

## RECORD OF THE SENATE

**SATURDAY, JUNE 3, 1995**

### RESUMPTION OF THE SESSION

*At 11:11 a.m., the session was resumed with the Honorable Edgardo J. Angara, President of the Senate, presiding.*

**The President:** The session is resumed.

**Senator Romulo:** Mr. President.

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

### APPROVAL OF CONFERENCE COMMITTEE REPORT ON S. NO. 1998 AND H. NO. 14100

**Senator Romulo:** We have two Bicameral Conference Committee Reports that have been submitted and filed with the Office of the Secretary of the Senate. We will now consider their approval. The first is the Conference Committee Report on the disagreeing provisions of the Senate and House bills on "An Act Regulating the Practice of Optometry, Upgrading Optometric Education and Integrating Optometrists."

Mr. President, both the Senate and the House panels — the Senate panel headed by the distinguished Chairman of the Committee on Health and Demography, Senator Webb — have recommended the acceptance and the approval of the Conference Committee Report.

May I ask that the Chairman of the Senate panel, Senator Webb, be recognized.

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

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

This Representation is honored to seek the support and the ratification by this Chamber of an Act regulating the practice of optometry to ensure the quality and standards of vision care in the Philippines.

Vision care, more specifically, optometric services must be promoted as a regular component of the primary health care system. Both Houses of Congress see the importance of passing this Act for the said reason.

The focus of contention remains to be the proposal of prohibiting the indirect practice of optometry by corporations. We took a second look and even a third look at the issue in the bicameral conference, but a compromise remained elusive.

The House panel, however, agreed to adopt the Senate policy decision on the matter if the results of the extended consultations with Members of this august Chamber become unfavorable to the proposal.

The fate of this Act has remained hanging for an unreasonable length of time since it was first filed and passed during the Eight Congress and subsequently vetoed by President Ramos. The objectionable details, like fitting, and in dispensing and selling are subdued. The details of the vetoed bill were already remedied. This proposed Act already represents a reasonable compromise among all sectors concerned.

Mr. President, our vision for public health and welfare has always been clear and steady. This same vision will guide us today to respond and decide on this finally.

Maraming salamat po.

### APPROVAL OF CONFERENCE COMMITTEE REPORT

**The President:** Is there any comment? [*Silence*]

Those who are in favor of the Conference Committee Report, please say *Aye*. [*Several Senators: Aye*] Those against, please say *Nay*. [*Silence*]

The Conference Committee Report is hereby approved.

### EXPLANATION OF VOTE OF SENATOR SHAHANI

**Senator Shahani:** Mr. President.

The optometry bills have evoked controversial views from the Members of the panel. While we realize the need to uplift the standards of optometry as a profession, the consensus of both Houses was to avoid touching sensitive issues which properly belong to judicial determination. Thus, the bicameral conference committee decided to leave the issue of indirect practice of optometry and the use of trade names open to the wisdom of the Courts which are vested with the prerogative of interpreting the laws.

Mr. President, I know that there is so much to be desired in this measure but I still believe that the greater wisdom lies in taking a concrete step in the right direction. For this reason, increasing the optometry course from four (4) years to six (6) years holds great promise for us because professionalization of optometry is what we need today.

In keeping with new technology, our optometrists under this

Act, are now authorized to use diagnostic pharmaceutical agents (DPAs) in the examination of the human eye, subject, of course, to the approval of the Department of Health and the Bureau of Food and Drugs. This is a positive development. Furthermore, with the inclusion of a provision on foreign reciprocity, our optometrists now have the chance to fully practice their profession in other countries, where before, they were relegated to perform the unprofessional menial jobs of optical assistants or technicians.

Mr. President, I know that there is still much to be done for the optometry profession. But this measure serves as the starting point of the development of Optometry as a profession. Hopefully, the next Congress will rise up to the challenge of a legislation which will be more responsive to the demands of the health and safety of our people, vis-a-vis the development of the profession.

