

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. AlvarezPresent
Senator Agapito A. AquinoPresent
Senator Rodolfo G. BiazonPresent
Senator Anna Dominique M. Coseteng..Present*
Senator Neptali A. GonzalesPresent
Senator Ernesto F. HerreraPresent*
Senator Jose D. Lina, Jr.Present
Senator Gloria Macapagal.....Present
Senator Ernesto M. MacedaPresent

Senator Orlando S. MercadoPresent
Senator Blas F. OplePresent*
Senator John H. OsmeñaPresent
Senator Santanina T. RasulPresent
Senator Ramon B. RevillaPresent
Senator Raul S. RocoPresent*
Senator Alberto G. RomuloPresent
Senator Leticia R. ShahaniPresent
Senator Vicente C. Sotto III.....Present*
Senator Wigberto E. TañadaPresent
Senator Francisco S. TatadPresent
Senator Arturo M. TolentinoPresent*
Senator Freddie N. WebbPresent
The PresidentPresent

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.

RECORD OF THE SENATE

TUESDAY, JANUARY 31, 1995

RESUMPTION OF THE SESSION

At 10:35 a.m., the session was resumed with the Honorable Edgardo J. Angara, President of the Senate, presiding.

The President: The session is resumed.

The Majority Leader is recognized.

Senator Romulo: Mr. President, may I ask the Secretary to read the Additional Reference of Business.

The President: The Secretary will please read the Additional Reference of Business.

ADDITIONAL REFERENCE OF BUSINESS

MESSAGES OF THE PRESIDENT OF THE PHILIPPINES

The Secretary:

January 24, 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. 1639, entitled

AN ACT INSTITUTING A NEW SYSTEM OF MINERAL RESOURCES EXPLORATION, DEVELOPMENT, UTILIZATION AND CONSERVATION PROVIDING FOR ORGANIZATIONAL AND INSTITUTIONAL ARRANGEMENT AND FOR OTHER PURPOSES,

to meet the public emergency consisting of the need to bring about imperative reforms and structural changes in the Philippine mining industry, which is a vital segment in the country's thrust to attain newly-industrialized status at the turn of the century, in order to make it more globally competitive especially in the context of a post-GATT/WTO era.

Best regards.

Very truly yours,

(Sgd.) FIDEL V. RAMOS

cc: Hon. Jose De Venecia, Jr.
Speaker
House of Representatives
Capitol Hills, Quezon City

The President: To the Committee on Rules.

The Secretary:

January 24, 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. 1892, entitled

AN ACT AMENDING PRESIDENTIAL DECREE NO. 269, AS AMENDED, INCREASING THE AUTHORIZED CAPITAL STOCK OF THE NATIONAL ELECTRIFICATION ADMINISTRATION AND FOR OTHER PURPOSES,

to meet the public emergency consisting of the need to complete the alternative energy programs, and to ensure adequate supply of electricity to unserved municipalities and barangays by the National Electrification Administration.

Best regards.

Very truly yours,

(Sgd.) FIDEL V. RAMOS

cc: Hon. Jose De Venecia, Jr.
Speaker
House of Representatives
Capitol Hills, Quezon City

The President: To the Committee on Rules.

consideration of Senate Bill No. 1998 as reported out under Committee Report No. 764.

The Presiding Officer [Senator Lina]. Resumption of consideration of Senate Bill No. 1998 is now in order.

Senator Romulo: Mr. President, we are in the period of interpellations. May I ask that the Chairman of the Committee on Health and Demography, Senator Webb, be recognized.

The Presiding Officer [Senator Lina]. Senator Webb is recognized.

Senator Webb: Thank you, Mr. President. I delivered last week the sponsorship speech. I am now ready for any interpellations, if there are any.

SUSPENSION OF THE SESSION

Senator Romulo: Mr. President, may I ask for a very short suspension of the session.

The Presiding Officer [Senator Lina]. The session is suspended for one short minute, if there is no objection. *[There was none.]*

It was 11:04 a.m.

RESUMPTION OF THE SESSION

At 11:05 a.m., the session was resumed.

The Presiding Officer [Senator Lina]. The session is resumed.

Senator Romulo: Mr. President, for the interpellation, may I ask that the distinguished Lady from Pampanga, Pangasinan, and Negros Occidental, Senator Macapagal, be recognized.

The Presiding Officer [Senator Lina]. Senator Macapagal is recognized.

Senator Macapagal: Thank you, Mr. President.

Will the distinguished Chairman of the Committee on Health yield for just a few questions?

Senator Webb: Certainly, to my knowledgeable neighbor, Mr. President.

Senator Macapagal: Mr. President, what I will ask comes from the concern of corporations that hire optometrists. What

they would like to know from the Gentleman is what is the rationale behind prohibiting corporations from engaging the services of optometrists.

Senator Webb: Mr. President, a corporation is not the same as an individual human being for one thing. A corporation cannot be a doctor or a lawyer. Only a human being may be permitted to practice medicine or law.

Let me give the Lady Senator an example, if we are talking here of possible discrimination. There are two doctors of medicine who passed the medical board. If, for any reason, one is allowed to practice and the other is not, then that, to me, is discrimination. In the same token, there is no discrimination if a corporation is prohibited from practicing optometry while a duly licensed optometrist is allowed to do so.

No corporation is allowed to practice law, medicine or other professions. Allowing a certain corporation to continue practicing optometry, to me, is discrimination. Prohibiting such corporation from doing so will even equalize the situation instead of bringing about discrimination.

Besides, if we look at the Optometry Law, I think it is very clear that a corporation cannot practice optometry. If there is any corporation right now that is practicing optometry, then it is doing so against the provisions of the Optometry Law. In fact, the Samahan ng Optometrists ng Pilipinas has filed a case against a specific optical shop primarily because it continues to do so under a name of a corporation.

Senator Macapagal: Mr. President, what is the difference between a corporation hiring the services of an optometrist and a hospital hiring the services of physicians?

Senator Webb: Mr. President, let me answer that. That is a good question.

There is a law that allows a hospital to hire professionals in pursuit of its objectives. That is Republic Act No. 4226 or the Hospital Licensure Act. A hospital is a place devoted primarily to the maintenance and operation of facilities for diagnosis, treatment and care of individuals suffering from a variety of illnesses and diseases. It is incidental that these facilities should be operated by knowledgeable and skilled professionals.

Senator Macapagal: In contrast, what would be the difference between a hospital and a corporation that is using the services of optometrists?

Senator Webb: I think I had clarified that, Mr. President. But let me expand.

The optometrist for one thing has a peculiar relationship with a patient and this is primarily based not on profit, though people will say that one enters a profession primarily to make money. But under their Code of Ethics, it is clearly stated that one goes there as a doctor primarily to cure people.

A corporation, Mr. President, is a different entity. Primarily it is there to make money. In fact, if a corporation were to hire an optometrist then he is divided between his loyalty to the corporation and his love and affection for his patient because a corporation may have a specific product that it wants to push. And as such, an optometrist is told to push a particular product for whatever it is worth, "Kailangang itulak natin ito sapagkat ito ang ating produkto."

Sa optometrist po ay hindi ganoon sapagkat wala kayong makikitang abogado o duktor na nag-a-advertise na ang ginagamit ay trade name or corporate name. In fact, in advertisement, though not very clear kung pinapayagan ito, ay hindi kayo puwedeng gumamit ng korporasyon kundi iyong mga pangalan. At iyan po ang ipinagbabawal.

Hindi po ipinagbabawal ang pagpapatuloy ng negosyo ng mga optometrist. Ang ipinagbabawal lamang ay iyong korporasyon dahil alam naman nating pag mayroong sakunang nangyari ay napakahirap idimanda ang korporasyon. Hindi katulad ng isang tao na personal ang pagdadala ng serbisyo kaya mas madaling matunton ang kaniyang pagkakamali hindi kapareho ng isang korporasyon.

Senator Macapagal: Subalit kung ihahambing po natin sa isang hospital, mayroong duktor iyong hospital at nagkaroon ng sakuna, nadi-demanda rin naman iyong hospital. Hindi po ba pareho na rin iyon kung idi-demanda iyong korporasyon na mayroong optometrist na nagtatrabaho doon?

Senator Webb: Tama po iyan ngunit ang hospital ay regulated by the Department of Health. Ang korporasyon po ay hindi man lamang regulated ng Professional Regulation Commission hindi kapareho ng mga optometrist, they are regulated. Wala pong nag-reregulate sa korporasyon. Kung mayroon kayong optical shop ngayon, wala pong nagre-regulate diyan kaya ang maaaring mabigyan ng kasalanan ay iyong optometrist na nagtatrabaho sa kanila. Ngunit sila po ay libre sa kasong pagkakamali. Nabanggit din ng isang korporasyon na napakarami nilang trabahador na madi-displace. Iyan po ay aking sasagutin mamaya.

Senator Macapagal: So ang pagkakaiba pala, ang mga hospital ay nasa ilalim ng regulation ng Department of Health at ang optical shop ay walang regulasyon?

Senator Webb: Hindi po sila kasali dito sa Professional Regulation Commission.

And if I may cite an opinion of the Professional Regulation Commission noong 1989 pa which I think is of great importance for us for the record. Ito ay sulat ng Professional Regulation Commission sa Chairman ng Committee on Health of the House na si Congressman Narciso Monfort. This was dated July 20, 1989, which states:

Optical corporation is a juridical person and is not and cannot be authorized to practice optometry in the Philippines.

It is respectfully prayed that the appropriate agency of the Government be asked to prosecute the President of optical corporations.

The ill effects of the corporate practice of optometry is dangerous, and at the same time, injurious to public health when protection of public service, welfare and interest is required.

Senator Macapagal: Iyon pong mga law offices, hindi ba masasabi rin nating ito ay nagha-hire din ng serbisyo ng mga abogado? Hindi ba maihahambing din natin ito sa optical shop?

Senator Webb: Tama po iyan. Pero ang korporasyon po ay hindi puwedeng mag-hire. Iyong mga abogado, ito po ay hindi natin ipinagbabawal. Ang sinasabi lamang natin, kailangang gamitin iyong pangalan noong tao, pero hindi puwedeng gumamit ng trade name o iyong tinatawag nating "commercialism."

Senator Macapagal: Ang problema po ay hindi nire-regulate iyong optical shop kung kaya mahirap makapag-practice ng optometry iyong optical shop. Hindi po ba puwede nating ihiwalay iyong pagha-hire ng optometrist doon sa pagpa-practice ng optometry? Sapagkat kung titingnan ninyo ang interpretasyon dito sa "Prohibition Against Indirect Practice of Optometry," lumalabas na "no person shall hire the services of an optometrist."

Puwede naman nating sabihin na "no corporation can practice the profession of optometry." Pero iyong sabihin natin na "no person, natural or juridical, can hire the services of an optometrist," iyon ho ang parang mukhang mabigat. Lalo na kung sasabihin pa nga natin na "no hospital can engage in the profession of medicine." But hospitals can hire doctors. No law office can engage in the practice of law, but a law office can hire lawyers.

Kaya iyang prohibition against hiring ay parang naiiba roon sa anyo ng relasyon ng ibang mga propesyon at iyang mga korporasyon o samahang nagha-hire ng ibang mga propesyonal sa ibang propesyon.

Senator Webb: Iyong law firm po ay talagang puwedeng mag-hire ng mga abugado because it is a law firm. Dito po naman sa panukalang-batas na ito ay ipinagbabawal natin na mag-hire ang korporasyon ng mga optometrists. Ang sinasabi natin, iyong optometrist ay puwedeng mag-hire ng optometrist sa pasubali na hindi sila gagamit ng trade name; na hindi po puwede ang korporasyon.

Sapagkat may ruling po ang Securities and Exchange Commission tungkol dito. This is their opinion, dated August 30, 1989: "Optical corporations can neither practice optometry nor hire optometrists to carry on their business of practicing optometry. For this would constitute practice of profession which cannot be legally performed by a corporation." Ito po ang opinyon ng SEC.

Senator Macapagal: Ano po ba ang batas tungkol sa bagay na ito sa ibang bansa?

Senator Webb: Sa ibang bansa, ang korporasyon ay hindi po pinapayagang—

Senator Macapagal: Hindi rin sila pinapayagang mag-hire?

Senator Webb: —mag-hire ng mga optometrists.

Senator Macapagal: Mayroon po kaya tayong kopya upang maihambing natin ang regulasyon sa ibang bansa dito sa atin—Halimbawa, sa Amerika o sa Europa—para makita natin kung paano tayo makakahanap ng solusyon tungkol dito sa problema ng mga optical companies na sa ngayon ay patuloy ang negosyo at nagha-hire ng optometrists.

Paano kaya nangyari na dito sa Pilipinas ay nagkakaisa tayo? Hindi ko po talaga alam ang batas sa ibang bansa tungkol dito. Sana ay mayroon tayong mga halimbawang mapapagaralan para makahanap ng solusyon sa problemang ito.

Senator Webb: Sasagutin ko po lamang iyon sa pamamagitan ng isang napakalaking bansa katulad ng Amerika bilang halimbawa. Iyan po ay ipinagbabawal. Wala pong korporasyon sa Amerika na nagbibigay ng serbisyo sa kalusugan at sa pag-iintindi ng mata kundi ang mga optometrists lamang. Hindi po sila gumagamit ng korporasyon o trade name.

Senator Macapagal: Mayroon po kaya tayong makukuhang kopya ng wording ng batas doon sa Amerika para makita natin kung paano ia-apply ito dito sa Pilipinas nang hindi naman maging masyadong masalimuot ang anyo?

Senator Webb: Ito po iyang mga court rulings sa Amerika. Ito po ang kanilang ruling:

A corporation not having the capacity to practice optometry cannot do so indirectly by employing duly licensed optometrist for that would simply be an attempt to circumvent the intent of the law.

Ito po ang hinihingi ninyong halimbawa at ito na rin ang kasagutan mismo ng korte sa Amerika.

Senator Macapagal: Tungkol po roon sa sinasabi kanina na nire-regulate ng DOH ang operasyon ng mga hospital pero hindi naman nire-regulate nito ang operasyon ng optical firms, hindi kaya maaaring ilagay na rin ang optical firms sa ilalim ng regulasyon ng Department of Health o ng iba pang sangay o katawan ng pamahalaan? Hindi kaya puwedeng maging solusyon iyon?

Senator Webb: Sinagot ko po lamang iyan dahil itinanong ninyo. Pero hindi lamang iyan ang tinututulan ng batas na ito. Tinututulan din ng batas ang paggamit ng trade name o iyang tinatawag na "commercialism." Iyan pong binanggit ko ay isang halimbawa lamang. Ngunit kung ilalagay ninyo sila sa ilalim, halimbawa, ng Professional Regulation Commission, hindi po puwede. Unang-una, walang korporasyong tinatanganan ang Professional Regulation Commission. Pangalawa, naniniwala ako na ang orientation ay ibang-iba pag corporation at pag individual entity na.

Senator Macapagal: Kung hindi po maaari ang Professional Regulation Commission, maaaring ang Department of Health ang mag-regulate. Sapagkat ang mga ospital, bagamat may profit motive din ang mga ito, regulated naman ng Department of Health. Hindi naman kaya puwedeng magawa iyon sa optometry firms?

Senator Webb: Ang mabuti po ay i-underline muna natin. Iyong mga ospital ay hindi po profit-oriented. Mabuting ilagay natin on record iyon sapagkat magiging mali ang tuon natin kung aaminin natin na ang ospital ay profit-oriented. Hindi po itinatayo ang ospital para ito ay kumita. Itinatayo po ang ospital para gamutin ang mga may sakit.

Senator Macapagal: Siguro naman itong mga korporasyon natin na may ospital, kagaya ng Makati Medical Center, ay pinili

ang negosyong iyon dahil gustong maglingkod sa mamamayan. Ngunit hindi rin sila magtatayo para lamang malugi. Inaasahan din nilang tumubo o magkaroon ng debidendo. Hindi po ba ganoon din ang takbo ng mga ospital?

Senator Webb: Being an optometrist is a profession and not a business, kung kaya hindi puwedeng ihambing iyon sa ganoon. At pangalawa, kailangang simulan muna natin kung ano ang pagkakamali ng korporasyon.

Pag binasa po natin ang batas, makikita natin kaagad na bawal magtayo ng korporasyon. Hanggang hindi natin sinusugan ang batas na iyon ay lumalabag ang mga korporasyon sa pagtatayo ng tinatawag nating optometry shop to perform optometry service for our people with defective eyes. At iyan po ay dinala na sa korte na kung saan mayroon nang ruling ang Regional Trial Court. If I may give the Lady Senator the resume of that particular ruling—ang nagsasalita rito ay ang Regional Trial Court ng Branch IX, Cebu City:

After a careful study of the evidence adduced by the parties and taking into account the law on jurisprudence, the Court finds and do holds that the practice of defendant corporation of hiring optometrists to perform optometry services for its behalf is unlawful and illegal, being in contravention of the provisions of R. A. No. 1998, otherwise known as the Law on Optometry, including its purposes and intendments which are to raise the treatment of the human eye to a high professional level, for the protection of the health and safety of the public and to free the profession from all things of commercialism.

Ito po ang naging desisyon. Kaya lamang, nag-appeal sila. Pero dito pa lamang ay talo na kaagad ang pinag-uusapan nating possibility of a corporation engaging in optometry service.

Hindi po naman natin sila pinagbabawalang gumawa ng mga salamin. Tuloy ang kanilang pagsukat ng salamin at paggamit ng tamang kagamitan. Ang ipinagbabawal lamang natin ay iyong paggamit ng korporasyon. Puwede po namang magpatuloy sa kanilang operasyon ang korporasyong ating binabanggit. Ang hinihingi lamang nila ay gamitin iyong pangalan ng isa nilang tauhan. Hindi puwedeng gumamit ng korporasyon. Isang pangalan lamang po iyon. Para pong abugado iyan. Wala naman tayong nakikitang abugado na ang ginagamit ay korporasyon.

