

## RECORD OF THE SENATE

TUESDAY, JANUARY 24, 1995

### OPENING OF THE SESSION

*At 4:34 p.m., the Honorable Edgardo J. Angara, President of the Senate, called the session to order.*

**The President:** The 54th session of the Senate is hereby called to order.

Senator Osmeña will lead us in the opening prayer.

*Everybody rose for the opening prayer.*

### PRAYER

**Senator Osmeña:**

I rise, Lord, for the last time perhaps in the Halls of the Senate to lead in prayer.

I thank Thee for the opportunity to serve our people--- in 1971, again in 1987 and in 1992. It has been 31 years since I first entered this Chamber in a wheelchair. We have cast many votes on many issues — great issues like the US Military Bases, the Comprehensive Agrarian Reform Program, the General Agreement on Tariffs and Trade, and countless small issues. I thank Thee for the opportunity to contribute to our nation's and our people's good.

I thank Thee for the opportunity at this crossroads of my career. And if it be Thy will, to continue the service to our people in another arena.

Amen.

### ROLL CALL

**The President:** The Secretary will please call the roll.

**The Secretary:**

Senator Heherson T. Alvarez .....Present  
Senator Agapito A. Aquino .....Present  
Senator Rodolfo G. Biazon .....Present  
Senator Anna Dominique M. Coseteng ..Present\*  
Senator Neptali A. Gonzales .....Present  
Senator Ernesto F. Herrera .....Present\*  
Senator Jose D. Lina, Jr. ....Present  
Senator Gloria Macapagal.....Present  
Senator Ernesto M. Maceda .....Present

Senator Orlando S. Mercado .....Present  
Senator Blas F. Ople .....Present\*  
Senator John H. Osmeña .....Present  
Senator Santanina T. Rasul .....Present  
Senator Ramon B. Revilla .....Present  
Senator Raul S. Roco .....Present\*  
Senator Alberto G. Romulo .....Present  
Senator Leticia R. Shahani .....Present  
Senator Vicente C. Sotto III.....Present\*  
Senator Wigberto E. Tañada .....Present  
Senator Francisco S. Tatad .....Present  
Senator Arturo M. Tolentino .....Present\*  
Senator Freddie N. Webb .....Present  
The President .....Present

**The President:** With 17 Senators present, the Chair declares the presence of a quorum.

The Majority Leader is recognized.

### THE JOURNAL

**Senator Romulo:** Mr. President, the *Journal* of the previous session is still under preparation. I therefore ask that we take up the consideration and approval of the *Journal* of the previous session until later today.

**The President:** Is there any objection? [*Silence*] Hearing none, the consideration of the *Journal* of the previous session is hereby deferred.

The Secretary will please read the Order of Business.

### REFERENCE OF BUSINESS

### MESSAGES OF THE PRESIDENT OF THE PHILIPPINES

**The Secretary:**

10 January 1995

Honorable EDGARDO J. ANGARA  
Senate President  
Senate of the Philippines  
Senate, Manila

Dear Senate President Angara:

Pursuant to the provisions of Section 26(2), Article VI of the Constitution, I hereby certify to the necessity of the immediate enactment of Senate Bill No. 1924, entitled

guna, Misamis Oriental, Cebu and Davao.

To cite the notable gains of this program, in the Cebu and Davao projects which were turned over in December 1992, milk products worth more than P2.5 million have been produced. Of the 203 dairy participants in these two projects, each earned an additional income of P600 a month in 1991, P1,250 a month in 1992, and to as much as P15,000 a month in 1994. This wonderful incremental income gained by small rural farmers augers well for the development of a dairy industry as envisioned in this bill.

Foremost among the benefits derived from these activities would be the considerable improvement in the nutrition of preschool children. This noticeable yet indirect effect would far outweigh the monetary gains that could thus be realized. With government support as proposed in this bill, the fresh dairy milk which has been a luxury in terms of price and availability will hopefully be within the reach of everyone, especially the children.

Mr. President, the development of the dairy industry in the country becomes more imperative after the entry of the country into the membership of the World Trade Organization for, indeed, how can this country assume a decent level of self-sufficiency, much less of competitiveness, if no guarantees are set to ensure its survival through legislative support systems?

