

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. **6072**

Introduced by HON. EUFRANIO C. ERIGUEL, M.D.

EXPLANATORY NOTE

Republic Act No. 2382 or "The Medical Act of 1959", as amended by Republic Act Nos. 4224 and 5946 has been the foundation of the medical profession in the country for the longest time. However, the changing times bring about changing demands and developing technologies that require a law that is more appropriate and responsive to the current circumstances.

The Philippine Medical Act of 2015 seeks to promote the safe practice of the medical profession by physicians through promotion of competence, moral values and professional attitude. It aims to ensure the efficiency and responsiveness of the different aspects of the medical profession: medical education, postgraduate internship training, licensure examination and registration of physicians, and the integration of the profession under the banner of the 112-year old Philippine Medical Association as the Accredited Professional Organization recognized by the Professional Regulatory Commission.

The Philippine Medical Association is the biggest umbrella organization of 246 medical societies all over the Philippines. It predates all other medical organizations, all institutions of higher learning in Medicine, and the Department of Health, then known as the Bureau of Health. Its forbearers established it with this Vision: It shall be the voice of the physicians for the physician. For the longest time, its leadership has appointed the best of its members to the Professional Regulatory Board of Medicine. More importantly, it has generated the first self-regulatory Code of Ethics of the medical profession.

The existing landscape of healthcare in the Philippines is one that promotes specialization, but it must be recognized that 70% of our physicians are manning the forts of health in geographically disadvantaged areas, in island provinces and in mountainous terrains where even specialists may not be able to practice their specialization because of

lack of equipment and facilities. Hence, it is also recognized that telemedicine is now a reality and the practice of the profession should embrace teleconsultation.

Moreover, the practice of Medicine always seeks to promote the patient's welfare and shall do no harm to anyone. Practicing the profession under extreme circumstances, sans specialization, are resorted to only because of the physicians' sworn oath to preserve life. Hence, penalties for acts that are otherwise punishable under the Revised Penal Code have been removed.

We entrust our health and our lives to our doctors and it is only proper that we equip them with the legislation that will both promote their profession and protect their rights.

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

A handwritten signature in black ink, appearing to read 'Eufranio' or 'Franny', written over a large, stylized, handwritten 'E' that serves as a background for the signature.

EUFRANIO "FRANNY" C. ERIGUEL, M.D.
Second District, La Union

1 Republic of the Philippines
2 **HOUSE OF REPRESENTATIVES**
3 Quezon City
4

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6 **SIXTEENTH CONGRESS**
7 *Third Regular Session*
8

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10 **HOUSE BILL NO. 6072**
11

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13
14 **Introduced by HON. EUFRANIO C. ERIGUEL, M.D.**
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17
18 **AN ACT REGULATING THE LICENSURE OF PHYSICIANS**
19 **AND THE PRACTICE OF MEDICINE IN THE PHILIPPINES**
20 **REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 2382 AS**
21 **AMENDED AND FOR OTHER PURPOSES**
22

23 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
24 *assembled:*
25

26 **ARTICLE I**
27 **POLICY, OBJECTIVE AND IMPLEMENTATION**
28

29 **SECTION 1. *Short Title.*** – This Act shall be known as the “**Philippine Medical Act of 2015**”.

30
31 **SECTION 2. *Declaration of Policy.*** – The State recognizes the vital role of physicians in the
32 preservation, maintenance, safeguard, cure and enhancement of the life, health and general welfare of
33 the citizenry. Physicians’ professional services shall, therefore, be promoted as a regular component
34 of the total health care system.
35

36 **SECTION 3. *Objectives.*** – This Act provides for and shall govern the:

- 1
- 2 (a) Standardization, upgrading and regulation of the medical education including internship
- 3 training;
- 4 (b) Administration of the medical licensure examination, licensure and registration of the
- 5 physicians;
- 6 (c) Supervision, control and regulation of the practice of medicine;
- 7 (d) Integration of the profession under the Integrated Philippine Medical Association of
- 8 physicians accredited by the Professional Regulation Commission.
- 9 (e) Promotion of competence, moral values, professional attitude and ethical practices of the
- 10 profession through the Integrated Philippine Medical Association accredited by the
- 11 Professional Regulation Commission.
- 12

13 **SECTION 4. *Enforcement.*** – For the purpose of implementing the provisions of this Act, there shall

14 be created the following: Council of Medical Education, hereinafter referred to as the Council, and

15 the Professional Regulatory Board of Medicine, hereinafter referred to as the Board, under the

16 Professional Regulation Commission (PRC), hereinafter referred to as the Commission.

17

18 **ARTICLE II**

19 **GENERAL PROVISION**

20

21 **SECTION 5. *Composition of the Council of Medical Education.*** – The Council of Medical