Senator Macapagal: Sa abogasya po, mayroon tayo. Kagaya, halimbawa, noong Angara Law Office, ang lalabas doon ay isang Atty. Vinluan. Pero ang alam ng tao ay kinuha nila ang Angara Law Office. Hindi po ba pareho na rin iyon?

Senator Webb: Ginoong Pangulo, hindi po korporasyon,

gaya ng inaakala ninyo, ang law office ng ating Senate President noong siya ay member pa ng Angara Law Office. Ito po ay partnership; hindi korporasyon.

Senator Macapagal: Pero nakasaad dito na hindi lamang korporasyon ang sakop ng prohibisyon. Ang nakalagay dito ay "No person, natural or juridical, shall hire..."

Kaya iyong sinasabing partnership ay parang juridical person na rin, hindi po ba?

Senator Webb: Ang dapat ay basahin nating lahat. "No person, natural or juridical, other than an optometrist in good standing or a partnership composed solely of optometrists, shall hire, employ, join with and otherwise use the services of an optometrist for the purpose of practicing optometry ..." Mahaba po ito.

Ang partnership po ay may practice. In short, puwede ang partnership. Halimbawa, kung tatlo silang optometrists. puwede-silang magsama-sama upang gamitin iyong pangalan nila. Ngunit ang pinag-uusapan po natin dito ay korporasyon. Alam naman natin kung anong korporasyon ito—Acebedo. Hindi naman ito optometrist. Nagpa-practice ito at may sariling shop. He is not even an optometrist. Iyan po ay bawal talaga sa ilalim ng ating batas.

Senator Macapagal: Kaya ang sinasabi ng Kagalangalang na Senador, nasa batas na ang prohibisyong ito?

Senator Webb: Opo, nasa batas na iyan. Kaya naman nagkaroon ng ruling ang RTC ng Cebu City.

Senator Macapagal: Bakit pa po natin inuulit kung mayroon nang batas?

Senator Webb: Ano po iyon?

Senator Macapagal: Bakit pa natin inilalagay sa bagong batas kung mayroon nang batas na umiiral?

Senator Webb: Isinama na rin natin ito para lubos na maintindihan. Sapagkat kung hihintayin natin ang resulta mula sa korte, matatagalan pa bago ma-resolve ang isang kaso. Maaaring abutin ito ng sampung taon. And this is unfair to those who went out of their way to practice. They have practiced for the purpose of not making money, but primarily to give optometry service to our people with defective eyes.

Senator Macapagal: Pero kung nasa batas na at inuulit pang muli sa bagong batas, hindi iyon makaka-resolve sa court case. Ang kailangan lamang ay isang batas, at naroroon na iyon.

Ang paghaharap muli ng isang bagong batas ay hindi makakatulong sa pagre-resolve ng kaso dahil mayroon nang batas. Kung labag sa batas ay hindi labag sa unang batas. Kung hindi labag sa unang batas, kung pareho iyong pangalawang batas, hindi rin labag sa pangalawang batas.

Senator Webb: Marahil ay nalalaman ng magiting na Senadora na kapag tayo ay gumawa ng batas, ito ay maraming probisyon. And this is just one of the provisions that we maintained. The rest of the provisions are as important as that provision that we are now discussing.

Senator Macapagal: Ano po iyong mga bagong probisyon dito sa panukalang-batas na wala roon sa bagong batas?

Senator Webb: Ang ipinagkaiba nito ay iyong Optometry Law of 1957. It purely defines acts constituting the practice of optometry. The bill provides that qualified optometrists—ito po ang proposal sa ilalim ng batas na ito—that qualified optometrists will use specific DPAs (diagnostic pharmaceutical agents). This advancement is in the practice of optometry and is now being enjoyed by 30 countries including the United States, the UK, even in Hong Kong.

Doon po sa dating batas, iyong old law, optometry covers a course which is fixed at four years. Dito po ay binibigyan natin ng pagkakataong i-review ito at binibigyan natin ng pahintulot ang Commission on Higher Education, of course, in consultation with the Board, to decide kung ito ay gagawing six years or iretreaten ng four or gagawing five years. Iyon po ay open sa batas na ito.

Iyong third significant difference in our proposal is to integrate optometrists so that, collectively as one group, they can have a direct hand in the advancement of their profession. Ito ang mga pagkakaiba doon.

At mayroon pong mga naglalabas ng mga maling impormasyon katulad ng pagbabawalan na daw iyong mga ibang health workers na makatulong sa propesyong ito. Hindi po sila pinagbabawalan. Wala pong sinasabi sa batas na ito na ipinagbabawal silang tumulong.

Senator Macapagal: Maraming salamat po. Hanggang dito na lamang ang ating mga tanong dahil marami pang gustong magtanong. Marami pang mga panukalang batas na nakalinya ngunit ipagpaumanhin ng Pangulo ng Senado na muling makapagtanong pagkatapos mapag-aralan ang batas sa ibang bansa.

Senator Webb: Opo, ako ay sang-ayon sa suhestiyon ni Senator Macapagal.

Senator Romulo: Mr. President.

The Presiding Officer [Senator Lina]: The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF S. NO. 1998

Senator Romulo: Mr. President, in the meantime, I move that we suspend consideration of Senate Bill No. 1998.

The Presiding Officer [Senator Lina]: Is there any objection? [*Silence*] Hearing none, the motion is approved.

SUSPENSION OF THE SESSION

Senator Romulo: May I ask for a suspension of the session.

The Presiding Officer [Senator Lina]: The session is suspended, if there is no objection. [*There was none.*]

It was 11:32 a.m.

RESUMPTION OF THE SESSION

At 11:39 a.m., the session was resumed.

The Presiding Officer [Senator Lina]: The session is resumed.

BILL ON SECOND READING Senate Bill No. 1311—High-Value Crops (Continuation)

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 1311 and House Bill No. 9288 as reported out under Committee Report Nos. 311 and 419. This is the High-Value Crops bill.

We are in the period of individual amendments, Mr. President. I ask that the distinguished Lady from Pampanga, Pangasinan and Negros Occidental, Senator Macapagal, be recognized.

The Presiding Officer [Senator Lina]: Senator Macapagal is recognized.

Senator Macapagal: Mr. President, we have reconsidered the approval of this bill on Second Reading, and we are back to the period of individual amendments.

Senator Romulo: That is right, Mr. President.

RECORD OF THE SENATE

WEDNESDAY, FEBRUARY 1, 1995

RESUMPTION OF THE SESSION

At 10:45 a.m., the session was resumed with the Honorable Orlando S. Mercado, presiding.

The Presiding Officer [Senator Mercado]: The session is resumed.

Senator Romulo: Mr. President.

The Presiding Officer [Senator Mercado]: The Majority Leader is recognized.

Senator Romulo: Mr. President, May I ask the Secretary to read the Second Additional Reference of Business.

Then, we will resume consideration of Senate Bill No. 532, the bill creating the National Dairy Authority.

The Presiding Officer [Senator Mercado]: The Secretary will read the Second Additional Reference of Business.

SECOND ADDITIONAL REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Acting Secretary [Atty. Raval]:

January 30, 1995

Mr. President:

I have been directed to inform the Senate that the House of Representatives passed on January 30, 1995, House Bill No. 1419, entitled

AN ACT ESTABLISHING A FIFTY-BED EXTENSION PROVINCIAL HOSPITAL IN PALAYAN CITY, PROVINCE OF NUEVA ECIJA, TO BE KNOWN AS THE PAULINO J. GARCIA HOSPITAL, PALAYAN CITY EXTENSION, AND APPROPRIATING FUNDS THEREFOR,

to which it requests the concurrence of the Senate.

Very truly yours,

(Sgd.) CAMILO L. SABIO
Secretary General

The Honorable
EDGARDO J. ANGARA
President of the Senate
M a n i l a

The Presiding Officer [Senator Mercado]: Referred to the Committees on Health and Demography; and Finance.

The Acting Secretary [Atty. Raval]:

January 30, 1995

Mr. President:

I have been directed to inform the Senate that the House of Representatives passed on January 30, 1995, House Bill No. 1969, entitled

AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN THE MUNICIPALITY OF SAN LUIS, PROVINCE OF AURORA, TO BE KNOWN AS THE SAN LUIS NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR,

to which it requests the concurrence of the Senate.

Very truly yours,

(Sgd.) CAMILO L. SABIO
Secretary General

The Honorable
EDGARDO J. ANGARA
President of the Senate
M a n i l a

The Presiding Officer [Senator Mercado]: Referred to the Committees on Education, Arts and Culture; and Finance.

The Acting Secretary [Atty. Raval]:

January 30, 1995

Mr. President:

I have been directed to inform the Senate that the House of Representatives passed on January 30, 1995, House Bill No. 5920, entitled

AN ACT INCREASING THE BED CAPACITY OF TALAVERA DR. PAULINO J. GARCIA

SHALL BE ACCORDED TAX CREDITS EQUIVALENT TO TEN (10) PERCENT OF THE VALUE OF THE EXCESS VOLUME PURCHASED."

The Presiding Officer [Senator Mercado]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Shahani: Mr. President, there are no more individual amendments.

The Presiding Officer [Senator Mercado]: The Majority Leader.

Senator Romulo: Mr. President, I ask that the Minority Leader be recognized for his individual amendment.

The Presiding Officer [Senator Mercado]: The Chair recognizes Senator Tañada.

Senator Tañada: Thank you, Mr. President.

Before I propose my amendment, I would like to inquire from the distinguished Sponsor why the Secretary of Department of Science and Technology is not a member of the Dairy Industry Authority as proposed in the bill.

I believe that the Department of Science and Technology has been involved in many researches and technology dissemination in the area of milk and dairy products. So if there is really a good reason why the Secretary of Department of Science and Technology should not be a member of the Authority, then I would like to know what the reasons are.

Senator Shahani: Mr. President, the Minority Leader is absolutely right. But if we will recall, in the new version of the bill, we did include, as part of the Committee amendments yesterday, the Secretary of the Department of Science and Technology.

Senator Tañada: I see. So he is already in the Authority.

Senator Shahani: He is already in the Authority.

Senator Tañada: In which case, Mr. President, I have no amendment to propose.

Senator Romulo: Mr. President, I move that we close the period of individual amendments.

The Presiding Officer [Senator Mercado]: Is there any objection? [*Silence*] Hearing none, the period of amendments is closed.

APPROVAL OF S. NO. 532 ON SECOND READING

Senator Romulo: Mr. President, I move for the approval of Senate Bill No. 532, as amended, on Second Reading.

The Presiding Officer [Senator Mercado]: We shall now vote on the bill, as amended, on Second Reading. As many as are in favor of the bill, as amended, will please say *Aye*. [*Several Senators: Aye.*] As many as are against will please say *Nay*. [*Silence*]

Senate Bill No. 532, as amended, is approved on Second Reading.

BILL ON SECOND READING Senate Bill No. 1998 - Regulating the Practice of Optometry (Continuation)

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

The Presiding Officer [Senator Mercado]: Resumption of consideration of Senate Bill No. 1998 is now in order.

Senator Romulo: We are in the period of interpellations. I ask that the distinguished Chairman of the Committee on Health and Demography, Senator Webb, be recognized, with the distinguished Gentleman from Quezon City and Leyte, Senator Mercado, to interpellate.

SUSPENSION OF THE SESSION

I ask for a short suspension of the session so that the Presiding Officer can be relieved.

The Presiding Officer [Senator Mercado]: The session is suspended for a few minutes, if there is no objection. [*There was none.*]

It was 11:01 a.m.

RESUMPTION OF THE SESSION

At 11:21 a.m., the session was resumed with Senator Raul S. Roco, presiding.

The Presiding Officer [Senator Roco]: The session is resumed.

Senator Mercado: Mr. President.

The Presiding Officer [Senator Roco]: Senator Mercado is recognized.

Senator Mercado: Mr. President, will the Sponsor of the measure answer a few questions?

Senator Webb: Certainly, Mr. President.

Senator Mercado: For our information, Mr. President, will the Sponsor please explain to this Body the difference between an "optometrist" and an "ophthalmologist"?

Senator Webb: Mr. President, as far as optometrists are concerned, it is clearly stated in the bill who are optometrists. If the Gentleman will look at the bill very carefully, the definition of "optometrist" is well-stated in the bill.

Senator Mercado: I think, Mr. President, that in our deliberations, these questions are asked to establish the antecedents for our further questions.

My question, if I may repeat it, is: What is the difference between an "optometrist" and an "ophthalmologist"? I have in my hands the copy of the bill and I know there is a definition of an optometrist but I am asking the difference between the two professions.

Senator Webb: An "ophthalmologist" is a doctor of medicine specializing in eye diseases, and at the same time, does surgical work; while, an "optometrist" is a doctor of optometry primarily concerned with the vision and care of the eye, clinical refraction, dispensing visual aids like eyeglasses, contact lenses, et cetera, and other related services. An optometrist does not operate unlike an ophthalmologist.

Senator Mercado: Do all ophthalmologists perform operations?

Senator Webb: That is included in their training, Mr. President. They are trained to operate but it does not mean that all of them have performed operations.

Senator Mercado: To become an optometrist, what course is taken, and how long is this course?

Senator Webb: Mr. President, right now, optometry is a four-year course. But if the distinguished Gentleman will remember correctly, in the optometry bill that was vetoed by President Ramos, it was supposed to be a six-year course. In this particular bill, we have left it to the discretion of the Commission on Higher Education.

Senator Mercado: So does this bill incorporate a provision seeking to lengthen the course of optometry?

Senator Webb: It does not, Mr. President. It says that we are leaving this particular discretion to the Commission on Higher Education to study for themselves if it will be to the advantage not only of the optometrists but of the public itself.

Senator Mercado: So in preparation for the practice of optometry, the student takes a four-year course. Is there a board exam that he or she has to take?

Senator Webb: Yes, there is a board examination, Mr. President.

Senator Mercado: Is the optometrist conferred any title, in the same manner as a medical doctor?

Senator Webb: That is right, Mr. President. He is given a title, Doctor of Optometry.

Senator Mercado: So, that is an official title, Doctor of Optometry?

Senator Webb: Yes, Mr. President.

Senator Mercado: Could the distinguished Sponsor tell this Representation, Mr. President, how an optometrist works? What does he do? My understanding is that errors of refractions are determined. What are these terms? Could the distinguished Sponsor give us an idea of what the optometrist does in his clinic?

Senator Webb: Well, Mr. President, according to the definition itself, optometry is the science and art of examining the human eye. It also analyzes the ocular function, prescribing and dispensing ophthalmic lenses, prisms, contact lenses and their accessories and solutions, low-vision aids, and similar appliances and devices. They also conduct ocular exercises, vision training, orthoptics, installing prosthetics, down the line, Mr. President.

Senator Mercado: The Gentleman spoke, Mr. President, of examination of the eye. What would be the difference between the examination of the eye conducted by an ophthalmologist as against what is being done by an optometrist?

Senator Webb: Basically, as far as the examinations are concerned, Mr. President, they are the same.

Senator Mercado: So, the optometrist conducts the same

examination of the eye like that of the ophthalmologist?

Senator Webb: Yes, Mr. President.

Senator Mercado: Would that mean that the optometrist looks for diseases of the eye?

Senator Webb: They do, Mr. President.

Senator Mercado: The optometrist determines whether a patient has cataract?

Senator Webb: No, Mr. President. What happens is, the optometrist refers a particular patient to an ophthalmologist.

Senator Mercado: So, there is a difference between the examination of the eye conducted by the ophthalmologist and the optometrist?

Senator Webb: None, Mr. President. They are identical except for the fact that the job description of an optometrist has limitations. After he has examined the patient and he will not be able to give the necessary correction on the eye — as I have mentioned earlier defining what optometry is — then the patient is given a therapy and probably, later on, he is referred to the ophthalmologist.

Senator Mercado: If, for example, a patient has difficulty in seeing, has vision impairment, his eyeball is painful and he is noticing a hardness in the eyeball, both optometrist and ophthalmologist can examine the eye in the same manner. Would it be right for him to go to an optometrist or should he go to an ophthalmologist?

Senator Webb: Well, I would say he will have to go to an ophthalmologist. But an optometrist, by his experience alone will be able to detect exactly what might be needed. But again, his responsibility ends up there, and the patient, as I have mentioned, is referred to an ophthalmologist who will look closely and give an exact description of what the disease or the difference in his eye is.

Senator Mercado: The Sponsor said that the optometrist can detect what is wrong. Does it mean that the optometrist can establish whether a person has a problem in the eye like cataract, retinal detachment or glaucoma, and as a consequence, will refer the same to an ophthalmologist? Or would that be a diagnostic function performed only by an ophthalmologist?

Senator Webb: An optometrist may be able to detect the particular necessity, and the sickness probably. Again, his limitations are primarily in correcting the refractive error.

Senator Mercado: When the Sponsor says that the optometrist can detect the disease, the optometrist is not, in any way, making a diagnosis?

Senator Webb: Mr. President, may I make a correction. It is not "can" but "may". He may be able to detect because of his experience.

For instance, barangay health workers may even know the exact sickness. But they cannot operate on a kidney, for instance, although they might know that indeed the patient has a defective kidney.

Senator Mercado: May or shall, but should he? Is the education of the optometrist, which is a four-year course, enough to give him the competence to determine whether a patient has retinal detachment, diabetic retinopathy, glaucoma, cataract or any other similar eye disease? Is it not that the examination of the eye for organic defects or diseases a function solely given to an ophthalmologist, and the optometrist's function is just to measure the error of refraction?

Senator Webb: I agree with the Gentleman for the reason that he has stated.

Senator Mercado: Then there is a difference in the examination of the eye conducted by an optometrist as compared to the examination of the eye conducted by an ophthalmologist.

Senator Webb: In that particular situation, the Gentleman is right. But on the basis of general examination, this will have to be handled by an ophthalmologist.