In my explanation of vote on GATT, I had expressed deep apprehension and, in fact, cynicism over the unpreparedness of the agricultural sector to absorb and respond to the all-new trading mechanisms imposed by GATT and, thus, I called for programs to bring the knowledge, training and technology to our farm workers to raise the quality of our agricultural products.

With the signing of GATT, Mr. President, prices of milk in the world markets is expected to increase more because of the GATT provision on the gradual reduction of government subsidy among developed countries.

Mr. President, in the case of the dairy industry, government support is not only necessary to raise the quality of the milk we produce, but more importantly, to produce the milk we need. We therefore not only have the obligation to make the industry attuned to GATT, but more basically to generate the machinery that will make milk available to our people, especially to our children.

Mr. President, a bill on dairying will not only enhance and strengthen the sustainable development of the local dairy industry, but in effect, will provide a legal framework and a more

stable foundation on local dairying activities, particularly through the collaboration of both the government, the private sector, and the small farmers to improve the industry.

Dairy development constitutes one of the most effective safety nets for our rural population. May I repeat that, Mr. President: Dairy development constitutes one of the most effective safety nets for our rural population.

I therefore invite the Chamber's consideration of this proposal, considering the far-ranging and beneficial impact it would have on the consumer, on the local dairy producers and lastly, on our agricultural economy which I believe is deserving of utmost priority among our national concerns.

Thank you, Mr. President, for the attention.

**The President:** The Majority Leader is recognized.

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 532

**Senator Romulo:** Mr. President, I move that we suspend consideration of Senate Bill No. 532.

**The President:** Is there any objection? [*Silence*] Hearing none, the motion is approved.

#### BILL ON SECOND READING Senate Bill No. 1998 — Regulating the Practice of Optometry

**Senator Romulo:** Mr. President, I move that we consider Senate Bill No. 1998 as reported out under Committee Report No. 764.

**The President:** Consideration of Senate Bill No. 1998 is now in order.

With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the *Record* the full text thereof.

**The Secretary:** Senate Bill No. 1998, entitled

#### AN ACT REGULATING THE PRACTICE OF OPTOMETRY, UPGRADING OPTOMETRIC EDUCATION AND INTEGRATING OPTOMETRISTS.

The following is the full text of Senate Bill No. 1998:

**AN ACT REGULATING THE PRACTICE OF OPTOMETRY, UPGRADING OPTOMETRIC EDUCATION AND INTEGRATING OPTOMETRISTS**

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

**SECTION 1. Short Title.** - This Act shall be known and cited as the "Revised Optometry Law of 1994."

**SEC. 2. Declaration of Policy.** - The State recognizes the essential role of optometry in safeguarding and enhancing the health and general well-being of the citizenry. Optometric services shall therefore be promoted as a regular component of the primary health care system.

**SEC. 3. Definition of Terms.** - As used in this Act, the following terms shall be defined as follows:

- a) Optometry - The science and art of examining the human eye, analyzing the ocular function, prescribing and dispensing ophthalmic lenses, prisms, contact lenses and their accessories and solutions, low vision aids, and similar appliances and devices, conducting ocular exercises, vision training, orthoptics, installing prosthetics, and other preventive or corrective measures or procedures for the aid, correction, rehabilitation or relief of the human eye, or to attain maximum vision and comfort.
- b) Optometrist - A person who has been certified by the Board of Optometry and registered with the Professional Regulation Commission (PRC) as being qualified to practice optometry in the Philippines.
- c) Optometrist in Good Standing - A registered optometrist who is authorized to practice the profession in the Philippines by virtue of a license issued by the PRC for the purpose.
- d) Certificate of Registration - A document, signed by the Commissioner of the PRC and by all members of the Board of Optometry and bearing its seal, issued to an applicant who has satisfied

the requirements for the practice of optometry. It shall serve as proof that the registrant is qualified to practice the profession in the Philippines.