Mr. President, with this caveat, I vote YES to the Conference Committee Report of the Optometry bill.

Thank you.

*The following is the full text of the Conference Committee Report:*

#### CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of House Bill No. 14100 entitled

#### AN ACT REGULATING AND UPGRADING THE PRACTICE OF OPTOMETRY IN THE PHILIPPINES

and Senate Bill No. 1998 entitled

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

after two full and free conference meetings held on May 29 and 30, 1995 at the Manila Hotel, has come to an agreement and do hereby report the following:

1. The House version was adopted as the working draft;
2. Section 1 of the Senate version (Title) was adopted;
3. Section 2 of the House (Declaration of State Policy) was adopted as Section 2 of the reconciled version;

4. Section 3 (Definition of Terms) of the reconciled version was formed out of the consolidation of Section 3 of both versions and shall now read as follows:

a) Optometry - The science and art of analyzing the ocular function, prescribing and dispensing [DPA] 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, USING AUTHORIZED DIAGNOSTIC PHARMACEUTICAL AGENTS (DPA) 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 VALID CERTIFICATE OF REGISTRATION AND A VALID PROFESSIONAL LICENSE ISSUED BY THE PRC FOR THE PURPOSE.

(d) 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, UPON APPROVAL BY THE SECRETARY OF THE DEPARTMENT OF HEALTH (DOH) UPON THE RECOMMENDATION OF THE BUREAU OF FOOD AND DRUGS (DFAD), these agents shall be limited to the following:

- (1) Phenyleprine 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.

E) 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.

F) PROFESSIONAL LICENSE - A RENEWABLE CARD, ISSUED BY THE PRC TO A REGISTERED OPTOMETRIST, INDICATING THAT HE IS COMPETENT AND AUTHORIZED TO PRACTICE OPTOMETRY IN THE PHILIPPINES. UNTIL THE LOSS OF ITS VALIDITY OR ITS EXPIRATION, SUCH LICENSE SHALL SERVE AS EVIDENCE THAT ITS BEARER IS AN OPTOMETRIST IN GOOD STANDING.

G) CODE OF PROFESSIONAL ETHICS - A SET OF STANDARDS RELATING TO THE CONDUCT, INTEGRITY AND MORAL DUTIES OF OPTOMETRISTS, AS PRESCRIBED BY THE DULY INTEGRATED AND ACCREDITED NATIONAL ORGANIZATION OF OPTOMETRISTS AND ADOPTED AND PROMULGATED BY THE BOARD OF OPTOMETRY UPON THE APPROVAL BY THE PRC.

[(H) Indirect Practice of Optometry - This refers to an act committed by a person, either natural or juridical who is not authorized to practice optometry under this Act, by employing the services of an optometrist to carry on the Business of practicing optometry for said person.]

5. Section 4 (Acts Constituting the Practice of Optometry) of the reconciled version was formed out of the consolidation of Section 4 of both versions and shall now read as follows:

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,] prescription [,] AND dispensing [and selling] of ophthalmic lenses, prisms, contact lenses and their accessories and solutions, frames and their supplies for the purpose of correcting and treating defects, deficiencies and abnormalities of 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) The counselling of patients with regard to vision and eye care and hygiene;
- e) The establishment of offices, clinics and similar places 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.

6. Section 5 (Prohibition Against the Unauthorized Practice of Optometry) of the reconciled version was adopted mainly from Section 5 of the House version with certain amendments and deletions. It shall read as follows:

"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 provision 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 public health workers trained and involved in the government's blindness prevention program who may conduct visual acuity test and vision screening]: *Provided, [further,]* **HOWEVER,** 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: *Provided, further*, that public health workers trained and involved in the government's blindness prevention program who may conduct visual acuity test and vision screening."

