

The PRESIDENT PRO TEMPORE. Consideration of House Bill No. 2882 jointly with Senate Bill No. 409 is now in order. The Secretary will please read the bill.

The SECRETARY:

### THE MEDICAL ACT OF 1959

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

#### ARTICLE I.—Objectives and Implementation

SECTION 1. *Objectives.*—This Act provides for and shall govern (a) the standardization and regulation of medical education; (b) the examination for registration of physicians; and (c) the supervision, control and regulation of the practice of medicine in the Philippines.

SEC. 2. *Enforcement.*—For the purpose of implementing the provisions of this Act, there are created the following agencies: the Board of Medical Education under the Department of Education, and the Board of Medical Examiners under the Commissioner of Civil Service.

#### ARTICLE II.—The Board of Medical Education—Its Functions

SEC. 3. *Composition of Board of Medical Education.*—The Board of Medical Education shall be composed of the Secretary of Health or his duly authorized representative, as Chairman, and the Secretary of Education or his duly authorized representative, the Director of the Bureau of Private Schools or his duly authorized representative, the Chairman of the Board of Medical Examiners or his duly authorized representative, and a representative from the Philippine Medical Association, as members.

The officials acting as Chairman and members of the Board of Medical Education shall hold office during their incumbency in their respective positions.

SEC. 4. *Compensation and traveling expenses.*—The Chairman and members of the Board of Medical Education shall not be entitled to any compensation nor traveling expenses.

For administrative purposes, the Board shall hold office in the office of its Chairman, who may designate a ranking official in the Department of Health to serve as secretary of the Board.

SEC. 5. *Functions.*—The functions of the Board of Medical Education shall be:

(a) To determine and prescribe minimum requirements for admission into a recognized college of medicine;

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

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

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

(e) To promulgate and prescribe and enforce necessary rules and regulations for the proper implementation of the foregoing functions.

SEC. 6. *Minimum required courses.*—Students seeking admission to the medical course must have a bachelor of science or bachelor of arts degrees or their equivalent and must have taken in four years the following subjects with their corresponding number of units:

	Units
English .....	12
Latin .....	3
Mathematics, including Accounting and Statistics .....	9
Philosophy, including Psychology and Logic .....	12
Zoology and Botany .....	15
Physics .....	8
Chemistry .....	21
Humanities and Social Sciences .....	12
Library Science .....	1

Twelve units of Spanish shall be required pursuant to Republic Act Numbered Seven hundred nine; but commencing with the academic year nineteen hundred sixty to nineteen hundred sixty-one, twenty-four units of Spanish shall be required pursuant to Republic Act Numbered Eighteen hundred and eighty-one as cultural, social and nationalistic studies.

*Provided,* That the following students may be permitted to complete the aforesaid preparatory medical course in shorter periods as follows:

(a) Students whose general average is below eighty-five per cent but without any grade of failure or condition may be allowed to pursue and finish the course in three academic years and the intervening summer sessions; and

(b) Students whose general average is eighty-five per cent or over may be permitted to finish the course in three academic years by allowing them to take each semester the overload permitted to bright students under existing regulations of the Bureau of Private Schools.

*Provided,* That upon failure to maintain the general average of eighty-five per cent, students under (b) shall automatically revert to the category of students under (a) and those under (a) shall automatically revert to the category of students required to pursue the preparatory course in four years mentioned above.

The medical course shall be at least five years, including not less than eleven rotating internship in an approved hospital, and shall consist of the following subjects:

Anatomy
Physiology
Biochemistry and Nutrition
Pharmacology
Microbiology
Parasitology
Medicine and Therapeutics
Gynecology
Ophthalmology, Otology, Rhinology and Laryngology
Pediatrics
Obstetrics
Surgery
Preventive Medicine and Public Health
Legal Medicine, including Medical Jurisprudence and Ethics.

SEC. 7. *Admission requirements.*—The medical college may admit any student to its first year class who has not been convicted by any court of competent jurisdiction of any offense involving moral turpitude, and who presents (a) a certificate showing completion of a standard high school course, (b) a record showing completion of a standard preparatory medical course as herein provided, (c) a certificate of registration as medical student, (d) a certificate of good moral character issued by two former professors in the pre-medicine course, and (e) birth certificate and marriage certificate, if any. Nothing in this Act shall be construed to inhibit any college of medicine from establishing, in addition to the preceding, other entrance requirements that may be deemed admissible.

