If their services are urgently necessary, owing to the lack of available local specialists/experts, or for the promotion or advancement of the practice of medicine including, but not limited to, the conduct of formal classes, acting as resource persons in medical seminars, fora, symposia and the like;
- (2) Physicians licensed in foreign countries/states who intend to render free medical services to indigent patients in a particular hospital, center or clinic: *Provided,* that they render such services under the direct supervision and control of a duly registered/licensed physician; and,
- (3) Physicians licensed in foreign countries/states employed as exchange professors in any area of medical specialization.

The Special/Temporary permit shall, among others, provide for such limitations, specifications and conditions as follows:

- (1) A period of not more than one (1) year subject to renewal or extension: *Provided*, That such renewal or extension shall be under the same process and requirements hereinabove, *Provided that*;
- (2) It designates the specific area of medical specialization as approved by the integrated Philippine Medical Association; and,
- (3) It sets forth the specific place of practice, such as clinic, hospital, health center, college of medicine;

The Board, subject to approval by the Commission and the DOLE, shall prescribe rules and regulations for the implementation of this particular section.

SECTION 29. Limited Practice Without Certificate of Registration.

Certificates of registration shall not be required of the following persons:

- (1) Physicians and surgeons from other countries called in consultation only and exclusively in specific and definite cases, or those attached to international bodies or organization assigned to perform certain definite work in the Philippines *provided* they shall limit their practice to the specific work assigned to them and *provided further* they shall secure a previous authorization from the Board;
- (2) Medical students who have completed the first four years of medical course, graduates of medicine and registered nurses who may be given limited and special authorization by the Secretary of Health to render medical services during epidemics or national emergencies whenever the services of duly registered physicians are not available. Such authorization shall automatically cease when the epidemic or national emergency is declared terminated by the Secretary of Health.

SECTION 30. *Disciplinary Sanctions.* – The Board shall have the power, upon notice and hearing, to suspend from the practice of profession or revoke the certificate of registration of a physician, or issue a reprimand or cancel the Special/Temporary permit or Temporary Training Permit issued to a foreign physician for any of the following grounds/causes:

- (a) Conviction in a final judgment by a court of competent jurisdiction of any criminal offense involving moral turpitude;
- (b) Immoral or dishonorable conduct;
- (c) Insanity;
- (d) Fraud in the acquisition of the certificate of registration and the professional identification card or temporary/special permit or temporary training permit;
- (e) Gross negligence, ignorance or incompetence in the practice of his/her profession, resulting in an injury to or death of the patient;
- (f) Addiction to alcoholic beverages or addiction to illegal gambling or the use of prohibited drugs, even without rendering him/her incompetent to practice his/her profession;
- (g) Making or causing to be made false, misleading, extravagant or unethical advertisements or making or causing to be made advertisements wherein things other than his name, profession, limitation of practice, clinic hours, office, telephone, e-mail or internet or home address are mentioned;
- (h) Issuance of any false statement or spreading any false news or rumor which is derogatory to the character and reputation of another physician, or any allied health professional or health worker without justifiable motive;
- (i) Knowingly issuing any false medical certificates and/or findings;
- (j) Making, submitting or filing any fraudulent claim with government or private health insurance;
- (k) Performance of, or aiding in, any criminal abortion;
- (l) Performing any act constituting the practice of an area of medical specialization without fulfilling the specialization requirements prescribed by the Board and the integrated Philippine Medical Association;

- (m) Violation of any provision of the Code of Ethics for Physicians as prescribed by the integrated Philippine Medical Association and adopted and promulgated by the Board;
- (n) Practice of profession during the period of his suspension and revocation of license and certificate of registration; and
- (o) Willful failure or refusal to be a member of the integrated Philippine Medical Association or expulsion or termination of membership therefrom.

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

SECTION 32. *Appeal from Judgment.* – The decision of the Board shall become final fifteen (15) days from the date of receipt of such decision by the parties or their counsel. Within the same period, the aggrieved party may ask for a reconsideration of the decision for being contrary 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.

SECTION 33. *Re-issuance 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, 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.

SECTION 34. *Mandatory Use of Certificate of Registration, Professional and PMA Identification Cards and Professional Tax Receipt Number.* –

A registered physician shall indicate his/her certificate of registration number, the number and the expiry date of the professional identification card and the integrated Philippine Medical Association 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.

SECTION 35. *Vested Rights and 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 PMA as its members, without prejudice to the other requirements herein set forth.

SECTION 36. *Exceptions.* – For purposes of this Act, medical students, clinical clerks and interns 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/she renders such service under the direct supervision and control of a duly registered/licensed physician.