7. Section 6 of the Senate (Disclosure of Authority to Practice) was adopted *in toto* as Section 6 of the reconciled version;

8. Section 7 (The Board of Optometry) of the reconciled version was adopted from Section 9 of the House version;

9. Section 8 (Minimum Qualification of Board Members) of the reconciled version was adopted from Section 10 of the House version;

10. Section 9 (Term of Office) of the reconciled version was adopted from Section 9 of the Senate version;

11. Section 10 (Removal or Suspension of Board Members) of the reconciled version was adopted from Section 10 of the Senate version;

12. Section 11 (Compensation of Board Members) of the reconciled version was adopted from Section 11 of the Senate and Section 13 of the House which are identical;

13. Section 12 (Functions and Powers of the Board) of the reconciled version was adopted with amendments from Sections 13 of the House and 11 of the Senate which are identical. It shall now read as follows:

SEC. 13. *Functions and Powers of the Board.* - The Board is hereby vested with authority to:

- a) [P]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) [A]administer and enforce the rules and regulations specified in the preceding subsection;
- c) [D]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) [F]formulate and oversee, in consultation and coordination with the PRC, guidelines for the proper conduct of licensure examinations and the registration of optometrists;
- e) [I]issue, suspend, revoke and reissue certificates of registration to qualified optometrists and renew their professional licenses;
- f) [I]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) [M]maintain a registry of optometrists in good standing;
- h) [A]adopt, promulgate and disseminate the Code of Ethics for the practice of optometry in the Philippines;
- i) [A]administer oaths in connection with the implementation of this Act;
- j) [C]conduct hearings and investigations to resolve complaints against practitioners of optometry for 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) [C]conduct ocular inspections of establishments and/or premises where optometric services are offered to ascertain that professional standards are complied with;
- l) [U]upon application, to issue an order enjoining or abating the illegal practice of optometry by unqualified persons [or corporations, partnerships and other entities];
- m) [I]impose fines and penalties, after due process and in accordance with the provision of this Act, for causes provided for by law or by the rules and regulations promulgated therefor;
- n) [E]evaluate periodically the status of optometric education and recommend and/or adopt measures

to upgrade and maintain its high standards;

- o) [U]update the list of topical diagnostic pharmaceutical agents, specifically mydriatics, cycloplegics, miotics, anesthetics and diagnostic dyes, that may be used by optometrists, subject to the approval of the Department of Health AND THE BUREAU OF FOOD AND DRUGS; and

- p) [S]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.

14. Section 13 (Quorum in Board Meetings) of the reconciled version was adopted from Section 13 of the Senate version;

15. Section 14 (Votes Required in Administrative Cases) of the reconciled version was adopted from Section 16 of the House version with the minor amendment of replacing the word "two" and number "(2)" after the phrase "the vote of" with the word "three" and number "(3)";

16. Section 15 (Supervision of the Board and the Custody of its Records) of the reconciled version was adopted from Section 17 of the House version;

17. Section 16 (Annual Report) was adopted from Section 17 of the Senate version;

18. Section 17 (Licensure Examination) of the reconciled version was adopted from Section 18 of the Senate version;

19. Section 18 (Scope of Examination) of the reconciled version was adopted from Section 18 of the Senate version;

20. Section 19 (Requirements for Examination of Applicants) was adopted from Section 21 of the House version;

21. Section 20 (Minimum Passing Level) of the reconciled version was adopted from Section 21 of the Senate version;

22. Section 21 (Report of the Result of the Examination) of the reconciled version was adopted

from Section 22 of the Senate;

23. Section 22 (Additional Requirements for Re-examination) of the reconciled version was adopted from Section 20 of the Senate version;

24. Section 23 (Oath of Optometrists) of the reconciled version was adopted from Section 23 of the Senate and Section 24 of the House with the minor amendment of replacing "25" after the word "Section" with "22";

25. Section 24 (Disqualification) of the reconciled version was adopted from Section 25 of the Senate version with the minor amendment of replacing "19" after the phrase "forth in Section" with "17";