22 Education shall be composed of the following:

- 23 (a) The Chairperson of the Commission on Higher Education (CHED) or his duly authorized
- 24 representative as chairperson;
- 25 (b) The Secretary of the Department of Health (DOH) or his duly authorized representative as
- 26 member;
- 27 (c) The Chairperson of the Professional Regulatory Board of Medicine or his duly authorized
- 28 representative as member;
- 29 (d) The President of the Integrated Philippine Medical Association accredited by the
- 30 Professional Regulation Commission or his duly authorized representative as member;
- 31 (e) The President of the Association of the Philippine Medical Colleges (APMC) or his duly
- 32 authorized representative as member; and

1 (f) The President of the Philippine Hospital Association (PHA) or his duly authorized
2 representative as member; and

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

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

8
9 **SECTION 6. *Functions and Duties.*** – The Council shall have the following functions and duties:

- 10
11 (a) To determine the requirements for admission into a recognized college of medicine;
12 Provided, that medicine is a service-oriented profession, such admission criteria should not
13 be limited to academic qualifications but should also include screening for aptitude, attitude
14 and inter-personal skills necessary to ensure compassionate care for patients as well as
15 psychological stability and fitness to withstand the rigors of studying medicine;
- 16 (b) To determine the minimum requirements for physical facilities of colleges of medicine
17 such as buildings, hospitals, equipment, supplies, apparatus, instruments, appliances,
18 laboratories, bed capacity for instruction purposes, operating and delivery rooms, facilities
19 for out-patient services and others used for didactic and practical instruction in accordance
20 with modern trends;
- 21 (c) To determine the minimum number and the standard qualifications of teaching personnel
22 including student-teacher ratio;
- 23 (d) To determine the minimum required curriculum including internship leading to the degree
24 of Doctor of Medicine;
- 25 (e) To authorize the implementation of an acceptable innovative medical curriculum or
26 strategy in a medical school that has the appropriate faculty expertise and suitable teaching
27 and clinical practicum resources available. Such an innovative curriculum may prescribe
28 admission and graduation requirements other than those prescribed in this Act; Provided,
29 that only exceptional and/or appropriately prepared students shall be enrolled in the
30 innovative curriculum.
- 31

- 1 (f) To develop programs and to adopt and implement policies which will encourage and allow
2 applicants from marginalized areas or groups and financially-challenged families to be
3 admitted into medical colleges and complete their medical education
- 4 (g) To accept applications and issue certificates of eligibility for admission to a medical school
5 and to keep a registry of those issued with said certificate, and to collect from said
6 applicants reasonable fees as may be determined by the Council which shall accrue to the
7 operating funds of the Council of Medical Education;
- 8 (h) To recommend to the Commission on Higher Education the closure or suspension of the
9 degree of Doctor of Medicine program of a college of medicine when called for based on
10 the evaluation of the statistical information on the performance of the said college in the
11 physician licensure examination as furnished by the Board of Medicine, and upon
12 inspection of the medical college by the Council for various deficiencies or violations;
- 13 (i) To promulgate, prescribe and enforce policies and programs which will ensure the proper
14 and orderly operations and upkeep of medical colleges as well as in order to ensure that
15 medical education is not treated merely as a business enterprise but one with a social
16 dimension;
- 17 (j) To select and approve hospitals or departments of hospitals for training which comply with
18 the minimum specific physical facilities as provided in subparagraph hereof; and
- 19 (k) To promulgate, prescribe and enforce the necessary rules and regulations for the proper
20 implementation of the foregoing functions.
- 21

22 **SECTION 7. *Minimum Required Course.*** – The medical course leading to the degree of Doctor of
23 Medicine shall be four (4) years inclusive of clinical clerkship and shall consist of the following
24 subjects:

- 25 (a) Anatomy and Histology
26 (b) Physiology
27 (c) Biochemistry and Molecular Biology
28 (d) Pharmacology and Therapeutics
29 (e) Microbiology and Parasitology
30 (f) Internal Medicine
31 (g) Radiology
32 (h) General and Clinical Pathology
33 (i) Obstetrics and Gynecology

- (j) Pediatrics and Nutrition
- (k) Surgery
- (l) Otorhinolaryngology
- (m) Ophthalmology
- (n) Neurology
- (o) Psychiatry
- (p) Family Medicine, Preventive Medicine and Public Health
- (q) Legal Medicine and Medical Jurisprudence
- (r) Medical Ethics
- (s) Physical Diagnosis

Provided, that the Council may recommend to the CHED to rearrange, recluster, or integrate or revise the above mentioned subjects to keep up to with the latest developments and trends in the medical profession.