- e) License to Practice - A renewable permit, issued by the PRC to a registered optometrist, indicating that he is competent and authorized to practice optometry in the Philippines. Unless it is suspended or revoked for cause and until its expiration, such license shall serve as evidence that its bearer is an optometrist in good standing.
- f) Code of Ethics - A set of standards relating to the conduct, integrity and moral duties of optometrist, as promulgated by the duly accredited national organization of optometrists and adopted by the Board of Optometry.
- g) Diagnostic Pharmaceutical Agents - Specific topical drugs used to aid optometrists in their examination of the human eye. Until otherwise specified by the Board of Optometry and the Department of Health, these agents shall be limited to the following:
  1. Phenylephrine 2.5% ophthalmic drops;
  2. Tropicamide 0.5% ophthalmic drops;
  3. Proparacaine 0.5% ophthalmic drops;
  4. Oxybuprocaine HCL 0.4% ophthalmic drops; and
  5. Fluorecein strips

**THE PRACTICE OF OPTOMETRY**

**SEC. 4. Acts Constituting the Practice of Optometry.** - Any of the following acts constitute the practice of optometry:

- a) The examination of the human eye through the employment of subjective and objective procedures, including the use of specific topical diagnostic pharmaceutical agents or drugs and instruments, tools, equipment, implements, visual aids, apparatuses, machines, ocular exercises and related devices, for the purpose of determining the condition and acuity of human vision to correct and improve the same in accordance with subsections, b, c and d hereof;

- b) The fitting, prescribing, dispensing and selling of ophthalmic lenses, prisms, contact lenses and their accessories and solutions, frames and their accessories, and supplies for the purpose of correction refractive errors and those related to deficiencies and abnormalities of human vision;
- c) The conduct of ocular exercises and vision training, the provision of orthoptics and other devices and procedures to aid and correct abnormalities of human vision, and the installation of prosthetic devices;
- d) Counselling of patients with regard to vision and eye care and hygiene;
- e) The establishment of offices and clinics where optometric services are offered; and
- f) The collection of professional fees for the performance of any of the acts mentioned in paragraphs a, b, c and d of this section.

**SEC. 5. Prohibition Against the Unauthorized Practice of Optometry.** - No person shall practice optometry as defined in Section 3 of this Act nor perform any of the acts constituting the practice of optometry as set forth in Section 4 hereof, without having been first admitted to the practice of this profession under the provisions of this Act and its implementing rules and regulations: *Provided, however,* That this prohibition shall not apply to regularly licensed and duly registered physicians who have received post-graduate training in the diagnosis and treatment of eye diseases, as well as to public health workers trained and involved in the government's blindness prevention program who may conduct visual acuity tests and vision screening: *Provided, further,* That the examination of the human eye by duly registered physicians in connection with the physical examination of patients shall not be considered as practice of optometry.

**SEC. 6. Prohibition Against the Indirect Practice of Optometry.** - No person, natural or juridical, other than an optometrist in good standing or a partnership composed solely of optometrists, shall hire, employ, join with or otherwise use the services of an optometrist for the purpose of practicing optometry: *Provided, however,* That this prohibition shall not apply to the government of the Philippines or any of its agencies or instrumentalities; to employers and

education institutions which avail of the services of an optometrist for their employees and students, respectively; and to persons who are exempted under the immediately preceding section.

**SEC. 7. Employment of Optometrists in Optical Establishments.** - Persons, corporations, partnership and business enterprises operating ophthalmic prescription lens laboratories, and those manufacturing or distributing ophthalmic or optical products shall be required to employ at least one (1) optometrist in said establishment for the sole purpose of ensuring that the services and products they offer meet technical and professional standards: *Provided, however,* That such optometrist shall not perform any of the acts listed in Section 4 hereof in the premises of said establishment.

**SEC. 8. Prohibition Against the Use of Trade Names.** - No optometrist shall be allowed to use any trade or business name. All optometrists shall practice under their names as appearing in the Registry of Optometrists maintained by the PRC.

**SEC. 9. Disclosure of Authority to Practice.** - An optometrist shall be required to indicate his professional license number and the date of its expiration in the documents he issues or signs in connection with the practice of his profession. He shall also display his certificate of registration in a conspicuous area of his clinic or office.

#### THE BOARD OF OPTOMETRY

**SEC. 10. The Board of Optometry.** - There is hereby created a Board of Optometry, hereinafter referred to as the Board, composed of five (5) members who shall be appointed by the President of the Philippines, upon the recommendation of the PRC, from a list of ten (10) nominees submitted by the duly recognized national organization of optometrists.

**SEC. 11. Minimum Qualifications of the Board Members.** - Only persons possessed of the following qualifications may be nominated and appointed to the Board:

- a) A citizen of the Philippines;
- b) An optometrist in good standing;
- c) At least thirty-five (35) years of age at the time

of his appointment;

- d) Of good moral character; and
- e) In active practice of the profession for at least ten (10) years prior to his appointment;

*Provided*, That a person who is a member of the faculty, whether full time, part time or lecturer of any school, college or university where a regular course in optometry is taught, or who has any pecuniary interest, directly or indirectly, in such institution must forego his membership in said faculty or relinquish his interests in said institution before or upon taking his oath as a member of the Board: *Provided, further*, That an officer of any optometric association is disqualified from being appointed to or serving in the Board.