26. Section 25 (Registration) of the reconciled version was adopted from Section 24 of the Senate version;

27. Section 26 (Revocation of Certificates and Suspension of Professional Licenses) of the reconciled version was adopted from Section 26 of the Senate;

28. Section 27 (Appeals) of the reconciled version was adopted from Section 27 of the Senate;

29. Section 28 (Reinstatement, Reissuance or Replacement of Certificates) of the reconciled version was adopted from Section 30 of the House version;

30. Section 29 (Renewal of PROFESSIONAL Licenses) of the reconciled version was adopted from Section 31 of the House version with the minor amendment of replacing the word "Commission" with "PRC" right at the end of the said Section;

31. Section 30 (The Technical Panel on Optometric Education) is a consolidation of Section 33 of the House and Section 31 of the Senate version, which are mostly identical in their provisions and shall now read as follows:

**SEC. 27. 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 Republic Act No. 7722, shall organize and convene a technical panel on optometric education. For this purpose, senior practitioners, specialist and academicians

in the field of optometry shall be appointed and tapped to assist in the following:

(a)       xxx    xxx

32. Section 31 (Competence in Pharmacology) of the reconciled version was adopted from Section 32 of both versions which are identical;

33. Section 32 (Prohibited Acts) of the reconciled version was adopted mainly from Section 34 of the House. Some others came from the Senate version. It shall now read as follows:

SEC. 32. *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)] (A) 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)] (B) assumption, use of 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) Violation by any person, whether natural or juridical, of any of the provisions of this Act and the rules and regulations promulgated for its effective implementation;

(f) Any form of advertisement in media outlets giving information and impression to the public that the particular optometrist is better than the others, is collecting lower professional fees or selling cheaper frames or lenses.]

[g)] D) The use of diagnostic pharmaceutical agents by

an untrained optometrist, in violation of Section 35 hereof, whether or not such use results in injury to the patient; [and]

e) The use by any optometrist of pharmaceutical agents other than those which he is authorized to use;

F) Engaging in unauthorized or indirect practice of optometry as defined in Sections 5 [and 6] of this Act; and

G) Violation by any person, whether natural or juridical, of any of the provisions of this Act and the rules and regulations promulgated for its effective implementation.

34. Section 33 (Penal Provisions) of the reconciled version was adopted from Section 34 of the Senate. The only change was that the second sentence was made a separate paragraph;

35. Section 34 (Foreign Reciprocity) was adopted from Section 39 of the Senate;

36. Sections 35 (Rules and Regulations), 36 (Integration of Optometrists), 37 (Purposes), 38 (Membership Fees and Dues) and 39 (Other Organizations) of the reconciled version were adopted from Sections 41, 35, 36, 37 and 38 respectively of the Senate version;

37. Section 40 (Code of Professional Ethics) of the reconciled version was adopted from Section 40 of the Senate;

38. Section 41 (Separability Clause) is the standard separability clause;

39. Section 42 (Repealing Clause) is the standard repealing clause;

40. Section 42 (Effectivity) of the reconciled version shall now read as follows:

Sec. 42. *Effectivity.* - This Act shall take effect fifteen days after its publication in the *Official Gazette* or two (2) national newspapers of general circulation.

41. The title of the Senate version was adopted as the title of the reconciled version with amendments to read as follows;

**AN ACT REGULATING THE PRACTICE OF OPTOMETRY, UPGRADING OPTOMETRIC EDUCATION, INTEGRATING OPTOMETRISTS AND FOR OTHER PURPOSES.**

The Committee further recommends the approval of the attached Bill as reconciled and approved by the conferees.

In case of conflict between the conference committee report and the provisions of the reconciled Bill, the latter shall prevail.