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

Every college of medicine must keep a complete record of enrollment, grades and turnover, and must publish each year a catalogue giving the following information:

1. Date of publication
2. Calendar for the academic year
3. Faculty roll indicating whether on full time part time basis
4. Requirements of admission
5. Grading system
6. Requirements for promotion
7. Requirements for graduation
8. Medical hours per academic year by departments
9. Schedule hours per academic year by departments
10. Number of students enrolled in each class.

ARTICLE III.—*The Board of Medical Examiners; Registration of Physicians*

SEC. 8. *Pre-requisite to the practice of medicine.*—No person shall engage in the practice of medicine in the Philippines unless he has satisfactorily passed the corresponding Board Examination and is a holder of a valid Certificate of Registration duly issued to him by the Board of Medical Examiners.

SEC. 9. *Candidates for board examinations.*—Candidates for Board examinations shall have the following qualifications:

- (1) He shall be a citizen of the Philippines or a citizen of any foreign country who has submitted competent and conclusive documentary evidence, confirmed by the Department of Foreign Affairs, showing that this country's existing laws permit citizens of the Philippines to practice medicine under the same rules and regulations governing citizens thereof, provided that there is an equal number of Filipino physicians in actual practice in that particular country.
- (2) He shall not be less than twenty-one years of age;
- (3) He shall be of good moral character, showing for this purposes certificate of civil status;
- (4) He shall be of sound mind;
- (5) He shall not have been convicted by a court of competent jurisdiction of any offense involving moral turpitude; and
- (6) He shall be a holder of the degree of Doctor of Medicine or its equivalent, conferred by a college of medicine duly recognized by the Department of Education.

SEC. 10. *Acts constituting practice of medicine.*—A person shall be considered as engaged in the practice of medicine (a) who shall, for compensation, fee, salary or reward in any form, paid to him directly or through another, or even without the same, physically examine any person, and diagnose, treat, operate or prescribe any remedy for any human disease, injury, deformity, physical, mental or physical condition or any ailment, real or imaginary, regardless of the nature of the remedy or treatment administered, prescribed or recommended; or (b) who shall, by means of signs, cards, advertisements, written or printed matter, or through the radio, television or any other means of communication, either offer or undertake by any means or method to diagnose, treat, operate or prescribe any remedy for any human disease, injury, deformity, physical, mental or physical condition; or (c) who shall use the title M.D. after his name.

SEC. 11. *Exemptions.*—The preceding section shall not be construed to affect (a) any medical student duly enrolled in an approved medical college or school under training, serving without any professional fee in any government or private hospital, provided that he renders such service under the direct supervision and control of a registered physician; (b) any legally registered dentist engaged exclusively in the practice of dentistry; (c) any duly registered masseur or physiotherapist, provided that he applies massage or other physical means upon written order or prescription of a duly registered physician, or provided that such application of massage or physical means shall be limited to physical or muscular development; (d) any duly registered optometrist who mechanically fits or sells lenses, artificial eyes, limbs or other similar appliances or who is engaged in the mechanical examination of eyes for the purpose of constructing or adjusting eye glasses, spectacles and lenses; (e) any person who renders any service gratuitously in cases of emergency, or in places where the services of a duly registered physician, nurse or midwife are not available; (f) any person who administers or recommends any household remedy as per classification of existing Pharmacy Laws; and (g) any psychologist or mental hygienist in the performance of his duties, provided such performance is done in conjunction with a duly registered physician.

SEC. 12. *Limited practice without any certificate of registration.*—Certificates of registration shall not be required of the following persons:

- (a) Physicians and surgeons from other countries called in consultation only and exclusively in specific and definite cases, or those attached to international bodies or organizations assigned to perform certain definite work in the Philippines, provided they shall limit their practice to the sepecific work assigned to them and provided further they shall secure a previous authorization from the Board of Medical Examiners.
- (b) Commissioned medical officers of the United States Armed Forces stationed in the Philippines while rendering service as such only for the members of the said Armed Forces and within the limit of their own respective territorial jurisdiction.
- (c) Foreign physicians employed as exchange professors in special branches of medicine or surgery whose service may, in the discretion of the Board of Medical Education, be necessary.

(d) Medical students who have completed the first four years of medical course, graduates of medicine and registered nurses who may be given limited and special authorization by the Secretary of Health to render medical services during epidemics or national emergencies whenever the services of duly registered physicians are not available. Such authorization shall automatically cease when the epidemic or national emergency is declared terminated by the Secretary of Health.

