

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Third Regular Session



COMMITTEE REPORT NO. 2384

Submitted by the Committees on Civil Service and Professional Regulation and Appropriations on **05 SEP 2012**

Re: House Bill No. **6538**

Recommending its approval in substitution of House Bill Nos. 100, 1616 and 5067

Sponsors: Representatives Andres D. Salvacion, Jr., Joseph Emilio A. Abaya, Dr. Janette L. Garin, Walden F. Bello, Mar-Len Abigail S. Binay, Alfredo D. Marañon III and Anthony Rolando T. Golez, Jr.

Mr. Speaker:

The Committees on Civil Service and Professional Regulation and Appropriations to which were referred House Bill No. 100 introduced by Reps. Dr. Janette L. Garin and Walden F. Bello, entitled:

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

House Bill No. 1616 introduced by Rep. Mar-Len Abigail S. Binay, entitled:

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

and House Bill No. 5067 introduced by Reps. Alfredo D. Marañon III and Anthony Rolando T. Golez, Jr., entitled:

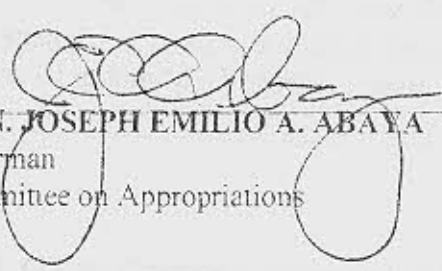
AN ACT
REGULATING THE LICENSURE OF PHYSICIANS AND PRACTICE OF
MEDICINE IN THE PHILIPPINES REPEALING FOR THE PURPOSE
REPUBLIC ACT NO. 2382 AS AMENDED AND FOR OTHER PURPOSES

have considered the same and recommend that the attached House Bill No. **6538**
entitled:

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 approved in substitution of House Bill Nos. 100, 1616 and 5067 with Reps. Dr. Janette L. Garin, Walden F. Bello, Mar-Len Abigail S. Binay, Alfredo D. Marañon III, Anthony Rolando T. Golez, Jr., Andres T. Salvacion, Jr., Joseph Emilio A. Abaya, Daryl Grace J. Abayon, Salvador H. Escudero III, Rufus B. Rodriguez, Juan Edgardo M. Angara, Rafael V. Mariano, Philip A. Pichay, Carlos M. Padilla, Mary Mitzi "Mitch" L. Cajayon and Lani Mercado-Revilla as authors thereof.

Respectfully submitted,



HON. JOSEPH EMILIO A. ABAYA
Chairman
Committee on Appropriations



HON. ANDRES D. SALVACION, JR.
Chairman
Committee on Civil Service
and Professional Regulation

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

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

Fifteenth Congress
Third Regular Session

HOUSE BILL NO. 6538

Introduced by Representatives Dr. Janette L. Garin, Walden F. Bello, Mar-len Abigail S. Binay, Alfredo D. Maraño III, Anthony Rolando T. Golez, Jr., Andres D. Salvacion Jr., Joseph Emilio A. Abaya, Daryl Grace J. Abayon, Salvador H. Escudero III, Rufus B. Rodriguez, Juan Edgardo M. Angara, Rafael V. Mariano, Philip A. Pichay Carlos M. Padilla, Mary Mitzi "Mitch" L. Cajayon and Lani Mercado-Revilla

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 2012".

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 an indispensable 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;

(c) supervision, control and regulation of the practice of medicine;

(d) integration of the medical profession into one national organization; and

(e) promotion of competence, moral values and professional attitude of physicians through an integrated and accredited professional organization.

SEC. 4. Enforcement. – For the purpose of implementing the provisions of this

1 Act, there shall be created the following: Council of Medical Education, hereinafter
2 referred to as the Council, and the Professional Regulatory Board of Medicine,
3 hereinafter referred to as the Board, under the Professional Regulation Commission
4 (PRC), hereinafter referred to as the Commission.

5 ARTICLE II

6 THE COUNCIL OF MEDICAL EDUCATION

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

- 9 (a) The Chairperson of the Commission on Higher Education (CHED) or a duly
10 authorized representative as chairperson;
11 (b) The Secretary of the Department of Health (DOH) or a duly authorized
12 representative as member;
13 (c) The Chairperson of the Professional Regulatory Board of Medicine or a duly
14 authorized representative as member;
15 (d) The President of the integrated and accredited professional organization of
16 physicians or a duly authorized representative as member; and
17 (e) The President of the Association of the Philippine Medical Schools (APMS) or
18 a duly authorized representative as member.