Approved,

**CONFEREES ON THE PART  
OF THE SENATE:**

(Sgd.) FREDDIE N. WEBB

(Sgd.) LETICIA R. SHAHANI

(Sgd.) RODOLFO G. BIAZON

(Sgd.) ORLANDO S. MERCADO

(Sgd.) ALBERTO G. ROMULO

(Sgd.) ERNESTO M. MACEDA

(Sgd.) ERNESTO F. HERRERA

**CONFEREES ON THE PART OF  
THE HOUSE OF REPRESENTATIVES:**

(Sgd.) ANTONIO M. SERAPIO

(Sgd.) CIRILO ROY G. MONTEJO

(Sgd.) EDCEL C. LAGMAN

(Sgd.) SIMEON A. DATUMANONG

(Sgd.) ANTONIO M. ABAYA

(Sgd.) RAUL V. DEL MAR

(Sgd.) MIGUEL L. ROMERO

(Sgd.) ERASMO B. DAMASING

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

**SECTION 1. Title.** - This Act shall be known and cited as the "Revised Optometry Law of 1995."

**SEC. 2. Declaration of State Policy.** - The State recognizes the essential role of optometry as a profession in safeguarding and enhancing the health and general physical 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, using authorized diagnostic pharmaceutical agents (DPA), 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 valid certificate of registration and a valid professional license issued by the PRC for the purpose.

d) **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, upon approval by the Secretary of Department of Health (DOH) upon the recommendation of the Bureau of Food and Drugs (BFAD), these agents shall be limited to the following:

- |                  |                        |
|------------------|------------------------|
| (1) Phenyleprine | 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

e) 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.

f) Professional License - A renewable card, issued by the PRC to a registered optometrist, indicating that he is competent and authorized to practice optometry in the Philippines. Until the loss of its validity or its expiration, such license shall serve as evidence that its bearer is an optometrist in good standing.

g) Code of Professional Ethics - A set of standards relating to the conduct, integrity and moral duties of optometrists, as prescribed by the duly integrated and accredited national organization of optometrists and adopted and promulgated by the Board of Optometry upon the approval by the PRC.

#### 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 prescription and dispensing of ophthalmic lenses, prisms, contact lenses and their accessories and solutions, frames and their accessories, and supplies for the purpose of correcting and treating defects, deficiencies and abnormalities of 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) the counselling of patients with regard to vision and eye care and hygiene;

e) the establishment of offices, clinics, and similar places 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*, 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: *Provided, however*, 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: *Provided, further*, That public health workers trained and involved in the government's blindness prevention program may conduct only visual acuity test and visual screening.

SEC. 6. *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. 7. *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 integrated and accredited national organization of optometrists.

SEC. 8. *Minimum Qualifications of Board Members.* - Only persons possessed with the following qualifications may be nominated and appointed to the Board:



- a) A natural-born citizen of the Philippines;
- b) A duly registered optometrist of 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 an 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. 9. *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 one member shall be due to expire every year. Thereafter, one member shall be appointed for the full term 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. 10. *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. 11. *Compensation of Board Members.* - The members of the Board shall each receive compensation in accordance with the rules and regulations of the Professional Regulatory Commission.

SEC. 12. *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, promulgate 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 for 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;

m) impose fines and penalties, after due process and in accordance with the provision of this Act, for causes provided for by law or by the rules and regulations promulgated therefor;

n) evaluate periodically the status of optometric education and recommend and/or adopt measures to upgrade and maintain its high standards;

o) update the list of topical diagnostic pharmaceutical agents, specifically mydriatics, cycloplegics, miotics, anesthetics and diagnostic dyes, that may be used by optometrists, subject to the approval of the Department of Health and the Bureau of Food and Drugs; and

p) 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. 13. *Quorum in Board Meetings.*** - The attendance of three (3) members shall constitute a quorum for the Board to officially transact business.