Senator Mercado: So, it is safe to say that the job that is done by the optometrist can be done by the ophthalmologist. But the job that is done by an ophthalmologist cannot and should not be performed by the optometrist. Is that a fair statement, Mr. President?

Senator Webb: That is a fair statement, but may I add that it is not in all cases.

Senator Mercado: Mr. President, I need some clarification for that statement. My understanding is that the medical profession is regulated. It is actually one of the most regulated professions because it is dealing with lives and diseases. As such, even cardiologists do not practice ophthalmology; urologists do not perform plastic surgery. There are specializations that these people go through over and beyond the education that they obtained in medical schools. It would be a dangerous proposition to say that optometrists may even attempt to diagnose diseases. Would that not be a fair statement?

Senator Webb: Mr. President, as the Gentleman has given an example, I say that it will not apply to all cases. The reason why I said this is, it does not mean that everything an ophthalmologist can do cannot be done by an optometrist.

If we talk of the errors of refraction, I can say that that can be done by an optometrist. We know very well that as far as ophthalmologists are concerned, they have a very extensive training, primarily because they specialize on the different aspects of eye diseases. Added to that, the course that they take is 12 years compared to an optometrist who finishes his course in four years.

Senator Mercado: Mr. President, if the function of an optometrist is basically to determine what has been mentioned as the error of refraction and as a consequence prepare the eyeglasses that fit and correct the so-called "error", can these functions be done already by new machine?

What I am trying to say is that, do we have the technology that can determine one's so-called "grade"? What do we mean by the grade of the eyes? Could the Sponsor explain to us exactly what is measured?

Senator Webb: Mr. President, the technology is there, but we cannot take away even in every technology a human judgment. These are human judgments made by the two professions involved.

Senator Mercado: I would like to understand more matters concerning what we call the grade of one's vision. We have a phrase that says, "Your vision is 20/20." Does this phrase have its origin in optometry? What is that 20/20? Is that the grade?

Senator Webb: The grade is 20/20. Is the Gentleman asking whether that is the grade?

Senator Mercado: I am trying to find out if the phrase "20/20 vision" has anything to do with the so-called "grade" of one's vision. Maybe the Sponsor can educate this Representation and tell us what is meant by the grade.

Senator Webb: Mr. President, "20/20" means that if a person with a normal eyesight can see at 20 feet, somebody with a grade of 20/20 will be able to see also the same clear vision in 20 feet.

The Gentleman will have to forgive this Representation when most of the time, honestly, I am asking my staff. The questions are really new to me. I ask for his indulgence, Mr. President.

Senator Mercado: It is all right, Mr. President. Actually, the direction of my question is, first, to establish what is being done by an optometrist as differentiated from an ophthalmologist. Second, what is being done by an optometrist in order to really understand what an optometrist does, so that we can move towards understanding the policy proposals that are being made, because this measure is quite comprehensive. This will regulate the practice of optometry and create the Board of Optometric Education. It would spell the future of optometry.

I think it is incumbent upon us — I am not asking these questions to be facetious, there is a basis for these questions because our other questions on the policy would be based on our understanding of what an optometrist does. My question on technology is also simple. It has a reason.

I remember there was a time when one goes to an optometrist's shop and has an examination — one is supposed to read some letters — there is a chart that one reads. A Snellen's Chart, if I am not mistaken.

Senator Webb: I just asked, Mr. President, and the Gentleman is right.

Senator Mercado: Can one's grade of the eyes be determined without using that kind of a chart?

Senator Webb: With the present technology, it could be done. If I may add, Mr. President. I do not know if I am guessing — some of the things that the Gentleman is asking is primarily, of course, his concern, and I share this concern. Let me just put it on record, that particularly on that bill which was vetoed by President Ramos, it was because there was a conflict between an ophthalmologist and an optometrist, and I agree with the Gentleman in that regard.

What we did in this particular bill, if we are to take a matrix on this, is to primarily strike a balance or agreement between the two sides, and I am happy to report that somehow an agreement has been signed, sealed and delivered. I guess some corporations are really the ones against this particular bill. Later on, Mr. President, hopefully, we would be able to explain our reasons for excluding corporations and use of trade names in the practice of optometry.

Senator Mercado: Mr. President, I am not in that particular area. Actually, what I was asking about was an explanation of what the optometrist does, to be able to understand this policy proposal.

When I asked questions regarding a comparison between an

ophthalmologist and an optometrist, I think these are germane questions because these strike at the very roots of the definition of functions.

Actually, the question I am pursuing now, Mr. President, simply put is: Can one obtain a pair of eyeglasses without going through an examination using a Snellen's Chart? Sometimes, I have seen these reading glasses. Sometimes one will find these on racks in stores. My understanding is that when one reaches the age of 40 or thereabouts, invariably, one will have to use reading glasses because of some changes on the eyeball. Now, one can pick out those reading glasses and try them out and find one that suits his vision. Not going through an examination of an optometrist.

Is that safe, is that allowed? Is that a practice that is not compromising our health in terms of vision?

Senator Webb: Mr. President, when the Gentleman mentioned the age of forty and as such, one will probably have to use glasses, maybe it is a revelation that the Honorable Gentleman is above 40.

Senator Mercado: Yes, I do not deny my age. Actually the new term that is being used—the new politically accepted term, for those who are aging is: “chronologically gifted persons.” That is the new term. I think it will do well for us to show some respect for those who are advancing in age by calling them chronologically gifted.

The Presiding Officer [Senator Roco]: If the Gentleman will allow, does it mean that if one is younger, he is chronologically backward?

Senator Mercado: No. The word “young” has in itself already enough positive meaning.

The Presiding Officer [Senator Roco]: Shall we then allow these two chronologically gifted individuals to continue?

Senator Webb: That is why I took off my glasses when the Honorable Senator questioned about people over 40 years of age using glasses.

Anyway, Mr. President, on the question of Senator Mercado. Yes, high tech equipment is capable of doing this. But again, we have to realize, as I mentioned, there are human judgments that are made and as such, we know very well that machines do not go to school and machines cannot be held accountable.

Senator Mercado: I was just trying to establish the fact that technology has advanced in such a manner that eye examina-

tions can now be made without asking the patient to read the Shellen Chart. My information is that one can just look at a picture and with some computer mechanism, the optometrist can determine already one's error of refraction. Is that information correct or valid?

Senator Webb: That is right, Mr. President.

Senator Mercado: So, after the examination, what does the optometrist do in the preparation of the eyeglasses, exactly what is being done afterwards?

Senator Webb: After that examination, Mr. President, the optometrist analyzes, and if there is a need for eyeglasses, then he prescribes the wearing of eyeglasses. The eyeglasses are done not by the optometrist but by opticians.

Senator Mercado: Is the preparation of the eyeglass done by the optometrist himself or can an assistant do it for him? Does it have to be a licensed optometrist to be able to grind this so-called “glass”, if that is the process being used?

Senator Webb: Iyon pong pagga-grind o iyong pagsukat, for instance, sa frame, ang talagang gumagawa ay iyong opticians. Ang pagsukat niyan, iyong eksakto sa frame, ang optician po ang gumagawa nito.

Senator Mercado: So, the optometrist himself is the one who is supposed to do this particular function?

Senator Webb: I did not hear it, Mr. President.

Senator Mercado: Will we get into a stage where we can pick eyeglasses off the shelf, or by just looking into a machine determine one's error of refraction? Would the Sponsor say that the function or the job of the optometrist is indeed changing and little by little taken over by technology?

Senator Webb: The technology, Mr. President, is just a guide but the final judgment really falls on the shoulders of the doctors. If they are, for instance, ophthalmologists, then it falls on their shoulders. If they are optometrists, then it would necessarily be their responsibility.

Senator Mercado: Mr. President, the reason why I am asking this question is that, I am reminded of the profession called “pharmacy.”

In the past, pharmacy as a course was popular, there were a lot of students enrolling. Today, this enrollment is gone.

When we were sponsoring the Generics Act many years

ago, in our studies we found out that many of the so-called "drugstores" do not have the old-style pharmacist who himself or herself was compounding or mixing the medicines, because now medicines are already bought compounded and packed or ready for distribution.

In other words, the functions of the pharmacist in the local *botica* was already taken over by technology and we have a situation where the distribution of medicines has become so massive that there is no necessity for pharmacists to be present in the *botica* because a saleslady can read the prescriptions, and as they do not mix the medicines anymore they can dispense the same quickly. That situation reveals that the profession itself has changed.

The reason I am asking this question, Mr. President, is to find out whether or not there is a parallelism between the functions of a profession called "pharmacy" and the profession called "optometry"? Or are there changes in the distribution of eyeglasses and in the manner of distribution of medicines? That is the objective of my questions, Mr. President.

Senator Webb: We cannot compare a pharmacist — as Senator Mercado mentioned — to an optometrist. Because optometrists are like medical doctors who deal in the examination of the eye, diagnosis, and also the optical treatment of visual problems. There is a personal doctor-patient relationship here, while a pharmacist simply fills up prescriptions of a medical doctor. The pharmacist is a conduit. But there is a direct relationship between the patient and the optometrist.

Senator Mercado: Mr. President, I am a little apprehensive about the definition of an optometrist as "like medical doctors". We have to define in this measure — as it is defined — and make explicit this definition because the records of our debates here form part of the *Congressional Record*. If we say here that the optometrist can perform what we call quasi-medical functions, then we are establishing a policy.

So, if I may go back, the question is this: Are they the same or similar or like — as the word used by Senator Webb — the ophthalmologist? We have to define this, Mr. President. Or is the function totally different?

When I mentioned the pharmacist, Mr. President, I was not comparing the two — the pharmacist and the optometrist — but I was speaking of how they evolve; on how technology has taken over the functions of pharmacy. Actually, the information I would like to elicit is this: These technological changes happening now, are these affecting or changing the role that is being performed by the optometrist?

Senator Webb: Mr. President, if I may underline what I just mentioned — I said they are like doctors. The reason I said this is, just like doctors, optometrists do have peculiar relationships with their patients and as such, I primarily underlined and underscored this particular situation.

Again, going back to the example, unlike a pharmacist — as I mentioned it — that is a conduit, primarily because what happens to a pharmacist is, he gets a prescription from a doctor and gives the medicine to a patient, while an optometrist has a special trust and confidence reposed upon him by his patient.

Senator Mercado: Mr. President, those who have eye defects or those who use contact lenses utilize some drops for their eyes.

Under this particular measure, Mr. President, and under the functions of the optometrist as defined, does he have the authority to prepare such solutions and prescribe the same solutions in the use of one's contact lenses or whatever?

Is that a function solely practiced by the ophthalmologist or can the optometrist do the same?

Senator Webb: As far as contact lenses are concerned, these droppers are over-the-counter medicines that can be bought and can be given by an optometrist. There are certain DPAs mentioned in the bill that an optometrist may use drugs. These are diagnostic medicines, Mr. President.

Senator Mercado: Can the optometrist prepare certain solutions for the use of a patient who is, for example, using contact lenses?

Senator Webb: Yes, Mr. President. This is, right now, being regulated by the BFAD.

Senator Mercado: If, for example, the patient develops a disease or becomes blind as a consequence of the use of the same solution prescribed by the optometrist, can the patient sue the optometrist for malpractice in the same manner as doctors are charged with malpractice under such instances?

Senator Webb: Yes, Mr. President, they can be charged.

Senator Mercado: As we have been saying, Mr. President, there are changes that are happening now as regards eye wear or eyeglasses. There was a time when contact lenses were not in existence. Now, there are different types of contact lenses. There are extended wear contact lenses, contact lenses that one can use continuously. There are those that are hard and there are

those that are soft. Will the Sponsor explain this to us?

Senator Webb: There are even colored contact lenses now.

Senator Mercado: Yes, Mr. President. I believe that some ladies are wont to use colored contact lenses if only to change the color of their eyes.

If, for example, one wants to utilize these things for cosmetic purposes, what would be the liability of an optometrist if the patient develops certain reactions that can lead to damage of the eye or even blindness?

Senator Webb: They would be liable, Mr. President, particularly, as the Gentleman mentioned, for cosmetic purposes, if that is the wish of the patient. But the optometrist would still be held liable. Just for the record, contact lenses has been with us as early as 1957.

Senator Mercado: And those types that I mentioned—the soft, hard, extended wear—are they already popularly distributed?

Senator Webb: Those are new ones, Mr. President. But contact lens *per se*, they have been with us since 1957.

The ones that the Gentleman mentioned are new technologies and recent inventions.

Senator Mercado: Mr. President, in view of the lateness of the hour, I will wind up my questions by going back to an issue that I just want to be stated on the *Record*.

Can ophthalmologists, under this bill, practice optometry? I mean, will they be prohibited or can they distribute, take errors of refraction, and sell eyeglasses in their clinics?

Senator Webb: Yes, Mr. President. There was an extensive consultation with ophthalmologists. Certainly, they can.

Senator Mercado: Thank you, Mr. President.

Senator Webb: Thank you.

The Presiding Officer [Senator Roco]: What is the pleasure of the Majority Leader?

SUSPENSION OF THE SESSION

Senator Romulo: May I ask for a one-minute suspension of the session, Mr. President.

The Presiding Officer [Senator Roco]: The session is

suspended for one minute, if there is no objection. [*There was none.*]

It was 12:01 p.m.

RESUMPTION OF THE SESSION

At 12:03 p.m., the session was resumed.

The Presiding Officer [Senator Roco]: The session is resumed.

Senator Romulo: Mr. President, the following have expressed their reservation to interpellate on the Optometry Bill: Senators Roco, Gonzales and Osmeña.

Senator Shahani: Mr. President.

The Presiding Officer [Senator Roco]: Senator Shahani is recognized.

MANIFESTATION OF SENATOR SHAHANI (Senator Romulo as Coauthor of S. No. 532)

Senator Shahani: Mr. President, I would just want to make a brief manifestation.

I am pleased to inform the Chamber that our distinguished Majority Leader, Senator Romulo, has become a coauthor of Senate Bill No. 532, the National Dairy Industry which has just been approved on Second Reading.

Thank you, Mr. President.

The Presiding Officer [Senator Roco]: It is so noted.

SUSPENSION OF CONSIDERATION OF S. NO. 1998

Senator Romulo: Mr. President, I move that we suspend consideration of Senate Bill No. 1998.

The Presiding Officer [Senator Roco]: Is there any objection? [*Silence*] There being none, the motion is approved.

Senator Romulo: Mr. President, in this afternoon's session, we shall take up the following bills: Senate Bill No. 2008, the Computerization of Election Counting bill; House Bill No. 10844, the bill Granting Permanent Status to Aliens; Senate Bill No. 1061, the Legal Framework and Mechanism for Economic Zones; Senate Bill No. 1998, the Optometry Bill, as well as the other bills which are in the Calendar, such as the AFP Modernization bill.

Mr. President, may I also state that the printed copies of the bill on Condominium Act has just been distributed on the desk of our Colleagues.

ADJOURNMENT OF THE SESSION

Senator Romulo: Mr. President, I move that we adjourn

this morning's session until four o'clock this afternoon.

The Presiding Officer [Senator Roco]: The session is adjourned until four o'clock this afternoon, if there is no objection. [*There was none.*]

It was 12:06 p.m.

RECORD OF THE SENATE

TUESDAY, FEBRUARY 7, 1995

RESUMPTION OF THE SESSION

At 11:09 a.m., the session was resumed with the Honorable Agapito A. Aquino, presiding.

The Presiding Officer [Senator Aquino]: The session is resumed.

Senator Webb: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Webb is recognized.

Senator Webb: Mr. President, just for the record. This Representation took the Chair's advice when we suspended the session yesterday. If I may reiterate, the Chair said that the session will resume at ten o'clock sharp, and I arrived because he mentioned it.

Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: Thank you, Senator Webb. Maybe, we will also communicate with our Colleagues about the necessity of our punctuality.

The Majority Leader is recognized.

Senator Mercado: May I ask the Secretary to read the Second Additional Reference of Business.

The Presiding Officer [Senator Aquino]: The Secretary will please read the Second Additional Reference of Business.

SECOND ADDITIONAL REFERENCE OF BUSINESS

COMMITTEE REPORTS

The Acting Secretary [Atty. Raval]: Committee Report No. 864 prepared and submitted by the Committee on Education, Arts and Culture on Senate Bill No. 2051 with Senators Biazon, Mercado, Angara, Shahani, Rasul, and the Members of the Committee as authors thereof, entitled

AN ACT ESTABLISHING THE UNIVERSITY OF THE PHILIPPINES IN MINDANAO, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill Nos. 992, 1881, 1956, and taking into consideration House Bill No. 13382.

Sponsors: Senator Shahani and the Members of the Committee on Education, Arts and Culture

The Presiding Officer [Senator Aquino]: To the Calendar for Ordinary Business.

The Acting Secretary: Committee Report No. 865 submitted by the Committee on Education, Arts and Culture on House Bill No. 562, introduced by Congressman Abaya, *et al.*, entitled

AN ACT CONVERTING THE SANTIAGO VOCATIONAL AND INDUSTRIAL HIGH SCHOOL TO SOUTHERN ISABELA COLLEGE OF ARTS AND TRADES, AND AUTHORIZING APPROPRIATIONS THEREFOR,

recommending its approval without amendments.

Sponsors: Senator Shahani and the Members of the Committee on Education, Arts and Culture

The Presiding Officer [Senator Aquino]: To the Calendar for Ordinary Business.