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

21 The Council, within sixty (60) days after the effectivity of this Act, shall appoint a
22 technical panel composed of six (6) outstanding members of the academe or the
23 profession whose responsibility is to assist the Council of Medical Education in carrying
24 out its functions and powers.

25 **SEC. 6. Functions and Duties.** – The Council of Medical Education shall have
26 the following functions and duties:

- 27 (a) To determine the requirements for admission into a recognized college of
28 medicine;
29 (b) To determine the minimum requirements for physical facilities of colleges of
30 medicine, to wit: buildings including hospitals, equipment and supplies,
31 apparatus, instruments, appliances, laboratories and bed capacity for
32 instruction purposes, operating and delivery rooms, facilities for out-patient
33 ~~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 including internship leading to the degree of Doctor of Medicine;
- (e) To authorize the implementation of an acceptable innovative medical curriculum/strategy in a medical school that has exceptional faculty and equipment facilities. Such an innovative curriculum may prescribe admission and graduation requirements other than those prescribed in this Act: *Provided, That only exceptional students shall be enrolled in the innovative curriculum;*
- (f) To accept applications and issue certificates of 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 Board of Medical Education;
- (g) To recommend to the CHED the closure or suspension of a college's Doctor of Medicine degree program for the poor performance of the graduates of the said college in the physician licensure examination over a given period of time based on statistical data furnished by the Board of Medicine and the Professional Regulation Commission, or upon inspection of the college of medicine by the Council of Medical Education for various deficiencies or violations;
- (h) To select hospitals or specific departments of certain hospitals which comply with the minimum specific physical facilities as provided in subparagraph (b) hereof to undertake and provide training to and
- (i) To promulgate, prescribe and enforce the necessary rules and regulations for the proper implementation of the foregoing functions.

SEC. 7. Minimum Required Course. – The medical course leading to the degree of Doctor of Medicine shall run for at least four (4) years, inclusive of clinical clerkship and internship training 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; and
(s) Physical Diagnosis

Provided, That the Council may recommend to the CHED the reclusterings or integration or revision of the above-mentioned subjects.

SEC. 8 Admission Requirements. –

(a) A medical college may admit any student who has not been finally convicted 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 Board of Medical Education;
 - 3) Certificate of good moral character issued by two (2) former professors in the college offering the pre-medical course;
 - 4) Birth certificate duly authenticated by the National Statistics Office (NSO); and
 - 5) Proof of successfully passing the National Medical Admission Test.

Nothing in this Act shall be construed to prohibit 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.

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

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

- 7 1) Date of publication;
- 8 2) Calendar of academic year;
- 9 3) Roll of faculty members indicating whether on full time or part time
10 basis and their curriculum vitae;
- 11 4) Requirements for admission;
- 12 5) Grading system;
- 13 6) Requirements for promotion;
- 14 7) Requirements for graduation;
- 15 8) Curriculum and description of course by department; and
- 16 9) Number of students enrolled in each class in the preceding year

17 ARTICLE III

18 THE PROFESSIONAL REGULATORY BOARD OF MEDICINE

19 **SEC. 9. Composition of the Board.** – There is hereby created a Professional
20 Regulatory Board of Medicine, hereinafter referred to as the Board, under the
21 administrative control and supervision of the Commission, composed of a chairperson
22 and five (5) members to be appointed by the President of the Philippines from among
23 three (3) recommendees for each position, chosen and ranked by the Commission from
24 a list of five (5) nominees for each position submitted by the integrated and accredited
25 professional organization of physicians. The Board shall be organized not later than six
26 (6) months from the effectivity of this Act.

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

- 29 (a) Supervise, control and regulate the practice of medicine in the Philippines;
- 30 (b) Determine and evaluate qualifications of the applicants for registration with
31 physician licensure examinations and for special permits;
- 32 (c) Prepare the questions in physicians' licensure examinations in accordance
33 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 licensure examinations, formulate or adopt test questions and deposit them in a test question bank, draw the test questions at random 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 for by the rules of the Commission; *Provided, That* the above mentioned test questions should be consistent with the table of specifications and congruent with the syllabi of the Association of Philippine Medical Colleges (APMC); *Provided, further, That* in the formulation of test questions, the Board shall ensure that the same shall accordingly test the knowledge, analytical and problem-solving skills of the examinees;

(d) Determine, amend or revise the requirements for the subjects in the physician licensure examination and their relative weights and the manner of giving the examination, subject to the approval of the Commission;

