



## HOUSE OF REPRESENTATIVES

H. No. 6538

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BY REPRESENTATIVE GARIN, BELLO, BINAY, MARAÑON, GOLEZ (A.),  
SALVACION, ABAYA, ABAYON, ESCUDERO, RODRIGUEZ (R.), ANGARA,  
MARIANO, PICHAY, PADILLA, CAJAYON, MERCADO-REVILLA AND  
AUMENTADO, PER COMMITTEE REPORT NO. 2384

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

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

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### ARTICLE I

#### GENERAL PROVISION

SECTION 1. *Title.* -- This Act shall be known as the "Physicians Act of  
2012".

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



1 (e) The President of the Association of the Philippine Medical Schools  
2 (APMS) or a duly authorized representative as member.

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

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

9 SEC. 6. *Functions and Duties.* – The Council for Medical Education  
10 shall have the following functions and duties:

11 (a) To determine the requirements for admission into a recognized  
12 college of medicine;

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

19 (c) To determine the minimum number and the standard qualifications  
20 of teaching personnel including student-teacher ratio;

21 (d) To determine the minimum required curriculum including internship  
22 leading to the degree of Doctor of Medicine;

23 (e) To authorize the implementation of an acceptable innovative  
24 medical curriculum/strategy in a medical school that has exceptional faculty and  
25 equipment facilities. Such an innovative curriculum may prescribe admission  
26 and graduation requirements other than those prescribed in this Act: *Provided,*  
27 That only exceptional students shall be enrolled in the innovative curriculum;

1 (f) To accept applications and issue certificates of admission to a  
2 medical school and keep a registry of those issued with said certificate, and to  
3 collect from said applicants reasonable fees as may be determined by the  
4 Council which shall accrue to the operating funds of the Board of Medical  
5 Education;

6 (g) To recommend to the CHED the closure or suspension of a college's  
7 Doctor of Medicine degree program for the poor performance of the graduates  
8 of the said college in the physician licensure examination over a given period of  
9 time based on statistical data furnished by the Board of Medicine and the PRC,  
10 or upon inspection of the college of medicine by the Council for Medical  
11 Education for various deficiencies or violations;

12 (h) To select hospitals or specific departments of certain hospitals  
13 which comply with the minimum specific physical facilities as provided in  
14 subparagraph (b) hereof to undertake and provide training to; and

15 (i) To promulgate, prescribe and enforce the necessary rules and  
16 regulations for the proper implementation of the foregoing functions.

17 *SEC. 7. Minimum Required Course.* – The medical course leading to  
18 the degree of Doctor of Medicine shall run for at least four (4) years, inclusive  
19 of clinical clerkship and internship training and shall consist of the following  
20 subjects:

- 21 (a) Anatomy and Histology;  
22 (b) Physiology;  
23 (c) Biochemistry and Molecular Biology;  
24 (d) Pharmacology and Therapeutics;  
25 (e) Microbiology and Parasitology;  
26 (f) Internal Medicine;  
27 (g) Radiology;  
28 (h) General and Clinical Pathology and Oncology;

- 1 (i) Obstetrics and Gynecology;
- 2 (j) Pediatrics and Nutrition;
- 3 (k) Surgery;
- 4 (l) Otorhinolaryngology;
- 5 (m) Ophthalmology;
- 6 (n) Psychiatry;
- 7 (o) Family Medicine, Preventive Medicine and Public Health;
- 8 (p) Legal Medicine, Medical Jurisprudence;
- 9 (q) Bioethics, Medical Economics;
- 10 (r) Perspectives in Medicine; and
- 11 (s) Physical Diagnosis.

12 *Provided, That the Council may recommend to the CHED the*  
13 *reclustering or integration or revision of the abovementioned subjects.*

14 **SEC. 8. Admission Requirements. –**

15 (a) A medical college may admit any student who has not been finally  
16 convicted by a court of competent jurisdiction of any criminal offense involving  
17 moral turpitude and who presents all of the following:

18 (1) Record showing completion of a bachelor's degree in Science or  
19 Arts;

20 (2) Certificate of eligibility for entrance to a school of medicine from  
21 the Board of Medical Education;

22 (3) Certificate of good moral character issued by two (2) former  
23 professors in the college offering the pre-medical course;

24 (4) Birth certificate duly authenticated by the National Statistics Office  
25 (NSO); and

26 (5) Proof of successfully passing the National Medical Admission Test.

1 Nothing in this Act shall be construed to prohibit any college of  
2 medicine from establishing, in addition to the requirements set forth in this  
3 section, any other reasonable entrance requirements relevant to the degree.

4 For the purpose of this Act, the term "College of Medicine" shall mean  
5 to include faculty of medicine, institute of medicine, school of medicine and  
6 other similar institution which has complied with the standards and  
7 requirements set forth by the Board offering a complete medical course leading  
8 to the degree of Doctor of Medicine.

