

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

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5138**



Introduced by Representative Ron P. Salo

EXPLANATORY NOTE

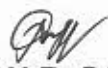
The regulation of the licensure of physicians and practice of medical profession is very crucial in ensuring that all medical practitioners and service providers have the necessary skills and qualification to provide quality and appropriate health services to the people.

The existing law governing the regulation of the practice of medicine and the examination and registration of physicians, Republic Act No. 2382 or The Medical Act of 1959, was passed almost sixty years ago. With the rapid advancements in technology and global developments in the areas of health and medicine, as well as the significant changes in the structure of the government for the past fifty years, the law is no longer adequate to address the present needs of the population.

This Bill seeks to repeal Republic Act No. 2382 as part of the country's concerted efforts to improve our overall health care system. The objective is to have a new law regulating the medical profession that is appropriate and relevant to the changing times, and ensure the availability of globally competitive medical practitioners.

It is to be noted that a similar bill was already approved on third and final reading during the 12th, 13th, 14th, and 15th Congress, however, due to lack of material time, the bill failed to become a law. For the 16th Congress, the bill was pending with the Committee on Civil Service and Professional Regulation. This bill is being filed in the hope that it will finally become the much-needed law to strengthen the country's regulation of the practice of medical profession in the country.

Hence, the immediate passage of this bill is earnestly sought.


RON P. SALO
KABAYAN Party-list

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

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

ARTICLE I
GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be known as the “*Physicians Act of 2017*”.

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

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 profession under one national Philippine Medical Association or PMA; and
- e) Promotion of competence, moral values, professional attitude and ethical practice of profession through the integrated Philippine Medical Association of physicians.

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

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

ARTICLE II THE COUNCIL OF MEDICAL EDUCATION

SEC. 5. Creation and Composition of the Council of Medical Education. – The Council of Medical Education is hereby created, and shall be composed of the following:

- a) The Chairperson of the Commission on Higher Education (CHED), or his/her duly authorized representative as Chairperson;
- b) The Secretary of the Department of Health (DOH), or his/her duly authorized representative as Vice Chairperson;
- c) The Chairperson of the Professional Regulatory Board of Medicine, or his/her duly authorized representative as member;
- d) The President of the integrated Philippine Medical Association of physicians, or his/her duly authorized representative as member;
- e) The President of the Association of the Philippine Medical Colleges (APMC), or his/her duly authorized representative as member;
- f) The President of the Philippine Hospital Association (PHA), or his/her duly authorized representative as member; and
- g) A known health advocate appointed by the President of the Philippines.

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

The public officials shall perform their duties as such without compensation or remuneration, subject to reasonable *per diem* allowances as approved by the Commission and subject to existing rules and regulations of the Department of Budget and Management. Members thereof who are not government officials or employees shall be entitled to necessary travelling expenses, *per diem* and representation allowances chargeable against the funds of the CHED, as approved by the Council, subject to existing rules and regulations of the DBM.

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

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

- a) To determine the requirements for admission into a recognized college of medicine. Considering the fact that medicine is a service-oriented profession, such admission criteria should not be limited to academic qualifications but should also include screening for aptitude, attitude and inter-personal skills necessary to ensure compassionate care for patients as well as psychological stability and fitness to withstand the rigors of studying medicine;