(e) Register successful examinees of the physician licensure examinations in the roll 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 and accredited professional organization of physicians;

(g) In coordination with the integrated and accredited professional organization of physicians, administer the qualifying examinations to foreign medical graduates who wish to train in accredited residency and fellowship training programs in the Philippines and issue temporary training permits renewable every year;

(h) In coordination with the integrated and accredited professional organization of physicians, 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, establish a registry of general practitioners and specialists and conduct ocular inspections of places where physicians practice their profession;

(i) Monitor the performance of medical schools and their compliance with the rules and regulations of the CHED Technical Committee on Medical Education;

- (j) In coordination with the integrated and accredited professional organization of physicians, 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 and its rules and regulations, the Code of Ethics for Physicians, administrative policies, orders and issuances promulgated by the Board. 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 the 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 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;
- (n) After due notice and hearing, cancel examination papers or bar any examinee from future examination, refuse or defer one's registration, reprimand the registrant with stern warning, suspend one from the practice of the profession, revoke the certificate of registration, cancel special/temporary permit, remove one's name from the roll of physicians for continuous non-payment of annual registration fees and non-compliance with the CME requirement, reinstate or re-enroll one's name in the said roll, and reissue or return the 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;

(o) Administer the physician's oath pursuant to Sec. 26 herein;

(p) Institute and prosecute or cause to be instituted and prosecuted any and all criminal actions against any violation of this Act or the rules and regulations of the Board, subject to the provisions of Section 5, Rule 110 of the Rules on Criminal Procedure, as amended;

(q) Adopt an official seal;

(r) Coordinate with the CHED Technical Committee on Medical Education and the Association of Philippine Medical Colleges in prescribing, amending or revising the courses in a medical program;

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

SEC. 11. Qualifications of Chairperson and Members of the Board. – The chairperson and members of the Board shall, at the time of their appointment possess the following qualifications:

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

(b) Must be at least forty (40) years old;

(c) Must be a holder of a valid certificate of registration and a valid professional identification card as a physician;

(d) Must be a practitioner for at least ten (10) years;

- (e) Must be a *bona fide* member of the integrated and accredited professional organization of physicians;
- (f) Must not have been convicted by final judgment by a competent court of a criminal offense involving moral turpitude;
- (g) Must have an experience of at least five (5) years as a faculty member of a college of medicine;
- (h) Must not have been 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) Must not have been connected with a review center, school, group, or association offering classes or lectures in preparation for the physician licensure examination.

SEC. 12. Term of Office. – The chairperson and 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 qualified and appointed. They may be reappointed for another term but not for a third term. Appointments to fill up positions created by causes other than the 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 one's 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.

SEC. 13. Compensation of the Board. – The chairperson and members of the Board shall receive compensation and allowances or other benefits pursuant to the provisions of Republic Act 8981, otherwise known as the PRC Modernization Act of 2000 and other pertinent laws comparable to the compensation and allowances received by the chairpersons and members of existing professional regulatory boards.

SEC. 14. Grounds for Removal or Suspension of the Chairperson and Members of the Board. – The President of the Philippines, upon recommendation of the Commission after giving the member concerned an opportunity to be heard in person or through counsel in a proper administrative investigation to be conducted by the Commission, may remove or suspend the chairperson or a 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. Annual Report. – The Board shall, on or before the end of January of each 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. 17. Prerequisites to the Practice of Medicine. – No person shall engage in the practice of medicine in the Philippines unless that person:

- (a) holds a valid certificate of registration and a valid professional identification card issued by the Professional Regulation Commission;
- (b) is a member of the integrated and accredited professional organization of physicians and its component society in good standing;
- (c) holds a valid special/temporary permit issued by the Board of Medicine subject to approval by the Commission, and upon coordination with the integrated and accredited professional organization of physicians, or unless that person is exempted by this Act from holding any of the foregoing certificates of registration;
- (d) is an alien who is a licensed physician who has passed the qualifying examination given by the Board of Medicine/integrated and accredited professional organization of physicians and specialties and is

1 undergoing specialty training in an accredited residency training
2 program, has been bestowed a temporary training permit, subject to
3 renewal every year or holds a valid temporary training permit issued by
4 the Board of Medicine subject to approval of the Commission, and
5 upon coordination with the integrated and accredited professional
6 organization of physicians.

7 **SEC. 18. Examination Required.** – All applicants for registration, before they
8 can be issued certificates of registration and professional identification cards as
9 physicians shall be required to pass the licensure examination for physicians as
10 provided for in this Act, subject to the payment of the fees prescribed by the
11 Commission.