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

12 (1) Date of publication;

13 (2) Calendar of academic year;

14 (3) Roll of faculty members indicating whether on full-time or part-time  
15 basis and their curriculum vitae;

16 (4) Requirements for admission;

17 (5) Grading system;

18 (6) Requirements for promotion;

19 (7) Requirements for graduation;

20 (8) Curriculum and description of course by department; and

21 (9) Number of students enrolled in each class in the preceding year

### 22 ARTICLE III

#### 23 THE PROFESSIONAL REGULATORY BOARD FOR MEDICINE

24 SEC. 9. *Composition of the Board.* - There is hereby created a  
25 Professional Regulatory Board for Medicine, hereinafter referred to as the  
26 Board, under the administrative control and supervision of the Commission,  
27 composed of a chairperson and five (5) members to be appointed by the  
28 President of the Philippines from among three (3) recommendees for each

1 position, chosen and ranked by the Commission from a list of five (5) nominees  
2 for each position submitted by the integrated and accredited professional  
3 organization of physicians. The Board shall be organized not later than six (6)  
4 months from the effectivity of this Act.

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

7 (a) Supervise, control and regulate the practice of medicine in the  
8 Philippines;

9 (b) Determine and evaluate qualifications of the applicants for  
10 registration with physician licensure examinations and for special permits;

11 (c) Prepare the questions in physicians' licensure examinations in  
12 accordance with recognized principles of evaluation and of pertinent provisions  
13 of Section 22, Article IV of this Act, prescribe the syllabi of the subjects and  
14 their relative weights for the licensure examinations, formulate or adopt test  
15 questions and deposit them in a test question bank, draw the test questions at  
16 random through the process of computerization, conduct the examination,  
17 correct and rate the examination papers, and submit the examination results to  
18 the Commission within the period provided for by the rules of the Commission:  
19 *Provided*, That the abovementioned test questions should be consistent with the  
20 table of specifications and congruent with the syllabi of the Association of  
21 Philippine Medical Colleges (APMC): *Provided, further*, That in the  
22 formulation of test questions, the Board shall ensure that the same shall  
23 accordingly test the knowledge, analytical and problem-solving skills of the  
24 examinees;

25 (d) Determine, amend or revise the requirements for the subjects in the  
26 physician licensure examination and their relative weights and the manner of  
27 giving the examination, subject to the approval of the Commission;

1 (e) Register successful examinees of the physician licensure  
2 examinations in the roll of physicians and issue the corresponding certificates  
3 of registration;

4 (f) Issue special/temporary permits to foreign physicians to practice  
5 medicine for specific projects and for a specific duration of time, in  
6 coordination with the integrated and accredited professional organization of  
7 physicians;

8 (g) In coordination with the integrated and accredited professional  
9 organization of physicians, administer the qualifying examinations to foreign  
10 medical graduates who wish to train in accredited residency and fellowship  
11 training programs in the Philippines and issue temporary training permits  
12 renewable every year;

13 (h) In coordination with the integrated and accredited professional  
14 organization of physicians, look into the conditions affecting the practice of  
15 medicine, adopt measures for the enhancement of the profession and the  
16 maintenance of high professional, technical and ethical standards, establish a  
17 registry of general practitioners and specialists and conduct ocular inspections  
18 of places where physicians practice their profession;

19 (i) Monitor the performance of medical schools and their compliance  
20 with the rules and regulations of the CHED Technical Committee on Medical  
21 Education;

22 (j) In coordination with the integrated and accredited professional  
23 organization of physicians, promulgate rules and regulations including a Code  
24 of Ethics for Physicians, administrative policies, orders and issuances to carry  
25 out the provisions of this Act;

26 (k) Investigate violations of this Act and its rules and regulations, the  
27 Code of Ethics for Physicians, administrative policies, orders and issuances



1 promulgated by the Board. The rule on administrative investigation  
2 promulgated by the Commission shall govern in such investigation;

3 (l) Issue subpoena *ad testificandum* or subpoena *duces tecum* to secure  
4 attendance of respondents or witnesses as well as the production of documents  
5 relative to the investigation conducted by the Board: *Provided*, That the failure  
6 of the party to whom a subpoena has been issued to comply therewith shall be  
7 punishable by way of indirect contempt of the Board. For this purpose, the  
8 Board is hereby vested the power to cite any party for contempt which may be  
9 exercised pursuant to the applicable provisions of Rule 71 of the Rules of  
10 Court;

11 (m) At the Board's discretion, delegate to the Chairperson or any  
12 member of the Board, or a Commission Attorney (PRC attorney) the hearing of  
13 an administrative case. If the case concerns strictly the practice of medicine as  
14 defined in Section 27 hereof, the investigation shall be presided over by a  
15 member of the Board with the assistance of a PRC attorney: *Provided*, That the  
16 power to cite a party in contempt shall be issued exclusively by the Board, upon  
17 recommendation of the member charged with such investigation;