SECTION 8. *Admission Requirements and Publication of Academic Catalogue.*— 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(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.

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

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

14 ARTICLE III

15 THE PROFESSIONAL REGULATORY BOARD OF MEDICINE

17 **SECTION 9. *Composition of the Board.*** – There is hereby created a Professional Regulatory
18 Board of Medicine, hereinafter referred to as the Board, under the administrative control and
19 supervision of the Professional Regulation Commission, hereinafter referred to as the Commission,
20 composed of a Chairperson, a Vice Chairperson and five (5) members to be appointed by the
21 President of the Philippines from among three (3) recommendees for each position, chosen and
22 ranked by the Commission from a list of five (5) nominees for each position submitted by the
23 Integrated Philippine Medical Association accredited by the Professional Regulation Commission.
24 The Board shall be organized not later than (6) months from the effectivity of this Act.

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

- 28 (a) Supervise, control and regulate the practice of medicine in the Philippines;
- 29 (b) Determine and evaluate qualifications of the applicants for registration with physician
30 licensure examinations and for special permits;
- 31 (c) Prepare the questions in the Physician Licensure Examinations in accordance with
32 recognized principles of evaluation and of pertinent provisions of Section 23, Article IV of
33 this Act; prescribe the syllabi of the subjects and their relative weights for the licensure

1 examinations; formulate test questions and deposit them in a test question bank; draw the
2 test questions through the process of computerization; conduct the examination; correct and
3 rate the examination papers; and submit the examination results to the Commission within
4 the period provided under the rules of the Commission. The above test questions should be
5 consistent with the table of specifications and in congruence with the syllabi of the
6 Association of Philippine Medical Colleges (APMC).

- 7 (d) Ensure that the questions formulated for the said Exam shall have relevant distribution as
8 to the knowledge, skill and aptitude of the examinees;
- 9 (e) Determine, amend or revise the requirements for the subjects in the physician licensure
10 examinations and their relative weights and the manner of giving the examination, subject
11 to the approval of the Commission;
- 12 (f) To explore and develop ways on measuring and evaluating the clinical competence of
13 applicants and to introduce and integrate the same into the physician's licensure
14 examination to ensure both theoretical knowledge and clinical skills of successful
15 examinees;
- 16 (g) Register successful examinees in the physician licensure examinations in the rolls of
17 physicians and issue the corresponding certificates of registration;
- 18 (h) Issue special/temporary permits to foreign physicians to practice medicine for specific
19 projects and for a specific duration of time, in coordination with the Integrated Philippine
20 Medical Association accredited by the Professional Regulation Commission;
- 21 (i) Administer the qualifying examinations given to physicians who wish to train in the
22 Philippines for a specialty field, in coordination with the Integrated Philippine Medical
23 Association accredited by the Professional Regulation Commission;
- 24 (j) In coordination with the Integrated Philippine Medical Association accredited by the
25 Professional Regulation Commission, to look into considerations affecting the practice of
26 medicine, adopt measures for the enhancement of the profession and the maintenance of
27 high professional, technical and ethical standards, in coordination with the council and
28 conduct ocular inspections of places where physicians practice their profession;
- 29 (k) Monitor the performance of medical schools and their compliance with the rules and
30 regulations of the Council of Medical Education;
- 31 (l) Promulgate rules and regulations including a Code of Ethics for Physicians, administrative
32 policies, orders and issuances, in coordination with the Integrated Philippine Medical