12 **SEC. 19. Qualifications of Applicants for the Physician Licensure**
13 **Examination.** – All applicants for the physician licensure examination must possess all
14 the following qualifications:

- 15 (a) Must be a citizen and resident of the Philippines or a citizen of a foreign
16 country or state which observes reciprocity in the practice of medicine with
17 the Philippines or who has been a permanent resident in the Philippines for at
18 least one (1) year prior to the examination;
- 19 (b) Must be mentally, emotionally and physically sound;
- 20 (c) Must not have been convicted in a final judgment by a court of any criminal
21 offense involving moral turpitude;
- 22 (d) Is a holder of the degree of Doctor of Medicine conferred by a college of
23 medicine established in the Philippines and duly recognized by the CHED or
24 a degree conferred by a college of medicine abroad and accredited by the
25 CHED as substantially equivalent to the degree of Doctor of Medicine offered
26 by a Philippine college of medicine; and
- 27 (e) Has completed one (1) year of internship in a hospital accredited by the
28 APMC.

29 **SEC. 20. Venues and Schedule of Examinations.** – The Board shall give
30 examinations for the registration of physicians at least twice a year in such places as
31 the Commission may designate in accordance with the provisions of Republic Act No.
32 8981.

1 **SEC. 21. Registration, Issuance of Certificate of Registration and**
2 **Professional Identification Card; APO Membership Card; Grounds For Non-**
3 **Registration.** – All successful examinees, upon compliance with all legal requirements
4 and payment of fees prescribed by the Commission, shall be registered and issued
5 certificates of registration and professional identification cards. They shall likewise be
6 deemed members of the duly recognized integrated and accredited professional
7 organization of physicians upon compliance with all requirements and payment of
8 compulsory dues, and shall be issued the necessary identification cards proving such
9 membership therein upon presentation of their certificates of registration and
10 professional identification cards.

11 The certificate of registration of a physician shall bear the registration number
12 and the date of issuance and the signatures of the chairperson of the Commission and
13 the members of the Board stamped with the seals of the Commission and the Board,
14 certifying that the name of the person stated therein appears in the Registry/Roster/Roll
15 of Physicians under the custody of the Commission; that the person has met or
16 complied with all the legal requirements for registration as a physician; and that the
17 person is entitled to exercise all the privileges appurtenant to the practice of the
18 profession: *Provided, That,* the registrant does not violate this Act, the rules and
19 regulations, Code of Ethics for Physicians, and other regulatory policies of the
20 Commission and the Board.

21 The professional identification card shall bear the name of the registered
22 physician, the registration number and the date of issuance, and its date of expiry and,
23 together with the membership identification card issued by the integrated and accredited
24 professional organization of physicians, shall be sufficient evidence that the physician
25 can lawfully practice the profession.

26 A successful examinee who has been convicted by a competent court of a
27 criminal offense involving moral turpitude, or found guilty by the Board of dishonorable
28 or immoral conduct, or declared by the court to be of unsound mind shall not be
29 registered. The decision of the Board, finding the examinee guilty of dishonorable or
30 immoral conduct, may be appealed by the examinee to the Commission within fifteen
31 (15) days from receipt of the Board's decision or resolution, and to the Court of Appeals
32 within the same period from the receipt of the decision or resolution of the Commission.

33 ~~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.

SEC. 22. Scope of Examination. – The Physician Licensure Examination shall cover the following thirteen (13) individual or combined/clustered subjects with relative weights for each one final examination after completion of internship;

(a) Anatomy and Histology;

(b) Physiology;

(c) Biochemistry and Molecular Biology;

(d) Pharmacology and Therapeutics;

(e) Microbiology and Parasitology;

(f) Internal Medicine;

(g) General and Clinical Pathology and Oncology;

(h) Obstetrics and Gynecology;

(i) Pediatrics and Nutrition;

(j) Surgery, Otorhinolaryngology, Ophthalmology;

(k) Family Medicine, Preventive Medicine and Public Health; and

(l) Legal Medicine, Medical Jurisprudence, Medical Ethics and Economics.

When an urgent and important need arises, and to conform with technological advancements and other changes, the Board, in coordination with the integrated and accredited professional organization of physicians and the Council of Medical Education, 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 compliance with all the following requisites:

(a) Consultation with the concerned academe;

(b) Approval by the Commission;

(c) Publication of the Board resolution in a newspaper of general circulation; and

(d) Dissemination to all colleges of medicine.