18 (n) After due notice and hearing, cancel examination papers or bar any  
19 examinee from future examination, refuse or defer one's registration, reprimand  
20 the registrant with stern warning, suspend one from the practice of the  
21 profession, revoke the certificate of registration, cancel special/temporary  
22 permit, remove one's name from the roll of physicians for continuous  
23 nonpayment of annual registration fees and noncompliance with the Council for  
24 Medical Education requirement, reinstate or reenroll one's name in the said  
25 roll, and reissue or return the certificate of registration and professional  
26 identification card. A decision of suspension, revocation of the certificate of  
27 registration or removal from the roll by the Board as provided herein may be

1 appealed initially to the Commission within fifteen (15) days from receipt  
2 thereof;

3 (o) Administer the physician's oath pursuant to Section. 25 herein;

4 (p) Institute and prosecute or cause to be instituted and prosecuted any  
5 and all criminal actions against any violation of this Act or the rules and  
6 regulations of the Board, subject to the provisions of Section 5, Rule 110 of the  
7 Rules on Criminal Procedure, as amended;

8 (q) Adopt an official seal;

9 (r) Coordinate with the CHED Technical Committee on Medical  
10 Education and the APMC in prescribing, amending or revising the courses in a  
11 medical program;

12 (s) Assist the Commission in the implementation of its prescribed  
13 guidelines and criteria on the Continuing Professional Education (CPE) for  
14 registered/licensed physicians;

15 (t) Set the standards and guidelines for the issuance and reissuance of  
16 certificates of registration; and

17 (u) Perform such other functions and duties as may be necessary to  
18 efficiently and effectively implement the provisions of this Act.

19 The policies, resolutions, rules and regulations, orders or decisions  
20 issued or promulgated by the Board shall be subject to the review, revision and  
21 approval of the Commission. However, the Board's final decisions, resolutions  
22 or orders rendered in an administrative case shall be immediately executory.

23 SEC. 11. *Qualifications of Chairperson and Members of the Board.*

24 – The chairperson and members of the Board shall, at the time of their  
25 appointment possess the following qualifications:

26 (a) Must be a natural born Filipino citizen and a resident of the  
27 Philippines for at least ten (10) consecutive years;

28 (b) Must be at least forty (40) years old;

1 (c) Must be a holder of a valid certificate of registration and a valid  
2 professional identification card as a physician;

3 (d) Must be a practitioner for at least ten (10) years;

4 (e) Must be a *bona fide* member of the integrated and accredited  
5 professional organization of physicians;

6 (f) Must not have been convicted by final judgment by a competent  
7 court of a criminal offense involving moral turpitude;

8 (g) Must have an experience of at least five (5) years as a faculty  
9 member of a college of medicine;

10 (h) Must not have been a current member of the faculty of an institute,  
11 school or college of medicine nor have any pecuniary interest in any institution  
12 which offers and operates the course or degree of Doctor of Medicine; and

13 (i) Must not have been connected with a review center, school, group,  
14 or association offering classes or lectures in preparation for the physician  
15 licensure examination.

16 SEC. 12. *Term of Office.* – The chairperson and members of the Board  
17 shall hold office from the date of their appointment for a term of three (3) years  
18 or until their successors shall have been qualified and appointed. They may be  
19 reappointed for another term but not for a third term. Appointments to fill up  
20 positions created by causes other than the expiration of regular terms shall be  
21 for the unexpired period only. Each member shall qualify by taking an oath of  
22 office before the performance of one's duties. The incumbents whose terms  
23 have not yet expired or who are merely holding over, at the effectivity of this  
24 Act, shall be allowed to serve the unexpired portion of their terms.

25 SEC. 13. *Compensation of the Board.* – The chairperson and members  
26 of the Board shall receive compensation and allowances or other benefits  
27 pursuant to the provisions of Republic Act No. 8981, otherwise known as the  
28 "PRC Modernization Act of 2000" and other pertinent laws comparable to the

1 compensation and allowances received by the chairpersons and members of  
2 existing professional regulatory boards.

3 SEC. 14. *Grounds for Removal or Suspension of the Chairperson and*  
4 *Members of the Board.* -- The President of the Philippines, upon  
5 recommendation of the Commission after giving the member concerned an  
6 opportunity to be heard in person or through counsel in a proper administrative  
7 investigation to be conducted by the Commission, may remove or suspend the  
8 chairperson or a member of the Board on any the following grounds:

9 (a) Neglect of duty or incompetence;

10 (b) Unprofessional, unethical or dishonorable conduct;

11 (c) Manipulation or rigging of results of any physician licensure  
12 examination, divulging of secret information, or disclosure of the said  
13 examination, or tampering of the grades therein; and

14 (d) Final conviction by the court of any criminal offense involving  
15 moral turpitude.