- 1 Association accredited by the Professional Regulation Commission, to carry out the
2 provisions of this Act;
- 3 (m) Investigate violations of this Act, Code of Ethics, and the rules and regulations,
4 administrative policies, orders and issuances promulgated by the Board or the Commission.
5 The rule on administrative Investigation promulgated by the Commission shall govern in
6 such investigation;
- 7 (n) Issue *subpoena ad testificandum* or *subpoena duces tecum* to secure attendance of
8 respondents or witnesses as well as the production of documents relative to the
9 investigation conducted by the Board: Provided, That failure of the party to whom a
10 subpoena has been issued to comply therewith shall be punishable by way of indirect
11 contempt of the Board. For this purpose, the Board is hereby vested the power to cite any
12 party for contempt which may be exercised pursuant to the applicable provisions of Rule 71
13 of the Rules of Court;
- 14 (o) Delegate to the Chairperson, Vice Chairperson or any member of the Board, or to a
15 Commission attorney (PRC Attorney), at the Board's discretion, the hearing of an
16 administrative case. If the case concerns strictly the practice of medicine as defined in
17 Section 26 hereof, the investigation shall be presided over by a member of the Board:
18 Provided, That the power to cite a party in contempt shall be issued exclusively by the
19 Board, upon recommendation of the member assigned to a case under investigation;
- 20 (p) Cancel examination papers and/or bar any examinee from future examination, after due
21 notice and hearing; refuse or defer his/her registration; reprimand the registrant with stern
22 warning; suspend him/her from the practice of his/her profession; revoke his/her certificate
23 of registration; cancel special/temporary permit/temporary training permit; remove his/her
24 name from the roll of physicians for continuous non-payment of annual registration fees
25 and noncompliance with the CME requirements; reinstate or re-enroll his/her name in the
26 said roll; and re-issue or return his/her certificate of registration and professional
27 identification card. A decision of suspension, revocation of the certificate of registration or
28 removal from the roll by the Board as provided herein may be appealed to the Commission
29 within fifteen (15) days from receipt thereof;
- 30 (q) Administer the physician's oath pursuant to Section 26 herein;
- 31 (r) Institute and prosecute or cause to be instituted and prosecuted any and all criminal action
32 against any violation of this Act and/or the rules and regulations of the Board, subject to the
33 provisions of Section 5, Rule 110 of the Rules of Criminal Procedure, as amended;

- (s) Adopt an official seal;
- (t) Coordinate with the Council of Medical Education and the Integrated Philippine Medical Association accredited by the Professional Regulation Commission in prescribing, amending and/or revising the courses in a medical program;
- (u) Assist the Commission in implementation of its prescribed guidelines and criteria on the Continuing Professional Development (CPD) for registered licensed physicians;
- (v) Set the standards and guidelines for the issuance and re-issuance of certificates of registration; and,
- (w) 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 bonafide member of the Integrated Philippine Medical Association accredited by the Professional Regulation Commission;
- (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 two (2) years as a faculty member of a college of medicine;
- (h) Is 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) Is not connected with a review center/school/group or association offering classes or lectures in preparation for the physician licensure examination.

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

9
10 **SECTION 13. *Compensation of the Board Members.*** – The Chairperson, Vice Chairperson and
11 members of the Board shall receive compensation and allowances or other benefits pursuant to the
12 provisions of the “PRC Modernization Act of 2000” and other pertinent laws and comparable to the
13 compensation and allowances received by the Chairperson and members of existing professional
14 regulatory boards.

15
16 **SECTION 14. *Suspension or Removal of Board Member.*** – The President, upon recommendation
17 of the Commission after giving the member concerned an opportunity to be heard by himself or
18 counsel in a proper administrative investigation to be conducted by the Commission, may suspend or
19 remove any member of the Board on any of the following grounds:

- 20 (a) Neglect of duty or incompetence;
21 (b) Unprofessional, unethical or dishonourable conduct;
22 (c) Manipulation or rigging of results of any physician licensure examination, divulging of
23 secret information or disclosure of the said examination, or tampering of the grades therein;
24 and
25 (d) Final conviction by the court of any criminal offense involving moral turpitude.

26
27 **SECTION 15. *Administrative Management, Custody of Records, Secretariat and Support***
28 ***Services.*** – The Board shall be under the administrative and executive management of the
29 Professional Regulation Commission, with the Commission chairperson as the chief executive officer
30 thereof. All records of the Board shall be under the custody of the Commission.

31 The Commission shall designate the secretary of the Board and shall provide the Secretariat
32 and other support services to implement the provisions of this Act.

1 **SECTION 16. *Annual Report.*** – The Board shall, on or before the end of January of the following
2 year, submit to the Commission its annual report of accomplishments on programs, projects and
3 activities for the calendar year together with its appropriate recommendations on issues or problems
4 affecting the practice of medicine.

5
6 **ARTICLE IV**
7 **PHYSICIAN LICENSURE EXAMINATION**
8

9 **SECTION 17. *Prerequisites to the Practice of Medicine.*** – No person shall engage in the practice of
10 medicine in the Philippines unless he/she:

- 11 (a) Holds a valid certificate of registration and a valid professional identification card issued
12 by the Commission;
13 (b) Holds a valid special/temporary permit issued by the Board of Medicine subject to approval
14 by the Commission, or unless he/she is exempted by this Act from holding any of the
15 foregoing certificates of registration; and
16 (c) Is a member of the Integrated Philippine Medical Association accredited by the
17 Professional Regulation Commission and its component society in good standing. Any
18 foreign doctor who intends to undergo specialty training in the practice of medicine must
19 pass the qualifying examination given by the Board of Medicine.
20

