



HOUSE OF REPRESENTATIVES

H. No. 4861

BY REPRESENTATIVES AQUINO (A.), DEL MAR, NEPOMUCENO, ANDAYA, ABAYON, OLAÑO, JALA, CHATTO, SOON-RUIZ, YAPHA, RAMIRO, CARI, ZIALCITA, SILVERIO, BATERINA, MAGSAYSAY (M.), SOLIS, VILLAROSA, MAGSAYSAY (E.) AND MARAÑON, PER COMMITTEE REPORT NO. 1167

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

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

ARTICLE I

GENERAL PROVISIONS

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3 SECTION 1. *Title.* – This Act shall be known as the “Physicians Act of
4 2005”.

5 SEC. 2. *Declaration of Policy.* – The State recognizes the important
6 role of physicians in nationbuilding and, towards this end, promotes the
7 sustained development of a reservoir of physicians whose competence has
8 been determined by honest and credible physician licensure examinations and
9 whose standards of professional service and practice are internationally

1 recognized and considered world-class brought about by regulatory measures,
2 programs and activities that foster professional growth and advancement.

3 SEC. 3. *Objectives.* – This Act shall govern: (a) the standardization,
4 *upgrading and regulation of medicine courses including internship training;* (b)
5 the examination for registration and licensure of physicians; (c) the
6 supervision, control and regulation of the practice of medicine; (d) the
7 integration of the medical profession; and (e) the development of the
8 professional competence of physicians through continuing professional
9 education in accordance with the guidelines set by the Professional Regulation
10 Commission (PRC).

11 SEC. 4. *Enforcement.* – For the purpose of implementing the
12 provisions of this Act, there shall be created the following: Council on
13 Medical Education, hereinafter referred to as the Council, under the
14 administrative control and supervision of the Commission on Higher
15 Education (CHED); and the Professional Regulatory Board for Medicine,
16 hereinafter referred to as the Board, under administrative supervision and
17 control of the PRC, hereinafter referred to as the Commission.

18 ARTICLE II

19 COUNCIL ON MEDICAL EDUCATION

20 SEC. 5. *Composition of the Council on Medical Education* – There
21 shall be created a Council on Medical Education which shall be composed of
22 the following:

23 (a) The chairman of the CHED or his/her duly authorized
24 representative as chairman;

25 (b) The secretary of the Department of Health or his/her duly
26 authorized representative as member;

27 (c) The chairman of the Professional Regulatory Board for Medicine
28 or his/her duly authorized representative as member;

1 (d) The president of the Philippine Medical Association or his/her
2 authorized representative as member; and

3 (e) The president of the Association of Philippine Medical Colleges or
4 his/her duly authorized representative as member.

5 SEC. 6. *Compensation and Travel Expenses.* – The chairman,
6 members and secretary of the Council shall receive reasonable *per diems*
7 for every meeting attended: *Provided*, That the number of meetings shall not
8 exceed four times in a month. They shall likewise be entitled to traveling
9 expenses in connection with their official duties. The grant of *per diems* and
10 traveling expenses shall be at rates in accordance with existing accounting and
11 auditing rules and regulations.

12 SEC. 7. *Functions and Duties.* – The Council on Medical Education
13 shall have the following functions and duties:

14 (a) To determine and prescribe requirements for admission into a
15 recognized college of medicine in accordance with the guidelines issued by the
16 CHED;

17 (b) To determine and prescribe requirements for *minimum physical*,
18 facilities of colleges of medicine, to wit: buildings including hospitals,
19 equipment and supplies, apparatus, instruments, appliances, laboratories, bed
20 capacity for instruction purposes, operating and delivery rooms, facilities for
21 out-patient services and others used for didactic and practical instruction in
22 accordance with modern trends;

23 (c) To determine and prescribe the minimum number and the minimum
24 qualifications of teaching personnel including student-teacher ratio;