The Acting Secretary: Committee Report No. 866 submitted by the Committee on Education, Arts and Culture on the following:

House Bill No. 10436, introduced by Congressman Zarraga, *et al.*, entitled

AN ACT CHANGING THE NAME OF THE BOHOL NATIONAL HIGH SCHOOL IN TAGBILARAN CITY, PROVINCE OF BOHOL, TO DR. CECILIO PUTONG NATIONAL HIGH SCHOOL;

House Bill No. 11892, introduced by Congressman Tajon, entitled

AN ACT CHANGING THE NAME OF THE PUG-OS (SINAIT) ELEMENTARY SCHOOL LOCATED AT BARANGAY PUG-OS, MUNICIPALITY OF SINAIT, PROVINCE OF ILOCOS SUR, TO DEAN LEOPOLDO YABES MEMORIAL ELEMENTARY SCHOOL;

and House Bill No. 12466, introduced by Congressman Lacson, *et al.*, entitled

AN ACT CHANGING THE NAME OF THE TALISAY SCHOOL OF FISHERIES IN THE MUNICIPALITY OF TALISAY, PROVINCE OF

Senator Mercado: Are there any existing TLAs in the area?

Senator Sotto: I was informed there was one in San Mariano.

Senator Mercado: Would the Sponsor know what is the coverage of the Timber License Agreement? What is the extent of the coverage of the same?

Senator Sotto: I am sorry, Mr. President, I do not know. I am not aware of that.

Senator Mercado: Mr. President, as I said, it has been my policy not to interfere on matters that are purely local bills. But on this particular issue, I believe, considering that the forest resources of Isabela are part of our patrimony and our natural resources, the data that I am asking should be provided for us to be able to make a decision on how we would view this effort to divide the Isabela province into two areas. Actually, the way I look at it, it will be divided into three areas.

In the meantime I will suspend my questions, Mr. President, until the same information I am asking is provided to this Representation.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 13983

Senator Romulo: Mr. President, I move that we suspend consideration of House Bill No. 13983.

The Presiding Officer [Senator Aquino]: Is there any objection? [Silence] Hearing none, the motion is approved.

SUSPENSION OF THE SESSION

Senator Romulo: May I ask for a one-minute suspension of the session.

The Presiding Officer [Senator Aquino]: The session is suspended for one minute, if there is no objection. [There was none.]

It was 7:24 p.m.

RESUMPTION OF THE SESSION

At 7:24 p.m., the session was resumed

The Presiding Officer [Senator Aquino]: The session is resumed.

BILL ON SECOND READING Senate Bill No. 1998 - Regulating the Practice of Optometry (Continuation)

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 1998 as reported out under Committee Report No. 764. This is the bill regulating the practice of optometry.

The Presiding Officer [Senator Aquino]: Resumption of consideration of Senate Bill No. 1998 is now in order.

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

The Presiding Officer [Senator Aquino]: Senator Webb is recognized.

Senator Romulo: Mr. President, we have had extensive interpellations on this bill. Therefore, I move that we close the period of interpellations.

Senator Osmeña: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Osmeña is recognized.

Senator Osmeña: I would like to ask the Majority Leader to allow me to just ask one question.

Senator Romulo: I withdraw the motion to close the period of interpellations.

Senator Osmeña: If I am satisfied with the answer, then I will desist from further interpellations.

The Presiding Officer [Senator Aquino]: Senator Osmeña is recognized.

Senator Osmeña: Do we understand from the distinguished Sponsor that the archaic, selfish, outmoded provision of the bill which restricts access to the practice of the profession by young persons who may seek employment in corporations or partnerships that would provide services in this field, will be deleted from the bill?

Senator Webb: It will be, Mr. President. That is on Section 6 of the particular bill. During the period of amendments, this Representation, after consultation with our Colleagues and finding such a provision as highly controversial, had agreed to

RECORD OF THE SENATE

WEDNESDAY, FEBRUARY 8, 1995

RESUMPTION OF THE SESSION

At 10:56 a.m., the session was resumed with the Honorable Jose D. Lina Jr., presiding.

The Presiding Officer [Senator Lina]: The session is resumed.

Senator Romulo: Mr. President.

The Presiding Officer [Senator Lina]: The Majority Leader is recognized.

Senator Romulo: Mr. President, we have an Additional Reference of Business. May I ask the Secretary to read the same.

The Presiding Officer [Senator Lina]: The Secretary will please read the Order of Business.

ADDITIONAL REFERENCE OF BUSINESS

RESOLUTION

The Secretary: Proposed Senated Resolution No. 1121, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON URBAN PLANNING, HOUSING AND RESETTLEMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE TENURIAL STATUS AS WELL AS ACTUAL LAND USE, OF ALL LANDS CONTAINED WITHIN THE PAYATAS ESTATE IN ORDER TO DETERMINE VIABLE LOCATIONS FOR SOCIALIZED AND LOW-COST HOUSING, AND OTHER ALLIED PROGRAMS OF GOVERNMENT.

Introduced by Senator Biazon.

The Presiding Officer [Senator Lina]: Referred to the Committee on Urban Planning, Housing and Resettlement.

COMMITTEE REPORTS

The Secretary: Committee Report No. 878, submitted by the Committee on Health and Demography on Senate Bill No. 46 with Senator Maceda as author, entitled

AN ACT TO MAKE THE WISHES OF ANY PERSON

DONATING ANY PART OF HIS HUMAN ORGAN OR BODY RESPECTED BY AND BINDING UPON HIS EXECUTOR OR ADMINISTRATOR, HEIRS AND ALL MEMBERS OF HIS FAMILY, AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBERED THREE HUNDRED FORTY-NINE, AS AMENDED,

recommending its transmittal to the Archives.

The Presiding Officer [Senator Lina]: To the Archives.

The Secretary: Committee Report No. 879, submitted by the Committee on Health and Demography on House Bill No. 322, introduced by Congresswoman Ecleo, entitled

AN ACT ESTABLISHING A TEN-BED CAPACITY MUNICIPAL HOSPITAL IN THE MUNICIPALITY OF SAN JOSE, PROVINCE OF SURIGAO DEL NORTE, TO BE KNOWN AS THE SAN JOSE MUNICIPAL HOSPITAL, AND APPROPRIATING FUNDS THEREFOR,

recommending its approval with amendments.

Sponsor: Senator Webb

The Presiding Officer [Senator Lina]: To the Calendar for Ordinary Business.

The Secretary: Committee Report No. 880, submitted by the Committee on Health and Demography on House Bill No. 6837, introduced by Congressman Zapata, entitled

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A TEN-BED MUNICIPAL HOSPITAL IN THE MUNICIPALITY OF LICUAN-BAAY, PROVINCE OF ABRA, TO BE KNOWN AS NORTHERN ABRA MUNICIPAL HOSPITAL, AND AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR,

recommending its approval with amendments.

Sponsor: Senator Webb

The Presiding Officer [Senator Lina]: To the Calendar for Ordinary Business.

The Secretary: Committee Report No. 881, prepared and submitted by the Committee on Health and Demography on

1111, 1630, 6645, 7030, 11983, 13298, 13375, 13515 and 13853.

The Presiding Officer [Senator Lina]: Is there any objection? [Silence] Hearing none, the motion is approved.

Senator Romulo: May I also move, Mr. President, that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Senate Concurrent Resolution No. 36 under Committee Report No. 889. This is the amendment to our legislative calendar providing for an extension of one week from February 9 to February 16 and then an extension of another week from June 8 to June 15.

The Presiding Officer [Senator Lina]: Is there any objection?

Senator Maceda: Mr. President.

The Presiding Officer [Senator Lina]: Before we decide on the motion, Senator Maceda is recognized.

QUESTION OF QUORUM

Senator Maceda: Pursuant to the Mercado prayer, Mr. President, I raise the question of quorum.

The Presiding Officer [Senator Lina]: The Majority Leader is recognized.

SUSPENSION OF THE SESSION

Senator Romulo: Mr. President, may I ask for a suspension of the session.

The Presiding Officer [Senator Lina]: The session is suspended, if there is no objection. [There was none.]

It was 11:06 a.m.

RESUMPTION OF THE SESSION

At 11:11 a.m., the session was resumed.

The Presiding Officer [Senator Lina]: The session is resumed.

Senator Maceda: Mr. President.

The Presiding Officer [Senator Lina]: Senator Maceda is recognized.

Senator Maceda: We take judicial notice of the presence of a quorum with the arrival of two Senators. So, I withdraw the motion to obviate a roll call.

The Presiding Officer [Senator Lina]: The motion is withdrawn.

BILL ON SECOND READING Senate Bill No. 1998 - Regulating the Practice of Optometry (Continuation)

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

The Presiding Officer [Senator Lina]: Resumption of consideration of Senate Bill No. 1998 is now in order.

Senator Romulo: Mr. President, we approved the Committee amendments last night and we are now in the period of individual amendments. The clean copies of the bill, as amended with the Committee amendments, have been distributed on the desk of each of our Colleagues.

May I ask that the Chair recognize the Chairman of the Committee on Health and Demography, Senator Webb, and Senator Mercado for the amendments.

Senator Mercado: Mr. President.

The Presiding Officer [Senator Lina]: Senator Mercado is recognized.

Senator Mercado: Mr. President, inasmuch as we received this only a few minutes ago, may we have a few minutes to go over the draft with the Committee amendments so that we will be able to study our proposed individual amendments.

SUSPENSION OF CONSIDERATION OF S. NO. 1998

Senator Romulo: Mr. President, I move that we suspend consideration of Senate Bill No. 1998.

The Presiding Officer [Senator Lina]: Is there any objection? [Silence] Hearing none, the motion is approved.

SUSPENSION OF THE SESSION

Senator Romulo: Mr. President, may we have a few minutes suspension of the session.

a reduction of personnel will be up to 30 percent. That, Mr. President, can translate into savings in the budget which, hopefully, can be transferred from being concentrated on personal services to the more important aspect of equipment acquisition.

As regards letter (a), we will have, not necessarily expenditure, but the possibility of having savings that would be part of the funds that we will use to purchase equipment.

Senator Maceda: Thank you, Mr. President, for that and I welcome that. We skip letter (b) and go to letter (c)—relocation, improvement, and construction of bases and other facilities.

How much is the price tag for this, if any? Or, if it is savings, how much is the projected savings from this?

Senator Mercado: Mr. President, what will happen here is, while there will be relocation cost, improvement cost and construction cost, we are also going to give up the bases. We are also going to convert the bases into useful commercial uses and raise the funds for the modernization through such scheme.

As we had explained to Senator Gonzales, who interpellated this Representation extensively on the financial aspect of this particular measure, there will be sales not only of properties of the Armed Forces under the Bases Conversion Plan but even those that are not under it.

However, in terms of its financial requirements, it is true there will also be requirements for bases development and they can be broken down and will come up to something like P19.448 billion. But, as I have mentioned previously, in the program for bases development, there will also be income-generating activities as a consequence of the sale of some properties of the Armed Forces.

QUESTION OF QUORUM

Senator Maceda: Mr. President, with the indulgence of the Gentleman. As we know, according to Emil Jurado, I am the campaign manager, the PR man and the *utusan* of the opposition. We have campaign schedules tonight, but I am discharging my functions here in the Senate. It is not fair that I am tied down here in the Senate while other Members of the Chamber do not care whether these measures are passed or not.

I raise a question of quorum, Mr. President.

SUSPENSION OF THE SESSION

Senator Romulo: Mr. President, may I ask for a suspension

of the session.

The Presiding Officer [Senator Webb]: The session is suspended, if there is no objection? [*There was none.*]

It was 6:54 p.m.

RESUMPTION OF THE SESSION

At 7:17 p.m., the session was resumed with Senator Agapito A. Aquino, presiding.

The Presiding Officer [Senator Aquino]: The session is resumed.

Senator Maceda: Mr. President, again, in a spirit of cooperation with the Majority, so as to be able to take up another important pending bill, I withdraw my motion for a quorum.

The Presiding Officer [Senator Aquino]: The Chair thanks the Gentleman again.

SUSPENSION OF CONSIDERATION OF S. NO. 1867

Senator Romulo: May I move then that we suspend consideration of Senate Bill No. 1867, the AFP Modernization Bill.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the motion is approved.

BILL ON SECOND READING Senate Bill No. 1998—Regulating the Practice of Optometry (Continuation)

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

The Presiding Officer [Senator Aquino]: Resumption of consideration of Senate Bill No. 1998 is now in order.

Senator Romulo: We are in the period of individual amendments. May I ask that the Chairman of the Committee on Health and Demography, Senator Webb, be recognized, with the distinguished Gentleman from Quezon City and Leyte, Senator Mercado, for his amendments.

The Presiding Officer [Senator Aquino]: Senator Webb is recognized, as well as Senator Mercado for his individual amendments.

Senator Mercado: Mr. President, I would like to propose an amendment on Section 3, paragraph...

Senator Romulo: Mr. President, with the permission of Senator Mercado, may I ask that Senator Gonzales be recognized to interpellate.

The Presiding Officer [Senator Aquino]: With the permission of Senator Mercado, Senator Gonzales is recognized.

Senator Gonzales: Thank you, Mr. President.

I have many questions and issues to be raised in connection with Sections 6 and 7 of this bill which would tend to establish why I consider these two provisions as unreasonable. However, it now appears that by virtue of Committee amendments, Sections 6 and 7 have already been deleted from the original bill.

Now, I would want it established, Mr. President, that the deletion of Sections 6 and 7 of Senate Bill No. 1998 does not in any way settle the issue of whether or not a corporation, by engaging or employing the services of an optometrist, is legal or illegal under existing laws.

In short, it is not meant to affect, in one way or another, the suit that has been brought by the Philippine Optometry Association holding or positing that that constitutes an indirect practice of optometry and, therefore, in violation of the existing optometry law or even under this bill if and when it becomes a law.

Is that a proper or correct understanding of the implications of the deletion of Sections 6 and 7?

Senator Webb: That is the accurate interpretation, Mr. President.

Senator Gonzales: Yes, Mr. President, and I want to make that of record as my own personal stand, that this does not in any way settle that issue, but the courts will be called upon to rule on this very important issue. Our objections or interpellations have been limited to Sections 6 and 7 of this bill, Mr. President.

With that statement I, therefore, conclude my own interpellations which, at this point, is no longer necessary having been foreclosed by the Committee amendments deleting Sections 6 and 7 of this bill.

Senator Webb: Thank you, Mr. President.

Senator Osmeña: Mr. President, with the permission of the Chairman, may I ask Senator Gonzales a few questions.

The Presiding Officer [Senator Aquino]: If Senator Gonzales is willing.

Senator Gonzales: Very willing, Mr. President, to the distinguished Gentleman from Cebu.

Senator Osmeña: Mr. President, if five people, who are not licensed to practice the profession, form a corporation under the Corporation Law of the Philippines and, therefore, employ persons who are licensed to practice the profession and open an establishment for the purpose of providing services which properly can be dispensed by these persons who are licensed, would this not be a legal, permissible, and proper conduct of professional and business practice?

Senator Gonzales: In fact, Mr. President, that is one of the instances that I would have added in my interpellation, but this is on the assumption that Sections 6 and 7 still remain as integral part of the bill. That is why I do not want it interpreted that we are in any way settling an issue that is now pending before the court. Let the case be decided in accordance with existing laws and let not our action in any way affect that legal issue.

Senator Osmeña: Mr. President, as far as a case pending in court is concerned, it is incumbent upon the attorney of the persons being sued to file a motion to dismiss on the ground that the issue has become moot and academic.

Senator Gonzales: No, Mr. President. Precisely, that is what I am trying to avoid, by putting into the *Record* that we are not foreclosing or making any decision on a case that is now pending before the Judiciary, to give the court the full opportunity to exercise its judicial power.

Senator Osmeña: Granting that, Mr. President, would the same case prosper after the enactment of this law?

Senator Gonzales: I feel that the question is still a judicial one because the question raised is: Can a corporation, which is not a natural person, engage in the practice of optometry? I think that is the issue before the courts. The additional issue is: Can a corporation, by employing optometrists, be said to be indirectly practicing optometry? We do not wish to affect, in one way or another, that particular judicial issue, Mr. President.

Senator Osmeña: Mr. President, when patients come to a hospital, like the Makati Medical Center, which is a stock corporation and they are admitted and undergo surgery, is it the understanding of the distinguished Gentleman that it is the Makati Medical Center that enters the operating room and uses the scalpel?

Senator Gonzales: Mr. President, I think, in the course of my interpellations, I said that the bottom line is what constitutes practice. What is "practicing?" Then I posited the question in a situation as the Gentleman interposed: Who is actually practicing the profession? Is it the corporation or is it the optometrist employed by it?

On the other hand, we do recognize that that issue is before the courts now and there might be an implication that, because of the Committee amendment deleting Sections 6 and 7, we have already ruled on that issue which is beyond our competence, Mr. President.

Senator Osmeña: Whether or not this law has a retroactive effect is not in question. It cannot retroact. So, a case that was filed arising from an existing law at the time it was filed will have to be decided on the basis of that law.

Senator Gonzales: Yes, Mr. President.

Senator Osmeña: But a case similar to that which would be filed before the enactment of this bill into law would, in my opinion, not prosper. I am not a lawyer, Mr. President.

Senator Gonzales: I think the legal basis of the case remains because many of these provisions are lifted bodily from the old Optometry Law. That is now involved in a case before the courts.

Senator Osmeña: Mr. President, would the Gentleman favor us—given his standing and acknowledged ascendancy in the legal profession—the privilege of introducing an amendment to this bill which would, in effect, clearly and unequivocally state that corporations that hire optometrists are not engaged in the practice of that profession?

Senator Gonzales: Mr. President, indeed, that is a policy matter, and I want to respect the Committee system which is a time-honored institution in a deliberative body like the Senate. I would rather leave that initiative to the distinguished Sponsor, who is the Chairman of the Committee.

Senator Osmeña: But, Mr. President, in a deliberative Body like this, we also have a period of individual amendments.

Senator Gonzales: Yes, Mr. President, we do. But under the circumstances, being aware of a pending case and the prerogative of any group of optometrists to question that before the court, I do respect that judgment.

What I am saying is, if they so desire to pursue their case, then so be it. But our actions should not be interpreted to mean

that we are already settling that issue, and therefore foreclosing the continuance of said case.