- b) To determine the minimum requirements for physical facilities of colleges of medicine such as buildings, hospitals, equipment, supplies, apparatus, instruments, appliances, laboratories, bed capacity for instruction purposes, operating and delivery rooms, facilities for out-patient services and others used for didactic and practical instruction in accordance with modern trends;
- c) To determine the minimum number and the standard qualifications of teaching personnel including student-teacher ratio;
- d) To determine the minimum required curriculum 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 the appropriate faculty expertise and suitable teaching and clinical practicum resources available. Such an innovative curriculum may prescribe admission and graduation requirements other than those prescribed in this Act to ensure that only exceptional and/or appropriately prepared students shall be enrolled in the innovative curriculum;
- f) To develop and put into place programs as well as adopt and implement policies which will encourage and allow applicants coming from marginalized areas and/or groups as well as financially-challenged families to be admitted into medical colleges and complete their medical education;
- g) To accept applications and issue certificates of eligibility for admission to a medical school and keep a registry of those issued with said certificate; and to collect from said applicants reasonable fees as may be determined by the Council which shall accrue to the operating funds of the Council;
- h) To recommend to the Commission on Higher Education the closure or suspension of the degree of Doctor of Medicine program of a college of medicine when called for based on the evaluation of the statistical information on the performance of the said college in the physician licensure examination as furnished by the Board of Medicine, and upon inspection of the medical college by the Council for various deficiencies and/or violations;
- i) To promulgate, prescribe and enforce policies and programs which will ensure the proper and orderly operations and upkeep of medical colleges as well as in order to ensure that medical education is not treated merely as a business enterprise but one with a social dimension;
- j) To select and approve hospitals or departments of hospitals for training which comply with the minimum specific physical facilities as provided in subparagraph hereof; and
- k) 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 be four (4) years inclusive of clinical clerkship 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 Obstetrics and Gynecology
- i) Pediatrics and Nutrition
- j) Surgery
- k) Ophthalmology
- l) Neurology
- m) Psychiatry
- n) Family Medicine, Preventive Medicine and Public Health
- o) Legal Medicine, Medical Jurisprudence, Medical Ethics
- p) Physical Diagnosis

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

SEC. 8. Admission Requirements. –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:

- a) Record showing completion of a Bachelor's Degree in Science or Arts;
- b) Certificate of eligibility for entrance to a school of medicine from the Board of Medical Education;
- c) Certificate of good moral character issued by two (2) former professors in the college offering the pre-medical course(s);
- d) Birth certificate duly authenticated by the Philippine Statistics Authority (PSA); and
- e) Proof of taking 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, or to prohibit the University of the Philippines College of Medicine to continue with its INTARMED Program, or other known institutions of higher learning to adopt or establish the same program, subject to approval of the Council.

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.

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

- a) Date of publication;
- b) Calendar of academic year;
- c) Roll of faculty members indicating whether on full-time or part-time basis and their curriculum vitae;
- d) Requirements for admission;
- e) Grading system;
- f) Requirements for promotion;
- g) Requirements for graduation;
- h) Curriculum and description of course by department; and
- i) Number of students enrolled in each class in the preceding year

ARTICLE III THE PROFESSIONAL REGULATORY BOARD OF MEDICINE

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

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

- a) Supervise, control and regulate the practice of medicine in the Philippines;
- b) Determine and evaluate qualifications of the applicants for registration with physician licensure examinations and for special permits;
- c) Prepare the questions in the Physician Licensure Examinations in accordance with recognized principles of evaluation and of pertinent provisions of Section 25, Article IV of this Act; prescribe the syllabi of the subjects and their relative weights for the licensure examinations; formulate test questions and deposit them in a test question bank; draw the test questions through the process of computerization; conduct the examination; correct and rate the examination papers; and submit the examination results to the Commission within the period provided under the rules of the Commission. The above test questions should be consistent with the table of specifications and in congruence with the syllabi of the Association of Philippine Medical Colleges (APMC).