25 (d) To determine and prescribe the minimum required curriculum
26 including internship leading to the degree of Doctor of Medicine;

27 (e) To authorize the implementation of innovative and medical
28 curricula in a medical school that has exceptional faculty and instrumental

1 facilities. Such an innovative curriculum may prescribe admission and
2 graduation requirements other than those prescribed in this Act: *Provided,*

3 That only exceptional students shall be enrolled in the innovative curriculum;

4 (f) To select, determine and approve hospitals or some departments of
5 the hospitals for training which comply with the minimum specific physical
6 facilities as provided in subparagraph (b) hereof; and

7 (g) To promulgate, prescribe and enforce the necessary rules and
8 regulations for the proper implementation of the foregoing functions.

9 SEC. 8. *Minimum Required Course.* – Students seeking admission to a
10 medical course must have a bachelor's degree in science or arts.

11 The medical course leading to the degree of *Doctor of Medicine* shall
12 be five years inclusive of clinical clerkship and internship and shall consist of
13 the following subjects: Anatomy and Histology; Physiology; Biochemistry and
14 Molecular Biology; Pharmacology and Therapeutics; General Pathology;
15 Clinical Pathology, Microbiology and Parasitology; Internal Medicine;
16 Neurology and Psychiatry; Obstetrics and Gynecology; Pediatrics and
17 Nutrition; Surgery, Ophthalmology and Otorhinolaryngology; Preventive
18 Medicine and Public Health; Legal Medicine, Medical Jurisprudence, Medical
19 Ethics and Economics: *Provided,* That the Council is authorized to modify,
20 rearrange, add, recluster and revise the abovementioned subjects as the needs
21 and demands of progress in the medical profession may require.

22 SEC. 9. *Admission Requirements.* – The College of Medicine may
23 admit any student who has not been convicted by final judgment by any court
24 of any criminal offense involving moral turpitude and who presents: (a) a
25 record showing completion of a bachelor's degree in science or arts; (b) a
26 certificate of good moral character issued by two former professors in the
27 college offering the pre-medicine course(s); and (c) an authenticated birth
28 certificate.

1 Nothing in this Act shall be construed to inhibit any College of
 2 Medicine from establishing, in addition to the preceding, other entrance
 3 requirements that may be deemed admissible.

4 For the purpose of this Act, the term "College of Medicine" shall mean
 5 to include faculty of medicine, institute of medicine, school of medicine or
 6 other similar institution offering a complete medical course leading to the
 7 degree of Doctor of Medicine or its equivalent course obtained abroad.

8 Every College of Medicine must keep complete records of enrollment,
 9 grades and graduates and must publish each year a catalogue giving the
 10 following information: (a) date of publication; (b) calendar of academic year;
 11 (c) faculty roll indicating whether on full or part time basis; (d) requirements
 12 for admission; (e) grading system; (f) requirements for promotion; (g)
 13 requirements for graduation; (h) curriculum and description of course by
 14 department; and (i) number of students enrolled in each class in the preceding
 15 year.

16 ARTICLE III

17 THE PROFESSIONAL REGULATORY BOARD FOR MEDICINE

18 SEC. 10. *Composition of the Board.* – There is hereby created a
 19 Professional Regulatory Board for Medicine, hereinafter referred to as the
 20 Board, under the administrative control and supervision of the PRC,
 21 hereinafter referred to as the Commission, composed of a chairman and six
 22 members to be appointed by the President of the Philippines from among three
 23 recommendees for each position, chosen and ranked by the Commission from
 24 a list of five nominees for each position submitted by the integrated and
 25 accredited professional organization. The Board shall be organized not later
 26 than six months from the effectivity of this Act.