21 **Section 18. *Examination Required.*** – All applicants for registration, before they can be issued a
22 certificate of registration and a professional identification card as a physician, shall be required to
23 pass the licensure examination for physicians as provided for in this Act, subject to the payment of
24 the fees prescribed by the Commission.
25

26 **SECTION 19. *Qualifications of Applicants for the Physician Licensure Examination.*** – All
27 applicants for the physician licensure examination must possess all qualifications and none of the
28 disqualifications hereunder set forth, as follows:

- 29 (a) He/she is a citizen and resident of the Philippines or a citizen of a foreign country/state
30 which observes reciprocity in the practice of medicine with the Philippines or who has been
31 a permanent resident of the Philippines for at least one (1) year prior to the examination;
32 (b) Is mentally, emotionally and physically sound;

- 1 (c) Has not been convicted by final judgment by a court of any criminal offense involving
2 moral turpitude;
- 3 (d) He/ she is a holder of the degree of Doctor of Medicine conferred by a College of
4 Medicine established in the Philippines and duly recognized by the Commission on Higher
5 Education or a degree conferred by a college of medicine abroad and accredited by the
6 CHED as substantially equivalent to the degree of Doctor of Medicine offered by a
7 Philippine College of Medicine, and;
- 8 (e) Has completed one year of Post-graduate internship in a hospital accredited by the APMC.
9

10 **SECTION 20. *Venues and Schedule of Examinations.*** - The Board shall give examinations for the
11 registration of physicians at least twice a year in such places as the Commission may designate in
12 accordance with the provisions of Republic Act No. 8981, otherwise known as the "PRC
13 Modernization Act of 2000".
14

15 **SECTION 21. *Registration, Issuance of Certificate of Registration and Professional***
16 ***Identification Card; Philippine Medical Association Card; Non-registration; Grounds Therefore.***

17 All successful examinees, upon compliance with all legal requirements and payment of fees
18 prescribed by the Commission, shall be registered and issued certificates of registration and
19 professional identification cards. They shall likewise be deemed members of the duly recognized
20 Integrated Philippine Medical Association duly accredited by the Professional Regulation
21 Commission upon compliance with all requirements and payment of compulsory dues and shall be
22 issued the necessary identification cards proving such membership therein, upon presentation of their
23 certificates of registration and professional identification card.

24 The certificate of registration of a physician shall bear the registration number and the date of
25 issuance and the signatures of the chairperson of the Commission and the members of the Board
26 stamped with the seals of the Commission and the Board, certifying that the name of the person
27 stated therein appears in the Registry/Roster/Roll of Physicians under the custody of the
28 Commission; that the person has met or complied with all the legal requirements for registration as a
29 physician; and that the person is entitled to exercise all the privileges appurtenant to the practice of
30 his/her profession; Provided, That he/she does not violate this Act, the Code of Ethics for Physicians
31 and the rules and regulations of the Commission and the Board.

32 The professional identification card, which shall bear the name of the registered licensed
33 physician, the registration number and the date of issuance, and together with the membership

1 identification card issued by the Integrated Philippine Medical Association duly accredited by the
2 Professional Regulation Commission shall be sufficient evidence that the physician can lawfully
3 practice his/her profession.

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

12
13 **SECTION 22. *Scope of Examination.*** - The physician licensure examination shall cover the
14 following thirteen (13) individual or combined/clustered subjects with the relative weights for each
15 one final examination after completion of internship;

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

29 When an urgent and important need arises in order to conform to technological advancements
30 and other changes, the Board and the Council, in coordination with the Integrated Philippine
31 Medical Association accredited by the Professional Regulation Commission, may revise the
32 substance and the conduct of such examinations.

Each of the thirteen (13) 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 the concerned members of the 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

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

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. *Acts Constituting to the Practice of Medicine.* – A person shall be considered as engaged in the practice of medicine under any of the following circumstances:

- (a) Physically examining any person for any disease, injury or deformity, or diagnosing, treating, operating, prescribing or dispensing any remedy therefor;

- (b) Examining a person's mental condition for any ailment, real or imaginary, regardless of the nature of the remedy or treatment administered, prescribed or recommended;
- (c) Offering or undertaking to diagnose, treat, operate or prescribe and administer any remedy for any human disease, injury deformity, physical or mental condition either personally or by means of signs, cards or advertisements by way of mass media or any other means of communication;
- (d) Using or affixing "MD" with his/her name in written or oral communications;
- (e) Engaging in telemedicine/teleconsultation; or
- (f) Conducting formal medical classes in medical schools, seminars, lectures, symposia and the like.

SECTION 27. 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 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 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, *provided:*
 - i. they are internationally well-known specialists or publicly acknowledged as experts in any area of medical specialization; and
 - ii. 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.