16 SEC. 15. *Administrative Management, Custody of Records, Secretariat*  
17 *and Support Services.* -- The Board shall be under the administrative and  
18 executive management of the Commission, with the Commission Chairperson  
19 as the chief executive officer thereof. All records of the Board shall be under  
20 the custody of the Commission.

21 The Commission shall designate the Secretary of the Board and shall  
22 provide the secretariat and other support services to implement the provisions  
23 of this Act.

24 SEC. 16. *Annual Report.* -- The Board shall, on or before the end of  
25 January of each year, submit to the Commission its annual report of  
26 accomplishments on programs, projects and activities for the calendar year  
27 together with its appropriate recommendations on issues or problems affecting  
28 the practice of medicine.

## ARTICLE IV

## PHYSICIAN LICENSURE EXAMINATION

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3       SEC. 17. *Prerequisites to the Practice of Medicine.* - No person shall  
4 engage in the practice of medicine in the Philippines unless that person:

5       (a) Holds a valid certificate of registration and a valid professional  
6 identification card issued by the PRC;

7       (b) Is a member of the integrated and accredited professional  
8 organization of physicians and its component society in good standing;

9       (c) Holds a valid special/temporary permit issued by the Board of  
10 Medicine subject to approval by the Commission, and upon coordination with  
11 the integrated and accredited professional organization of physicians, or unless  
12 that person is exempted by this Act from holding any of the foregoing  
13 certificates of registration; and

14       (d) Is an alien who is a licensed physician who has passed the qualifying  
15 examination given by the Board of Medicine/integrated and accredited  
16 professional organization of physicians and specialties and is undergoing  
17 specialty training in an accredited residency training program, has been  
18 bestowed a temporary training permit, subject to renewal every year or holds a  
19 valid temporary training permit issued by the Board of Medicine subject to  
20 approval by the Commission, and upon coordination with the integrated and  
21 accredited professional organization of physicians.

22       SEC. 18. *Examination Required.* - All applicants for registration,  
23 before they can be issued certificates of registration and professional  
24 identification cards as physicians shall be required to pass the licensure  
25 examination for physicians as provided for in this Act, subject to the payment  
26 of the fees prescribed by the Commission.

1           SEC. 19. *Qualifications of Applicants for the Physician Licensure*  
2 *Examination.* – All applicants for the physician licensure examination must  
3 possess all the following qualifications:

4           (a) Must be a citizen and resident of the Philippines or a citizen of a  
5 foreign country or State which observes reciprocity in the practice of medicine  
6 with the Philippines or who has been a permanent resident in the Philippines for  
7 at least one (1) year prior to the examination;

8           (b) Must be mentally, emotionally and physically sound;

9           (c) Must not have been convicted in a final judgment by a court, of any  
10 criminal offense involving moral turpitude;

11           (d) Is a holder of the degree of Doctor of Medicine conferred by a  
12 college of medicine established in the Philippines and duly recognized by the  
13 CHED or a degree conferred by a college of medicine abroad and accredited by  
14 the CHED as substantially equivalent to the degree of Doctor of Medicine  
15 offered by a Philippine college of medicine; and

16           (e) Has completed one (1) year of internship in a hospital accredited by  
17 the APMC.

18           SEC. 20. *Venues and Schedule of Examinations.* – The Board shall  
19 give examinations for the registration of physicians at least twice a year in such  
20 places as the Commission may designate in accordance with the provisions of  
21 Republic Act No. 8981.

22           SEC. 21. *Registration, Issuance of Certificate of Registration and*  
23 *Professional Identification Card; Accredited Professional Organization (APO)*  
24 *Membership Card; Grounds for Non-Registration.* – All successful  
25 examinees, upon compliance with all legal requirements and payment of fees  
26 prescribed by the Commission, shall be registered and issued certificates of  
27 registration and professional identification cards. They shall likewise be  
28 deemed members of the duly recognized integrated and accredited professional

1 organization of physicians upon compliance with all requirements and payment  
2 of compulsory dues, and shall be issued the necessary identification cards  
3 proving such membership therein upon presentation of their certificates of  
4 registration and professional identification cards.

5         The certificate of registration of a physician shall bear the registration  
6 number and the date of issuance and the signatures of the Chairperson of the  
7 Commission and the members of the Board stamped with the seals of the  
8 Commission and the Board, certifying that the name of the person stated therein  
9 appears in the Registry/Roster/Roll of Physicians under the custody of the  
10 Commission; that the person has met or complied with all the legal  
11 requirements for registration as a physician; and that the person is entitled to  
12 exercise all the privileges appurtenant to the practice of the profession:  
13 *Provided*, That the registrant does not violate this Act, the rules and regulations,  
14 Code of Ethics for Physicians, and other regulatory policies of the Commission  
15 and the Board.