27 SEC. 11. *Powers and Duties of the Board.* – The Board shall exercise
 28 executive/administrative, rule-making and quasi-judicial powers in carrying

1 out the provisions of this Act. It shall be vested with the following specific
2 powers, functions, duties and responsibilities:

3 (a) Supervise and regulate the practice of medicine in the Philippines;

4 (b) Determine and evaluate the qualifications of the applicants for
5 registration, with or without the physician licensure examination, and for
6 issuance of special permits;

7 (c) Prepare the examination questions in accordance with Section 23
8 hereof or the modifications thereof, prescribe the syllabi of the subjects and
9 their relative weights for the licensure examinations; formulate or adopt test
10 questions and deposit them in a test question bank; draw the test questions at
11 random through process of computerization; conduct the examinations or
12 conduct walk-in examination, if practicable; correct and rate the examination
13 papers and submit the examination results to the Commission within the period
14 provided for by the rules of the Commission;

15 (d) Prescribe, amend or revise the requirements for the subjects in the
16 physician licensure examination and their relative weights subject to the
17 approval of the Commission;

18 (e) Register successful examinees in the physician licensure
19 examination and issue the corresponding certificates of registration;

20 (f) Issue special/temporary permits to foreign physicians to practice
21 medicine for specific projects and for a specific duration of time;

22 (g) Look into the conditions affecting the practice of medicine, adopt
23 measures for the enhancement of the profession and the maintenance of high
24 professional, technical and ethical standards, and recommend to the CHED the
25 opening or closure of a program of Medicine and conduct ocular inspection of
26 places where physicians practice their profession;

1 (h) Monitor the performance of the medical schools and their
2 compliance with the rules and regulations of the Council on Medical
3 Education;

4 (i) Promulgate rules and regulations, and a Code of Ethics for
5 physicians, administrative polices, orders and issuances to carry out the
6 provisions of this Act;

7 (j) Investigate violations of the Act and the rules and regulations, code
8 of ethics, administrative policies, orders and issuances promulgated by the
9 Board. The rules on administrative investigation promulgated by the
10 Commission shall govern in such investigation;

11 (k) Issue *subpoena* or *subpoena duces tecum* to secure the attendance
12 of respondents or witnesses or the production of documents relative to the
13 investigation conducted by the Board;

14 (l) Delegate to the chairman, vice chairman, member of the Board, or
15 a Commission Attorney the hearing of an administrative case. If the case is
16 technical in nature or concerns strictly the practice of the profession, the
17 investigation shall be presided by the chairman, vice chairman or a member of
18 the Board with the assistance of a PRC attorney;

19 (m) Render decision, order or resolution on preliminary investigation or
20 inquiry against violators of this Act, rules and regulations or any policy on
21 undocketed cases and on docketed administrative cases against examinees or
22 registrants which shall become final and executory unless appealed to the
23 Commission within fifteen (15) days from receipt of the copy thereof. The
24 decision of the Commission may be appealed to the Court of Appeals in
25 accordance with the procedures provided in the Rules of Court;

26 (n) After due notice and hearing, cancel examination papers and/or bar
27 any examinee from future examination; refuse or defer his/her registration;
28 reprimand the registrant with stern warning; suspend him/her from the practice

1 of the profession; revoke his/her certificate of registration; cancel
2 special/temporary permit; remove his/her name from the roll of physicians for
3 continuous nonpayment of annual registration fees and noncompliance with
4 Continuing Professional Education (CPE) requirements; reinstate or reenroll
5 his/her name in the said roll; or reissue or return his/her certificate of
6 registration and professional identification card. A decision of suspension,
7 revocation of the certificate of registration or removal from the roll by the
8 Board as provided herein may be appealed initially to the Commission within
9 fifteen (15) days from receipt thereof. The decision of the Commission may
10 be appealed to the Court of Appeals in accordance with the procedures
11 provided in the Rules of Court;

12 (o) Administer oaths in connection with the administration,
13 implementation or enforcement of this Act;

14 (p) Prosecute or institute criminal action against any violator of this
15 Act and/or the rules and regulations of the Board;

16 (q) Adopt an official seal;

17 (r) Coordinate with the Council on Medical Education in prescribing,
18 amending and/or revising the courses;

19 (s) Assist the Commission in the implementation of its prescribed
20 guidelines and criteria on the CPE for registered physicians; and

21 (t) Perform such other functions and duties as may be necessary to
22 effectively implement this Act.