- d) In the formulation of test questions, the Board shall see to it that the questions shall have relevant distributions as to the knowledge, skill and attitude of the examinees;
- e) Determine, amend or revise the requirements for the subjects in the physician licensure examinations and their relative weights and the manner of giving the examination, subject to the approval of the Commission;
- f) To explore and develop ways on how to measure and evaluate the clinical competence of applicants and to introduce and integrate the same into the physician's licensure examination to ensure not only the theoretical knowledge but also the clinical skills of successful examinees;
- g) Register successful examinees in the physician licensure examinations in the rolls of physicians and issue the corresponding certificates of registration;
- h) Issue special/temporary permits to foreign physicians to practice medicine for specific projects and for a specific duration of time, in coordination with the integrated Philippine Medical Association for Physicians;
- i) Administer the qualifying examinations given to physicians who wish to train in the Philippines for a specialty field, in coordination with the integrated Philippine Medical Association for Physicians;
- j) In coordination with the integrated Philippine Medical Association for Physicians, to look into considerations affecting the practice of medicine, adopt measures for the enhancement of the profession and the maintenance of high professional, technical and ethical standards, in coordination with the council and conduct ocular inspections of places where physicians practice their profession;
- k) Monitor the performance of medical schools and their compliance with the rules and regulations of the Council of Medical Education;
- l) In coordination with the integrated Philippine Medical Association for 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;
- m) Investigate violations of this Act, Code of Ethics, and the rules and regulations, administrative policies, orders and issuances promulgated by the Board or the Commission. The rule on administrative Investigation promulgated by the Commission shall govern in such investigation;
- n) Issue subpoena *ad testificandum* or subpoena *duces tecum* to secure attendance of respondents or witnesses as well as the production of documents relative to the investigation conducted by the Board: Provided, That failure of the party to whom a subpoena has been issued to comply therewith shall be punishable by way of indirect contempt of the Board. For this purpose, the Board is hereby vested the power to cite any party for

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

- o) At the Board's discretion, delegate to the Chairperson, Vice Chairperson or any member of the Board, or a Commission attorney (PRC Attorney) the hearing of an administrative case. If the case concerns strictly the practice of medicine as defined in Section 29 hereof, the investigation shall be presided over by a member of the Board: Provided, That the power to cite a party in contempt shall be issued exclusively by the Board, upon recommendation of the member assigned to a case under investigation;
- p) After due notice and hearing, cancel examination papers and/or bar any examinee from future examination; refuse or defer his/her registration; reprimand the registrant with stern warning; suspend him/her from the practice of his/her profession; revoke his/her certificate of registration; cancel special/temporary permit/temporary training permit; remove his/her name from the roll of physicians for continuous non-payment of annual registration fees and noncompliance with the CME requirements; reinstate or re-enroll his/her name in the said roll; and re-issue or return his/her certificate of registration and professional identification card. A decision of suspension, revocation of the certificate of registration or removal from the roll by the Board as provided herein may be appealed to the Commission within fifteen (15) days from receipt thereof;
- q) Administer the physician's oath pursuant to Section 28 herein;
- r) Institute and prosecute or cause to be instituted and prosecuted any and all criminal action against any violation of this Act and/or the rules and regulations of the Board, subject to the provisions of Section 5, Rule 110 of the Rules of Criminal Procedure, as amended;
- s) Adopt an official seal;
- t) Coordinate with the Council of Medical Education and the integrated Philippine Medical Association for Physicians in prescribing, amending and/or revising the courses in a medical program;
- u) Assist the Commission in the implementation of its prescribed guidelines and criteria on the Continuing Professional Education (CPE) 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.

SEC. 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 Physicians;
- (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 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 in case he is a faculty member, he has to either resign or file permanent leave before assuming office and shall have no professional relationship with the institution during his entire term; and,
- (i) Is not connected with a review center/school/group or association offering classes or lectures in preparation for the physician licensure examination, and in case he is connected, he has to resign and divest all his shares before assuming office and shall have no connection with the same during his entire term.

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

SEC. 13. Compensation of the Board Members. – The Chairperson, Vice Chairperson and members of the Board shall receive compensation and allowances

or other benefits pursuant to the provisions of the "PRC Modernization Act of 2000" and other pertinent laws and comparable to the compensation and allowances received by the Chairperson and members of existing professional regulatory boards.

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

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

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

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

SEC. 16. Rules and Regulations. – The Board, with the approval of the Commission, shall prescribe, issue and promulgate rules and regulations implementing and carrying out the provisions of this Act, which shall take effect after fifteen (15) days following their publication in the Official Gazette or in a major daily newspaper of general circulation in the Philippines.