SEC. 12. *Term of Office*. - The members of the Board shall hold office for a non-renewable term of five (5) years, starting on the date of appointment and until their successors shall have been appointed: *Provided, however*, That the first appointees to the Board, who may include the incumbent members of the existing Optometry Board, shall hold office as follows: the chairperson for five (5) years and the four (4) other members for fixed terms of four (4), three (3), two (2) and one (1) year/s, such that the term of none members shall be due to expire every year and such member, in the last year of his term, shall automatically become the chairperson of the Board. Vacancies brought about by reasons other than expiration of term shall be filled for the unexpired portion of the term only.

SEC. 13. *Removal or Suspension of Board Members*. - Any member of the Board, after having been given the opportunity to defend himself in a proper administrative investigation conducted by the PRC, may be removed by the President of the Philippines for neglect of duty, incompetence, malpractice, or unprofessional, unethical, immoral or dishonorable conduct. During the process of investigation, the President of the Philippines may suspend such member under investigation for a period of not more than sixty (60) days and appoint a temporary member in his place.

SEC. 14. *Compensation of Board Members*. - The members of the Board shall each receive compensation in accordance with the rules and

regulations of the PRC.

SEC. 15. *Functions and Powers of the Board*. - The Board is hereby vested with authority to:

- a) Promulgate the rules and regulations for the practice of optometry, subject to the approval of the PRC and in accordance with the provisions of this Act;
- b) Administer and enforce the rules and regulations specified in the preceding subsection;
- c) Determine and prepare the contents of licensure examinations, adopt measures to ensure its integrity, check and rate the examination papers and submit the results thereof to the PRC;
- d) Formulate and oversee, in consultation and coordination with the PRC, guidelines for the proper conduct of licensure examinations and the registration of optometrists;
- e) Issue, suspend, revoke and reissue certificates of registration to qualified optometrists and renew their professional licenses;
- f) Impose reasonable requirements and conditions, such as attendance in continuing education activities and programs, for the renewal of an optometrist's license to practice and for the purpose of upgrading the professional competence of optometrists;
- g) Maintain a registry of optometrists in good standing;
- h) Adopt and disseminate the Code of Ethics for the practice of optometry in the Philippines;
- i) Administer oaths in connection with the implementation of this Act;
- j) Conduct hearings and investigations to resolve complaints against practitioners of optometry malpractice, unethical and unprofessional conduct, and violations of this Act or its implementing rules and regulations, and in connection therewith, issue *subpoena ad testificandum* and *subpoena duces tecum* and punish with contempt persons obstructing, impeding and/or otherwise interfering with the

conduct of such proceedings;

- k) Conduct ocular inspections of establishments and/or premises where optometric services are offered to ascertain that professional standards are complied with;
- l) Upon application, to issue an order enjoining or abating the illegal practice of optometry by unqualified persons or corporations, partnerships and other entities;
- m) Evaluate periodically the status of optometric education and recommend and/or adopt measures to upgrade and maintain its high standard;
- n) Update the list of topical diagnostic pharmaceutical agents, specifically mydiatics, cycloplegics, anesthetics and diagnostic dyes, that may be used by optometrists, subject to the approval of the Department of Health; and
- o) Study the conditions affecting the practice of optometry in all parts of the Philippines and, whenever necessary, adopt such measures as may be deemed proper for the maintenance of good ethics and high professional standards of optometric practice.

SEC. 16. *Quorum in Board Meetings.* - The attendance of three (3) members shall constitute a quorum for the Board to officially transact business.

SEC. 17. *Votes required in Administrative Cases.* - To render a decision in an administrative case for unethical practice, malpractice, immorality, dishonesty and related charges affecting the professional fitness and integrity of an optometrist, the concurrence of three (3) members must be obtained.

SEC. 18. *Supervision of the Board and Custody of its Records.* - The Members of the Board shall be under the general supervision of the PRC. All records, including examination papers, examination results, minutes of the deliberations, records of administrative cases and investigation of the Board shall be kept by the said Commission.