23 The policies, resolutions, and rules and regulations issued or
24 promulgated by the Board shall be subject to the review, revision and approval
25 by the Commission; however, the Board's decisions, resolutions or orders
26 which are not interlocutory, rendered in an administrative case, shall be
27 subject to review only if on appeal.

1 SEC. 12. *Qualifications of Board Members.* – Each Board member
2 must, at the time of his/her appointment:

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

5 (b) Be at least forty (40) years old;

6 (c) Be a physician who is a holder of a valid certificate of registration
7 and a valid professional identification card;

8 (d) Be a practitioner for at least ten (10) years;

9 (e) Be a bona fide member of the integrated and accredited national
10 organization of Physicians;

11 (f) Have not been convicted by final judgment by a competent court of
12 a criminal offense involving moral turpitude;

13 (g) Have at least two years experience as faculty member in a college
14 of medicine;

15 (h) At the time of appointment, must not be a member of the faculty in
16 an institute, school or college of medicine, and not have any pecuniary
17 interest, direct or indirect, in an institution which offers and operates the
18 course degree of Doctor of Medicine; and not be connected with a review
19 center/school/group or association where review classes or lectures in
20 preparation for the Physician Licensure Examination are being offered or
21 conducted; and

22 (i) Not be an officer of the accredited organization of physicians or the
23 integrated and accredited national organization of registered physicians at the
24 time of appointment.

25 SEC. 13. *Term of Office.* – The members of the Board shall hold office
26 from the date of their appointment for a term of three years or until their
27 successors shall have been appointed and qualified. They may, however, be
28 reappointed for another term after expiry of their first term. Appointments to

1 fill up vacancies created by causes other than through expiration of regular
2 terms shall be for the unexpired period only. Each member shall take an oath
3 of office before entering upon the performance of his/her duties. The
4 incumbents whose terms have not yet expired or who are serving in a holdover
5 capacity at the effectivity of this Act, shall be allowed to serve the unexpired
6 portions of their terms and may be appointed under this Act.

7 SEC. 14. *Compensation of Board Members.* – The chairman and
8 members of the Board shall receive compensation and allowances comparable
9 to the compensation and allowances received by the chairman and members of
10 existing regulatory boards under the Commission as provided for by the
11 General Appropriations Act.

12 SEC. 15. *Suspension or Removal of Board Member.* – The President of
13 the Philippines, upon the recommendation of the Commission after giving the
14 concerned member an opportunity to defend himself/herself in a proper
15 administrative investigation to be conducted by the Commission, may suspend
16 or remove any member of the Board, on the following grounds:

- 17 (a) Neglect of duty or incompetence;
18 (b) Unprofessional, unethical or dishonorable conduct;
19 (c) Manipulation or rigging of the physician licensure examination
20 results, providing secret information, or disclosure of the examination
21 questions prior to the conduct of the said examination, or tampering of the
22 grades therein; or
23 (d) Final conviction by the court of criminal offenses involving moral
24 turpitude.

25 SEC. 16. *Administrative Management, Custody of Records, Secretariat*
26 *and Support Services.* – The Board shall be under the administrative and
27 executive management of the Commission, with the Commission chairman as

1 the chief executive officer thereof. All records of the Board shall be under the
2 custody of the Commission.

3 The Commission shall designate the Secretary of the Board and shall
4 provide the secretariat and other support services to implement the provisions
5 of this Act.

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

11 ARTICLE IV

12 EXAMINATION, REGISTRATION AND LICENSURE

13 SEC. 18. *Prerequisite to the Practice of Medicine.* – No person shall
14 engage in the practice of Medicine in the Philippines unless he/she holds:

15 (a) A valid certificate of registration and professional identification
16 card;

17 (b) A valid special/temporary permit issued by the Board subject to
18 approval by the Commission, or unless he/she is exempted by this Act from
19 holding any of the foregoing licenses.