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

ARTICLE IV PHYSICIAN LICENSURE EXAMINATION

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

- a) Holds a valid certificate of registration and a valid professional identification card issued by the Commission;
- b) Holds a valid special/temporary permit issued by the Board of Medicine subject to approval by the Commission, or unless he/she is exempted by this Act from holding any of the foregoing certificates of registration; and

- c) Is a member of the integrated Philippine Medical Association of Physicians and its component society in good standing. Any foreign doctor who intends to undergo specialty training in the practice of medicine must pass the qualifying examination given by the Board of Medicine.

SEC. 19. Examination Required. – All applicants for registration, before they can be issued a certificate of registration and a professional identification card as a physician, shall be required to pass the licensure examination for physicians as provided for in this Act, subject to the payment of the fees prescribed by the Commission.

SEC. 20. Qualifications of Applicants for the Physician Licensure Examination. – All applicants for the physician licensure examination must possess all qualifications and none of the disqualifications hereunder set forth, as follows:

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

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

SEC. 22. Registration.– All successful examinees, upon compliance with all legal requirements and payment of fees prescribed by the Commission, shall be registered and issued certificates of registration and professional identification cards. They shall likewise be deemed members of the duly recognized integrated Philippine Medical Association for physicians duly accredited by the PRC upon compliance with all requirements and payment of compulsory dues and shall be issued the necessary identification cards proving such membership therein, upon presentation of their certificates of registration and professional identification card.

SEC. 23. Issuance of Certificate of Registration and Professional Identification Card; Philippine Medical Association Card. –The certificate of registration of a physician shall bear the registration number and the date of issuance and the signatures of the chairperson of the Commission and the members of the Board stamped with the seals of the Commission and the Board, certifying that the name of the person stated therein appears in the Registry/Roster/Roll of Physicians under the custody of the Commission; that the person has met or complied with all the legal requirements for registration as a physician; and that the person is entitled to exercise all the privileges appurtenant to the practice of his/her profession. Provided, That he/she does not violate this Act, the Code of Ethics for Physicians and the rules and regulations of the Commission and the Board.

The professional identification card, which shall bear the name of the registered licensed physician, the registration number and the date of issuance, and together with the membership identification card issued by the integrated national Philippine Medical Association duly accredited by the PRC, shall be sufficient evidence that the physician can lawfully practice his/her profession.

SEC. 24. Non-registration; Grounds Therefore. – A successful examinee who has been finally convicted by a competent court of a criminal offense involving moral turpitude, or found guilty by the Board of dishonorable or immoral conduct, or declared by a court to be of unsound mind shall not be registered. The decision of the Board, finding the examinee guilty of dishonorable or immoral conduct may be appealed by the examinee to the Commission within fifteen (15) days from receipt of the Board's decision or resolution, and to the Court of Appeals within the same period from the receipt of the decision or resolution of the Commission. The facts and the reasons for refusal to register shall be clearly stated in writing, communicated to the examinee and duly incorporated in the records of the Commission.

SEC. 25. Scope of Examination. – The physician licensure examination shall cover the following thirteen (13) individual or combined/clustered subjects with the relative weights for each one final examination after completion of internship;

- a) Anatomy and Histology;
- b) Physiology;
- c) Biochemistry and molecular Biology;
- d) Pharmacology and Therapeutics;
- e) Microbiology and Parasitology;
- f) Internal Medicine; Radiology
- g) General and Clinical Pathology and Oncology;
- h) Obstetrics and Gynecology;
- i) Pediatrics and Nutrition;
- j) Surgery
- k) Otorhinolaryngology, Ophthalmology, Neurology, Psychiatry;
- l) Family medicine, Preventive Medicine and Public Health and;
- m) Legal Medicine, Medical Jurisprudence, Medical Ethics and Medical Economics

When an urgent and important need arises in order to conform to technological advancements and other changes, the Board and the Council, in coordination with the Philippine Medical Association of Physicians accredited by the PRC, may revise the 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

SEC. 26. 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%).

SEC. 27. 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.