SEC. 13. *The Board of Medical Examiners, its composition and duties.*—The Board of Medical Examiners shall be composed of six members to be appointed by the President of the Philippines from a confidential list of not more than twelve names approved and submitted by the executive council of the Philippine Medical Association, after due consultation with other medical associations, during the months of April and October of each year. The Chairman of the Board shall be elected from among themselves by the members at a meeting called for the purpose. The President of the Philippines shall fill any vacancy that may occur during any examination from the list of names submitted by the Philippine Medical Association in accordance with the provisions of this Act.

No examiner shall handle the examinations in more than four subjects or groups of subjects as hereinafter provided. The distribution of subjects to each member shall be agreed upon at a meeting called by the Chairman for the purpose. The examination papers shall be under the custody of the Commissioner of Civil Service or his duly authorized representative, and shall be distributed to each member of the Board who shall correct, grade, and sign, and submit them to the said Commissioner within one hundred twenty days from the date of the termination of the examinations.

A final meeting of the Board for the deliberation and approval of the grades shall be called by the Commissioner of Civil Service immediately after receipt of the records from the members of the Board of Medical Examiners. The Secretary of the Board shall submit to the President of the Philippines for approval the names of the successful candidates as having been duly qualified for licensure in alphabetical order, without stating the ratings obtained by each.

SEC. 14. *Qualifications of examiners.*—No person shall be appointed a member of the Board of Medical Examiners unless he (1) is a natural-born citizen of the Philippines, (2) is a duly registered physician in the Philippines, (3) has been in the practice of medicine for at least ten years, (4) is of good moral character and of recognized standing in the medical profession, (5) is not a member of the faculty of any medical school and has no pecuniary interest, directly or indirectly, in any college of medicine or in any institution where any branch of medicine is taught, at the time of his appointment: *Provided*, That of the six members to be appointed, not more than two shall be graduates of the same institution and not more than three shall be government physicians.

SEC. 15. *Tenure of office and compensation of members.*—The members of the Board of Medical Examiners shall hold office for one year: *Provided*, That any member may be reappointed for not more than one year. Each member shall receive as compensation ten pesos for each candidate examined for registration as physician, and five pesos for

each candidate examined in the preliminary or final physician examination.

The President of the Philippines, upon the recommendation of the Commissioner of Civil Service, after due investigation, may remove any member of the Board of Medical Examiners for neglect of duty, incompetency, unprofessional or dishonorable conduct.

SEC. 16. *Executive Officer and Secretary of the Board.*—The secretary of the Boards of Examiners appointed in accordance with section ten of Act Numbered Four thousand seven, as amended, shall also be the secretary of the Board of Medical Examiners, who shall keep all the records, including examination papers, and the minutes of the deliberations of the Board. He shall also keep a register of all persons to whom certificates of registration has been granted; set forth the name, sex, age, and place of birth of each, place of business, post office address, the name of the medical college or university from which he graduated or in which he had studied, together with time spent in the study of the profession elsewhere, the name of the country where the institution is located which had granted to him the degree or certificate of attendance upon clinical degrees granted to him from institutions of learning. He shall keep an up-to-date registration book of all duly registered physicians in the Philippines. He shall furnish copies of all examination questions and ratings in each subject of the respective candidates in the physicians examination, one month after the release of the list of successful examinees, to the deans of the different colleges of medicine exclusively for the information and guidance of the faculties thereof. This report shall be considered as restricted information. Any school which violates this rule shall be deprived of such privilege. The Secretary of the Board shall likewise keep a record of all registered medical students. He shall keep all the records and proceedings and issue and receive all papers in connection with and all complaints presented to the Board.

SEC. 17. *Rules and regulations.*—The Board of Medical Examiners, with the approval of the Commissioner of Civil Service, shall promulgate such rules and regulations as may be necessary for the proper conduct of the examination, correction of examination papers, and supervision of physicians. The Commissioner shall take effect each Board examination and enforce the said rules and regulations. These rules and regulations shall be published fifteen days after the date of their publication in the *Official Gazette* and shall not be changed within sixty days immediately before any examination. Such rules and regulations shall be printed and distributed for the information and guidance of all concerned.

SEC. 18. *Dates of examinations.*—The Board of Medical Examiners shall give examinations for the registration of physicians, one in May and one in November after giving in the City of Manila or any of its suburbs to each candidate not less than ten days' notice to the Secretary of the Board, under filed his name and address with the Secretary of the Board, under

SEC. 19. *Fees.*—The secretary of the Board, under supervision of the Commissioner of Civil Service, shall collect from each candidate the following fees:

For registration as medical student	.....	₱5.00
For complete physician examination	.....	75.00

For preliminary or final examination ..... 40.00  
 For registration as physician ..... 20.00

All fees paid as provided herein shall accrue to the funds of the Board of Medical Examiners and be expended for the payment of the compensation of the members thereof. No fees other than those provided herein shall be paid to the Board.