SEC. 19. *Annual Report.* - The Board shall, at the

end of each calendar year, submit to the Commission an annual report of its activities and proceedings during the year. Other information or data may be requested by the Commission as often as may be necessary and practicable.

#### THE OPTOMETRIC BOARD EXAMINATIONS

SEC. 20. *Licensure Examination.* - Every applicant seeking to be registered as an optometrist shall undergo an examination as provided by this Act. Examinations for the practice of optometry in the Philippines shall be given by the Board at least once every year in such places and dates as the PRC may designate.

SEC. 21. *Scope of Examination.* - The Board of Optometry shall prescribe the scope and prepare the contents of the licensure examination. In the discharge of this function, the Board shall take into account recent developments in optometry as well as the academic standards imposed by the Commission on Higher Education on educational institutions which offer a course in optometry.

SEC. 22. *Requirements for Examination Applicants.* - To be eligible to take the licensure examination in optometry, the applicant must be:

- a) A Filipino Citizen;
- b) Of good moral character; and
- c) A holder of a degree in Doctor of Optometry (O.D.) obtained from a school, college, university, or institution duly authorized by the Commission on Higher Education after passing the requisite course offering the following basic subjects: mathematics, general and organic chemistry, practical and mechanical optics, psychology, physics, physiological optics, pharmacology, theoretic optics, practical optometry, sociology, applied psychology, general anatomy and physiology, general histology and embryology, ocular anatomy and physiology, general pathology, ocular pathology, biochemistry, microbiology, clinical optometry, theoretic optometry, contact lens practice, orthoptics and vision training, neuro-optometry and visual fields, research methods, optometric ethics and jurisprudence, optometric economics and practice management, hygiene, sanitation

and public health optometry and low vision, and pediatric optometry.

**SEC. 23. Additional Requirement for Re-examination.** - Any applicant who, for the third time, fails to pass the Board Examination shall not be allowed to take the next succeeding examination without submitting to the Board proof that he has taken a refresher course in a duly accredited institution.

**SEC. 24. Minimum Passing Level.** - In order that the candidate may be considered to have successfully passed the examination, he must have obtained a general average of at least seventy-five percent (75%) in all subjects, with no rating below fifty percent (50%) in any subject.

**SEC. 25. Report of the Result of the Examination.** - The Board shall report the ratings obtained by each candidate to the PRC within sixty (60) days after the last examination day, unless extended by the Commission. The PRC shall cause the publication of names of successful candidates in alphabetical order, without the ratings obtained by each, within sixty (60) days of the date the Commission receives the aforementioned report from the Board.

#### REGISTRATION AND LICENSURE OF OPTOMETRISTS

**SEC. 26. Oath of Optometrists.** - All successful examinees shall be required to take their oath before the Board or before any person authorized to administer oaths prior to the issuance of the certificate of registration: *Provided, however,* That the applicant is not disqualified under any of the provisions of Section 28 hereof.

**SEC. 27. Registration.** - The PRC shall register successful examinees who have taken their oath and thereafter grant them professional licenses to practice optometry. The certificate of registration shall be considered as evidence that the registrant is qualified to practice optometry in the Philippines.

**SEC. 28. Disqualification.** - The following applicants shall not be allowed to take their oath as optometrists nor issued certificates of registration:

- a) Those who do not possess the qualification set forth in Section 22 of this Act;

- b) Those who fail to pass the Optometry Board licensure examination;

- c) Those who have been convicted of any crime involving moral turpitude;

- d) Those who have been found guilty of immoral or dishonorable conduct; and

- e) Those who have been declared to be of unsound mind.

Such fact of disqualification shall be communicated by the Board to the applicant by written statement, which statement shall form part of the records of the Board.

**SEC. 29. Revocation of Certificates and Suspension of Professional Licenses.** - The Board may, after giving proper notice and hearing to the party concerned, revoke an optometrist's certificate of registration or suspend his license to practice for any unprofessional or unethical conduct, malpractice, or violation of any of the provisions of this Act or its rules and regulations, or upon the conviction of the optometrist of a crime involving moral turpitude.

**SEC. 30 Appeals.** - The revocation of a certificate or suspension of a professional license by the Board shall become final unless appealed to the PRC within fifteen (15) days from the receipt of the decision.