SEC. 28. Oath. – All successful examinees shall be required to take their oath before the Board or any person authorized by the Commission to administer oath before they are issued their certificates of registration and professional identification cards or before they start the practice of the profession.

ARTICLE V

REGULATION OF THE PRACTICE OF THE MEDICAL PROFESSION

SEC. 29. Acts Constituting 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 for the purpose of treatment, 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;
- e) Conducting formal medical classes in medical schools, seminars, lectures, symposia and the like.

For paragraphs (a) to (c), the same shall not include situations during emergencies where the life or limb of a person is in danger, and there is no physician around. Further, it does not include offering of personal opinions on the physical or mental condition of a person.

SEC. 30. Practice Through Special/Temporary Permits. – A Special/Temporary permit may be issued by the Board of Medicine in consultation with the Philippine Medical Association and the DOH, subject to approval by the Commission and the Department of Labor and Employment (DOLE) pursuant to its mandate as provided for in Articles 40 to 42 of the Labor Code. Such permits shall be issued, only after payment of fees as prescribed by the Commission, to the following:

- a) Physicians licensed in foreign countries/states whose services are either for a fee or free:
 - i. If they are internationally well-known specialists or publicly acknowledged as experts in any area of medical specialization; and
 - ii. If their services are urgently necessary, owing to the lack of available local specialists/experts, or for the promotion or advancement of the practice of medicine including, but not limited to, the conduct of formal classes, acting as resource persons in medical seminars, fora, symposia and the like.
- b) 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,
- c) Physicians licensed in foreign countries/states employed as exchange professors in any area of medical specialization.

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

- a) 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;
- b) The specific area of medical specialization; and

- c) The specific place of practice, such as clinic, hospital, Center, college of medicine.

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

SEC. 31. Disciplinary Sanctions. – The Board shall have the power, upon notice and hearing, to suspend from the practice of profession or revoke the certificate of registration of a physician, or issue a reprimand or cancel the Special/Temporary permit or Temporary Training Permit issued to a foreign physician for any of the following grounds/causes:

- a) Final conviction by a court of competent jurisdiction of any criminal offense involving moral turpitude;
- b) Immoral or dishonorable conduct;
- c) Insanity;
- d) Fraud in the acquisition of the certificate of registration and the professional identification card or temporary/special permit or temporary training permit;
- e) Gross negligence, ignorance or incompetence in the practice of his/her profession, resulting in an injury to or death of the patient;
- f) Addiction to alcoholic beverages or addiction to illegal gambling or the use of prohibited drugs, even without rendering him/her incompetent to practice his/her profession;
- g) Making or causing to be made false, misleading, extravagant or unethical advertisements or making or causing to be made advertisements wherein things other than his name, profession, limitation of practice, clinic hours, office, telephone, e-mail or internet or home address are mentioned;
- h) Issuance of any false statement or spreading any false news or rumor which is derogatory to the character and reputation of another physician,
- i) Knowingly issuing any false medical certificates and/or findings or making any fraudulent claims with government or private health insurance;
- j) Performance of, or aiding in, any criminal abortion;
- k) Knowingly aiding or subjecting one's self to be a partner of any person who is unqualified or unregistered to practice medicine or an area of medical specialization, except in aid of training of a medical student, or performing any act constituting the practice of medicine or an area of medical specialization in behalf of any such unlicensed or unregistered person; Provided, however, That this provision shall not apply when an act constituting the practice of medicine or an area of medical specialization is performed in a hospital, clinic or medical center as an accredited practitioner of such hospital, clinic or medical center. For this purpose, all hospitals, clinics and medical centers are hereby required to furnish the appropriate regional office of the DOH a list of all medical practitioners duly accredited to practice within their respective institutions every three (3) months;
- l) Violation of any provision of the Code of Ethics for Physicians as promulgated by the integrated Philippine Medical Association and adopted by the PRC
- m) Practice of profession during the period of his suspension and ;
- n) Willful failure or refusal to be a member in good standing of the integrated Philippine Medical Association of Physicians accredited by the Professional

Regulations Commission or expulsion or termination of membership therefrom.