SECTION 37. *Integration of the Profession.* – The existing Philippine Medical Association is hereby duly recognized as the accredited and integrated national professional organization of physicians. A physician duly registered and licensed by the Board and the Commission shall automatically become a member of the said organization and shall received the benefits and privileges appurtenant thereto upon payment of the required fees and dues. Membership in the integrated Philippine Medical Association shall not be a bar to membership in any other association of physicians.

SECTION 38. *Mandatory Continuing Medical Education.* – The Board shall implement through the integrated Philippine Medical Association a mandatory continuing medical education among practicing physicians in consonance with the guidelines of the CPE as shall hereafter be promulgated by the Commission.

SECTION 39. *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

SECTION 40. 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/temporary training 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/temporary training 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/temporary training 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 not qualified to practice in any area of medical specialization as determined by the integrated Philippine Medical Association;
- (6) Any person who shall attempt to use a revoked or suspended certificate of registration or a cancelled temporary/special permit/temporary training permit;
- (7) Any person who shall use or advertise any title or description tending to convey the impression to the general public that he/she is a registered and licensed physician when in fact he/she is not;
- (8) Any registered and licensed physician or medical specialist who shall use or advertise any title or description tending to convey the impression to the general public that he/she is a specialist in an area of medical specialization when in fact he/she is not as determined by the integrated Philippine Medical Association;
- (9) Knowingly issuing any false medical certificates or findings;
- (11) Making, Filing or submitting any fraudulent claim with government or private health insurance;
- (12) Performance of or aiding in any criminal abortion;

- (13) Performing any act constituting the practice of an area of medical specialization without fulfilling the requirements prescribed by the Board and the integrated Philippine Medical Association;

SECTION 41. Injunctions – Upon written motion by any interested party and after notice and hearing, the Board may issue an order enjoining any person illegally practicing medicine from performing any act constituting the practice of medicine until the necessary certificate therefore is secured. However, if it is shown in the affidavits attached to the motion that the movant or the general public will suffer grave injustice or irreparable injury, the chairperson of the Board, or in his/her absence, any Board member may issue a temporary restraining order effective for seventy-two (72) hours. The applicable provisions of Rule 58 of the Rules of Court shall govern the issuance of the writ of injunction and lifting thereof, except that where after hearing it is shown that the movant is entitled to the injunction prayed for, such writ of injunction shall be effective until there is clear showing that the respondent is authorized to practice medicine in the Philippines. Any such person who, after having been so enjoined, continues on the illegal practice of medicine shall be punished for contempt of court. The issuance of the said injunction shall not relieve the person from criminal prosecution and punishment as provided in the preceding section.

ARTICLE VII

FINAL PROVISIONS

SECTION 42. Enforcement – The Commission shall be the enforcement agency of the Board. As such, the Commission shall implement the provisions of this Act, enforce its implementing rules and regulations as adopted by the Board, assist the Board in the investigation of complaints against violators of this Act, its rules and regulations, the Code of Ethics for Physicians and other policies of the Board. The Commission or the Board shall call upon or request any department, instrumentality, office, bureau, institution or agency of the government including local government units (LGUs) to render such assistance as it may require or to coordinate or cooperate in order to carry

out, enforce or implement the professional regulatory policies of the government or any program or activity it may undertake.

SECTION 43. Appropriations – The Chairperson of the Commission on Higher Education and the Professional Regulation Commission shall immediately include in their programs the implementation of this Act, the funding of which shall be charged against their current years' appropriations and thereafter in the annual General Appropriations Act.

SECTION 44. Implementing Rules and Regulations and Code of Ethics– Within ninety (90) days after the approval of this Act, the PRC, together with the Board, the integrated Philippine Medical Association and the Council of Medical Education shall prepare and promulgate the implementing rules and regulations (IRRs) to carry out the provisions of this Act. The IRRs shall take effect after fifteen (15) days following their publication in a major daily newspaper of general circulation. The existing PMA Code of Ethics shall serve as the Code of Ethics subject to revisions that may be promulgated by the Board in coordination with the integrated Philippine Medical Association.

SECTION. 45. Transitory Provisions - The incumbent Board shall continue to function in the interim until such time as the new Board shall have been constituted pursuant to this Act.

SECTION 46. Separability Clause – If any clause, provision, paragraph or part hereof be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof 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.

SECTION 47. Repealing Clause – Republic Act No. 2382 also known as "The Medical Act of 1959" as amended by Republic Act Nos 4224 and 5946; all laws amending the said Act, 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.

SECTION 48. Effectivity Clause - This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation in the Philippines.