SEC. 20. *Issuance of Certificate of Registration, grounds for refusal of same.*—The Commissioner of Civil Service and the Secretary of the Board of Medical Examiners shall sign jointly and issue certificates of registration to those who have satisfactorily complied with the requirements of the Board. They shall not issue a certificate of registration to any candidate who has been convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude, or has been found guilty of immoral or dishonorable conduct after due investigation by the Board of Medical Examiners, or has been declared to be of unsound mind.

SEC. 21. *Scope of examination.*—The examination for the registration of physicians shall consist of the following subjects: (1) Anatomy and Histology, (2) Physiology, (3) Biochemistry, (4) Microbiology and Parasitology, (5) Pharmacology and Therapeutics, (6) Pathology, (7) Medicine, (8) Obstetrics and Gynecology, (9) Pediatrics and Nutrition, (10) Surgery and Ophthalmology, Otolaryngology and Rhinology, (11) Preventive Medicine and Public Health, and (12) Legal Medicine, Ethics and Medical Jurisprudence: *Provided, however,* That the examination questions in each subject or group of subjects shall at least be ten in number: *Provided, further,* That the examination questions in Medicine shall include at least three from the following branches: Infectious diseases, Neurology, Dermatology, Allergy, Endocrinology and Cardio-Vascular diseases: *Provided, finally,* That the examination questions in Surgery shall include at least four questions from the following: Ophthalmology, Otology, Rhinology, Laryngology, Orthopedic Surgery and Anesthesiology.

The questions shall be the same for all applicants. All answers must be written either in English or Spanish. No name of the examinee shall appear in the examination paper but the examiners shall devise a system whereby each applicant can be indentified by number only.

In order that a candidate may be deemed to have passed his examination successfully he must have obtained a general average of seventy-five per cent without a grade lower than sixty-five per cent in Medicine, Pediatrics and Nutrition, Obstetrics and Gynecology, and Preventive Medicine and Public Health, and no grade lower than fifty per cent in the rest of the subjects.

The preliminary examinations shall comprise of the following subjects:

- (1) Gross Anatomy and Histology
- (2) Physiology
- (3) Biochemistry
- (4) Microbiology and Parasitology

SEC. 22. *Administrative investigations.*—In addition to the functions provided for in the preceding sections, the Board of Medical Examiners shall perform the following duties: (1) to administer oath to physicians who qualified in the examination; (2) to study the conditions affecting the practice of medicine in all parts of the Philippines;

(3) to exercise the powers conferred upon it by this article with the view of maintaining the ethical and professional standards of the medical profession; (4) to *subpoena* or *subpoena duces tecum* witnesses for all purposes required in the discharge of its duties; and (5) to promulgate, with the approval of the Commissioner of Civil Service, such rules and regulations as it may deem necessary for the performance of its duties in harmony with the provisions of this Act and necessary for the proper practice of medicine in the Philippines.

Administrative investigations may be conducted by not less than four members of the Board of Medical Examiners; otherwise the proceedings shall be considered void. The existing rules of evidence shall be observed during all administrative investigations. The Board may disapprove applications for examination or registration, reprimand erring physicians, or suspend or revoke registration certificates, if the respondents are found guilty after due investigations.

SEC. 23. *Procedure and rules.*—Within five days after the filing of written charges under oath, the respondent physician shall be furnished a copy thereof, without requiring him or her to answer the same, and the Board shall conduct the investigation within five days after the receipt of such copy by the respondent. The investigation shall be completed as soon as practicable.

SEC. 24. *Grounds for reprimand, suspension or revocation of registration certificate.*—Any of the following shall be sufficient ground for reprimanding a physician, or for suspending or revoking a certificate of registration as physician:

- (1) Conviction by a court of competent jurisdiction of any criminal offense involving moral turpitude;
- (2) Immoral or dishonorable conduct;
- (3) Insanity;
- (4) Fraud in the acquisition of the certificate of registration;
- (5) Gross negligence, ignorance or incompetence in the practice of his or her profession resulting in an injury to or death of the patient;
- (6) Addiction to alcoholic beverages or to any habit-forming drug rendering him or her incompetent to practice his or her profession;
- (7) False or extravagant or unethical advertisements wherein other things than his name, profession, limitation of practice, clinic hours, office and home address, are mentioned. Advertising by the respondent for the purpose of enhancing his prestige and increasing his clientele, of postgraduate studies or the possession of special certificates or degrees from colleges or clinics where postgraduate work was pursued, or of previous service or experience in any institution, governmental or otherwise; mention of allegedly unusual or special technique in treatment of duly identified photographs showing the respondent in action; and the enumeration of different diseases or modes of treatment thereof or guaranteeing or warranting operations or cure of any disease, shall be considered as unethical advertisements.
- (8) Performance of or aiding in any criminal abortion;
- (9) Knowingly issuing any false medical certificate;
- (10) Issuing any statement or spreading any news or rumor which is derogatory to the character and reputation of another physician without justifiable motive;

(11) Aiding or acting as a dummy of an unqualified or unregistered person to practise medicine;

(12) Violation of any provision of the Code of Ethics as approved by the Philippine Medical Association.

Refusal of a physician to attend a patient in danger of death is not a sufficient ground for revocation or suspension of his registration certificate if there is a risk to the physician's life.

SEC. 25. *Rights of respondents.*—The respondent physician shall be entitled to be represented by counsel or be heard by himself or herself, to have a speedy and public hearing, to confront and to cross-examine witnesses against him or her, and to all other rights guaranteed by the Constitution and provided for in the Rules of Court.

SEC. 26. *Appeal from judgment.*—The decision of the Board of Medical Examiners shall automatically become final thirty days after the date of its promulgation unless the respondent, during the same period, has appealed to the Commissioner of Civil Service and later to the Office of the President of the Philippines. If the final decision is not satisfactory, the respondent may ask for a review of the case, or may file in court a petition for certiorari.

SEC. 27. *Reinstatement.*—After five years, the Board may order the reinstatement of any physician whose certificate of registration has been revoked, if the respondent has acted in an exemplary manner in the community wherein he resides and has not committed any illegal, immoral or dishonorable act.

#### ARTICLE IV.—*Penal and Other Provisions*

SEC. 28. *Penalties.*—Any person found guilty of "illegal practice of medicine" shall be punished by a fine of not less than one hundred pesos nor more than ten thousand pesos with subsidiary imprisonment in case of insolvency, or by imprisonment or not less than one year nor more than five years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 29. *Injunctions.*—The Board of Medical Examiners may file an action to enjoin any person illegally practicing medicine from the performance of any act constituting practice of medicine if the case so warrants until the necessary certificate therefor is secured. Any such person who, after having been so enjoined, continues in the illegal practice of medicine shall be punished for contempt of court. The said injunction shall not relieve the person practicing medicine without certificate of registration from criminal prosecution and punishment as provided in the preceding section.

SEC. 30. *Appropriation.*—To carry out the provisions of this Act, there is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, the sum of twenty thousand pesos.

SEC. 31. *Repealing clause.*—All Acts, executive orders, administrative orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are repealed or modified accordingly.

SEC. 32. *Effectivity.*—This Act shall take effect upon its approval: *Provided*, That if it is approved during the time when examinations for physicians are held, it shall take effect immediately after the said examinations: *Provided*, further, That section six of this Act shall take effect at the beginning of the academic year nineteen hundred sixty to nineteen hundred sixty-one, and the first paragraph of section seven shall take effect four years thereafter.

Senator PRIMICIAS. Mr. President, the distinguished Chairman of the Committee on Health, Senator Sabido, will sponsor these two bills.

The PRESIDENT PRO TEMPORE. The gentleman from Albay has the floor.

#### PONENCIA DEL SEN. SABIDO

Senator SABIDO. Mr. President and gentlemen of the Senate, this bill has already been approved by Congress in 1957, and it was known as the Medical Act of 1957; but said act was vetoed by the President due to certain objectionable features contained therein. Said objectionable features have already been removed in House Bill No. 2882 which is submitted now for consideration and in Senate Bill No. 409, but we are considering now particularly House Bill No. 2882. The objectives of this bill, Mr. President, as specified in Section 1 are to standardize and regulate medical education, to regulate the examination for registration of physicians and the supervision, control and regulation of the practice of medicine in the Philippines.

For the purpose of implementing this Act, there are created the following agencies: the Board of Medical Education under the Department of Education and the Board of Medical Examiners under the Commissioner of Civil Service. The Board of Medical Education shall be composed of the Secretary of Health or his duly authorized representative, as Chairman, and the Secretary of Education or his duly authorized representative, the Director of Private Schools or his duly authorized representative, the Chairman of the Board of Medical Examiners or his duly authorized representative, and a representative from the Philippine Medical Association, as members. The Board of Medical Examiners shall be composed of six members to be appointed by the President subject to confirmation by the Commission on Appointments. Mr. President, their powers and functions are specified in the bill. As I have said, this bill has already been approved by Congress in 1957. One of the objectionable features in the bill approved by Congress was that the Board of Medical Education was composed of members who were not to be appointed by the President. That objectionable feature has already been eliminated.