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

SEC. 33. Appeal from Judgment. – The decision of the Board shall become final fifteen (15) days from the date of receipt of such decision by the parties or their counsel. Within the same period, the aggrieved party may ask for a reconsideration of the decision for being contrary to law or for insufficiency of evidence. No second motion for reconsideration to the Board shall be allowed. 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.

The aggrieved party may appeal to the Court of Appeals under Rule 43 of the Rules of Court. A decision rendered by the Commission against the respondent shall be executor.

SEC. 34. Re-issuance and Replacement of Identification Card. – After two (2) years and after due consultation with the integrated Philippine Medical Association of Physicians, the Board may order the reinstatement of any physician whose certificate of registration has been revoked, if the respondent has acted in an exemplary manner in the community.

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

SEC. 35. Mandatory Use of Certificate of Registration, Professional and PMA Membership Card and Professional Tax Receipt Number. – A registered physician shall indicate his/her certificate of registration number, the number of the professional identification card and the PMA membership card, and the professional tax receipt number on the prescription and other documents he/she signs, uses or issues in connection with the practice of his/her profession.

SEC. 36. Vested Rights. – All physicians registered under the provisions hereof, without prejudice to the other requirements herein set forth.

SEC. 37. Exceptions.– For purposes of this Act, medical students, clinical clerks and interns serving without any professional fee in any government or private hospital, shall not be considered as engaging in the practice of medicine: Provided, That he/she renders such service under the direct supervision and control of a duly registered/licensed physician.

SEC. 38. Integration of the Profession.– The profession shall be integrated into one (1) Philippine Medical Association of physicians accredited by Professional

Regulations Commission. A physician duly registered and licensed by the board and the Commission shall automatically become a member of the said PMA and shall receive the benefits and privileges appurtenant thereto upon payment of required fees and dues. Membership in the integrated PMA shall not be a bar to membership in any other association of physicians.

SEC. 39. Mandatory Continuing Medical Education. – The Board shall implement a mandatory continuing medical education thru the PMA among practicing physicians in consonance with the guidelines of the CPE as shall hereafter be promulgated by the Commission.

SEC. 40. Automatic Registration of Physicians. – All physicians whose names appear at the Registry/Roll/ Roster of Physicians at the time of the effectivity of this Act shall automatically be registered by the Board of the Commission as physicians and, thereafter, by the Philippine Medical Association of registered and licensed physicians as its bona fide members, pursuant to Section 22 of this Act.

SEC. 41. Foreign Reciprocity. – Unless the country of which he/she is a subject or citizen specifically permits Filipino physicians to practice within its territorial limits on the same basis as the subject or citizen of the said foreign state or country under reciprocity and under international agreements, no foreigner shall be admitted to licensure examinations, given a certificate of registration to practice as a physician nor be entitled to any of the privileges under this Act.

ARTICLE VI PENAL PROVISIONS

SEC. 42. Penalties. –

- a) The penalty of imprisonment of not less than one (1) year but not exceeding five (5) years or a fine of not less than Two Hundred Thousand pesos (P200,000.00) but not exceeding Five Hundred Thousand pesos (P500,000.00), or both, upon the discretion of the court, shall be suffered by:
 1. Any person who practices or offers to practice medicine in the Philippines without a valid certificate of registration and a valid professional identification card, or a valid temporary/special permit/temporary training permit in accordance with the provisions of this Act;
 2. Any person using or attempting to use as his/her own the certificate of registration or professional identification card or temporary/special permit/temporary training permit duly issued to another;
 3. Any person who shall give any false or forged documents, credentials and any other proof of any kind to the Board or Commission in order to obtain a certificate of registration or professional identification card or temporary/special permit/temporary training permit;
 4. Any person who shall falsely impersonate any bona fide registrant with like or different name;