SEC. 23. Rating in the Examination. – To pass the physician licensure examination, an examinee must obtain a general average rating of at least seventy-five per cent (75%) in all twelve (12) subjects, with no rating in any subject below fifty per cent (50%).

Examinees who obtained an average of seventy-five percent (75%) or better in

1 the licensure examination but with grades below fifty percent (50%) in a number of
2 subjects will be allowed one time to retake the examination only in subjects where they
3 failed within one (1) year after their last attempt. They must obtain a grade of seventy-
4 five percent (75%), otherwise they will be required to take all subjects in subsequent
5 examinations.

6 **SEC. 24. Report and Publication of the Results of Examination.** – The Board
7 shall report the rating of each examinee to the Commission within ten (10) days from
8 the last day of examination. The official results of the examination containing the list of
9 topnotcher examinees without indication of their respective schools or colleges, the
10 names of the schools or colleges obtaining top percentages of successful graduate-
11 ~~examinees shall be published by the Commission in the major daily newspapers of~~
12 general circulation.

13 The report of rating of every examinee shall be mailed to the examinee's given
14 address using the mailing envelope submitted during the examination.

15 **SEC. 25. Oath.** – All successful examinees shall be required to take their oath
16 before the Board or any person authorized by the Commission to administer oath before
17 they are issued their certificates of registration and professional identification cards or
18 before they start the practice of the profession.

19 **ARTICLE V**

20 **REGULATION OF THE PRACTICE OF THE MEDICAL PROFESSION**

21 **SEC. 26. Acts Constituting Practice of Medicine.** –

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

- 24 (1) Diagnosing, treating, operating or prescribing any remedy to any
25 person for any disease, injury or deformity;
- 26 (2) Examining a person's mental condition for any ailment, real or
27 imaginary, regardless of the nature of the remedy or treatment
28 administered, prescribed or recommended;
- 29 (3) Offering or undertaking to diagnose, treat, operate or prescribe and
30 administer any remedy for any human disease, injury, deformity,
31 physical or mental condition either personally or by means of signs,
32 cards, or advertisements by way of mass media or any other

means of communication; or

(4) Using or affixing "MD" to one's name in the practice of the medical profession or in written or oral communications.

(b) Practice through Special/Temporary Permit. – A special/temporary permit may be issued by the Board of Medicine in consultation with the integrated and accredited professional organization of physicians and the Department of Health (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 likewise be issued, only after payment of fees as prescribed by the Commission, to the following:

(1) Physicians licensed by foreign countries or 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 or States who intend to render services for free and limited only to indigent patients in a particular hospital, center or clinic: *Provided, however,* That they render such services under the direct supervision and control of a duly registered/licensed Filipino physician; and

(3) Physicians licensed in foreign countries or states employed as exchange professors in any area of medical specialization.

(c) The permit shall, among others, provide for such limitations, specifications, and conditions hereunder cited, 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;

(2) The specific area of medical specialization; and

(3) The specific place of practice, such as clinic, hospital, center, college of medicine.

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

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

(a) Final conviction by a court of competent jurisdiction of any criminal offense involving moral turpitude;

(b) Immoral or dishonorable conduct;

(c) Insanity;

(d) Misrepresentation in the acquisition of the certificate of registration and professional identification card or temporary/special permit;

(e) Gross negligence, ignorance or incompetence in the practice of the profession, resulting in an injury to or death of the patient;

(f) Use of prohibited drugs, addiction to alcoholic beverages and illegal gambling, even without rendering the physician incompetent to practice the profession;

(g) Making, or causing to be made false, misleading, extravagant or unethical advertisements wherein things other than one's name, profession, limitation of practice, clinic hours, office and 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 without justifiable motive;

(i) Knowingly issuing any false medical certificates or findings;

(j) Performance of, or aiding in, any criminal abortion;

(k) Performing any act constituting practice of an area of medical specialization without fulfilling the specialization requirements prescribed by the Board of Medicine.

1 (l) Making any fraudulent claims with government or private health
2 insurance;

3 (m) Violation of any provision of the Code of Ethics for Physicians as
4 prescribed by the Professional Regulatory Board of Medicine and
5 subject to the approval by the Commission;

6 (n) Practice of profession during the period of one's suspension; and

7 (o) Willful failure or refusal to be a member of the integrated and
8 accredited professional organization of physicians or expulsion or
9 termination of membership therefrom;

10 **SEC. 28. Rights of the Parties.** – The private complainant and the respondent
11 physician shall be entitled to counsel and to be heard in person, to have a speedy and
12 public hearing, to confront and to cross-examine witnesses, and to all other rights
13 guaranteed by the Constitution and the Rules of Court. All cases filed or pending under
14 this Act shall not be discussed or taken in any forum until after the same shall have
15 been decided with finality.