1 The permit shall, among others, provide for such limitations, specifications and conditions as
2 follows:

3 (1) A period of not more than one (1) year subject to renewal or extension: Provided, That such
4 renewal or extension shall be under the same process and requirements hereinabove,
5 Provided that;

6 (2) The specific area of medical specialization

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

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

10
11 **SECTION 28. *Disciplinary Sanctions.*** – The Board shall have the power, upon notice and hearing,
12 to suspend from the practice of profession or revoke the certificate of registration of a physician, or
13 issue a reprimand or cancel the Special/Temporary permit or Temporary Training Permit issued to a
14 foreign physician for any of the following grounds/causes:

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

17 (b) Immoral or dishonourable conduct;

18 (c) Insanity;

19 (d) Fraud in the acquisition of the certificate of registration and the professional identification
20 card or temporary/special permit or temporary training permit;

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

23 (f) Addiction to alcoholic beverages or addiction to illegal gambling or the use of prohibited
24 drugs, even without rendering him/her incompetent to practice his/her profession;

25 (g) Making or causing to be made false, misleading, extravagant or unethical advertisements or
26 making or causing to be made advertisements wherein things other than his name,
27 profession, limitation of practice, clinic hours, office, telephone, e-mail or internet or home
28 address are mentioned;

29 (h) Issuance of any false statement or spreading any false news or rumour which is derogatory
30 to the character and reputation of another physician;

31 (i) Knowingly issuing any false medical certificates and/or findings or making any fraudulent
32 claims with government or private health insurance;

- 1 (j) Performance of, or aiding in, any criminal abortion;
- 2 (k) Knowingly aiding or subjecting one's self to be a partner of any person who is unqualified
- 3 or unregistered to practice medicine, except in aid of training of a medical student, or
- 4 performing any act constituting the practice of medicine in behalf of any such unlicensed or
- 5 unregistered person;
- 6 (l) Violation of any provision of the Code of Ethics for Physicians as promulgated by the
- 7 Integrated Philippine Medical Association accredited by the Professional Regulation
- 8 Commission and adopted by the Professional Regulation Commission;
- 9 (m) Practice of profession during the period of his suspension and ;
- 10 (n) Wilful failure or refusal to be a member in good standing of the Integrated Philippine
- 11 Medical Association accredited by the Professional Regulation Commission or expulsion or
- 12 termination of membership therefrom.
- 13

14 **SECTION 29. *Rights of the Parties.*** – The private complainant and the respondent physician shall

15 be entitled to counsel and to be heard in person, to have a speedy and public hearing, to confront and

16 to cross-examine witnesses, and to all other rights guaranteed by the Constitution and the Rules of

17 Court. All cases filed or pending under this Act shall not be discussed or taken in any forum until

18 after the same shall have been decided with finality.

19

20 **SECTION 30. *Appeal from Judgment.*** – The decision of the Board shall become final fifteen (15)

21 days from the date of receipt of such decision by the parties or their counsel. Within the same period,

22 the aggrieved party may ask for a reconsideration of the decision for being contrary to law or for

23 insufficiency of evidence. No second motion for reconsideration to the Board shall be allowed. A

24 decision of suspension, revocation of the certificate of registration or removal from the roll by the

25 Board as provided herein may be appealed initially to the Commission within fifteen (15) days from

26 receipt thereof.

27 The aggrieved party may appeal to the Court of Appeals under Rule 43 of the Rules of Court.

28 A decision rendered by the Commission against the respondent shall be executor.

29

30 **SECTION 31. *Re-issuance of Revoked Certificate of Registration and Professional Identification***

31 ***Card and Replacement of Lost Certificate of Registration and Identification Card.*** – After two (2)

32 years and after due consultation with the integrated Philippine Medical Association of Physicians, the

1 Board may order the reinstatement of any physician whose certificate of registration has been
2 revoked, if the respondent has acted in an exemplary manner in the community.

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

5
6 **SECTION 32. *Mandatory Use of Certificate of Registration, Professional and PMA Membership***
7 ***Card and Professional Tax Receipt Number.*** – A registered physician shall indicate his/her
8 certificate of registration number, the number of the professional identification card and the
9 Integrated Philippine Medical Association accredited by the Professional Regulation Commission
10 membership card, and the professional tax receipt number on the prescription and other documents
11 he/she signs, uses or issues in connection with the practice of his/her profession.

12
13 **SECTION 33. *Vested Rights.*** – All physicians registered at the time this law takes effect shall be
14 automatically registered under the provisions hereof, without prejudice to the other requirements
15 herein set forth.