**SEC. 14. *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 vote of three (3) members must be obtained: *Provided*, That in case members are disqualified to vote by virtue of their relation to or interest in any of the parties or voluntarily inhibits themselves from participating in the proceedings, the Board shall designate, with the approval of the Commission, an optometrist in good standing who is respected in the optometric community for their probity and integrity

to sit in the Board, participate in the proceedings and vote on the case.

**SEC. 15. *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 deliberations, records of administrative cases and investigation of the Board shall be kept by the said Commission.

**SEC. 16. *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. 17. *Licensure Examination.*** - Every applicant seeking to be registered as an optometrist shall undergo an examination as provided in 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 be designate.

**SEC. 18. *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. 19. *Requirements for Examination of Applicants.*** - To be eligible to take the licensure examination in optometry, the applicant must be:

a) A Filipino citizen;

b) Of good moral character;

c) A holder of a degree of Doctor of Optometry (O.D.) obtained from a school, college, university or institution duly accredited by the government after passing at least a six-year course offering the following minimum 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, 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. 20. 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. 21. 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 the 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.

**SEC. 22. 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.

#### REGISTRATION AND LICENSURE OF OPTOMETRISTS

**SEC. 23. Oath of Optometrists.** - All successful examinee 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 24 hereof.

**SEC. 24. 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 qualifications set forth in Section 17 of this Act;

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

c) those who have been convicted by final judgment of any crime involving moral turpitude by any court;

d) those who have been found guilty by the Board 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. 25. 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. 26. 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. 27. 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 receipt of the decision.

**SEC. 28. Reinstatement, Reissuance or Replacement of Certificates.** - The Board may, upon application and for reasons deemed proper and sufficient, reinstate any suspended certificate of registration, or issue another certificate in lieu of one previously revoked, and in so doing it may, in its discretion, exempt the applicant from taking another examination.

A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules that may be implemented by the Board.

**SEC. 29. Renewal of Professional Licenses.** - All

licenses shall be renewable every three (3) years and shall be considered renewed only upon satisfying the requirements imposed by the Board, such as attendance in continuing education programs and payment of the corresponding fees as may be fixed by the Board in accordance with the schedule of fees fixed by the PRC.

#### OPTOMETRIC EDUCATION

**SEC. 30. *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 Republic Act No. 7722, shall within sixty (60) days after the approval of this Act, convene and organize a technical panel on optometric education. For this purpose, senior practitioners, specialist, academicians in the field of optometry and a representative from the accredited national organization of optometrists shall be appointed and tapped to assist in the following:

(a) Setting a minimum standard curriculum for the study of optometry 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 the 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. 31. *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. 32. *Prohibited Acts.*** - The following acts are prohibited:

a) 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;

b) 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;

c) Any form of advertisement in media outlets giving information and impression to the public that the particular optometrist is better than the others, is collecting lower professional fees or selling cheaper frames or lenses;

d) The use of diagnostic pharmaceutical agents by an untrained optometrist, in violation of Section 31 hereof, whether or not such use results in injury to the patient;

e) The use by any optometrist of pharmaceutical agents other than those which he is authorized to use.

f) Engaging in unauthorized practice of optometry as defined in Section 5 of this Act; and

g) Violation by any person, whether natural or juridical, of any of the provisions of this Act and the rules and regulations promulgated for its effective implementation.

**SEC. 33. *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.

In addition, the administrative penalties specified in Section 26 hereof shall be imposed whenever applicable.

If the violation is committed by an association, partnership, corporation or any other institution, the managing officers and other persons responsible for its commission shall be liable for the penalties provided for in this Act.

## PROFESSIONAL AND ETHICAL STANDARDS

SEC. 34. *Foreign Reciprocity.* - No foreigner shall be admitted to the optometric Board examinations unless he proves in the manner prescribed by the Rules of the 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, upon approval by the PRC, 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, upon approval by the PRC, 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. 35. *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.