16 **SEC. 29. Appeal from Judgment.** – The decision of the Board shall become
17 final fifteen (15) days from the date of receipt of such decision by the parties or their
18 counsel. Within the same period, the aggrieved party may ask for a reconsideration of
19 the decision for being contrary to law or for insufficiency of evidence. When such
20 motion for reconsideration is denied, the aggrieved party may appeal to the Court of
21 Appeals under Rule 43 of the Rules of Court. No second motion for reconsideration to
22 the Board shall be allowed.

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

25 **SEC. 30. Reissuance of Revoked Certificate of Registration and**
26 **Professional Identification Card and Replacement of Lost Certificate of**
27 **Registration and Professional Identification Card.** – After two (2) years and after due
28 consultation with the integrated and accredited professional organization of physicians,
29 the Board may order the reinstatement of any physician whose certificate of registration
30 has been revoked, if the respondent has acted in an exemplary manner in the
31 community.

32 A new certificate of registration or professional identification card that has been
33 lost, destroyed or mutilated may be issued subject to the rules of the Commission.

1 **SEC. 31. Mandatory Use of Certificate of Registration, Professional**
2 **Identification Card, APO Membership Card and Professional Tax Receipt Number.**

3 – A registered physician shall indicate the certificate of registration number, the number
4 and the expiry date of the professional identification card and the APO membership
5 card, and the professional tax receipt number on the prescription and other documents
6 that one signs, uses or issues in connection with the practice of the profession.

7 **SEC. 32. Vested Rights.** – All registered physicians at the time this law takes
8 effect shall be automatically registered under the provisions hereof, without prejudice to
9 the other requirements herein set forth.

10 **SEC. 33. Exceptions.** – For purposes of this Act, any medical student duly
11 enrolled in an accredited medical college or school, or any graduate of medicine
12 undergoing post graduate training, serving without any professional fee in any
13 government or private hospital, under the direct supervision and control of a duly
14 registered physician, shall not be considered as engaging in the practice of medicine.

15 **SEC. 34. Integration of the Profession.** – All registered physicians shall be
16 integrated into one (1) national organization to be duly recognized and accredited by the
17 Board and the Commission. A physician duly registered by the Board and the
18 Commission shall automatically become a member of the said organization and shall
19 receive the benefits and privileges appurtenant thereto upon payment of required fees
20 and dues. Membership in the integrated and accredited professional organization of
21 physicians shall not be a bar to membership in any other association of physicians.

22 **SEC. 35. Mandatory Continuing Medical Education.** – The Board shall
23 implement through the integrated and accredited professional organization of physicians
24 a mandatory continuing medical education among practicing physicians in consonance
25 with the guidelines of the Continuing Professional Education (CPE) as shall be hereafter
26 promulgated by the Commission.

27 **SEC. 36. Automatic Registration of Physicians.** – All physicians whose
28 names appear at the Registry/Roll/Roster of Physicians at the time of the effectivity of
29 this Act shall automatically be registered by the Board and the Commission as
30 physicians and, thereafter, by the integrated and accredited professional organization of
31 registered and licensed physicians as its *bona fide* members pursuant to Section 22 of
32 this Act.

33 **SEC. 37. Foreign Reciprocity.** – No foreigner shall be allowed to take the

1 licensure examination for physicians, register, receive one's certificate of registration
2 and professional identification card, and practice as a physician in the Philippines
3 unless the requirements for the licensure examination and the registration and practice
4 of the profession as a physician imposed under the laws and regulations in one's
5 foreign country or state are substantially the same as those required and contemplated
6 by the Philippine laws and regulations, and unless the said foreign laws and regulations
7 allow Philippine citizens to practice as a physician within the territory of the said foreign
8 country or state on the same basis and grant the same privileges as those enjoyed by
9 the citizens, subjects or nationals thereof.