16
17 **SECTION 34. *Exceptions.*** – For purposes of this Act, medical students, clinical clerks and interns
18 serving without any professional fee in any government or private hospital, shall not be considered as
19 engaging in the practice of medicine: Provided, That he/she renders such service under the direct
20 supervision and control of a duly registered/licensed physician.

21
22 **SECTION 35. *The Integrated Philippine Medical Association.*** – The profession shall be integrated
23 into the Integrated Philippine Medical Association, hereinafter referred to as the Association, duly
24 accredited by the Professional Regulation Commission. A physician duly registered and licensed by
25 the Board and the Commission shall automatically become a member of the said Association and
26 shall receive the benefits and privileges appurtenant thereto upon payment of required fees and dues.
27 Membership in the Association shall not be a bar to membership in any other association of
28 physicians.

29
30 **SECTION 36. *Powers and Functions of the Association.*** – The Association shall have the
31 following powers and functions:

- 1 (a) Keep a record of all physicians who were issued Certificate of Registration and those in
2 active practice of the profession;
- 3 (b) Issue valid identification card to members of the profession in active practice;
- 4 (c) Recommend to the President of the Philippines appointees to the Board;
- 5 (d) Set general guidelines for the establishment of medical associations and accredit the same.
6 In this regard, all existing medical associations shall, within three (3) year from the
7 effectivity of this Act shall comply with the guidelines;
- 8 (e) Investigate on its own, or upon complaint by any person, any ground for administrative
9 sanctions against members of the profession and recommend to the Board appropriate
10 sanctions against the erring member, provided that sanctions of reprimands, admonition,
11 suspension in the practice for not more than thirty (30) days, or fines not exceeding One
12 Hundred Thousand Pesos (P100,000.00) shall be immediately executory;
- 13 (f) Investigate allegations of illegal practice by non-members of the profession, and initiate the
14 prosecution of the same to protect the profession.
- 15 (g) Undertake mandatory continuing medical education on the members in accordance with the
16 guidelines to be issued by the Board;
- 17 (h) Recommends to the Board the creation of sub-specializations;
- 18 (i) Exact reasonable dues from all the members of the profession in active practice; and
- 19 (j) Undertake such matters that will strengthen the profession and protect it against persons
20 engaged in illegal practice.

21 **SECTION 37. *Mandatory Continuing Professional Development.*** – The Board shall implement a
22 mandatory continuing medical education thru the Integrated Philippine Medical Association
23 accredited by the Professional Regulation Commission among practicing physicians in consonance
24 with the guidelines of the Continuing Professional Development (CPD) as shall hereafter be
25 promulgated by the Council of Medical Education.

26
27 **SECTION 38. *Automatic Registration of Physicians.*** – All physicians whose names appear at the
28 Registry/Roll/Roster of Physicians at the time of the effectivity of this Act shall automatically be
29 registered as licensed physicians by the Board and thereafter, as bona fide members by the Integrated
30 Philippine Medical Association accredited by the Professional Regulation Commission pursuant to
31 Section 21 of this Act.

1 **SECTION 39. *Foreign Reciprocity.*** – Unless the country of which he/she is a subject or citizen
2 specifically permits Filipino physicians to practice within its territorial limits on the same basis as the
3 subject or citizen of the said foreign state or country under reciprocity and under international
4 agreements, no foreigner shall be admitted to licensure examinations, given a certificate of
5 registration to practice as a physician nor be entitled to any of the privileges under this Act.

6
7 **ARTICLE VI**
8 **PENAL PROVISIONS**
9

10 **SECTION 40. *Penalties.*** – The penalty of imprisonment of not less than one (1) year but not
11 exceeding five (5) years or a fine of not less than Two Hundred Thousand pesos (P200,000.00) but
12 not exceeding Five Hundred Thousand pesos (P500,000.00), or both, upon the discretion of the court,
13 shall be suffered by:

- 14 (a) Any person who practices or offers to practice medicine in the Philippines without a valid
15 certificate of registration and a valid professional identification card, or a valid
16 temporary/special permit/temporary training permit in accordance with the provisions of
17 this Act;
- 18 (b) Any person using or attempting to use as his/her own the certificate of registration or
19 professional identification card or temporary/special permit/temporary training permit duly
20 issued to another;
- 21 (c) Any person who shall give any false or forged documents, credentials and any other proof
22 of any kind to the Board or Commission in order to obtain a certificate of registration or
23 professional identification card or temporary/special permit/temporary training permit;
- 24 (d) Any person who shall falsely impersonate any bona fide registrant with like or different
25 name;
- 26 (e) Any registered and licensed physician who shall abet or assist in the illegal practice by a
27 person who is not lawfully qualified to practice medicine.
- 28 (f) Any person who actually engages in the practice of medicine as defined in paragraphs
29 (a)(1) and (a)(2) of Section 26 of this Act without any certificate of Registration;
- 30 (g) Any person who shall attempt to use a revoked or suspended certificate of registration or a
31 cancelled temporary/special permit/temporary training permit;

1 (h) Any person who shall use or advertise any title or description tending to convey the
2 impression to the general public that he/she is a registered and licensed physician when in
3 fact he/she is not;

4 (i) Any registered physician who shall commit any of the prohibited acts as enumerated in
5 paragraphs (i),(j) and (k) of Section 28 hereof.