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

25 SEC. 20. *Qualifications of Applicant for Examination.* – Every
26 applicant for examination shall establish to the satisfaction of the Board that
27 he/she has the following qualifications:

1 (a) He/she is a citizen and resident of the Philippines or a foreign
2 citizen whose country/state has reciprocity with the Philippines in the practice
3 of Medicine;

4 (b) He/she is mentally, emotionally and physically sound;

5 (c) He/she has not been convicted in a final judgment by a court of any
6 criminal offense involving moral turpitude;

7 (d) He/she is a holder of a degree of Doctor of Medicine conferred by
8 a College of Medicine established in the Philippines and duly recognized by
9 the CHED or of a degree conferred by a College of Medicine abroad and
10 accredited by the CHED as substantially equivalent to the degree of Doctor of
11 Medicine offered by a Philippine College of Medicine; and

12 (e) He/she has completed one year of post-graduate internship in a
13 Philippine hospital or training abroad accredited as equivalent to such
14 internship by the Board.

15 SEC. 21. *Venues and Schedule of Examinations.* – The Board shall
16 give examinations for the registration of Physicians at least once a year in such
17 places and dates as the Commission may designate in accordance with the
18 provisions of Republic Act No. 8981, otherwise known as the PRC
19 Modernization Act of 2000.

20 SEC. 22. *Registration, Issuance of Certificate of Registration and*
21 *Professional Identification Card, and Non-Registration.* – All successful
22 examinees, upon compliance with all legal requirements and payment of fees
23 prescribed by the Commission, shall be registered and issued with certificates
24 of registration and professional identification card.

25 The certificate of registration shall bear the registration number and
26 date of issuance and the signatures of the Commission chairperson and the
27 members of the Board stamped with the seal of the Commission and the
28 Board, certifying that the name of the person stated therein appears in the

1 Registry/Roll of Physicians under the custody of the Commission; that he/she
2 has met or complied with all the legal requirements for registration as a
3 physician; that he/she is entitled to exercise all the privileges appurtenant to
4 the practice of his/her profession: *Provided*, That, he/she does not violate this
5 Act, the Rules and Regulations, the Code of Ethics for Physicians, the Code of
6 Technical/Professional Standards and other regulatory policies of the
7 Commission and the Board.

8 The professional identification card duly signed by the chairperson of
9 the Commission shall bear the name of the registered physician, his/her
10 registration number and date of issuance, and its date of expiry, and shall be
11 evidence that he/she can lawfully practice his/her profession.

12 A successful examinee who has been convicted in final judgment by a
13 court of a criminal offense on moral turpitude, found guilty by the Board for
14 dishonorable or immoral conduct, or declared by the court to be of unsound
15 mind shall not be registered. The decision of the Board, finding the examinee
16 guilty for dishonorable or immoral conduct, may be appealed by the examinee
17 to the Commission and/or to the Court of Appeals. The facts and the reasons
18 for refusal to register shall be in writing, communicated to the examinee and
19 duly incorporated in the records of the Commission.

20 SEC. 23. *Scope of Examination.* – The Physician Licensure
21 Examinations shall cover the following individual or combined/clustered
22 subjects with equal weights for each one final examination after completion of
23 internship: (1) Anatomy; (2) Physiology; (3) Biochemistry and Molecular
24 Biology; (4) Pharmacology and Therapeutics; (5) Microbiology and
25 Parasitology; (6) Medicine; (7) Pediatrics and Nutrition; (8) Pathology; (9)
26 Obstetrics and Gynecology; (10) Surgery, Ophthalmology, Otolaryngology
27 and Otorhinotoryngology; (11) Preventive Medicine and Public Health; (12)

1 Legal Medicine, Code of Ethics for Physicians, and Jurisprudence on the
2 Practice of Medicine; and (13) Neurology and Psychiatry.