16         The professional identification card shall bear the name of the registered  
17 physician, the registration number and the date of issuance, and its date of  
18 expiry and, together with the membership identification card issued by the  
19 integrated and accredited professional organization of physicians, shall be  
20 sufficient evidence that the physician can lawfully practice the profession.

21         A successful examinee who has been convicted by a competent court of a  
22 criminal offense involving moral turpitude, or found guilty by the Board of  
23 dishonorable or immoral conduct, or declared by the court to be of unsound  
24 mind shall not be registered. The decision of the Board, finding the examinee  
25 guilty of dishonorable or immoral conduct, may be appealed by the examinee to  
26 the Commission within fifteen (15) days from receipt of the Board's decision or  
27 resolution, and to the Court of Appeals within the same period from the receipt  
28 of the decision or resolution of the Commission. The facts and the reasons for

1 refusal to register shall be clearly stated in writing, communicated to the  
2 examinee and duly incorporated in the records of the Commission.

3       SEC. 22. *Scope of Examination.* – The physician licensure examination  
4 shall cover the following thirteen (13) individual or combined/clustered  
5 subjects with relative weights for each one final examination after completion  
6 of internship:

- 7       (a) Anatomy and Histology;
- 8       (b) Physiology;
- 9       (c) Biochemistry and Molecular Biology;
- 10       (d) Pharmacology and Therapeutics;
- 11       (e) Microbiology and Parasitology;
- 12       (f) Internal Medicine;
- 13       (g) General and Clinical Pathology and Oncology;
- 14       (h) Obstetrics and Gynecology;
- 15       (i) Pediatrics and Nutrition;
- 16       (u) Surgery, Otorhinolaryngology, Ophthalmology;
- 17       (k) Family Medicine, Preventive Medicine and Public Health; and
- 18       (l) Legal Medicine, Medical Jurisprudence, Medical Ethics and  
19 Economics.

20       When an urgent and important need arises, and to conform with  
21 technological advancements and other changes, the Board, in coordination with  
22 the integrated and accredited professional organization of physicians and the  
23 Council for Medical Education, may revise the substance and the conduct of  
24 such examinations.

25       Each of the twelve (12) subjects shall have its syllabus or table of  
26 specifications. The Board shall apply each syllabus after a lapse of three (3)  
27 months reckoned from the compliance with all the following requisites:

- 28       (a) Consultation with the concerned academe;



1 (b) Approval by the Commission;

2 (c) Publication of the Board resolution in a newspaper of general  
3 circulation; and

4 (d) Dissemination to all colleges of medicine.

5 SEC. 23. *Rating in the Examination.* – To pass the physician licensure  
6 examination, an examinee must obtain a general average rating of at least  
7 seventy-five percent (75%) in all twelve (12) subjects, with no rating in any  
8 subject below fifty percent (50%).

9 Examinees who obtained an average of seventy-five percent (75%) or  
10 better in the licensure examination but with grades below fifty percent (50%) in  
11 a number subjects will be allowed one time to retake the examination only in  
12 subjects where they failed within one (1) year after their last attempt. They  
13 must obtain a grade of seventy-five percent (75%), otherwise they will be  
14 required to take all subjects in subsequent examinations.

15 SEC. 24. *Report and Publication of the Results of Examination* – The  
16 Board shall report the rating of each examinee to the Commission within ten  
17 (10) days from the last day of examination. The official results of the  
18 examination containing the list of topnotcher examinees without indication of  
19 their respective schools or colleges, the names of the schools or colleges  
20 obtaining top percentages of successful graduate-examinees shall be published  
21 by the Commission in the major daily newspapers of general circulation.

22 The report of rating of every examinee shall be mailed to the examinee's  
23 given address using the mailing envelope submitted during the examination.

24 SEC. 25. *Oath.* – All successful examinees shall be required to take  
25 their oath before the Board or any person authorized by the Commission to  
26 administer oath before they are issued their certificates of registration and  
27 professional identification cards or before they start the practice of the  
28 profession.

## ARTICLE V

## REGULATION OF THE PRACTICE OF THE MEDICAL PROFESSION

SEC. 26. *Acts Constituting Practice of Medicine.* –

(a) A person shall be considered as engaged in the practice of medicine under any of the following circumstances:

(1) Diagnosing, treating, operating or prescribing any remedy to any person for any disease, injury or deformity;

(2) Examining a person's mental condition for any ailment, real or imaginary, regardless of the nature of the remedy or treatment administered, prescribed or recommended;

(3) Offering or undertaking to diagnose, treat, operate or prescribe and administer any remedy for any human disease, injury, deformity, physical or mental condition either personally or by means of signs, cards, or advertisements by way of mass media or any other means of communication; or

(4) Using or affixing "MD" to one's name in the practice of the medical profession or in written or oral communications.