SEC. 36. *Integration of Optometrists.* - In order for every optometrist to contribute to his profession and to bear his share of professional responsibilities, all optometrists shall be encouraged to join and be integrated into one national organization which shall be recognized by the Board and the PRC. Every optometrist, upon registration with the Board may become a member of the integrated national organization. Those who have been registered with the Board before the effectivity of this Act may register as members of the integrated organization within three (3) years after said effectivity.

SEC. 37. *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. 38. *Membership Fees and Dues.* - All members shall be subject to the payment of reasonable fees and dues for the effective discharge of the purposes of the integrated national organization. An optometrist shall receive the benefits and privileges appurtenant to his membership only upon payment of the required membership fees and dues.

SEC. 39. *Other Organizations.* - The integration of optometrists into the national organization shall not prohibit the creation of other associations of optometrists organized by individual optometrists themselves.

SEC. 40. *Code of Professional Ethics.* - The Board shall adopt the Professional 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 the 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 suspended or prohibited from the practice of optometry, in accordance with Section 26 of this Act.

#### MISCELLANEOUS PROVISIONS

**SEC. 41. Separability Clause.** - If any provision of this Act or the application of such provision to any person or circumstances is declared invalid or unconstitutional, the remainder of this Act or the application of such provisions to other persons or circumstances shall not be affected by such declaration.

**SEC. 42. Repealing Clause.** - This Act repeals and supersedes Republic Act Nineteen hundred and ninety-eight (RA 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. 43. Effectivity.** - This Act shall take effect fifteen days after its publication in the Official Gazette or two (2) national newspapers of general circulation.

Approved,

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#### CONFERENCE COMMITTEE REPORT ON S. NO. 2077/H. NO. 14314 (Migrant Workers Act)

**Senator Romulo:** Mr. President, in the Conference Committee Report for the reconciliation of the Senate and the House versions on An Act to Institute Policies of the Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of Migrant Workers and For Other Purposes, both the Senate and the House panels have recommended the acceptance and approval of the Conference Committee Report on the final bill on the assistance to migrant workers and overseas Filipinos in distress.

The Senate panel is chaired by the honorable Chairman of the Committee of the Whole and Chairman of the Committee on Labor and Employment, Senator Herrera, and the House panel is chaired by the Honorable Jaime Lopez.

For a fuller presentation of the Conference Committee Report, I ask that Senator Ernesto Herrera be recognized.

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

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

Mr. President, as Chairman of the Committee of the Whole, I am happy to report the bicameral conference result on the disagreeing provisions of House Bill No. 14314 and Senate Bill No. 2077.

The Bicameral Conference Committee Report, Mr. President, is signed by all the Members of the Senate panel, and on the part of the House, it is signed by eight of the 13 Members of its panel.

As we know, Mr. President, this is one of the two very controversial bills. In fact, this is one bill where during the bicameral conference, we declared a deadlock three times, simply because the bill of the House which is "An Act Providing a Magna Carta on Overseas Filipinos" talks of overseas Filipinos in general, while Senate bill No. 2077 focuses on migrant workers. In the course of the bicameral conference, the House was insisting on expanding the coverage to overseas Filipinos.

Mr. President, it took until the last minute last night, when the Speaker of the House called up and changed their position, to finalize and prepare this report which, as I have said, was signed by the majority of the Members.

Mr. President, basically, the report carries the Senate version, except Section 23 which we lifted from the House version agreed upon by the bicameral conference. Section 17 is a provision in the House bill and Section 31 is about professional and other highly skilled Filipinos.

The bill now, Mr. President, covers migrant workers and their families, which is consistent with the UN Convention on migrant workers and their families, and overseas Filipinos in distress which is defined in Section 23 and Section 26 of this bill.

With this, Mr. President, I am asking for the unanimous support of the Body.

**The President:** Is there any comment?

**Senator Maceda:** Mr. President.

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

**Senator Maceda:** Will the distinguished Chairman of the Senate conference committee panel answer a few clarificatory questions?

**Senator Herrera:** Gladly, Mr. President.