Senator Osmeña: No, Mr. President. There are two separate and different issues here: first, whether or not this bill, if enacted into law, would foreclose a future action; and the second one is whether it would retroact and effect the existing pending action. I think on the second case there is no doubt whatsoever. In the first case, it is our duty.

In the light of our exchange here today, I think a cloud of doubt has been created which could be the basis of a new case being filed. So it is our duty to spell it out clearly. Since we deleted Section 6, the intention of this Body is to allow corporations to hire professionals to engage in the service. And therefore we should state that categorically.

Mr. President, if the Gentleman will not make that amendment, I reserve the right to introduce that amendment in the period of amendments.

Senator Gonzales: It is the Gentleman's right and prerogative to do so, Mr. President. I am only saying that, probably, that will spark a very long and protracted debate because that is now a major policy issue.

Senator Osmeña: Mr. President, if that be the case, I think we have to confront that policy issue. We cannot leave it hanging in the records in the light of the doubts that have been created by our own exchange here tonight.

Senator Gonzales: We have already said our piece in respect to this particular issue. The Gentleman is within his rights to do whatever he thinks ought to be done under the premises.

Senator Osmeña: Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: The Majority Leader is recognized.

SUSPENSION OF THE SESSION

Senator Romulo: May I ask for a one-minute suspension of the session.

The Presiding Officer [Senator Aquino]: The session is suspended for one minute, if there is no objection. [*There was none.*]

It was 7:32 p.m.

RESUMPTION OF THE SESSION

At 7:33 p.m., the session was resumed.

The Presiding Officer [Senator Aquino]: The session is resumed.

The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF S. NO. 1998

Senator Romulo: Mr. President, I move that we suspend consideration of Senate Bill No. 1998 until tomorrow.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Romulo: Mr. President, there are Additional Reference of Business. May I ask the Secretary to read the Additional Reference of Business.

The Presiding Officer [Senator Aquino]: The Secretary will please read the Additional Reference of Business.

ADDITIONAL REFERENCE OF BUSINESS

COMMITTEE REPORTS

The Secretary: Committee Report No. 898, prepared and submitted by the Committee on Health and Demography on Senate Bill No. 2055 with Senators Alvarez and Webb as authors thereof, entitled

AN ACT PROMULGATING THE PHILIPPINE NATIONAL STANDARDS FOR DRINKING WATER, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill No. 1397.

Sponsors: Senators Webb and Alvarez

The Presiding Officer [Senator Aquino]: To the Calendar for Ordinary Business.

The Secretary: Committee Report No. 899, prepared and submitted by the Committee on Cultural Communities on Senate Bill No. 2056 with Senators Rasul, Macapagal, and Coseteng as authors thereof, entitled

AN ACT TO PROTECT THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES, CREATING THE COMMISSION ON INDIGENOUS CULTURAL COMMUNITIES AND ANCESTRAL DOMAINS, DEFINING ITS POWERS AND FUNCTIONS, AND APPROPRIATING FUNDS THEREFOR

recommending its approval in substitution of Senate Bill Nos. 1029 and 1849.

Dissenting: Senator Osmeña

Sponsors: Senators Rasul, Macapagal and Coseteng

The Presiding Officer [Senator Aquino]: To the Calendar for Ordinary Business.

SPECIAL ORDERS

Senator Romulo: Mr. President, with the permission of the Body, may I make an omnibus motion that all the subsequent bills to be read under the Second Additional Reference of Business be transferred thereafter to the Calendar for Special Orders.

The Presiding Officer [Senator Aquino]: Is there any objection to the motion? [*Silence*] Hearing none, the motion is approved.

SECOND ADDITIONAL REFERENCE OF BUSINESS

COMMITTEE REPORTS

The Secretary: Committee Report No. 900, submitted by the Committee on Public Services on House Bill No. 12680, introduced by Congressman Lagman, *et al.*, entitled --

AN ACT GRANTING THE AZ COMMUNICATIONS NETWORK, INC. A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN PUBLIC RADIOTELEPHONE AND RADIOTELEGRAPH COASTAL STATIONS AND PUBLIC-FIXED AND PUBLIC-BASED AND LAND-MOBILE STATIONS FOR THE RECEPTION AND TRANSMISSION OF RADIOTELEPHONE AND RADIOTELEGRAPH COMMUNICATIONS WITHIN THE PHILIPPINES,

recommending its approval with amendments.

RECORD OF THE SENATE

TUESDAY, FEBRUARY 14, 1995

RESUMPTION OF THE SESSION

At 11:11 a.m., the session was resumed with the Honorable Orlando S. Mercado, presiding.

The Presiding Officer [Senator Mercado]: The session is resumed.

The Majority Leader is recognized.

Senator Romulo: Mr. President, we have an Additional Reference of Business. May I ask the Secretary to read it.

The Presiding Officer [Senator Mercado]: The Secretary will please read the Fifth Additional Reference of Business.

FIFTH ADDITIONAL REFERENCE OF BUSINESS

MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

The Secretary:

February 11, 1995

Honorable Edgardo J. Angara
Senate President
Senate, Manila

Dear Senate President Angara:

Pursuant to Section 26(2), Article VI of the Constitution, I hereby certify to the necessity of the immediate enactment of Senate Bill No. 2046, entitled

**AN ACT AMENDING CERTAIN PROVISIONS OF
REPUBLIC ACT 7202, OTHERWISE KNOWN
AS THE SUGAR RESTITUTION LAW,
APPROPRIATING FUNDS THEREFOR AND
FOR OTHER PURPOSES,**

to meet the public emergency consisting of serious economic dislocation brought about by severe losses experienced by sugar planters/producers, and as a GATT safety net measure.

Very truly yours,

(Sgd.) FIDEL V. RAMOS

cc: Honorable Jose de Venecia
Speaker
House of Representatives

The Presiding Officer [Senator Mercado]: To the Committee on Rules.

The Majority Leader is recognized.

Senator Romulo: Mr. President, yesterday we recalled the Senate panel in the Bicameral Conference Committee on the disagreeing provisions of the House and the Senate versions on House Bill No. 1248, An Act Providing for Repatriation of Filipinos.

Thereafter, Mr. President, we reconsidered our approval on Third and Second readings of said bill. Therefore, it is still pending on Second Reading.

BILL ON SECOND READING H. No. 1248 - Repatriation of Filipinos (Continuation)

Mr. President, I move that we resume consideration of House Bill No. 1248 on Second Reading as reported out under Committee Report No. 563.

The Presiding Officer [Senator Mercado]: Resumption of consideration of House Bill No. 1248 is now in order.

Senator Romulo: Mr. President, may I ask that the distinguished Chairman of the Committee on Justice and Human Rights, Senator Roco, be recognized.

The Presiding Officer [Senator Mercado]: The Chair recognizes Senator Roco.

APPROVAL OF HOUSE BILL NO. 1248, AS AMENDED, ON SECOND READING

Senator Roco: Thank you very much, Mr. President.

In the interest of hastening the passage of the bill, Mr. President, because of its urgent nature and in view of the very limited time we have, the Committee is recommending that we now approve on Second Reading House Bill No. 1248, An Act Providing for the Repatriation of Filipinos, as approved by the House in its entirety as a substitute to the original Committee Report.

The Presiding Officer [Senator Mercado]: We shall now vote on the bill, as amended, on Second Reading. As many as are in favor of the bill, please say *Aye*. [Several Senators: *Aye*] As many as are against, please say *Nay*. [Silence]

House Bill No. 1248, as amended, is approved on Second Reading.

individual amendments.

Senator Tatad: So we have two new terms, Mr. President. I would like to thank our distinguished Colleague for his amendments which helped to perfect this bill.

May I be allowed to just correct certain editorial errors and omissions on the text. On page 15, line 27, between the word "Panel" and the word "Arbitrators," the word "or" should read "OF."

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

Senator Tatad: On page 35, line 13, the words "of Environment and Natural Resources" should be deleted, and in lieu thereof, we should have the phrase "FOREST MANAGEMENT BUREAU OF THE DEPARTMENT."

The President: That is already deleted.

Senator Tatad: And as a consequence of certain Sections deleted upon the motion of Senator Osmeña on the Geosciences Bureau, we propose the deletion of everything that appears on page 53, beginning on line 24, extending up to line 3 of page 54, Mr. President.

The President: Will the Gentleman repeat that please?

Senator Tatad: Line 24, on page 53 up to line 3 on page 54.

The President: That is already deleted.

Senator Tatad: Thank you very much, Mr. President.

The President: Are there any more individual amendments?

Senator Romulo: There are no more individual amendments, Mr. President.

I move that we close the period of individual amendments.

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

APPROVAL OF S. NO. 1639 ON SECOND READING

Senator Romulo: Mr. President, I move that we vote and approve on Second Reading Senate Bill No. 1639, as amended.

The President: We shall now vote on Senate Bill No. 1639, as amended.

As many as are in favor of this bill, will please say *Aye*. [Several Senators: *Aye*] As many as are against, will please say *Nay*. [Silence]

Senate Bill No. 1639, as amended, is approved on Second Reading.

BILL ON SECOND READING S. No. 1998 - Regulating the Practice of Optometry (Continuation)

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

The President: Resumption of the consideration of the bill is now in order.

Senator Romulo: We are now in the period of individual amendments, Mr. President. May I ask that the Chairman of the Committee on Health and Demography, Senator Webb, be recognized, with the distinguished Gentleman from Leyte and Quezon City, Senator Mercado, for his amendments.

The President: Senator Webb and Senator Mercado are recognized.

MERCADO AMENDMENTS

Senator Mercado: Mr. President, I would like to propose individual amendments to the measure before us. Starting with page 1, on line 11, I move for the deletion of the last comma (,) and the insertion of the phrase "FOR THE SOLE PURPOSE OF."

Senator Webb: It is accepted, Mr. President.

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

Senator Mercado: On page 2, Mr. President, I move for the deletion of lines 26 to 30, and lines 1 to 5 on page 3.

Mr. President, if I may explain my amendment. The previous amendment that has been accepted by the Chairman was meant to limit what this Representation feels is an encroachment on the field of ophthalmology on the part of optometry.

At this juncture, the Senate President relinquished the Chair to Senator Agapito A. Aquino.

The second amendment, Mr. President, is a provision that allows nonmedical personnel to prescribe, use, and dispense

drugs, and this grants to the optometrists the function which this Representation believes belongs to medical doctors. These drugs require special handling and the limitations of the drugs are better left to the Board of Optometry and the Department of Health. That is the reason I am moving for the deletion of the said lines.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: Mr. President, if I may explain my position regarding the amendment of the Gentleman from Quezon City and Leyte.

Mr. President, I am not an expert on this particular matter, but representations were made by the Department of Health and, in fact, even by the ophthalmologists, and they agreed that indeed the optometrists should be given this particular provision. Anyway, they will be taking, as part of their curricula, the practice of pharmacology.

I know the fear of the Gentleman from Quezon City and, partly, I am in agreement. But after exhaustive talk and discussions, not only with the Department of Health but even with the ophthalmologists, Mr. President, they have agreed that such be given to optometrists.

Senator Mercado: Mr. President, the question raised by Senator Webb is a very technical issue. That being the case, maybe, this technical issue — because both of us are not doctors or ophthalmologists — can be better resolved by doctors. And maybe, if we recommit this measure to the Committee and we can conduct hearings, we will be able to clarify a technical point that has been raised by Senator Webb.

I hold a separate view other than that of Senator Webb and, I believe, this can be resolved by technical information to be provided to this Body.

Senator Webb: Mr. President, just to put everything in its proper perspective. There had been exhaustive meetings held. In fact, both sides of the profession were heard by the Committee and, as I mentioned, though I am not an expert, having heard all concerned and both sides being in agreement, I felt that this was a necessity.

So, I would appeal to the Gentleman, if it is possible, for him to withdraw this particular amendment because of the importance that has to be given to optometrists to administer the DPAs so that they can use this as part of their profession.

Senator Mercado: Mr. President, the Gentleman strikes at

the very root of our disagreement on this measure. In fact, as it can be remembered, this measure was approved and reached the Office of the President. It was vetoed precisely because of the issue of the encroachment on the part of optometrists in a field that rightfully belongs to ophthalmologists. And there are real present and clear dangers to the health of our people. It is different, maybe, if this were a matter of skin disease. But we're talking of the eyes — the eyesight of our people. We cannot cavalierly treat the technical information that is being presented.

So, Mr. President, as the Chairman has agreed and submitted that he is not an expert and neither am I, I think this should be settled by a panel of experts, some of whom I have consulted, who hold a different view from the Chairman of the Committee on Health.

I implore our Colleagues to examine this particular issue because there is real danger if we just pass it as a matter of course.

Senator Webb: Mr. President, just for clarity again. During the particular Committee hearing, we had two groups, one called *Samahan Ng Mga Ophthalmologists*, and another big group. If I may say, they are the experts on the matter and as such, they have supported this particular inclusion. If they were not they would have sent this Representation letters stating they were not in agreement. But the records will show me out that they have agreed that the optometrists be given this particular privilege.

Anyway, there is a list, Mr. President, of the DPAs that they can use. They are drops or ointments that one puts on the eyes before they can examine them.

Senator Mercado: Mr. President, we have both agreed that we do not have the competence, the technical competence, to determine whether or not there would be dangers to the eyesight of our consumers. It is in the interest of our consumers and it is in view of these possible dangers that I am raising this point. Inasmuch as this technical medical information cannot be resolved in this debate, I suggest we postpone our discussion until we can establish this medically.

Senator Webb: Mr. President, I have mentioned that I am not an expert and, as such, we rely on those who are experts in the field. May I reiterate that, indeed, there were opinions by both, if I may mention, the Philippine Society of Ophthalmologists and the Philippine Academy of Ophthalmology and Otolaryngology. They are the experts, that is why I relied on them when they gave their opinion to this Representation. Their opinion favored that this particular profession — the optometrists — be given this particular right.

The record will bear this Representation out, Mr. President,

that we have had a series of consultations where the optometrists were present and agreed to this measure.

If we are to recommit the bill, Mr. President, it will still come out the same. I cannot see any reason why there should be a recommitment of the bill on one particular matter.

Senator Mercado: Mr. President, unfortunately, I am not willing to leave the eyesight of our people, wherein there are possible dangers, especially our consumers, to such claims.

We have been informed that there are potential problems as a consequence of this particular provision. We are concerned about those apprehensions and they have to be clarified. Unless we have the technical information that is agreeable in terms of acceptability on both sides, I think we will have a debate where one side avers certain points and the other avers certain points. But there is no way we can resolve it unless we have medical doctors who are acceptable to both this Representation and the Chairman who will agree that, indeed, there are no dangers to the eyesight of our people if we allow the optometrists to use the drugs that they want to use on the eyes of the consumers.

SUSPENSION OF THE SESSION

Senator Romulo: May I ask for a one-minute suspension of the session, Mr. President.

The Presiding Officer [Senator Aquino]: The session is suspended for one minute, if there is no objection. [*There was none.*]

It was 5:37 p.m.

RESUMPTION OF THE SESSION

At 5:40 p.m., the session was resumed.

The Presiding Officer [Senator Aquino]: The session is resumed.

Senator Mercado is recognized.

Senator Mercado: Mr. President, I would like to reiterate my proposed amendment for the deletion of lines 26 to 30 on page 2, and lines 1 to 5 on page 3 for the reasons I have previously stated.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: After consultation with the optometrists who are definitely not in favor of the amendment — I have tried

to convince them — that in order to have an early passage of the bill, we will accept the said amendment.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Mercado: Mr. President, I have another amendment. On page 3, line 20, I move for the deletion of the word "fitting" and the insertion of the word "AND" between the words "prescribing" and "dispensing," and the deletion of the words "and selling."

The Presiding Officer [Senator Aquino]: How will it read now?

Senator Mercado: The line would read: "The prescribing AND dispensing of."

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Mercado: On page 5, line 19, I move for the deletion of the words "Prohibition Against" and the insertion of the words "PROVISION ON." On line 20, I move for the deletion of the word "No" and the replacement of the same with the word "AN," and the deletion of the phrase "shall be allowed to use any" with the words "MAY USE A."

So that the provision would read as follows: "PROVISION ON the Use of Trade Names. - AN optometrist MAY USE A trade or business name."

Senator Webb: May I know first the intent of the amendment, Mr. President?

Senator Mercado: So that Section 8 would read, "PROVISION ON the Use of Trade Names. - AN optometrist MAY USE A trade name or business name. All optometrists shall practice under their names as appearing in the Registry of Optometrists maintained by the PRC."

So, in short, an optometrist shall always practice under his or her registered name and if he or she desires, under a trade name.

I remember, Mr. President, that Senator Maceda had indicated that one of the common practices in the United States for lawyers is to incorporate themselves as a means of protecting their practice. We must give that particular protective arm to the optometrists and allow them to incorporate if they so desire.

Senator Webb: If that is the intent of the Gentleman, then

I would like to propose an amendment to his amendment.

Why not delete the whole Section 6, Mr. President? It would be better because then the spirit of the prohibition itself has been cut into halves already. So I propose to delete Section 6 instead.

Senator Mercado: Mr. President, we are amenable to the deletion of Section 6.

So, if the Sponsor will propose it as a Committee amendment — although the period of Committee amendments has passed — it can be proposed as an individual amendment. I will no longer press for my revision of Section 6 because the same would have been deleted completely from line 19 to line 23.

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: So we are deleting line 19 to line 23. Is that the proposal of Senator Webb?

Is there any objection?

Senator Lina: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Lina is recognized.

Senator Lina: Mr. President, I believe that there is wisdom in prohibiting the use of trade names or business names by professionals.

In this country, Mr. President, doctors, lawyers, even, I think, engineers are not allowed to use trade names or business names.

The danger, Mr. President, is that it will be difficult for the Board to monitor the practice of the profession. It will be a safer, better arrangement if optometrists use their names in the practice of their profession since their names are the ones that appear in the Registry of Optometrists.