Senator TAÑADA. Mr. President, will the gentleman yield to a few clarificatory question?

The PRESIDENT PRO TEMPORE. The gentleman yield if he so desires.

Senator SABIDO. With pleasure.

Senator TAÑADA. Under Section 6, House Bill No. 2882, page 3, students seeking admission to the medical course must have a bachelor of science or bachelor of arts degree or their equivalent and must have taken in four years the following subject with their corresponding number of units. The subjects are enumerated in the bill. I understand, Your Honor, that many of the first year medical students have just taken two years preparatory course, and if that is the case and this bill is approved, they would not be allowed to take the examination.

Senator SABIDO. No, Your Honor. There is a provision in this bill that to such requirement, the bill will become operative only after four years. So, the provisions of this bill will not affect those students.

Senator TAÑADA. I would like to be shown that provision, because there are thousands of medical students who will begin their study this year in the school of Medicine who might be affected, because even if what Your Honor says is true, by four years when this particular provision will take effect, they will still be in the college of Medicine, and when they take the examination they might be disqualified from doing so because of the provisions of Section 6.

Senator SABIDO. It is in Section 32, page 24. It is provided therein that section six of this Act shall take effect at the beginning of the academic year nineteen hundred sixty to nineteen hundred sixty-one, and the first paragraph of section seven shall take effect four years thereafter.

Senator TAÑADA. Precisely. If section six will take effect only four years after the passage of this bill, then those who are taking the course this year for the first time will be affected by this provision, because they took only the two years preparatory course.

Senator SABIDO. They will not precisely be affected because, as I said, it is expressly provided in Section 32 that only after four years will this bill take effect as regards to the provisions contained in Sections 6 and 7. That is my understanding of said provisions.

Senator TAÑADA. Well, I would like to make further study on that point. Now, I would like to ask Your Honor another question, and that is with respect to who may be allowed to take the examination. Page 8 of the bill. One of the qualifications required is that he shall not be less than 21 years of age. In the bar examination, a candidate—although less than 21 years of age—is allowed to take the bar, only his taking the oath is postponed until

he reaches the age of 21. Is there a provision in this bill which would permit a candidate for board examination?

Senator SABIDO. There is none, Your Honor, but it seems to me that this provision will be construed in a similar manner that the counterpart provision in the Act regulating the examination for admission to law has been construed.

Senator TAÑADA. The provision of Section 9 of the bill seems to be quite definite and positive.

Senator SABIDO. But I believe there will be no objection to permitting the student to take this examination provided he deferred the oath taking, same as in the bar examination.

Senator TAÑADA. I am glad to hear that because there may be cases of exceptionally brilliant students who may finish the course without reaching the age of 21 and if they are not allowed to take the examination they may forget what they have studied.

Senator SABIDO. I agree with Your Honor.

Senator TAÑADA. Will Your Honor entertain an amendment?

Senator SABIDO. Does Your Honor believe that such an amendment is necessary? If Your Honor believes it is necessary, I have no objection. But I do not believe it is necessary because there is no such provision regulating admission to the bar and yet the counter-part provision has been construed in the manner Your Honor has just stated.

Senator TAÑADA. That is the case with respect to those who take the bar because the Supreme Court is practically the authority that promulgates the rules governing the admission to the practice of law and the Supreme Court is the one that conducts bar examinations and, therefore, may authorize such persons to take the bar even before they reach the age of 21.

Senator SABIDO. I have no objection to including a proviso in this paragraph.

Senator TAÑADA. I would like to see where we can insert that.

Senator SABIDO. In the same paragraph, I believe.

Senator TAÑADA. Yes. Thank you.

Senator TOLENTINO. Mr. President, will the gentleman yield?

The PRESIDENT PRO TEMPORE. The gentleman may yield if he so desires.

Senator SABIDO. Gladly.