**SEC. 31. Reissuance of a Revoked Certificate.** - The Board may, after the expiration of three (3) years from the date of revocation of a certificate and upon its acceptance of satisfactory explanation and reasonable proof, recommend to the PRC the reissuance of a previously revoked certificate of registration.

**SEC. 32. Replacement of a Certificate.** - A new certificate of registration to replace one that is lost, destroyed or mutilated shall be issued subject to the rules implemented for this purpose by the PRC.

**SEC. 33. Renewal of Professional Licenses.** - A license issued by the PRC for the practice of optometry shall be renewable every three (3) years and shall be considered renewed only upon satisfying the requirements imposed by the Board, including attendance in continuing education programs and

payment of corresponding fees as may be fixed by the PRC.

### OPTOMETRIC EDUCATION

**SEC. 34. *The Technical Panel on Optometric Education.*** - To attain the objective of upgrading optometric education in the Philippines, the Commission on Higher Education, pursuant to Section 12 of R.A. 7722, shall organize and convene a technical panel on optometric education. For this purpose, senior practitioners, specialists and academicians in the field of optometry shall be appointed and tapped to assist in the following:

- a) Setting a minimum standard curriculum for the study of optometry which is to be implemented in all schools offering optometry as an undergraduate course and degree;
- b) Establishing teaching standards, including the qualifications of members of the faculty of schools and colleges of optometry;
- c) Monitoring progress of the program on the study of optometry and undertaking measures for the attainment of a high quality of optometric education in the country; and
- d) Evaluating periodically the performance of educational institutions offering optometric education for the purpose of granting accreditation and incentives as well as for the imposition of sanctions when warranted.

**SEC. 35. *Competence in Pharmacology.*** - Persons who have been admitted to the practice of the profession prior to the passage of this Act must take a course in pharmacology to be prescribed by the Commission on Higher Education and pass a special certification examination to be administered by the Board before they are allowed to use specific diagnostic pharmaceutical agents.

### PROHIBITED ACTS AND PENALTIES

**SEC. 36. *Prohibited Acts.*** - The following acts are prohibited:

- a) Engaging in unauthorized or indirect practice of optometry as defined in Sections 5 and 6 of this Act;

- b) Giving false or forged evidence of any kind to the Board or to any member thereof for the purpose of obtaining a certificate of registration or a professional license;
- c) Assumption, use or advertisement by a person, not holding a valid certificate of registration and a valid professional license in accordance with this Act, of a description, in connection with his name or title, tending to convey the impression that he is a duly registered optometrist;
- d) Any willful action by an optometrist registered in accordance with this Act, of joining or allowing himself to be employed or used by persons, corporations, partnerships and other entities prohibited from practicing optometry for the purpose of indirectly practicing said profession;
- e) The use of diagnostic pharmaceutical agents by an untrained optometrist, in violation of Section 35 hereto, whether or not such use results in injury to the patient; and
- f) The use of any optometrist of pharmaceutical agents other than those which he is authorized to use under this Act.

**SEC. 37. *Penal Provisions.*** - Commission of any of the prohibited acts listed in the immediately preceding section shall be punished with imprisonment of not less than one (1) year but not more than eight (8) years, or a fine of not less than Ten Thousand Pesos (P10,000.00) but not more than Forty Thousand Pesos (P40,000.00), or both, at the discretion of the Court. If the violation is committed by an association, partnership, corporation or any other institution, the president, directors and/or managing officer shall be liable for the penalties provided for in this Act. In addition, the administrative penalties specified in Section 29 hereof shall be imposed whenever applicable.

### INTEGRATION OF OPTOMETRISTS

**SEC. 38. *Integration of Optometrists.*** - In order for every optometrists to contribute to his profession and to bear his share of professional responsibilities, all optometrists shall be integrated into one national organization which shall be recognized by the Board and the PRC. Every optometrist, upon registration with the Board shall, *ipso facto* become a member of



the integrated national organization. Those who have been registered with the Board before the effectivity of this Act shall register as members of the integrated organization within three (3) years after said effectivity.

SEC. 39. *Purposes.* - The integrated national organization of optometrists shall promulgate the Code of Ethics for the practice of the profession, define the professional responsibilities of its members, ensure adherence to said professional ethics and responsibilities, improve the standards of the profession and enable all optometrists to discharge their public responsibility more effectively.