6 (j) When any of the acts defined in paragraphs 5 and 6 of this section is committed by at least
7 three (3) persons who shall cooperate and confederate with one another, and death occurs.
8 as a result of the commission of the prohibited act, the offense shall be subject to
9 prosecution under the provisions of the Revised Penal Code and other laws.

10
11 **SECTION 41. *Injunctions.*** – Upon written motion by any interested party and after notice and
12 hearing, the Board may issue an order enjoining any person illegally practicing medicine from
13 performing any act constituting the practice of medicine until the necessary certificate therefore is
14 secured. However, if it is shown in the affidavits attached to the motion that the movant or the
15 general public will suffer grave injustice or irreparable injury, the chairperson of the Board, or in
16 his/her absence, any Board member may issue a temporary restraining order effective for seventy-
17 two (72) hours. The applicable provisions of Rule 58 of the Rules of Court shall govern the issuance
18 of the writ of injunction and lifting thereof, except that where after hearing it is shown that the
19 movant is entitled to the injunction prayed for, such writ of injunction shall be effective until there is
20 clear showing that the respondent is authorized to practice medicine in the Philippines. Any such
21 person who, after having been so enjoined, continues on the illegal practice of medicine shall be
22 punished for contempt of court. The issuance of the said injunction shall not relieve the person from
23 criminal prosecution and punishment as provided in the preceding section.

24
25 **ARTICLE VII**
26 **FINAL PROVISIONS**
27

28 **SECTION 42. *Enforcement.*** – The Commission shall be the enforcement agency of the Board. As
29 such, the Commission shall implement the provisions of this Act, enforce its implementing rules and
30 regulations as adopted by the Board, assist the Board in the investigation of complaints against
31 violators of this Act, its rules and regulations, the Code of Ethics for Physicians and other policies of
32 the Board. The Commission or the Board shall call upon or request any department, instrumentality,
33 office, bureau, institution or agency of the government including local government units (LGUs) to

1 render such assistance as it may require or to coordinate or cooperate in order to carry out, enforce or
2 implement the professional regulatory policies of the government or any program or activity it may
3 undertake.

4
5 **SECTION 43. *Appropriations.*** – The Chairperson of the Commission on Higher Education and the
6 Professional Regulation Commission shall immediately include in their programs the implementation
7 of this Act, the funding of which shall be charged against their current years' appropriations and
8 thereafter in the annual General Appropriations Act.

9
10 **SECTION 44. *Implementing Rules and Regulations and Code of Ethics.*** – Within ninety (90)
11 days after the approval of this Act, the Commission, together with the Board, the Integrated
12 Philippine Medical Association accredited by the Professional Regulation Commission and the
13 Council on Medical Education shall prepare and promulgate the Implementing Rules and
14 Regulations (IRR) to carry out the provisions of this Act and adopt the Integrated Philippine Medical
15 Association's Physicians' Code of Ethics. The IRR shall take effect after fifteen (15) days following
16 their publication in a major daily newspaper of general circulation.

17
18 **SECTION 45. *Transitory Provisions.*** – The incumbent Board shall continue to function in the
19 interim until such time as the new Board shall have been constituted pursuant to this Act.

20
21 **SECTION 46. *Separability Clause.*** – If any clause, provision, paragraph or part hereof be declared
22 unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof
23 but such judgment shall be merely confined to the clause, provision, paragraph or part directly
24 involved in the controversy in which such judgment has been rendered.

25
26 **SECTION 47. *Repealing Clause.*** – Republic Act No. 2382 also known as "The Medical Act of
27 1959" as amended by Republic Act Nos. 4224 and 5946; all laws amending the said Act, all other
28 laws, decrees, executive orders and other administrative issuances and parts thereof which are
29 inconsistent with the provisions of this Act are hereby modified, amended, superseded or repealed
30 accordingly.

1 **SECTION 48. *Effectivity Clause.*** – This Act shall take effect after fifteen (15) days following its
2 publication in the Official Gazette or in at least two (2) newspapers of general circulation in the
3 Philippines.
4
5
6