(b) Practice Through Special/Temporary Permit. – A special/temporary permit may be issued by the Board of Medicine in consultation with the integrated and accredited professional organization of physicians and the Department of Health (DOH) subject to approval by the Commission and the Department of Labor and Employment (DOLE) pursuant to its mandate as provided for in Articles 40, 41 and 42 of the Labor Code. Such permits shall likewise be issued, only after payment of fees as prescribed by the Commission, to the following:

(1) Physicians licensed by foreign countries or States whose services are either for a fee or free:

(i) If they are internationally well-known specialists or publicly acknowledged as experts in any area of medical specialization; and

1 (ii) If their services are urgently necessary owing to the lack of available  
2 local specialists/experts, or for the promotion or advancement of the practice of  
3 medicine including, but not limited to, the conduct of formal classes, acting as  
4 resource persons in medical seminars, fora, symposia and the like.

5 (2) Physicians licensed in foreign countries or States who intend to  
6 render services for free and limited only to indigent patients in a particular  
7 hospital, center or clinic: *Provided, however,* That they render such services  
8 under the direct supervision and control of a duly registered/licensed Filipino  
9 physician; and

10 (3) Physicians licensed in foreign countries or States employed as  
11 exchange professors in any area of medical specialization.

12 (c) The permit shall, among others, provide for such limitations,  
13 specifications and conditions hereunder cited, as follows:

14 (1) A period of not more than one (1) year subject to renewal or  
15 extension: *Provided,* That such renewal or extension shall be under the same  
16 process and requirements hereinabove provided;

17 (2) The specific area of medical specialization; and

18 (3) The specific place of practice, such as clinic, hospital, center and/or  
19 college of medicine.

20 (d) The Board, subject to approval by the Commission and the DOLE,  
21 shall prescribe rules and regulations for the implementation of this particular  
22 section.

23 **SEC. 27. Disciplinary Sanctions.** – The Board shall have the power,  
24 upon proper notice and hearing, to suspend the practice of profession of a  
25 physician, revoke the physician's certificate of registration, or issue a reprimand  
26 or cancel the special/temporary permit issued to a foreign physician, for any of  
27 the following grounds/causes:

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

3 (b) Immoral or dishonorable conduct;

4 (c) Insanity;

5 (d) Misrepresentation in the acquisition of the certificate of registration  
6 and professional identification card or temporary/special permit;

7 (e) Gross negligence, ignorance or incompetence in the practice of the  
8 profession, resulting in an injury to or death of the patient;

9 (f) Use of prohibited drugs, addiction to alcoholic beverages and illegal  
10 gambling, even without rendering the physician incompetent to practice the  
11 profession;

12 (g) Making, or causing to be made false, misleading, extravagant or  
13 unethical advertisements wherein things other than one's name, profession,  
14 limitation of practice, clinic hours, office and home address are mentioned;

15 (h) Issuance of any false statement or spreading any false news or rumor  
16 which is derogatory to the character and reputation of another physician without  
17 justifiable motive;

18 (i) Knowingly issuing any false medical certificates or findings;

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

20 (k) Performing any act constituting practice of an area of medical  
21 specialization without fulfilling the specialization requirements prescribed by  
22 the Board of Medicine,

23 (l) Making any fraudulent claims with government or private health  
24 insurance;

25 (m) Violation of any provision of the Code of Ethics for Physicians as  
26 prescribed by the Professional Regulatory Board for Medicine and subject to  
27 the approval by the Commission;

28 (n) Practice of profession during the period of one's suspension; and

1 (o) Willful failure or refusal to be a member of the integrated and  
2 accredited professional organization of physicians or expulsion or termination  
3 of membership therefrom.

4 SEC. 28. *Rights of the Parties.* – The private complainant and the  
5 respondent physician shall be entitled to counsel and to be heard in person, to  
6 have a speedy and public hearing, to confront and to cross-examine witnesses,  
7 and to all other rights guaranteed by the Constitution and the Rules of Court.  
8 All cases filed or pending under this Act shall not be discussed or taken in any  
9 forum until after the same shall have been decided with finality.

10 SEC. 29. *Appeal from Judgment.* – The decision of the Board shall  
11 become final fifteen (15) days from the date of receipt of such decision by the  
12 parties or their counsel. Within the same period, the aggrieved party may ask  
13 for a reconsideration of the decision for being contrary to law or for  
14 insufficiency of evidence. When such motion for reconsideration is denied, the  
15 aggrieved party may appeal to the Court of Appeals under Rule 43 of the Rules  
16 of Court. No second motion for reconsideration to the Board shall be allowed.