SEC. 40. *Membership Fees and Dues.* - All optometrists shall be subject to the payment of reasonable membership fees and dues for the effective discharge of the purposes of the integrated national organization. An optometrists shall receive the benefits and privileges appurtenant to his membership only upon payment of the required membership fees and dues.

SEC. 41. *Other Organizations.* - The integration of optometrists into one national organization shall not disallow the existence of other associations of optometrists organized by individual optometrists themselves; *Provided*, That membership in such other organizations shall be voluntary and shall not substitute for membership in the integrated national organization.

#### PROFESSIONAL AND ETHICAL STANDARDS

SEC. 42. *Foreign Reciprocity* - No foreigner shall be admitted to the Optometric Board examinations unless he proves in a manner prescribed by the Rules of Court that by specific provision of law, the country of which he is a citizen, subject or national, either admits Filipino citizens to the practice of optometry without restriction, or allows them to practice optometry after an examination on terms of strict and absolute equality with citizens, subjects or nationals of said country, including the unconditional recognition of prerequisite degrees prescribed by the Commission on Higher Education: *Provided, however*, That the Board may grant a special permit to a foreign optometrist to practice the profession in this country whether or not reciprocity exists between his country and the Philippines and under such conditions as may

be determined by the Board, if such foreigner is internationally known to be an outstanding expert in the profession or a well-known specialist in any of its branches, and that his services will promote the advancement of the profession in the Philippines. The Board is also hereby authorized to prescribe additional requirements or grant certain privileges to foreigners seeking registration in the Philippines if the same privileges are granted to or some additional requirements are required of citizens of the Philippines in acquiring the same certificate in his country.

SEC. 43. *Code of Ethics.* - The Board shall adopt the Code of Ethics promulgated by the integrated national organization of optometrists: *Provided*, That such Code provides that it is the duty of an optometrist to:

- a) Consider as his primary responsibility the visual welfare of the public;
- b) Promote the best possible standards of professional care;
- c) Enhance continuously his theoretical and practical proficiency;
- d) Render his services with equal diligence to all, regardless of race, creed or status;
- e) Respect the confidential nature of information concerning those he serves; and
- f) Refer for medical or other professional attention where need is indicated.

The Board shall also distribute the Code of Ethics of the Optometric Profession in the Philippines to all new optometrists during their oath-taking.

Any act or omission which violates this Code shall be considered as unethical conduct and shall be penalized with suspension or prohibition from the practice of optometry, in accordance with Section 29 of this Act.

SEC. 44. *Rules and Regulations.* - The Board shall set professional standards for the practice of optometry in the Philippines and adopt such rules and regulations as may be necessary to carry out the provisions of this Act, subject to the approval of the

PRC. Such standards, rules and regulations shall take effect thirty (30) days after its publication in the *Official Gazette* or any newspaper of general circulation.

#### MISCELLANEOUS PROVISIONS

SEC. 45. *Separability Clause*. - If any provision of this Act or the application of such provision to any person or circumstance is declared invalid or unconstitutional, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

SEC. 46. *Repealing Clause*. - This act repeals and supersedes Republic Act Nineteen Hundred and Ninety-Eight (R.A. 1998), otherwise known as the Optometry Law. All other acts, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 47. *Effectivity Clause*. - This Act shall take effect upon its approval.

Approved,

**Senator Romulo:** Mr. President, I ask that the Chairman of the Committee on Health and Demography, Senator Webb, be recognized for his sponsorship speech.

**The President:** Senator Webb is recognized.

#### SPONSORSHIP SPEECH OF SENATOR WEBB

**Senator Webb:** Thank you, Mr. President.

We may recall, Mr. President, that three years ago a similar bill which sought to revise the Optometry Law of 1957 was approved by the Eighth Congress. It almost became a law if it had not been vetoed by the President.

This particular bill sparked a controversy between two groups — the optometrist on one hand, and the ophthalmologist or the medical doctors specializing in eye diseases, on the other hand.

Upon review, the Department of Health, the Department of Education, Culture and Sports, and the Professional Regulation Commission recommended to the President the veto of

the bill on certain grounds, if I may enumerate three of them:

1. According to the Department of Health, if approved into law, this bill would have exacerbated the problem of increasing incidence of blindness in the country by providing public health workers, such as barangay health workers, rural midwives, nurses and physicians in providing primary eye care.

Moreover, its provisions mandating the government to deploy optometrists in all health centers nationwide would have been costly for the government.