10 ARTICLE VI

11 PENAL PROVISIONS

12 SEC. 38. Penalties. –

13 (a) The penalty of imprisonment of not less than one (1) year but not exceeding
14 five (5) years or a fine of not less than Two Hundred Thousand Pesos
15 (P200,000.00) but not exceeding Five Hundred Thousand Pesos
16 (P500,000.00), or both, upon the discretion of the court, shall be imposed
17 upon:

18 (1) Any person who practices or offers to practice medicine in the
19 Philippines without a valid certificate of registration and a valid
20 professional identification card, or a valid temporary/special permit in
21 accordance with the provisions of this Act;

22 (2) Any person using or attempting to use as one's own the certificate of
23 registration or professional identification card or temporary/special permit
24 duly issued to another;

25 (3) Any person who shall give any false or forged documents, credentials
26 and any other proof of any kind to the Board or Commission in order to
27 obtain a certificate of registration or professional identification card or
28 temporary/special permit;

29 (4) Any person who shall falsely impersonate any *bona fide* registrant with
30 like or different name;

31 (5) Any registered and licensed physician or medical specialist who shall
32 abet or assist in the illegal practice by a person who is not lawfully
33 qualified to practice medicine or any of area of medical specialization;

1 (6) Any person who actually engages in the practice of medicine as defined
2 in paragraphs (a)(1) and (a)(2) of Section 27 of this Act without any
3 certificate of registration;

4 (7) Any person who shall attempt to use a revoked or suspended certificate
5 of registration or a cancelled temporary/special permit;

6 (8) Any person who shall use or advertise any title or description tending to
7 convey the impression to the general public that one is a registered and
8 licensed physician when in fact that person is not;

9 (9) Any registered and licensed physician or medical specialist who shall
10 use or advertise any title or description tending to convey the impression
11 to the general public that one is an specialist in an area of medical
12 specialization when in fact that person is not; and

13 (10) Any registered physician who shall commit any of the prohibited
14 acts as enumerated in pars. (i), (j), (k) and (l) of Section 28 hereof.

15 (b) When any of the acts defined in paragraphs 5 and 6 of this section is
16 committed by a person against three (3) or more persons, or when any of
17 such acts is committed by at least three (3) persons who shall cooperate and
18 confederate with one another, or when death occurs as a result of the
19 commission of the prohibited act mentioned in paragraph (k), Section 28 of
20 this Act, the offense shall be considered as a qualified violation of this Act and
21 shall be punishable by life imprisonment and a fine of not less than Five
22 Hundred Thousand Pesos (P500,000.00) but not more than Two Million
23 Pesos.

24 Prosecution of offenses under this Act shall be without prejudice to a separate
25 prosecution under the provisions of the Revised Penal Code and other laws.

26 **SEC. 39. Injunctions.** – Upon written motion by any interested party and after
27 notice and hearing, the Board may issue an order enjoining any person illegally
28 practicing medicine from performing any act constituting the practice of medicine until
29 the necessary certificate therefor is secured. However, if it is shown in the affidavits
30 attached to the motion that the movant or the general public will suffer grave injustice or
31 irreparable injury, the chairperson of the Board, or, in his absence, any Board member
32 holding office may issue a temporary restraining order effective for seventy-two (72)
33 hours. The applicable provisions of Rule 58 of the Rules of Court shall govern the

1 issuance of the writ of injunction and lifting thereof, except that where after hearing it is
2 shown that the movant is entitled to the injunction prayed for, such writ of injunction
3 shall be effective until there is clear showing that the respondent is authorized to
4 practice medicine in the Philippines.

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

9 ARTICLE VII 10 FINAL PROVISIONS

11 **SEC. 40. Enforcement.** – The Commission shall be the enforcement agency of
12 the Board. As such, the Commission shall implement the provisions of this Act, enforce
13 its implementing rules and regulations as adopted by the Board, assist the Board in the
14 investigation of complaints against violators of this Act, its rules and regulations, the
15 Code of Ethics for Physicians and other policies of the Board.

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

21 **SEC. 41. Appropriations.** – The chairpersons of the Commission on Higher
22 Education and the Professional Regulation Commission shall immediately include in
23 their programs the implementation of this Act, the funding of which shall be charged
24 against their current year's appropriations and thereafter in the Annual General
25 Appropriations Act.

26 **SEC. 42. Implementing Rules and Regulations.** – Within ninety (90) days after
27 the approval of this Act, the Professional Regulation Commission, together with the
28 Board, the integrated and accredited professional organization of physicians and the
29 Council of Medical Education of the Commission on Higher Education shall prepare and
30 promulgate the implementing rules and regulations (IRR) to carry out the provisions of
31 this Act and adopt the Code of Ethics of the medical profession. The IRR shall take
32 effect fifteen (15) days after their publication in a major daily newspaper of general
33 circulation and/or the *Official Gazette*.

1 **SEC. 43. Transitory Provisions.** – The incumbent Board shall continue to
2 function in the interim until such time as the new Board shall have been constituted
3 pursuant to this Act.