17 A decision rendered by the Commission against the respondent shall be  
18 executory.

19 SEC. 30. *Reissuance of Revoked Certificate of Registration and*  
20 *Professional Identification Card and Replacement of Lost Certificate of*  
21 *Registration and Professional Identification Card.* – After two (2) years and  
22 after due consultation with the integrated and accredited professional  
23 organization of physicians, the Board may order the reinstatement of any  
24 physician whose certificate of registration has been revoked, if the respondent  
25 has acted in an exemplary manner in the community.

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

1           SEC. 31. *Mandatory Use of Certificate of Registration, Professional*  
2 *Identification Card, Accredited Professional Organization Membership Card*  
3 *and Professional Tax Receipt Number.* – A registered physician shall indicate  
4 the certificate of registration number, the number and the expiry date of the  
5 professional identification card and the accredited professional organization  
6 membership card, and the professional tax receipt number on the prescription  
7 and other documents that one signs, uses or issues in connection with the  
8 practice of the profession.

9           SEC. 32. *Vested Rights.* – All registered physicians at the time this law  
10 takes effect shall be automatically registered under the provisions hereof,  
11 without prejudice to the other requirements herein set forth.

12           SEC. 33. *Exceptions.* – For purposes of this Act, any medical student  
13 duly enrolled in an accredited medical college or school, or any graduate of  
14 medicine undergoing post graduate training, serving without any professional  
15 fee in any government or private hospital, under the direct supervision and  
16 control of a duly registered physician, shall not be considered as engaging in  
17 the practice of medicine.

18           SEC. 34. *Integration of the Profession.* – All registered physicians  
19 shall be integrated into one (1) national organization to be duly recognized and  
20 accredited by the Board and the Commission. A physician duly registered by  
21 the Board and the Commission shall automatically become a member of the  
22 said organization and shall receive the benefits and privileges appurtenant  
23 thereto upon payment of required fees and dues. Membership in the integrated  
24 and accredited professional organization of physicians shall not be a bar to  
25 membership in any other association of physicians.

26           SEC. 35. *Mandatory Continuing Medical Education.* – The Board  
27 shall implement through the integrated and accredited professional organization  
28 of physicians a mandatory continuing medical education among practicing

1 physicians in consonance with the guidelines of the CPE as shall be hereafter  
2 promulgated by the Commission.

3 SEC. 36. *Automatic Registration of Physicians.* - All physicians whose  
4 names appear at the Registry/Roll/Roster of Physicians at the time of the  
5 effectivity of this Act shall automatically be registered by the Board and the  
6 Commission as physicians and, thereafter, by the integrated and accredited  
7 professional organization of registered and licensed physicians as its *bona fide*  
8 members pursuant to Section 21 of this Act.

9 SEC. 37. *Foreign Reciprocity.* - No foreigner shall be allowed to take  
10 the licensure examination for physicians, register, receive one's certificate of  
11 registration and professional identification card, and practice as a physician in  
12 the Philippines unless the requirements for the licensure examination and the  
13 registration and practice of the profession as a physician imposed under the  
14 laws and regulations in one's foreign country or State are substantially the same  
15 as those required and contemplated by the Philippine laws and regulations, and  
16 unless the said foreign laws and regulations allow Philippine citizens to practice  
17 as a physician within the territory of the said foreign country or State on the  
18 same basis and grant the same privileges as those enjoyed by the citizens,  
19 subjects or nationals thereof.

## 20 ARTICLE VI

### 21 PENAL PROVISIONS

22 SEC. 38. *Penalties.* -

23 (a) The penalty of imprisonment of not less than one (1) year but not  
24 exceeding five (5) years or a fine of not less than Two hundred thousand pesos  
25 (P200,000.00) but not exceeding Five hundred thousand pesos (P500,000.00),  
26 or both, upon the discretion of the court, shall be imposed upon:

27 (1) Any person who practices or offers to practice medicine in the  
28 Philippines without a valid certificate of registration and a valid professional

1 identification card, or a valid temporary/special permit in accordance with the  
2 provisions of this Act;

3 (2) Any person using or attempting to use as one's own the certificate of  
4 registration or professional identification card or temporary/special permit duly  
5 issued to another;

6 (3) Any person who shall give any false or forged documents,  
7 credentials and any other proof of any kind to the Board or Commission in  
8 order to obtain a certificate of registration or professional identification card or  
9 temporary/special permit;

10 (4) Any person who shall falsely impersonate any *bona fide* registrant  
11 with like or different name;

12 (5) Any registered and licensed physician or medical specialist who  
13 shall abet or assist in the illegal practice by a person who is not lawfully  
14 qualified to practice medicine or any of area of medical specialization;

15 (6) Any person who actually engages in the practice of medicine as  
16 defined in paragraphs (a)(1) and (a)(2) of Section 26 of this Act without any  
17 certificate of registration;

18 (7) Any person who shall attempt to use a revoked or suspended  
19 certificate of registration or a cancelled temporary/special permit;

20 (8) Any person who shall use or advertise any title or description  
21 tending to convey the impression to the general public that one is a registered  
22 and licensed physician when in fact that person is not;

23 (9) Any registered and licensed physician or medical specialist who  
24 shall use or advertise any title or description tending to convey the impression  
25 to the general public that one is an specialist in an area of medical  
26 specialization when in fact that person is not; and

27 (10) Any registered physician who shall commit any of the prohibited  
28 acts as enumerated in paragraphs (i), (j), (k) and (l) of Section 27 hereof.