As part of its blindness preventive program, the Department of Health has trained barangay health workers, rural midwives, nurses and physicians to conduct preventive eye care services.

2) According to the Department of Justice, allowing the optometrist to use pharmaceutical agents, instruments and equipment to treat eye diseases, the bill blurred the scientific and technical distinction between optometry and ophthalmology.

3) The DECS strongly objected to extending the course of optometry from four to six years, and the creation of the Board of Optometry Education to serve as a technical panel.

Citing Batas Pambansa Blg. 232, they pointed out that the law specifically mandates the Department of Education, Culture and Sports to decide on curriculum standards and other matters pertinent to education.

Moreover, the same law provides for a Board of Higher Education which may create technical panels in the various disciplines as advisory body to the board in setting curriculum standards.

Despite the flaws that I have mentioned, Mr. President, the bill also has its merits. Its objectives of expanding, upgrading and regulating the practice of optometry are indeed very noble.

It is for this reason that the distinguished Author, our Majority Leader, Senator Romulo, refiled the same bill when the present Congress opened. Certainly, the Committee on Health recognized these merits and agreed to recommend the approval of a substitute bill.

Let me say, Mr. President, that Senate Bill No. 1998 is a similar, yet different, bill from the measure which was passed by the previous Congress.

After conducting hearings and consultations with both optometrists and ophthalmologists, the Department of Health, the DECS, the PRC, the Committee has come up with a report that is acceptable to the groups concerned.

While it contains most of the former bill's salient provisions, such as the prohibition against the unauthorized and the indirect practice of optometry and the use of trade names, the new version contains the following provisions aimed to address the concerns cited earlier:

1. To ensure the viability of the DOH program on blindness prevention, the bill allows public health workers, trained and involved in government blindness program, to provide primary eye care services such as conducting visual acuity test and vision screening.

Moreover, the bill does not prohibit — again, Mr. President — it does not prohibit medical doctors from conducting eye examination in connection with the physical examination of their patients.

2. Although optometrists will be allowed to use diagnostic pharmaceutical agents or DPAs, Senate Bill No. 1998 specifies and limits the kind of DPAs that they can use. I would like to emphasize that both groups — optometrists and ophthalmologists — are amenable to this particular provision.

This provision actually allays the ophthalmologists' fear of incursion into their field of practice and at the same time, realizes the optometrists' aim of expanding their services.

3. Taking into consideration the rising costs of education and the needs of the population, the length of optometry course will be left to the decision of a competent government agency.

Pursuant to Republic Act No. 7722 which created the Commission on Higher Education, the said Commission shall organize a technical panel to set the standards for optometric education.

4. Last but not least, Senate Bill No. 1998 provides for the integration of all optometrists into one national organization to enable every optometrist to contribute to the betterment of this profession.

Having said all of these merits of this legislative proposal, I urge the august Chamber to approve Senate Bill No. 1998.

*Maraming salamat po.*

**Senator Romulo:** Mr. President.

**The President:** The Majority Leader is recognized.

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1998

**Senator Romulo:** I move that we suspend consideration of Senate Bill No. 1998.

**The President:** Is there any objection? [*Silence*] Hearing none, the same is approved.

#### BILL ON SECOND READING Senate Bill No. 1639 — The Mining Act (Continuation)

**Senator Romulo:** Mr. President, I move that we resume consideration of Senate Bill No. 1639, as reported out under Committee Report No. 368.

**The President:** Resumption of consideration of Senate Bill No. 1639 is now in order.

**Senator Romulo:** We are in the period of interpellations, Mr. President. The following have made reservations to interpellate: Senators Webb, Osmeña, Tañada and Maceda.

I ask that the Sponsor of the bill and the Chairman of the Committee, Senator Tatad, be recognized with Senator Maceda to continue his interpellation.

**The President:** Senators Tatad and Maceda are recognized.

**Senator Maceda:** Mr. President, I had interpellated lengthily yesterday. I would like to yield first to the three other Senators so that we could be favored with their views on the matter.

**Senator Tatad:** Mr. President, I would like to express our appreciation for the gesture of our distinguished Colleague from Ilocos Sur, Laguna, and Manila.

**The President:** Senator Webb is recognized.

**Senator Webb:** Will the Gentleman yield for some questions, Mr. President?

**Senator Tatad:** With pleasure to my very good neighbor, Mr. President.