Considering that the Committee had already agreed to delete Section 7 and Section 6, which are the very controversial provisions, I believe we should retain Section 6 as is, so that optometrists shall only practice using their names as appearing in the Registry of Optometrists.

This is my view, Mr. President. In the practice of law, for example, I am quite positive that we are disallowed from using trade name or business name because the practice can be camouflaged under a trade name or business name.

So, for monitoring purposes and for the protection of the

patients themselves, I think it will be better if the optometrists are known by their names and not by any other assignation.

The Presiding Officer [Senator Aquino]: Is the Gentleman formally objecting to the proposed amendment of the Sponsor? Or is the Gentleman just presenting his view?

Senator Lina: I am presenting my view, Mr. President. I am advancing the argument that it will be better for the protection of the public and for monitoring purposes in the practice of the profession that the optometrists use their names as appearing in the Registry of Optometrists.

I see no rhyme or reason why we should allow them to use a trade name or business name. There may be some malpractices committed by those using the trade names. People may not be forewarned or may not really know whether those who are practicing optometry are under the Registry of Optometrists.

I am advancing that argument against the deletion of Section 6, Mr. President.

The Presiding Officer [Senator Aquino]: Maybe we can listen to some words of wisdom from Senator Roco.

SUSPENSION OF THE SESSION

Senator Roco: I ask for a one-minute suspension of the session, Mr. President.

The Presiding Officer [Senator Aquino]: The session is suspended for one minute, if there is no objection. [*There was none.*]

It was 5:51 p.m.

RESUMPTION OF THE SESSION

At 6:02 p.m., the session was resumed.

The Presiding Officer [Senator Aquino]: The session is resumed.

Senator Lina: Mr. President, during the recess, the Sponsor has agreed to delete lines 19 to 23 or the entire Section 6.

Since the amendment has been accepted, I will not prolong the debate. But let me just put into the *Record* that what Section 6 merely means is that only those who have passed all the requirements for optometry can practice the profession of optometry. Therefore, only the optometrists, the natural persons, can practice the profession under their names.

Let that be the interpretation, and let me put that interpretation into the *Record* why I see no reason for the deletion of Section 6. This section merely states the obvious, that the practice of the profession of optometry can only be pursued by a natural person, by the optometrist, under his very name. If we remove Section 6, the implication will be to the effect that business can practice the profession of optometry. That is why I moved against the deletion of Section 6. But I cannot be more popish than the Pope since Section 6 has been accepted to be deleted.

The Presiding Officer [Senator Aquino]: Senator Webb has already moved for the deletion of Section 6.

Is there any objection to the deletion of Section 6? [*Silence*] There being none, the amendment is approved.

Are there other amendments?

Senator Mercado: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Mercado is recognized.

Senator Mercado: Mr. President, the next amendment will be on page 16.

Senator Gonzales: Mr. President, anterior amendment.

The Presiding Officer [Senator Aquino]: Senator Gonzales has an anterior amendment.

Senator Gonzales is recognized.

GONZALES AMENDMENT

Senator Gonzales: Mr. President, as a consequence of the approval of the Committee amendment, deleting the original Sections 6 and 7 of the bill, I am proposing certain amendments on pages 15 and 16 on Section 34. The amendments are as follows:

On page 15, Section 34, delete paragraph (a) from lines 23 to 25.

The Presiding Officer [Senator Aquino]: May we take this one by one. What does the Sponsor say?

Senator Webb: Mr. President, I was hoping to propose an amendment to the amendment. Instead of letter (a) of Section 34, I would propose that we just delete the words "or indirect."

Senator Gonzales: But there is reference to Section 6...

Senator Webb: And also delete "and 6." And it follows, Mr. President, that letter (b) would also be deleted.

Mr. President, may I read my proposed amendment to the amendment. "ENGAGING IN AN UNAUTHORIZED PRACTICE OF OPTOMETRY AS DEFINED IN SECTION 5 OF THIS ACT."

Senator Gonzales: Can we just check what Section 5 is, Mr. President.

I accept the amendment to the proposed amendment.

The Presiding Officer [Senator Aquino]: The amendment is accepted. Does the Gentleman accept letter (a) "ENGAGING IN UNAUTHORIZED PRACTICE OF OPTOMETRY AS DEFINED IN SECTION 5 OF THIS ACT"? Is that acceptable to the Gentleman?

Senator Webb: Yes, Mr. President, that was an amendment to the amendment. I accept.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Gonzales: The second amendment on the same section, but appearing on page 16, will be the deletion of paragraph (d) from lines 5 to 10.

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Gonzales: As a consequence of the approval of these amendments, then on line 26, page 15, change letter (b) to (a). It will be paragraph (a) now.

The Presiding Officer [Senator Aquino]: That is correct. We will now renumber or reletter — letter (b) will now be letter (a); letter (c) will be letter (b).

Senator Gonzales: On line 30, letter (c) will be letter (d); on line 11, page 16, letter (e) will be letter (c); on line 15, paragraph (f) will be letter (d).

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Let us go back to Senator Mercado.

Senator Mercado: I have no more amendments, Mr. President.

The Presiding Officer [Senator Aquino]: Senator Mercado has no more amendments.

Senator Maceda is recognized.

Senator Maceda: First of all, on page 11.

Mr. President, one of the requirements of good legislation is that we do not put unnecessary verbiage where it is not necessary. I cannot understand Section 20, paragraph (c), lines 10 to 29. This is the first time I have seen anything like this. It states: "A holder of a degree of Doctor of Optometry," *et cetera*. After that, it enumerates all the subjects.

The degree of Doctor of Optometry is supposed to be already with a prescribed curriculum by the Department of Education, Culture and Sports, now by the CHED. Why do we have to enumerate all the subject matters, just like saying, a person before he has to take an examination to be a physician, then we enumerate all the subjects — pediatrics, radiology, *et cetera*? I do not know.

MACEDA AMENDMENTS

Unless there is a special reason, I propose that on line 13 put a period (.) after the word "Education" and delete all this long list of subjects.

The Presiding Officer [Senator Aquino]: Would the Sponsor care to reply to the question why this is enumerated?

Senator Webb: I am amenable to the proposed amendment, Mr. President.

Just for the record, such is placed as it is placed in the Medical Act of doctors. All of the list of courses and the subjects that they take are all enumerated in the Medical Act. But we have no objection. We can delete that particular paragraph.

The Presiding Officer [Senator Aquino]: The amendment is to delete everything after the words "Higher Education." Is that correct?

Senator Maceda: That is correct, Mr. President.

Senator Webb: It is accepted, Mr. President.

Senator Roco: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Roco is recognized.

Senator Roco: Could I just ask: Does this mean that if one

becomes a Doctor of Optometry from a foreign university, he will not qualify here? Is this the intention of the bill? I am leaving it to the Sponsor, but the way it is worded,...

Senator Webb: We have a specific section on that, Mr. President; it is on page 18, Section 40, if the Gentleman would look into it.

Senator Roco: Assuming therefore that he qualifies under reciprocity, he can still take the test in the Philippines. Is this correct?

Senator Webb: In short, Mr. President, if one is a foreign optometrist, he is disallowed to practice in the Philippines under certain conditions as stated here.

Senator Roco: No, Mr. President. In Section 20, we are only talking of taking the Licensure Examination in the Philippines. I have no objection to the amendment. But having been amended, the effect is that one can only take the examination if he studied in the Philippines.

Senator Webb: That is right, Mr. President. That is the intent of the bill.

Senator Roco: If that is the wish of the profession, it seems restrictive to the profession. If that is what they want, why should we complain? It fossilizes them.

Senator Webb: That is the intent, Mr. President, and that is the special provision that was placed into the bill.

The Presiding Officer [Senator Aquino]: The amendment is to delete everything after the word "Education" on line 13 of Section 20. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: The next amendment, Mr. President, is on page 13 on Disqualifications.

First of all, under the old Section 22, now Section 20, which we have just amended, there is the eligibility, Filipino citizen, of good moral character, a holder of a degree of Doctor of Optometry.

Then in connection with Section 26 — the old Section 28 — "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 22 of this Act;"

Are we saying that they were able to take the examinations

and to fake the requirements under Section 20? This seems to be a given. If one does not possess the qualifications, he is not supposed to take the examination in the first place.

So, why do we say here that one is disqualified if he does not possess the qualifications set forth in Section 22, which should now be Section 20?

I am proposing to delete paragraph "(a)" of Section 26 because this is already provided positively by the requirement of qualifications.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: Mr. President, the reason why it is stated here — the reasons for disqualification — is for purposes of emphasis, because there are times wherein certain people have anomalous intentions and they produce fake records and fake certificates. That is why we have to be extra careful.

Senator Maceda: I will not argue with that although it is not really necessary.

The Presiding Officer [Senator Aquino]: But it is necessary to amend that to Section 20 instead of Section 22.

Senator Webb: That is right, Mr. President.

The Presiding Officer [Senator Aquino]: Just for purposes of the *Record*. On line 7, Section 26, paragraph (a) instead of "SECTION 22," it shall be written "Section 20."

Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: In Section 24, line 26, "All successful nominees shall be required to take their oath before the Board" *et cetera*.

Of course, that is a given. To be able to take their oath, they have to be successful examinees. Why do we still provide in Section 26 — the old Section 28 — that those who fail to pass the Optometry Board licensure examination are not supposed to take their oath? It is already provided for that one has to be a successful nominee to take the oath.

Again, this is some sort of a duplication. Is this again for emphasis, Mr. President?

Senator Webb: People will view it as redundancy. But, again, I agree with the distinguished Gentleman that it has been

placed for purposes of emphasis.

Senator Maceda: To me, Mr. President — and I am not referring to the Sponsor — it just means to say that the bill was not very well-prepared.

"c) Those who have been convicted of any crime involving moral turpitude;" Among lawyers, we know what this means — convicted by the proper court.

The Presiding Officer [Senator Aquino]: We are now on page 13, line 10.

Senator Maceda: The more complete enumeration would be "CONVICTED BY FINAL JUDGMENT BY A COURT OF ANY CRIME INVOLVING MORAL TURPITUDE."

Senator Webb: If that is an amendment, Mr. President —

Senator Maceda: Yes, Mr. President. I so propose if the Sponsor wants it clarified and emphasized.

Senator Webb: I accept the amendment, Mr. President.

The Presiding Officer [Senator Aquino]: How will it read again, Senator Maceda?

Senator Maceda: "THOSE WHO HAVE BEEN CONVICTED BY FINAL JUDGMENT OF ANY COURT OF ANY CRIME INVOLVING MORAL TURPITUDE."

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection to the amendment? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: Next. "Those who have been found guilty of immoral or dishonorable conduct."

In the case of moral turpitude, it is convicted by the court. In this case, which is the agency that we are supposed to be referring to that found them guilty of immoral or dishonorable conduct?

Senator Webb: There is the Board of Optometry that will look into this. Under its existence, it specifies some of the things that it can do, and this is found in that particular Act.

Senator Maceda: So this refers to that very short period

between the time the nominees filed their applications to take the exams — they are supposed to be of good moral character — and the time they took the exams, passed the exams, and before they took their oath. In that intervening period, the Board conducted an investigation and found them guilty of immoral or dishonorable conduct.

If they are not yet optometrists, by what jurisdiction will the Board have to find them guilty of immoral or dishonorable conduct when they are not yet licensed optometrists?

Senator Webb: Mr. President, even before they take their oath as optometrists, this is a provision of great importance. But even if it happens that such an act is committed after they have taken their oath as optometrists, then again found if guilty by the Board, they could be suspended or even expelled as optometrists.

Senator Maceda: The usual effect of this — and I have no problem with it — is, after they pass the Board of Optometry, some jilted girlfriend or boyfriend or maybe somebody who wants to be fixed monetarily will file a petition with the Board to prevent them from taking their oath. I am just pointing out that that would be the practical application of this.

At any rate, then to clarify, those who have been found "GUILTY BY THE BOARD," if the Board is referred to already in a previous section as "Board of Optometry."

Senator Webb: I will accept the proposed amendment, Mr. President.

The Presiding Officer [Senator Aquino]: On line 12, we will therefore insert the word "GUILTY BY THE BOARD OF OPTOMETRY."

Senator Webb: Just "THE BOARD" will do, Mr. President, because when we talk of the board, we talk of the Board of Optometry.

The Presiding Officer [Senator Aquino]: So, insertion of the words "BY THE BOARD."

Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda: I think the next amendment will require a suspension of the session because I am proposing to delete from Section 36 to Section 39 on the Integration of Optometrists.

SUSPENSION OF THE SESSION

I move for a suspension of the session, Mr. President.

The Presiding Officer [Senator Aquino]: The session is suspended for a few minutes, if there is no objection. [There was none.]

It was 6:23 p.m.

RESUMPTION OF THE SESSION

At 6:26 p.m. the session was resumed.

The Presiding Officer [Senator Aquino]: The session is resumed.

Senator Maceda: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Maceda is recognized.

Senator Maceda: Just like the approved Engineering bill — I do not know if I recall it right — we do not compel everybody to be a member of the national association of engineers. We cannot even compel ordinary workers to be members of a labor union. It is against the constitutional protection of freedom of association.

I know, of course, that this was started under martial law, the integration of the bar, which is only practiced here. When I practiced in New York, for example, I did not have to join the State Bar Association. It was a voluntary thing. We cannot use the Bar as a precedent because it was a martial law decree. If it were presented here today, I would fight it, as a matter of fact.

Now, the associations, if they are strong enough, if they give enough good training courses and other benefits, optometrists will see the advantage of joining the association. But an optometrist in Kalinga, Apayao, who does not want to join the association, should not be compelled to do it especially in the nature of things.

Look at the Integrated Bar Association of the Philippines. The fees are going up. For a lot of people, they just pay the fees to keep their licenses, but they do not get really anything out of it, especially if they are not in the actual practice of their profession.

The amendment that I would like to propose to save this would be something like, instead of "shall be integrated," it should be "all OF THEM shall be ENCOURAGED TO JOIN AND be integrated into one national organization which shall be recognized by the Board and the PRC."

That would be the starting point, if it is acceptable to the

Sponsor. Then we can correspondingly amend all the others. But, if it is not acceptable, I guess it is something that we have to debate on and to vote upon.

Senator Webb: We are now opening up the possibility that the optometrists are not required to join a national association.

Senator Maceda: It is along the same line that we took even with the National Health Insurance bill which we cosponsored with the Gentleman, where we were even against the idea of compelling people to take out national health insurance. That is already in the police power of the State to compel them to protect themselves and give them good health.

But in the matter of a practice of a profession, I do not think we should compel anybody to join one organization.

Senator Webb: I accept the amendment, Mr. President.

The Presiding Officer [Senator Aquino]: The amendment is accepted, so that line 5 will now read: "All optometrists shall be ENCOURAGED TO be integrated into one national organization" *et cetera*, subject to style. Is that correct, Senator Maceda?

Senator Maceda: That would do, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: Then on line 7, we have to delete the last sentence which starts with "Every optometrist" up to the end of the paragraph.

The Presiding Officer [Senator Aquino]: On line 7, delete the sentences starting with "Every optometrist" until the word "effectivity" on line 12.

Senator Maceda: That is correct, Mr. President.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: Will the distinguished Gentleman agree to an amendment by putting the word "MAY" on line 8 of the same page between the words "*facto*" and "become"? So, in short, it will read: "Every optometrist, upon registration with the Board, *ipso facto* MAY become a member of the integrated national organization."

Senator Maceda: We have to remove the word "*ipso facto*," Mr. President, because *ipso facto* means "automatically."

The Presiding Officer [Senator Aquino]: So we shall have to remove the phrase "shall, *ipso facto*" on line 8.

Senator Maceda: And insert the word "MAY."

The Presiding Officer [Senator Aquino]: Is that acceptable to the Sponsor?

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: On line 10, change the word "shall" to "MAY."

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: Section 37 is all right. In Section 38, "All optometrists WHO JOINED THE..."

The Presiding Officer [Senator Aquino]: I think it is "All MEMBER optometrists."

Senator Tatad wants to say something.

Senator Tatad: Just a point of clarification on line 14, Mr. President, referring to the Code of Ethics. Is there an existing Code of Ethics?

Senator Webb: There is, Mr. President.

Senator Tatad: Formulated by whom?

Senator Webb: Basically, the Code of Ethics came from the Professional Regulation Commission.

Senator Tatad: Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: All right. Back to Senator Maceda.

Senator Maceda: On line 21, change the word "optometrists" to "MEMBERS."

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: On line 22, delete the word "membership."

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: On page 18, after the word "themselves," put a period (.) and delete the proviso up to the end of the paragraph.

The Presiding Officer [Senator Aquino]: Starting with what line is that, Senator Maceda?

Senator Maceda: Starting with line 1, page 18, Mr. President. After the word "themselves," put a period (.) and delete the proviso up to the end of the sentence.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: I guess that will be all. Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: Senator Roco is recognized.

Senator Roco: Just for the record, Mr. President. We did agree with the Chairman that there would be some deletions but these still appear in the text. I was assured in the caucus that these will disappear or that these had been deleted. For instance, on page 3, line 20, the words "fitting" and "selling."

The Presiding Officer [Senator Aquino]: Those words were deleted.

Senator Roco: The words "and their other accessories," et cetera., on lines 21 to 23, have these been deleted?

The Presiding Officer [Senator Aquino]: No, line 20, b), reads: "The prescribing and dispensing of ophthalmic lenses" et cetera, those are all intact.

Senator Roco: May we then move, Mr. President, that the

words "their accessories and solutions, frames and their accessories, and supplies" be deleted because these have nothing to do with the profession, these can even be sold in the sidewalk. These are strictly commercial activities. These were agreed upon in the text that we were working on last week. So, to delete lines 21 to 23, beginning with "and their accessories" and ending with "and supplies."