1 (b) When any of the acts defined in paragraphs 5 and 6 of this section is  
2 committed by a person against three (3) or more persons, or when any of such  
3 acts is committed by at least three (3) persons who shall cooperate and  
4 confederate with one another, or when death occurs as a result of the  
5 commission of the prohibited act mentioned in paragraph (k) of Section 27 of  
6 this Act, the offense shall be considered as a qualified violation of this Act and  
7 shall be punishable by life imprisonment and a fine of not less than Five  
8 hundred thousand pesos (P500,000.00) but not more than Two million pesos  
9 (P2,000,000.00).

10 Prosecution of offenses under this Act shall be without prejudice to a  
11 separate prosecution under the provisions of the Revised Penal Code and other  
12 laws.

13 SEC. 39. *Injunctions.* – Upon written motion by any interested party  
14 and after notice and hearing, the Board may issue an order enjoining any person  
15 illegally practicing medicine from performing any act constituting the practice  
16 of medicine until the necessary certificate therefor is secured. However, if it is  
17 shown in the affidavits attached to the motion that the movant or the general  
18 public will suffer grave injustice or irreparable injury, the Chairperson of the  
19 Board, or, in his absence, any Board member holding office may issue a  
20 temporary restraining order effective for seventy-two (72) hours. The  
21 applicable provisions of Rule 58 of the Rules of Court shall govern the issuance  
22 of the writ of injunction and lifting thereof, except that where after hearing it is  
23 shown that the movant is entitled to the injunction prayed for, such writ of  
24 injunction shall be effective until there is clear showing that the responded is  
25 authorized to practice medicine in the Philippines.

26 Any such person who, after having been so enjoined, continues on the  
27 illegal practice of medicine shall be punished for contempt of court. The

1 issuance of the said injunction shall not relieve the person from criminal  
2 prosecution and punishment as provided in the preceding section.

## 3 ARTICLE VII

### 4 FINAL PROVISIONS

5 SEC. 40. *Enforcement.* – The Commission shall be the enforcement  
6 agency of the Board. As such, the Commission shall implement the provisions  
7 of this Act, enforce its implementing rules and regulations as adopted by the  
8 Board, assist the Board in the investigation of complaints against violators of  
9 this Act, its rules and regulations, the Code of Ethics for Physicians and other  
10 policies of the Board.

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

17 SEC. 41. *Appropriations.* – The Chairpersons of the CHED and the  
18 PRC shall immediately include in their programs the implementation of this  
19 Act, the funding of which shall be charged against their current year's  
20 appropriations and thereafter in the annual General Appropriations Act.

21 SEC. 42. *Implementing Rules and Regulations.* – Within ninety (90)  
22 days after the approval of this Act, the PRC, together with the Board, the  
23 integrated and accredited professional organization of physicians and the CME  
24 of the CHED shall prepare and promulgate the implementing rules and  
25 regulations (IRR) to carry out the provisions of this Act and adopt the Code of  
26 Ethics of the medical profession. The IRR shall take effect fifteen (15) days  
27 after its publication in a major daily newspaper of general circulation and/or the  
28 *Official Gazette.*

1           SEC. 43. *Transitory Provisions.* – The incumbent Board shall continue  
2 to function in the interim until such time as the new Board shall have been  
3 constituted pursuant to this Act.

4           SEC. 44. *Separability Clause.* – If any clause, provision, paragraph or  
5 part hereof be declared unconstitutional or invalid, such judgment shall not  
6 affect, invalidate or impair any other part hereof, but such judgment shall be  
7 merely confined to the clause, provision, paragraph or part directly involved in  
8 the controversy in which such judgment has been rendered.

9           SEC. 45. *Repealing Clause.* – Republic Act No. 2382 known as “The  
10 Medical Act of 1959”, as amended by Republic Act Nos. 4224 and 5946, all  
11 laws amending the said Act, all other laws, decrees, executive orders and other  
12 administrative issuances and parts thereof which are inconsistent with the  
13 provisions of this Act are hereby repealed accordingly.

14           SEC. 46. *Effectivity Clause.* – This Act shall take effect fifteen (15)  
15 days after its publication in the *Official Gazette* or in any newspaper of general  
16 circulation.

Approved,

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