4 **SEC. 44. Separability Clause.** – If any clause, provision, paragraph or part
5 hereof be declared unconstitutional or invalid, such judgment shall not affect, invalidate
6 or impair any other part hereof, but such judgment shall be merely confined to the
7 clause, provision, paragraph or part directly involved in the controversy in which such
8 judgment has been rendered.

9 **SEC. 45. Repealing Clause.** – Republic Act No. 2382 known as "The Medical
10 Act of 1959", as amended by Republic Act Nos. 4224 and 5946, all laws amending the
11 said Act, all other laws, decrees, executive orders and other administrative issuances
12 and parts thereof which are inconsistent with the provisions of this Act are hereby
13 repealed accordingly.

14 **SEC. 46. Effectivity Clause.** – This Act shall take effect fifteen (15) days after
15 its publication in the *Official Gazette* or in any newspaper of general circulation.

16 Approved,

FACT SHEET

House Bill Nos. 100, 1616 and 5067

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

Introduced by: REPRESENTATIVES JANETTE L. GARIN, M.D., WALDEN F. BELLO, MAR-LEN ABIGAIL S. BINAY, ALFREDO D. MARANON III, ANTHONY ROLANDO T. GOLEZ, JR., ANDRES D. SALVACION, JR., JOSEPH EMILIO A. ABAYA, DARYL GRACE J. ABAYON, SALVADOR H. ESCUDERO III, RUFUS B. RODRIGUEZ, JUAN EDGARDO M. ANGARA, RAFAEL V. MARIANO, PHILIP A. PICHAY, CARLOS M. PADILLA, MARY MITZI L. CAJAYON AND LANI MERCADO-REVILLA.

*Committee Referral: COMMITTEE ON CIVIL SERVICE AND
PROFESSIONAL REGULATION (Primary)*

Committee Chairperson: REP. ANDRES D. SALVACION, JR.

Committee Referral: COMMITTEE ON APPROPRIATIONS (Secondary)

Committee Chairperson: REP. JOSEPH EMILIO A. ABAYA

OBJECTIVE:

- To repeal Republic Act No. 2382, or the Philippine Medical Act of 1959 and enact a new law regulating the practice of the medical profession with the end in view of meeting the challenges of improving the quality of health care the imperatives of global competitiveness in the field of medicine.

KEY PROVISIONS:

- Renames the Board of Medical Examiners under Republic Act No. 2382 to the Professional Regulatory Board for Medicine and increases the board membership from a Chairperson and five (5) members to a Chairperson and six (6) members to be appointed by the President of 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 under the administrative control and supervision of the Professional Regulation Commission)
- Requires additional qualifications for persons appointed as a member of the Board: (1) a resident of the Philippines for at least ten (10) consecutive years; (2) at least forty (40) years old; (3) a physician who is a holder of a

valid certificate of registration and a valid professional identification card; (4) a practitioner for at least ten (10) years; (5) a *bona fide* member of the integrated and accredited national organization of Physicians; (6) have not been convicted by final judgment by a competent court of a criminal offense involving moral turpitude; (7) have at least two (2) years experience as faculty members in a college of medicine; (8) not a member of the faculty in an institute, school or college of medicine or does not have a pecuniary interest, direct or indirect, in the institution which offers and operates the course of degree of Doctor of Medicine; (9) not connected with a review center/school/group or association where review classes or lectures in preparation for Physician Licensure Examination are being offered or conducted, at the time of appointment; and (10) not an officer of the accredited organization of physicians or the integrated and accredited national organization of registered and licensed physicians at the time of appointment.

- Changes the Board of Medical Education to Council for Medical Education.
- Changes the composition of the Council for Medical Education under the Commission on Higher Education from its present set-up composed of the heads or representatives from the Department of Education, Department of Health, Bureau of Private Schools, Board of Medical Examiners, Philippine Medical Association, University of the Philippines-College of Medicine, Council of Deans of Philippine Medical Schools, and the Association of Philippine Medical Colleges, to a Council composed of the Chairperson of the Commission on Higher Education, the Secretary of the Department of Health, the Chairperson of the PRC Board for Medicine, the President of the Philippine Medical Association, and the President of the Association of Philippine Medical Colleges, or their representatives.
- Includes Psychiatry among the subjects for licensure examination.
- Mandates clinical clerkship and internship training as a requirement in the completion of a doctorate degree in medicine.
- Mandates the implementation of Continuing Professional Education (CPE) program for the enhancement of the medical profession.

RELATED LAW:

- Rep. Act No. 2382, the Philippine Medical Act of 1959