3 When an urgent and important need arises to conform to technological
4 and modern changes, the Board may recluster, rearrange, modify the foregoing
5 subjects, add or exclude any subject, or prescribe the number of final
6 examination(s) per year in consultation with the Council and after approval by
7 the Commission. The Board Resolution thereon shall be officially published
8 in the *Official Gazette* or in major daily newspapers of general circulation and
9 also circularized and disseminated to all colleges of Medicine.

10 Each of the thirteen (13) subjects shall have its syllabus or table of
11 specification. The Board shall apply the syllabi only after necessary
12 consultation with the concerned academe, approval by the Commission,
13 publication of its Board Resolution pursuant to legal requirements,
14 dissemination to all colleges of Medicine, and after a lapse of at least three
15 months from its effectivity. Each syllabus shall be subject to modification or
16 amendment, as the need arises.

17 SEC. 24. *Rating in the Examination.* -- To pass the physician licensure
18 examination, an examinee must obtain a general weighted average rating in all
19 thirteen (13) subjects of no less than seventy-five percent (75%) with no rating
20 in any subject below fifty percent (50%).

21 SEC. 25. *Reports and Publication of the Results of Examination.* -- The
22 Board shall report the rating of each examinee to the Commission within ten
23 (10) days from the last day of examination. The official results of the
24 examination, containing the list of topnotcher examinees without indication of
25 their respective schools/colleges, and the names of the schools/colleges
26 obtaining top percentages of successful graduate examinees shall be published
27 by the Commission in a major daily newspaper of general circulation.

1 The report of rating of every examinee shall be mailed to his/her given
2 address using the mailing envelope he/she submitted during the examination.

3 SEC. 26. *Oath.* – All successful examinees shall be required to take
4 their oath before the Board or any official authorized by the Commission to
5 administer oath before they are issued their certificates of registration and
6 professional identification card or before they start the practice of their
7 profession.

8 ARTICLE V

9 REGULATION OF THE PRACTICE OF THE MEDICAL PROFESSION

10 SEC. 27. *Acts Constituting the Practice of Medicine.* – A person shall
11 be considered as engaged in the practice of Medicine if he/she shall:

12 (a) For compensation, fee, salary or reward in any form paid to
13 him/her directly or through another, even without the same, physically
14 examine any person and diagnose, treat, operate or prescribe any remedy for
15 human disease, injury, deformity, physical, mental, psychical condition or any
16 ailment, real or imaginary, regardless of the nature of the remedy for treatment
17 administered, prescribed or recommended;

18 (b) By means of signs, cards, advertisements, written or printed matter;
19 or through radio, television or any other means of communication, either offer
20 or undertake by any means or method to diagnose, treat, operate or prescribe
21 any remedy for any human disease, injury, deformity, physical, mental or
22 psychical condition;

23 (c) Administer drugs in life threatening situations where pharmacy
24 services are not accessible;

25 (d) Use M.D. after his/her name;

26 (e) Teach, lecture or conduct review on subjects on the medical degree
27 or in the physicians licensure examination; or

28 (f) Be a holder of a special/temporary permit.

1 SEC. 28. *Revocation of the Certificate of Registration.* – The Board
2 shall have the power, upon proper notice and hearing, to revoke the certificate
3 of registration of a physician, suspend him/her from the practice of his/her
4 profession or reprimand him/her, or to cancel the special/temporary permit
5 issued to a foreign physician, for any of the following grounds/causes:

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

8 (b) Immoral or dishonorable conduct;

9 (c) Insanity;

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

12 (e) Gross negligence, ignorance or incompetency in the practice of
13 his/her profession resulting in injury or death of the patient;

14 (f) Addiction to alcoholic beverages or to any habit-forming drug
15 rendering him/her incompetent to practice his/her profession;