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: Mr. President, I think it is the job of the optometrist to prescribe and dispense "ophthalmic lenses, prisms," and even "contact lenses." If we take these out, then...

The Presiding Officer [Senator Aquino]: No, he is not taking them out.

Senator Roco: No, I am not taking those out — "and their accessories." Only the phrase "accessories and solutions."

The Presiding Officer [Senator Aquino]: On line 21, starting from "and their accessories," et cetera, until the word "supplies" on line 23. That is what the Gentleman intends to remove.

Senator Roco: Yes, the water, the special solutions, the frames, the *tornilyo* because we guys who wear eyeglasses always have to look for these small *tornilyo*. And then the screwdriver, because we need the screwdriver for the smallest screw and we get a little screw.

Senator Webb: Mr. President, the Gentleman is right if there is no provision here, particularly on line 16, that all of these devices, visual aids and apparatus, even the machines are going to be utilized for the purpose of determining the condition and acuity of the human vision to correct and improve the same in accordance with subsections b, c and d hereof.

There is a reason behind that, Mr. President. It is not purely for commercial purposes as mentioned. Definitely not.

Senator Roco: Mr. President, really effectively since the "fitting and selling" was removed because these are basically commercial activities, accessories and solutions, the water — that special water — that is put on the contact lenses. I do not wear contact lenses so I am not familiar with this special blue water or whatever. The frames, these are sold by everybody. Accessories of the frames — I do not know what they call these things which support frame of the glasses on the nose — the pads. Those do not really constitute the practice of optometry. I mean, how does one learn that from taking the course, or where in these

subjects does one learn those: mathematics, general organic chemistry, practical/mechanical optics? Maybe there, the small screw, how to measure the small screw, maybe those are there. General pathology, ocular pathology, those professional activities do not include these accessories. Otherwise, the *sari-sari* store in the corner may be sued for illegal practice of optometry because they have blue water to wash the contact lens.

Can the Gentleman imagine, Mr. President, considering how litigious some of our citizens can be? And it is eight years imprisonment.

This bill, Mr. President, is bordering on violations of human rights. It is eight years imprisonment for selling a screw or a pad to support eyeglasses, or the blue water to clean the contact lenses, or a fine of P40,000.00. The screw costs P6.00. How, in heaven's name, do we justify this to our people?

Senator Webb: Mr. President, though exaggerated, certainly, there is no provision that says they cannot sell the screw, provided, that it is, again as written in the bill, "for the purpose of correcting refractive errors."

Senator Roco: Correct. So that will be sufficient to qualify ophthalmic lenses, prisms, contact lenses, for the purpose of correcting refractive errors and those related to deficiencies and abnormalities of human visions. But somebody has to explain to me how the screw will correct refractive error.

Senator Webb: For instance, it is part of the frame, Mr. President. If a screw of a particular frame gets lost, I mean to say, where does one go? As the Gentleman mentioned, I doubt if he will go to a *sari-sari* store. He has to go to the optometrist who has this particular device. But again, the Gentleman talks of the frames and their accessories. A frame itself has accessories and part of its accessories could be the screw.

Senator Roco: It is still not the practice of optometry. That is all we are saying. That cannot possibly be envisioned to be included in the practice of optometry. And then even, Mr. President, when we first discussed this...

Senator Webb: I will accept the proposed amendment, Mr. President, for the purpose of expediency because, I think, both of us have given our points. But, to an end, for someone who wants a particular bill approved, sometimes we have to give in also. So, I accept the amendment.

Senator Roco: Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: I think it is also important to realize that the frame and what constitutes the frame

is not necessarily an optometrist's job. That is, I think, what Senator Roco is trying to say. I hope the Gentleman accepts the amendment because it is the right thing to do, but not for expediency.

Anyway, since the Sponsor accepted the amendment, is there any objection?

That means deleting the phrase "and their accessories and solutions, frames and their accessories, and supplies." Senator Roco, is that correct?

Senator Roco: That is correct, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Roco: Mr. President, also the establishment of offices, on page 4, lines 3 and 4, should also be deleted: "The establishment of offices and clinics where optometric services are offered."

That has nothing to do also with the practice. I mean, it is an incident of the commercial activity. But if one establishes therefore an office which can, in any manner, be considered where an optometrist dispenses his or her services, that is also subject to illegal practice. It is like saying that when one puts up an office for the lawyers, it is illegal practice of law. The physical must be separated from the professional, Mr. President.

Senator Webb: The motive of the bill itself, Mr. President, specifically in Section 6 that was deleted, was to prohibit indirect practice. Now that we have deleted that particular provision, I will accept the amendment of deleting also letter "(e)".

Senator Roco: Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: All right. The amendment is to delete letter (e) which comprises lines 3 and 4 of page 4. Is there any objection? [*Silence*] Hearing none, the same is approved.

Senator Roco: And then, on page 9, Mr. President, lines 12 to 15. I will request the Sponsor to dwell a little on this judicial power.

It says, the "Board"—whoever this Board is—is composed of five (5) members: an optometrist; a citizen of the Philippines; 35 years of age; of good moral character; and has ten (10) years practice in the profession.

With those qualifications, five people will exercise judicial

power — "Upon application, to issue an order enjoining or abating the illegal practice of optometry by unqualified persons or corporations, partnerships and other entities."

It deprives people of whatever it is they are doing. Five individuals exercising judicial power. I think it is even unconstitutional. I do not know whether we can delegate judicial power to a Board composed of five persons with these qualifications.

It is very serious, Mr. President. When we authorize a Board of five and give them the power to deprive others of their livelihood on the pretext of abating illegal practice, those are judgment calls. I think this is a very dangerous power, and no optometrist should agree to this — to be subject to such an arbitrary deprivation of his livelihood.

If I were an optometrist, Mr. President, I will rise in rebellion against this provision. "Who are these five anointed individuals who will deprive me of my livelihood?" The Supreme Court is protected by the Constitution. The whole infrastructure of judicial theory is based on the proposition that the Supreme Court is the repository of judicial discretion.

But here on page 9, lines 12 to 13, it says "enjoining or abating the illegal practice." Illegal is a judgment that must be formed by persons informed in law. There is no such qualification for the five. I do not understand this, Mr. President.

Senator Webb: Mr. President, in response to Senator Roco's query, the Board of Medicine has only three members, and yet they have the same power.

Senator Roco: Then they should also be removed.

Senator Webb: We did not. That is why we took it from there — having five people. And we talk of not only quality but quantity. I think we picked it up from there. This is one of the things that is authorized by the Board of Medicine for applicants to the Board.

Senator Roco: Mr. President, this one is a point of policy. One wrong cannot justify another. If it slipped through that some Board has been authorized to do this, we should not allow it again, and in due time we should also modify that law.

But the power to stop people from a purportedly illegal practice without having been determined by a court is probably unconstitutional, and this will not stand scrutiny, if questioned. I do not think that we can delegate such judicial powers to a Board of five, no matter how bright as optometrists they may be, under the qualifications in Section 9. This is dangerous, Mr. President.

Senator Webb: Mr. President, the optometrists who are present here, after seeing that Senator Roco is very much after their welfare, had told this Representation that we should delete it, so I accept their recommendation and the amendment.

Senator Roco: Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: So, what exactly are we deleting now, Senator Roco?

Senator Roco: Lines 12 to 15 on page 9, Mr. President.

The Presiding Officer [Senator Aquino]: On Page 9, lines...?

Senator Roco: Lines 12 to 15.

Senator Webb: Lines 12 to 15, letter (l).

The Presiding Officer [Senator Aquino]: Is there any objection to deleting lines 12 to 15 on page 9, letter (l)? [*Silence*] Hearing none, the amendment is approved.

Senator Roco: On page 15, Mr. President, I would imagine this is just a typing error because "Section 6" has been deleted on line 24. So I will just call attention to it. I think that has been deleted editorially.

The Presiding Officer [Senator Aquino]: That is correct.

Senator Roco: I would imagine, Mr. President, on page 16, editorially, lines 5 to 10 letter (d), have also been deleted.

The Presiding Officer [Senator Aquino]: That is correct.

Senator Roco: And lines 24 to 28 have also been deleted.

The Presiding Officer [Senator Aquino]: No, that has not been deleted. Lines 24 to 28?

Senator Roco: Yes, Mr. President, "If the violation is committed."

Mr. President, may we propose then that that phrase, the second sentence be deleted.

Let me just say, Mr. President, that one of the nightmares of a member of a board of directors is a law like this. He does not know anything about what is happening. He is a member of the board. Under the corporation law, he does not even have individual powers. He just has collegial participation. Things are submitted to him; he approves. He does not know anything

about the operations. One can be a member of the board of directors without understanding the business, as long as he makes sense.

But here, when the violation is committed by a corporation or other institutions, the president, the directors and the managing officer may not even know. The director may not even know what in heaven's name was being done by a salesman or an employee. But he will wake up one day facing the possibility of eight years of imprisonment or a fine of P10,000.

Mr. President, I will suggest that we should not inflict that kind of anxiety on persons involved with optometry. Otherwise, we shall have very anxious optometrists all the time. I will request, that it be deleted because this is what the lawyers will call—and I hate to say it—*mala prohibita* because it is a special law. Mere violation of the words of this bill when it becomes a law becomes a crime.

One does not even have to say he did not know. If he did not know, that is too bad. One does not have to say he did not intend it. In the penal code, he must have intentions. Here, whether the mind is criminal, whether the mind intended it or not, under this provision, he will face eight years of imprisonment.

It is good for the lawyers, Mr. President, because when people are accused of a crime facing eight years imprisonment, they pay good legal fees. But I do not think, that is the intention of this bill.

The Presiding Officer [Senator Aquino]: What happens to lines 28 to 30? Because it says there "In addition."

Senator Roco: Yes, in addition to the penal provisions, the administrative penalties specified on line 29 shall be imposed whenever applicable. That is correct, Mr. President.

The Presiding Officer [Senator Aquino]: So, the proposal is to delete the second to the last sentence starting with the words "If the violation" until line 28 with the words "this Act". What does the Sponsor say?

Senator Webb: Mr. President, though I will accept the proposed amendment, just for the record, when we create a board, then I think the board members themselves should be responsible, should exercise vigilance. That is part of being a member of the board. There are certain parameters and responsibilities that one has to assume. But since the good Senator from the Bicol region is more aware of legal issues, I will rely on his better judgment. I will accept the proposed amendment.

Senator Roco: Thank you, Mr. President.

Just to demonstrate, Mr. President. The acts punished are in the immediately preceding sections. One of those acts is the "use of diagnostic pharmaceutical agents by an untrained optometrist."

The director will never know that use, Mr. President, by an untrained optometrist. Some junior clerk comes into his clinic, starts toying around without authority on the diagnostic pharmaceutical or whatever it is, whatever this instrument may be. And under the provisions of Section 35, that will be punishable. The director, who never even realized that some persons went into the clinic, will be held liable. That is the possibility.

But I am grateful it is accepted. I have no interest in the matter, Mr. President, and it is really better for the people involved in the profession.

The Presiding Officer [Senator Aquino]: All right, let us act on the proposed deletion of the words on line 24 starting with the word "If" until line 28 ending with the word "Act." Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Roco: A final proposal, Mr. President. This is a policy issue that I submit to the judgment of the Committee Chairman.

On page 18, there may be good reason, Mr. President, to delete line 16 to the end of the page on line 31.

On Foreign Reciprocity, Mr. President, the way this is worded, it says that no foreigner shall be admitted to the optometric Board examinations unless there is reciprocal treatment in his country of origin.

Perfect, Mr. President. He must prove, according to the Rules of Court, that his country of origin will give the Filipino the same even chance.

Having said that, Mr. President, it goes under the proviso, from line 16 to line 26A: "Provided, however, That the Board, UPON APPROVAL BY THE PRC" — I assume this is the Professional Regulation Commission or Committee — "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..."

Mr. President, I am no optometrist so I can live with this. But this will subject the profession to arbitrary unfair competition from people who claim to be internationally known.

I have met so many people, Mr. President, who claim to be internationally known. They are internationally known only in their minds. But they are able to convince others that they are internationally known.

Mr. President, if I were an optometrist, I will object to this. If we want protection, reciprocal protection in countries, we should not put exceptions. All we are doing is authorizing the Board, these five anointed individuals specially gifted individuals, to therefore select and say, "Aha, so and so is internationally known. So and so is an expert." And all of a sudden, one has in his own backyard some person internationally known in the field who is competing with him.

We should not allow this, Mr. President. But I leave it to the Committee Chairman and to the optometrists. If they can live with this, let them be punished by their own doing.

Senator Webb: If we look at the special sentence, particularly on line 24, again, this is a judgment call. If we have five people, anointed as they are, and they have nothing to do except to sign papers, then why create a board? That is why we are putting the best five people in the profession of optometry to be members of the Board.

As such, I feel that they should be the ones responsible to make sure that the people that they will get are not only foreign experts in optometry by name but rather by deeds and track record that they can be proud of.

That is why we place here on line 24 the phrase "that his services will promote the advancement of the profession in the Philippines." We specifically mentioned that.

We even invite foreign basketball players, Mr. President, to come here because we want a transfer of technology. We want to see how they play.

So, as mentioned by the Gentleman, we would leave it to the discretion of the Chairman and I appeal, that maybe, we should leave this particular provision.

Senator Roco: Yes. Let me just put a final word.

Mr. President, I always react against arbitrariness. This is a mind full of arbitrariness. If the Chairman wants to inflict it upon the optometrists and the optometrists are willing to live with it, so be it. I think the Spanish has a saying, *mira se la pena*.

Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: The Majority Leader is recognized.

Senator Romulo: For one last amendment, I ask that Senator Mercado be recognized.

The Presiding Officer [Senator Aquino]: Senator Mercado is recognized for one last amendment.

Senator Mercado: Last amendments.

The Presiding Officer [Senator Aquino]: For last amendments.

Senator Mercado: Mr. President, on page 16, line 17...

Senator Webb: What page is that, Mr. President?

MERCADO AMENDMENTS

Senator Mercado: On page 16, line 17, we have deleted in this particular measure the words "pharmaceutical agents" as a consequence of one of my amendments, and it is still referred to in this particular provision "is authorized to use under this Act."

I move for the deletion of the phrase "under this Act," and a period (.) be placed after the word "use" on line 16.

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Mercado: I guess there can be an omnibus amendment to adjust the section numbers on this page. Section 35 here will become Section 33, if I am not mistaken.

Senator Webb: Yes, Mr. President, there is a renumbering.

The Presiding Officer [Senator Aquino]: Omnibus amendment for the renumbering of the sections. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Mercado: The other amendment which I would like to propose is on page 4, from line 16 up to line 18. I move for the deletion of the words "who have received post-graduate training in the diagnosis and treatment of eye diseases."

That phrase, Mr. President, qualifies doctors. They have to have a post-graduate training course in the diagnosis and treat-

ment of eye diseases to practice optometry. But in the same provision or in the same section, we allow public health workers trained and involved in the Government's blindness prevention program.

Mr. President, if we allow public health workers who are not doctors, it stands to reason that to qualify the requirement for doctors to be graduates of post-graduate courses in diagnosis and treatment of eye diseases is inconsistent with the other provision. So, I move for the deletion of that phrase, from the word "who" on line 16 up to the word "diseases" on line 18.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: Mr. President, in response to Senator Mercado, if he would read lines 21 to 24, it does not preclude any doctor from examining the eyes of the patient. Lines 16 to 18 are primarily directed to ophthalmologists.

Senator Mercado: Precisely, Mr. President, we have an inconsistency here. We are allowing public health workers who may not be doctors to practice, while we are restricting doctors to only those who have post-graduate training by virtue of this particular provision. This makes the requirements inconsistent. It is the submission of this Representation that that qualification should be removed.

Senator Webb: The public health workers are allowed only visual acuity tests and vision screening, but not the job of an optometrist. These are two different things.

If Senator Mercado is asking, "Why are we allowing public health workers to examine the eye of the patients?", there is a limitation to what they can do, unlike an ophthalmologist or an optometrist. That is why it is specified here what the doctor can do to his patients as far as eye examination is concerned. If we talk of consistency here, there is consistency in this particular provision.

Senator Mercado: For proper understanding, let us read the provision carefully: "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."

Here, Mr. President, it is very clear that what we are doing is that we are allowing doctors, only certain types of doctors, who have finished post-graduate training courses in the diagnosis and treatment of eye diseases as well as public health workers.

Mr. President, we are not belittling the course of optometry. It is a four-year course. Those who finish the course correct deficiencies of the eyes. But somebody who finished medicine goes through ophthalmology as a course of medicine. And so, what we are doing here, if one is a doctor, for example, one is a general practitioner, he cannot practice unless he takes that post-graduate course. At the same time, we are allowing public health workers to do the same. Moreover, eye examinations are basic in almost all diagnostic procedures.

Mr. President, I believe this provision is inconsistent and it can be corrected if we delete lines 16, 17, and 18 with the words that I have mentioned.

Senator Webb: Mr. President, the ophthalmologist can do everything that an optometrist can do, but a public health worker can only do a limited job description, which is well-described here. He may conduct visual acuity tests and vision screening, and that is it. Compared to what the ophthalmologist and the optometrist can do, that is only a drop in the bucket. That is why we are stating certain parameters of what each profession can do.

Senator Mercado: Mr. President, I do not want to repeat myself. I think I have made myself clear that this particular provision is, to my mind, inconsistent and it can be corrected by the deletion of certain words.

If the Sponsor does not accept it, then, I believe, parliamentarily we have a means of solving this particular problem. I just want to call the attention of the Body to this provision which, I think, can be solved by the amendment that I am proposing.

Senator Webb: May the Author of the amendment accept an amendment to the amendment just to make sure that the job description of public health workers are definitely mentioned in the bill? And this is on lines 19 and 20 which says, "involved in the government's blindness prevention program who may conduct ONLY..." *Nangangahulugan na ito lamang ang magiging trabaho nila.* Nothing more than that.