5. Any registered and licensed physician who shall abet or assist in the illegal practice by a person who is not lawfully qualified to practice medicine or any area of medical specialization;
 6. Any person who actually engages in the practice of medicine as defined in paragraphs (a)(1) and (a)(2) of Section 29 of this Act without any certificate of Registration;
 7. Any person who shall attempt to use a revoked or suspended certificate of registration or a cancelled temporary/special permit/temporary training permit;
 8. Any person who shall use or advertise any title or description tending to convey the impression to the general public that he/she is a registered and licensed physician when in fact he/she is not;
 9. Any registered physician who shall commit any of the prohibited acts as enumerated in paragraphs (i), (j) and (k) of Section 31 hereof.
- b) When any of the acts defined in paragraphs 5 and 6 of this section is committed by a person against three (3) or more persons, or when any of such acts is committed by at least three (3) persons who shall cooperate and confederate with one another, violation of this Act and shall be punishable by life imprisonment and a fine of not less than Five Hundred Thousand Pesos (P500, 000.00) but not more than Two (2) Million Pesos (P2, 000, 000.00). Prosecution of offenses under this Act shall be without prejudice to a separate prosecution under the provisions of the Revised Penal Code and other laws.

SEC. 43. Injunctions. – Upon written motion by any interested party and after notice and hearing, the Board may issue an order enjoining any person illegally practicing medicine from performing any act constituting the practice of medicine until the necessary certificate therefore is secured. However, if it is shown in the affidavits attached to the motion that the movant or the general public will suffer grave injustice or irreparable injury, the chairperson of the Board, or in his/her absence, any Board member may issue a temporary restraining order effective for seventy-two (72) hours. The applicable provisions of Rule 58 of the Rules of Court shall govern the issuance of the writ of injunction and lifting thereof, except that where after hearing it is shown that the movant is entitled to the injunction prayed for, such writ of injunction shall be effective until there is clear showing that the respondent is authorized to practice medicine in the Philippines. Any such person who, after having been so enjoined, continues on the illegal practice of medicine shall be punished for contempt of court. The issuance of the said injunction shall not relieve the person from criminal prosecution and punishment as provided in the preceding section.

ARTICLE VII FINAL PROVISIONS

SEC. 44. Enforcement.– The Commission shall be the enforcement agency of the Board. As such, the Commission shall implement the provisions of this Act, enforce its implementing rules and regulations as adopted by the Board, assist the Board in the investigation of complaints against violators of this Act, its rules and regulations, the Code of Ethics for Physicians and other policies of the Board. The Commission

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

SEC. 45. Appropriations. – The Chairperson of the Commission on Higher Education and the Professional Regulation Commission shall immediately include in their programs the implementation of this Act, the funding of which shall be charged against their current years' appropriations and thereafter in the annual General Appropriations Act.

SEC. 46. Implementing Rules and Regulations and Code of Ethics. – Within ninety (90) days after the approval of this Act, the PRC, together with the Board, the integrated Philippine Medical Association for Physicians accredited by the PRC technical committee on Medical Education and the CHED shall prepare and promulgate the implementing rules and regulations (IRRs) to carry out the provisions of this Act and adopt the integrated Philippine Medical Association of Physicians' Code of Ethics. The IRRs shall take effect after fifteen (15) days following their publication in a major daily newspaper of general circulation.

SEC. 47. Transitory Provisions. – The incumbent Board shall continue to function in the interim until such time as the new Board shall have been constituted pursuant to this Act.

SEC. 48. Separability Clause. – If any clause, provision, paragraph or part hereof be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof but such judgment shall be merely confide to the clause, provision, paragraph or part directly involved in the controversy in which such judgment has been rendered.

SEC. 49. Repealing Clause. – Republic Act No. 2382 also known as "The Medical Act of 1959" as amended by Republic Act Nos. 4224 and 5946; all laws amending the said Act, all other laws, decrees, executive orders and other administrative issuances and parts thereof which are inconsistent with the provisions of this Act are hereby modified, amended, superseded or repealed accordingly.

SEC. 50. Effectivity Clause. – This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation in the Philippines.