16 (g) False, or extravagant, or unethical advertisements wherein things
17 other than his/her name, profession, limitation of practice, clinic hours, office
18 and home address are mentioned;

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

20 (i) Issuance of any false medical certificate;

21 (j) Issuance of any statement or spreading any news or rumor which is
22 derogatory to the character and reputation of another physician without
23 justifiable move;

24 (k) Aiding or acting as dummy for unqualified or unregistered person
25 to practice medicine;

26 (l) Violation of any provision of the Code of Ethics for Physicians or
27 the Code of Technical/Professional Standards as prescribed by the
28 organization of physicians accredited by the Commission or by the integrated

1 and accredited national organization of physicians, and as adopted and
2 promulgated by the Board subject to approval by the Commission;

3 (m) Practice of profession during the period of his/her suspension from
4 the practice thereof;

5 (n) Refusal to attend to a patient in danger of death if there is no risk to
6 his/her life;

7 (o) Expulsion or termination of membership in the integrated and
8 accredited national organization of physicians; and

9 (p) Violation of this Act, the Rules and Regulations and other policies
10 of the Board and the Commission issued pursuant to this Act.

11 SEC. 29. *Rights of Respondents.* – The respondent physician shall be
12 entitled to be represented by counsel or be heard in person, to have a speedy
13 and public hearing, to confront and to cross-examine witness against him/her,
14 and to all other rights guaranteed by the Constitution provided for in the Rules
15 of Court.

16 SEC. 30. *Appeal from Judgment* – The decision of the Board shall
17 automatically become final fifteen (15) days after the date of its promulgation
18 unless the respondent, during the same period, has appealed the said decision
19 of the Commission. If the final decision is not satisfactory, the respondent
20 may appeal the decision to the Court of Appeals.

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

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

4 SEC. 32. *Indication of Certificate of Registration and Professional Tax*
5 *Receipt.* – A registered physician shall indicate his/her certificate of
6 registration number and its date of issuance, and the professional tax receipt
7 number, date of issuance and expiry date on the prescription and other
8 documents he/she signs, uses or issues in connection with the practice of
9 his/her profession.

10 SEC. 33. *Vested Rights.* – All physicians registered at the time this law
11 takes effect shall automatically be registered under the provisions hereof,
12 subject however to the provisions herein set forth as to future requirements.

13 SEC. 34. *Persons Exempted from Holding Valid Certificate of*
14 *Registration or Special/Temporary Permit.* – The preceding section shall not
15 be construed to affect the following: (a) any medical student duly enrolled in
16 an approved medical college or school, or any graduate under training serving
17 without any professional fee in any government or private hospital: *Provided,*
18 That, he/she renders such service under the direct supervision and control of a
19 registered physician; (b) any legally registered dentist engaged exclusively in
20 the practice of dentistry; (c) any duly registered masseur or physiotherapist:
21 *Provided, further,* That, he/she applies massage or other physical means upon
22 written order or prescription of a duly registered physician: *Provided,*
23 *furthermore,* That, such application of massage of physical means shall be
24 limited to physical or muscular development; (d) any duly registered
25 optometrist who mechanically fits or sells lenses, artificial eyes, limbs or other
26 similar appliances or who is engaged in the mechanical examination of the
27 eyes for the purpose of constructing or adjusting eyeglasses, spectacles and
28 lenses; (e) any person who renders any service gratuitously in cases of

1 emergency, or in places where the services of a duly registered physician,
2 nurse or midwife are not available; (f) any person who administers or
3 recommends any household remedy as per classification of existing pharmacy
4 laws; (g) any clinical psychologist, or mental hygienist, in the performance of
5 his/her duties and regard to patients with psychiatric problems: *Provided,*
6 *finally,* That, such performance is done with the prescription and direct
7 supervision of a duly registered physician; or (h) any prosthetist who fits
8 artificial limbs under the supervision of a registered physician.