Senator TOLENTINO. I would like to refer to page 12, Section 13, regarding the composition of the Board of Medical Examiners. Under this section, it is provided that the "Board of Medical Examiners shall be composed of six members to be appointed

by the President of the Philippines from a confidential list of not more than twelve names approved and submitted by the executive council of the Philippine Medical Association, after due consultation with other medical association. . ." etc. My question here is, does not that provision give undue preference to the Philippine Medical Association in recommending members of the Board of Examiners? This section clearly admits that there are other medical associations outside the Philippine Medical Association, and yet with respect to other medical associations what the bill provides is only that the Philippine Medical Association shall consult with them by the final recommendation will come from the Philippine Medical Association. Under that set-up, does not Your Honor believe that that gives undue preference to the Philippine Medical Association?

Senator SABIDO. It would seem that, to a certain extent, a sort of preference is given to the Philippine Medical Association; but, doubtless, its purpose is to encourage the Philippine Medical Association and to give to it a certain recognition because it seems to me it is the most widespread association and it counts with a greater number of members.

Senator TOLENTINO. I really do not know about the extent of its membership. But under the set-up the Philippine Medical Association can make recommendations to the Civil Service and it is the Civil Service that endorses certain number of names to the President from which the President may make appointments. I was wondering why the change was made, because under the present state of the law any medical association may make recommendations because we may have physicians or doctors who may not actually be in the Philippine Medical Association.

Senator SABIDO. As I said, it is a sort of commendation to the Philippine Medical Association which counts with greater membership and it is widespread throughout the Philippines. I think that is the only purpose. But it is expressly provided, as Your Honor will notice, that the Philippine Medical Association shall consult with the other medical associations and, obviously, the intention is for the Philippine Medical Association to give due regard to the recommendations of the other medical associations before submitting the list.

Senator TOLENTINO. Would Your Honor be agreeable to some kind of modification to give a little leeway to other medical associations to make recommendation?

Senator SABIDO. I would have no objection.

Senator TOLENTINO. I am not prepared now; but the principle is to give them some voice also to make recommendations direct to the President.

Senator SABIDO. I would have no objection to the proposition.

Senator TOLENTINO. On page 13, at the bottom of Section 14, last part of Section 14 regarding qualifications of examiners, there is a proviso, line 20, which says: "Provided, That of the six members to be appointed, not more than two shall be graduates of the same institution and not more than three shall be government physicians." I am referring to the last portion—"not more than three shall be government physician." This means that government physicians not exceeding three shall be appointed to the Board of Examiners. Does not Your Honor believe that when a physician is already in the government service receiving compensation from the Government, it would actually amount to having double compensation to allow him to be examiner and give him compensation as such examiner?

Senator SABIDO. I do not think so, Your Honor. I mean, it is not mandatory for the appointing power to appoint anyone from the Government. So, this provision is intended merely to prevent the appointment of more than three government physicians if the Chief Executive proposes to do it.

Senator TOLENTINO. Well, I know that there are several physicians who are in the government service; and what I am thinking is when a physician is already in the government service and we still make him an examiner, he might lose part of the time that he may render to the public service by correcting the papers because, I understand, these papers cannot be corrected in the office of the examiner. They have to go to the Bureau of Civil Service to correct the papers there and they are supposed to be rendering office hours in the government service. Senator SABIDO. I know; but whatever compensation they receive, is not in the form of salary but in the form of per diem. So, it will be temporary in nature.

Senator TOLENTINO. As a matter of principle, would it be a wise policy to allow people who are supposed to be in full time service to the Government to be given jobs like this?

Senator SABIDO. Does not Your Honor believe that if that official will work outside of office hours correcting papers, for instance, that for the work they do, they should be compensated for such extra work?

Senator TOLENTINO. Certainly. Perhaps I was thinking that there may be enough physicians outside and if we actually place a bar to government physicians, there will be more encouragement to physicians outside at least to be appointed examiners in the Board. I am not very keen about it. But I am just voicing an idea because I have heard several complaints from private practitioners that appointment of government physicians already in the service deprives them of the opportunity to serve and gives more opportunity to those who are already in the government service. I am just pointing that out for the consideration of the sponsor in case there may be something that may be brought here along this line. Lastly, Your Honor, on the provision regarding compensation, page 14, line 2, each member shall receive as compensation P10 for each candidate as physician examined, and P5 for each preliminary examinee. I remember that in our appropriation law, we always embody a limit, I think, P1,200 per annum. I just want to find out whether it is understood that that limitation of P1,200 per annum is applicable in this case when we specify the number of candidates.

Senator SABIDO. I do not think so because it is not expected that the P10 compensation for each candidate or P5 in the case of preliminary physician examinations will ever reach that amount.

Senator TOLENTINO. I do not know, but there are certain professions where they actually reach more than that because they have two examinations a year. So, I just want the clarification, without imposing it here, to be understood whether this is subject to limitations imposed by the appropriation law.