Senator Mercado: Mr. President, I think I have not made myself very clear. The amendment that I am proposing does not have anything to do with the functions of the public health workers. The amendment that I am proposing deals with the qualification of the doctors who are allowed to practice optometry.

In other words, Mr. President, what we have here is a more stringent requirement for doctors of medicine which, I believe, is not necessary that they should take post-graduate training, diagnosis and treatment of the eyes. If the function is to determine error of refraction, I believe that it is too much of a requirement that we are asking of the doctor to take the post-graduate training course in ophthalmology.

The Presiding Officer [Senator Aquino]: May the Chair be enlightened.

Is Senator Mercado trying to say that although public health workers are trained and involved in the government's Blindness Prevention Program, that duly registered physicians are probably even more qualified than public health workers.

Senator Mercado: More qualified in the practice of medicine.

The Presiding Officer [Senator Aquino]: That is correct.

Senator Mercado: But here, in this case, Mr. President, we are qualifying the requirements for physicians as asking them to have undergone postgraduate training courses. That is the simple intent of my amendment.

The Presiding Officer [Senator Aquino]: So what the Gentleman is saying is, regularly licensed and duly registered physicians, as well as public health workers trained and involved in the government's Blindness Prevention Program, may conduct, *et cetera*.

Senator Mercado: Yes. That is the intent, Mr. President.

The Presiding Officer [Senator Aquino]: I think there is some misunderstanding somewhere.

SUSPENSION OF THE SESSION

Senator Webb: May I ask for a one-minute suspension of the session, Mr. President.

The Presiding Officer [Senator Aquino]: The session is suspended for one-minute, if there is no objection. [*There was none.*]

It was 7:11 p.m.

RESUMPTION OF THE SESSION

At 7:18 p.m., the session was resumed.

The Presiding Officer [Senator Aquino]: The session is resumed.

Senator Romulo: I believe Senator Mercado has a motion.

The Presiding Officer [Senator Aquino]: Senator Mercado is recognized.

Senator Mercado: My motion, Mr. President, as earlier stated, and I am reiterating it, is to delete the words on line 16, starting with "who" up to the word "diseases" on line 18.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: May I hear the amendment, Mr. President?

The Presiding Officer [Senator Aquino]: Delete the phrase on line 16, starting with the phrase "who have received post-graduate training in the diagnosis and treatment of eye diseases."

Senator Webb: I regret that I cannot accept the amendment, Mr. President, because this was one of the prerequisites that I agreed to with the ophthalmologists. I am just banking on my promise that such will be placed in the bill.

Senator Mercado: Mr. President, I leave it to the Body to decide on the matter. I have articulated my view and the intent of my proposed amendment.

The Presiding Officer [Senator Aquino]: The amendment will now read starting on line 14, "*Provided, however, That this prohibition shall not apply to regularly licensed and duly registered physicians, as well as to public health workers, trained and*"

We are deleting the words "who have received post-graduate training in the diagnosis and treatment of eye diseases." I hope this is clear to all.

All those in favor of the Mercado amendment, will please raise their right hands. [*Seven (7) Senators raised their right hands.*] All those against, will please do the same. [*Four Senators raised their right hands.*]

The amendment of Senator Mercado is carried. Therefore, we are deleting the words on lines 16 to 18, "who have received post-graduate training in the diagnosis and treatment of eye diseases."

Senator Gonzales: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Gonzales is recognized.

Senator Gonzales: Will the distinguished Sponsor allow me to ask some preliminary questions to determine whether there is a need to introduce the amendment I have in mind, Mr. President?

Senator Webb: Certainly, Mr. President.

Senator Gonzales: May I know, Mr. President, whether page 3, paragraph (b) of Section 4 has been affected by any Committee or individual amendment?

Senator Tatad: Mr. President.

The Presiding Officer [Senator Aquino]: Does Senator Tatad have an anterior amendment?

Senator Tatad: With the indulgence of our distinguished Colleague, before we leave that section that was the subject of the Mercado amendment. May we call attention to the fact that the Mercado amendment makes it possible now for any regularly licensed and duly registered physician to practice optometry; and yet in the same section, lines 21 to 24, it states that the examination of the human eye by duly registered physicians in connection with the physical examination of the patients shall not be considered as practice of optometry.

So these two statements now contradict each other. I believe we have to do something about this, Mr. President.

The Presiding Officer [Senator Aquino]: First of all, I think what is being allowed is only visual acuity test and vision screening which is not the practice of optometry.

Senator Tatad: No, Mr. President. The sentence that the Chair just referred to has to do with what public health workers trained and involved in the government's Blindness Prevention Program may do.

The Presiding Officer [Senator Aquino]: That is correct, and so with regularly licensed and duly registered physicians.

Senator Tatad: No, I do not believe that is the sense.

Senator Webb: Mr. President, may I just interject.

The Presiding Officer [Senator Aquino]: Senator Webb is recognized.

Senator Webb: That is the reason I insisted on that particular provision. Now that we have taken that out, Mr. President, it would now mean that even a fresh doctor or someone who has been practicing medicine as doctor of medi-

cine can now practice optometry which should not be the case. I have always pinpointed that — a doctor of medicine with no training whatsoever in optometry — we are now allowing the person to practice optometry with that particular deletion.

The Presiding Officer [Senator Aquino]: Is conducting visual acuity test and vision screening a practice of optometry? I thought only those workers trained and involved in the government's Blindness Prevention Program.

Senator Webb: Yes, Mr. President. We are allowing public health workers on two counts of job description and, that is, acuity test and vision screening.

The Presiding Officer [Senator Aquino]: That is correct. That is not the practice of optometry, and that is also what we are allowing now the duly registered physicians.

Senator Webb: Because with the amendment that we have approved, Mr. President, an ophthalmologist now cannot practice optometry anymore. That is the implication of that particular provision that we have deleted. But I guess that is now water under the bridge, Mr. President.

SUSPENSION OF THE SESSION

Senator Tatad: Mr. President, may we ask for a short suspension of the session?

The Presiding Officer [Senator Aquino]: The session is suspended, if there is no objection. [*There was none.*]

It was 7:25 p.m.

RESUMPTION OF THE SESSION

At 7:25 p.m., the session was resumed.

The Presiding Officer [Senator Aquino]: The session is resumed.

Senator Webb: Mr. President, I am ready to hear any amendments.

Senator Gonzales: I have a pending question to the Sponsor, Mr. President.

The Presiding Officer [Senator Aquino]: Yes, Senator Gonzales is recognized.

Senator Gonzales: Mr. President, I am asking the preliminary question of whether or not paragraph (b) of Section 4 on

page 3 of this bill has been affected by any Committee or individual amendment. approved.

Senator Webb: It has been affected, Mr. President, particularly on line 20. The word "fitting" has been deleted.

The Presiding Officer [Senator Aquino]: May the Chair read as it is amended.

"The prescribing and dispensing of ophthalmic lenses, prisms, contact lenses for the purpose of correcting refractive errors and those related to deficiencies and abnormalities of human vision."

Senator Gonzales: So the "selling" of ophthalmic lenses has been deleted.

The Presiding Officer [Senator Aquino]: That has been deleted.

Senator Gonzales: How about the phrase "and supplies for the purpose of correcting refractive errors", Mr. President?

The Presiding Officer [Senator Aquino]: What has been deleted is on line 21, starting with the word "and" — "and their accessories and solutions, frames and their accessories, and supplies." That has been deleted. So we continue, after the words "contact lenses," "for the purpose of."

Senator Gonzales: How about the word "OR"? Does the word "OR" still remain on line 20, which has replaced the word "and," Mr. President?

The Presiding Officer [Senator Aquino]: That has also been deleted. So it is "The prescribing and dispensing of ophthalmic..."

Senator Gonzales: In which case — that is why I premised my intervention with that preliminary question — then I see no need for pushing through the amendment I have in mind.

Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: Are there any other individual amendments? [Silence]

The Majority Leader is recognized.

Senator Romulo: Mr. President, I move that we close the period of amendments.

The Presiding Officer [Senator Aquino]: Is there any objection to the motion? [Silence] Hearing none, the same is

APPROVAL OF S. NO. 1998 ON SECOND READING

Senator Romulo: Mr. President, I move that we vote on this very important and long-drawn bill, Senate Bill No. 1998, as amended, on Second Reading.

The Presiding Officer [Senator Aquino]: We shall now vote on the bill, as amended, on Second Reading. As many as are in favor of the bill, please say *Aye*. [Several Senators: *Aye*] As many as are against, please say *Nay*. [Silence]

Senate Bill No. 1998, as amended, is approved on Second Reading.

BILL ON SECOND READING S. No. 1828 - Moratorium on Eviction and Demolition (Continuation)

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 1828 as reported out under Committee Report No. 851.

The Presiding Officer [Senator Aquino]: Resumption of consideration of Senate Bill No. 1828 is now in order.

Senator Romulo: Mr. President, we are still in the period of interpellations.

I ask that the Chairman of the Committee on Urban Planning and Resettlement, Senator Biazon, be recognized.

The Presiding Officer [Senator Aquino]: Senator Biazon is recognized.

Senator Biazon: The Sponsor is ready for any interpellation, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any interpellation at this time?

Senator Lina: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Lina is recognized.

Senator Lina: Thank you, Mr. President.

This will be very brief and direct to the point. I just would like to ask some clarificatory questions, if the distinguished Sponsor will kindly yield.

RECORD OF THE SENATE

MONDAY, FEBRUARY 20, 1995

RESUMPTION OF THE SESSION

At 2:27 p.m., the Honorable Edgardo J. Angara, President of the Senate, called the session to order.

The President: The session is resumed.

BILL ON SECOND READING Senate Bill No. 2066—Amending Sec. 8 of RA 7227 BCDA of 1992 (Continuation)

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 2066 as reported out under Committee Report No. 951.

The President: Resumption of consideration of Senate Bill No. 2066 is now in order.

Senator Romulo: May I ask that the distinguished Chairman of the Committee on Finance, Senator Gonzales, be recognized.

The President: Senator Gonzales is recognized.

Senator Romulo: Mr. President, will the distinguished Gentleman yield for a few questions?

Senator Gonzales: Gladly, Mr. President, to the Majority Leader.

Senator Romulo: Mr. President, what are the major amendments being proposed to the BCDA?

Senator Gonzales: Mr. President, there will be, in effect, a redistribution of the proceeds from the sales of the military lands as authorized under Republic Act No. 7227. Under this bill, the redistribution of the said proceeds will be for the following purposes:

1. Thirty-five percent of the proceeds shall be used to finance the transfer of the Armed Forces of the Philippines military camps;
2. Ten percent to finance the conversion and commercial use of Clark and Subic military reservations;
3. Seven-and-a-half percent to finance the National Shelter Program;

4. Five percent to finance the National Health Insurance Program;
5. Five percent to finance critical infrastructure programs not covered by the BOT scheme;
6. Five percent to finance the benefits and claims of military war veterans and their dependents;
7. Five percent to finance the multiyear programs of the Commission on Higher Education;
8. Five percent to finance the Science and Technology Scholarship and training of young Filipino scientists and students;
9. Five percent to finance the multiyear program of the Prosecution Service;
10. Two percent but not exceeding P2 billion to finance the modernization of the PNP;
11. One percent but in no case exceeding P1 billion for the improvement of the prison facilities;
12. One percent but in no case exceeding P1 billion to finance the Judicial Reform Program and the balance will be remitted to the National Treasury.

Senator Romulo: Mr. President, what would be the total amount projected to be raised within the next five years?

Senator Gonzales: Mr. President, within the original projection made by the Bases Conversion Council, it remains roughly at P97.9239 billion or to round it off, P98 billion.

Senator Romulo: Mr. President, I move that we close the period of interpellations.

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

Senator Romulo: Mr. President, I move that we consider the amendments, first, the Committee amendments.

The President: Are there any Committee amendments?

Senator Gonzales: First, Mr. President, the Committee would want to amend ...

SUSPENSION OF THE SESSION

May I ask for a one-minute suspension of the session.

is finishing his third term as Senator, can, just by looking at the Committee Report as framed, see that the Conference Committee Report is defective. There is no indication here of any other Senate version that he is talking about. Even the first line says: "The Conference Committee on the disagreeing provision of House Bill No. 13375..." That is even in the singular; it is not even in the plural.

I think this Conference Committee Report has to be revised to properly reflect the situation on the disagreeing provisions of House Bill No. 13375 and the Senate version of House Bill No. 13375 that is not in this Conference Committee Report.

SUSPENSION OF THE SESSION

Senator Romulo: Mr. President, may I ask for a one-minute suspension of the session.

The Presiding Officer [Senator Aquino]: The session is suspended, if there is no objection. *[There was none.]*

It was 5:29 p.m.

RESUMPTION OF THE SESSION

At 5:32 p.m., the session was resumed.

The Presiding Officer [Senator Aquino]: The session is resumed.

SUSPENSION OF CONSIDERATION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 13375

Senator Romulo: Mr. President, in the meantime, I move that we suspend consideration of the Bicameral Conference Committee Report on House Bill No. 13375.

The Presiding Officer [Senator Aquino]: Is there any objection? *[Silence]* Hearing none, the motion is approved.

Senator Romulo: Mr. President, we have several bills for Third Reading. They are in the Calendar For Bills Pending Third Reading.

BILL ON THIRD READING

Senate Bill No. 1766 — Regulating the Practice of Electrical Engineers and Electricians

Senator Romulo: Mr. President, I move that we vote on Third Reading on Senate Bill No. 1766. Copies of the bill were distributed to all the Members of the Senate on February 15, 1995.

The Presiding Officer [Senator Aquino]: Voting on Third Reading on Senate Bill No. 1766 is now in order.

The Secretary will please read only the title of the bill, if there is no objection. *[There was none.]*

The Secretary: Senate Bill No. 1766, entitled

AN ACT SUPERVISING, REGULATING AND CONTROLLING THE LICENSURE AND PRACTICE OF ELECTRICAL ENGINEERS AND ELECTRICIANS

The Presiding Officer [Senator Aquino]: The Senate will now proceed to vote on the bill. The Secretary will please call the roll.

The Secretary called the roll and the result of the voting was as follows:

YES - 15

Senator Aquino	Senator Revilla
Senator Biazon	Senator Roco
Senator Herrera	Senator Romulo
Senator Maceda	Senator Shahani
Senator Mercado	Senator Tolentino
Senator Ople	Senator Webb
Senator Osmeña	The President
Senator Rasul	

NO - 0

ABSTENTION - 0

RESULT OF VOTING

The Presiding Officer [Senator Aquino]: With 15 affirmative votes, no negative vote, and no abstention, Senate Bill No. 1766 is approved on Third Reading.

BILL ON THIRD READING

Senate Bill No. 1998 — Regulating the Practice of Optometry

Senator Romulo: Mr. President, I move that we vote on Third Reading on Senate Bill No. 1998. Copies of the bill were distributed to all the Members of the Senate on February 15, 1995.

The Presiding Officer [Senator Aquino]: Voting on Third Reading on Senate Bill No. 1998 is now in order.

The Secretary will please read only the title of the bill, if there is no objection. [*There was none.*]

The Secretary: Senate Bill No. 1998, entitled

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

The Presiding Officer [Senator Aquino]: The Senate will now proceed to vote on the bill. The Secretary will please call the roll.

The Secretary called the roll and the result of the voting was as follows:

YES - 14

Senator Aquino	Senator Revilla
Senator Biazon	Senator Roco
Senator Herrera	Senator Romulo
Senator Maceda	Senator Shahani
Senator Mercado	Senator Tolentino
Senator Ople	Senator Webb
Senator Rasul	The President

NO - 0

ABSTENTION - 0

RESULT OF VOTING

The Presiding Officer [Senator Aquino]: With 14 affirmative votes, no negative vote, and no abstention, Senate Bill No. 1998 is approved on Third Reading.

BILL ON THIRD READING

Senate Bill No. 1828 — Extending the Effectivity of the Moratorium on Eviction and Demolition Under Sec. 44 of RA 7279

Senator Romulo: Mr. President, I move that we vote on Third Reading on Senate Bill No. 1828. Copies of the bill were distributed to all the Members of the Senate on February 15, 1995.

The Presiding Officer [Senator Aquino]: Voting on Third Reading on Senate Bill No. 1828 is now in order.

The Secretary will please read the title of the bill only, if there is no objection. [*There was none.*]

The Secretary: Senate Bill No. 1828, entitled

AN ACT EXTENDING THE EFFECTIVITY OF THE MORATORIUM ON EVICTION AND DEMOLITION UNDER SECTION 44 OF REPUBLIC ACT NO. 7279, OR THE URBAN DEVELOPMENT AND HOUSING ACT OF 1992, FOR ANOTHER THREE YEARS FROM ITS EXPIRATION DATE

The Presiding Officer [Senator Aquino]: The Senate will now proceed to vote on the bill. The Secretary will please call the roll.

The Secretary called the roll and the result of the voting was as follows:

YES - 15

Senator Aquino	Senator Rasul
Senator Biazon	Senator Roco
Senator Herrera	Senator Romulo
Senator Maceda	Senator Shahani
Senator Mercado	Senator Tolentino
Senator Ople	Senator Webb
Senator Osmeña	The President

NO - 0

ABSTENTION - 0

RESULT OF VOTING

The Presiding Officer [Senator Aquino]: With 15 affirmative votes, no negative vote, and no abstention, Senate Bill No. 1828 is approved on Third Reading.

BILL ON THIRD READING

Senate Bill No. 1977 — National Youth Commission

Senator Romulo: Mr. President, I move that we vote on Third Reading on Senate Bill No. 1977. Copies of the bill were distributed to all the Members of the Senate on February 15, 1995.

The Presiding Officer [Senator Aquino]: Voting on Third Reading on Senate Bill No. 1977 is now in order.

The Secretary will please read the title of the bill only, if there is no objection. [*There was none.*]

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,

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.