9 SEC. 35. *Integration of the Profession* – The members of the
10 profession shall be integrated into one national organization of registered
11 physicians to be duly recognized and accredited by the Board subject to
12 approval by the Commission. A physician duly registered by the Board and
13 the Commission shall automatically become a member of the said organization
14 and shall receive the benefits and privileges appurtenant thereto upon payment
15 of required fees and dues. Membership in the integrated organization shall not
16 be a bar to membership in any other association of physicians.

17 SEC. 36. *Continuing Medical Education.* – The Board shall implement
18 the continuing medical education among practicing physicians in consonance
19 with the guidelines of the CPE of the Commission. Exemption from the CPE
20 program may be applied for upon reaching the age of sixty-five (65).

21 SEC. 37. *Automatic Registration of Physicians.* – All physicians whose
22 names shall appear in the Registry/Roll/Roster of Physicians at the time of the
23 effectivity of this Act shall automatically be registered by the Board and the
24 Commission as physicians and thereafter by the integrated and accredited
25 national organization of registered physicians as its bona fide members
26 pursuant to Section 35 of this Act.

27 SEC. 38. *Foreign Reciprocity.* – Unless the country of which he/she is
28 a subject or citizen specifically permits Filipino physicians to practice within

1 its territorial limits on the same basis as the subject or citizen of such foreign
2 State or country under reciprocity and under international agreements, no
3 foreigner shall be admitted to the examination and be given a certificate of
4 registration to practice as a physician and be entitled to any of the privileges
5 under this Act.

6 ARTICLE VI

7 PENAL PROVISIONS

8 SEC. 39. *Penalties.* – Any person who shall practice or offer to
9 practice Medicine in the Philippines without a valid certificate of registration
10 and a valid professional identification card, or a valid temporary/special
11 permit in accordance with the provisions of this Act, or any person presenting
12 or attempting to use as his/her own the certificate of registration or
13 temporary/special permit of another, or any person who shall give any false or
14 forged evidence of any kind to the Board or to the Commission in obtaining a
15 certificate of registration or temporary/special permit, or any person who shall
16 impersonate a registrant using the same name, or any registered physician who
17 shall abet or assist the illegal practice of a person who is not lawfully qualified
18 to practice medicine, or any person who shall attempt to use a revoked or
19 suspended certificate of registration or professional identification card, or a
20 cancelled special/temporary permit, or any person who shall use or advertise
21 any title or description tending to convey the impression that he/she is a
22 registered physician, or any person who shall violate any of the provisions of
23 this Act and of the rules and regulations shall, upon conviction by the court,
24 suffer the penalties of imprisonment of not less than one year nor more than
25 five years or a fine of not less than Fifty thousand pesos (P50,000.00) nor
26 more than Two hundred thousand pesos (P200,000.00), or both, upon the
27 discretion of the court.

1 SEC. 40. *Injunctions.* – The Board may file an action to enjoin any
 2 person illegally practicing Medicine from the performance of any act
 3 constituting the practice of Medicine if the case so warrants until the necessary
 4 certificate therefore is secured.

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

9 ARTICLE VII

10 FINAL PROVISIONS

11 SEC. 41. *Enforcement.* – The Commission shall be the enforcement
 12 agency of the Board. As such, the Commission shall implement the concerned
 13 provisions of this Act, enforce its implementing rules and regulations as
 14 adopted by the Board, assist the Board in the *investigation of complaints*
 15 against violators of this Act, its rules and regulations, Code of Ethics for
 16 Physicians and other policies of the Board.

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

23 SEC. 42. *Appropriations.* – The chairpersons of the CHED and the
 24 PRC shall immediately include in their programs the implementation of this
 25 Act, the *funding of which shall be charged against their current year's*
 26 appropriations and thereafter in the annual General Appropriations Act.

27 SEC. 43 *Implementing Rules and Regulations* – Within ninety (90)
 28 days from the effectivity of this Act, the Board, subject to the approval of the