Senator SABIDO. There is no provision to that effect.

Senator TOLENTINO. Shall we not insert a provision along that particular line?

Senator SABIDO. I have no objection.

Senator ROSALES. Mr. President, will the gentleman yield?

The PRESIDENT PRO TEMPORE. The gentleman may yield if he wishes.

Senator SABIDO. Gladly.

Senator ROSALES. Section 3 of this bill provides that the Board of Medical Education shall be composed of the Secretary of Health or his duly authorized representative as chairman, the Secretary of Education, the Director of the Bureau of Private Schools and the chairman of the Board of Medical Examiners, and a representative from the Philippine Medical Association. This act, Section 2,

provides that the Board of Medical Education shall be under the Department of Education; and in Section 5 which enumerates the functions of this board, I find that most functions are educational. May I know why the Secretary of Health is made Chairman and the Secretary of Education only a member of this board?

Senator SABIDO. Because of the nature of the profession sought to be regulated.

Senator ROSALES. Yes, but at present all these functions enumerated in Section 5 are being exercised by the Bureau of Private Schools because they are purely educational. For example, it says here to determine and prescribe the minimum requirements of a recognized college of medicine; and letter (c) to determine and prescribe the minimum number and minimum qualifications of teaching personnel including student-teacher ratio and curriculum.

Senator SABIDO. That is right, and obviously because of such consideration, the Secretary of Education is made a member.

Senator ROSALES. But the main functions of this board are educational, not medical. I think the reason why this board of medical education is created is to allow other officials like the Secretary of Health and the chairman of the Board of Medical Examiners and members of the Medical Association to have some say in directing the policy with respect to colleges of medicine.

Senator SABIDO. And obviously the main reason that prompted the author of the bill to make the Secretary of Health as chairman is because of the nature of the profession sought to be regulated.

Senator ROSALES. Let us say, the professions of Pharmacy, Dentistry. The colleges of Dentistry and Pharmacy are still under the office of the Bureau of Private Schools that controls and regulates the policies of these colleges.

Senator SABIDO. Does not your Honor believe that what is likely to happen is that on matters referred to in paragraphs (a), (b), and (c), the chairman, who is the Secretary of Health, will consult the Secretary of Education and rely on his advice?

Senator ROSALES. That is true, but let us put matters in their proper places. Does not also the gentleman believe that if we make the Secretary of Education the chairman of the board and make the Secretary of Health a member, the Secretary of Health can also be consulted if there are matters concerning medicine? But since the main function is educational and this board is under the Department of Education, it looks anomalous if the board is placed under the Department of Health. The main



function of this board is educational and to make the Secretary of Health chairman of this board looks anomalous.

Senator SABIDO. That is something that cannot be disputed. But, as I said, most likely the author of the bill took into consideration the fact that the profession sought to be regulated is the medical profession, and, let us call it justified pride, he deemed it advisable to place in this board as the chairman the Secretary of Health.

Senator ROSALES. Pride should not come in on this matter. Why don't we place this under the Department of Health if this is purely a health matter? But to place this under the Department of Education and then place the Secretary of Education as a member only, I do not believe it is right.

Senator SABIDO. Has Your Honor any suggestion to make?

Senator ROSALES. I suggest that we make the Secretary of Education chairman and the Secretary of Health member.

Senator SABIDO. I would rather leave that to the members of the Senate.

Senator ROSALES. That is all right then. Thank you.

Senator RODRIGO. Mr. President, will the gentleman yield for some clarification?

The PRESIDENT PRO TEMPORE. The gentleman may yield if he wishes.

Senator SABIDO. Gladly.

Senator RODRIGO. May I refer Your Honor to page 4 of the printed bill which states, letter (a), line 22, "Students whose general average is below eighty-five per cent but without any grade of failure or condition may be allowed to pursue and finish the course in three academic years and the intervening summer sessions." May I call Your Honor's attention to the proviso on page 5, line 8, "Provided, That upon failure to maintain the general average of eighty-five per cent, students under (b) shall automatically revert to the category of students under (a) and those under (a) shall automatically revert to the category of students required to pursue the preparatory course in four years mentioned above." What does this mean, that if a student has an average of less than eighty-five per cent but has no failure in any subject he will be entitled to take the course in four years with summer sessions. But in the proviso, if he fails to maintain the average of eighty-five per cent, he shall revert to the four-year preliminary course. Now, there seems to be an inconsistency between that proviso and the provisions of this Section.

Senator SABIDO. I do not think so. Subparagraph (a) of page 4, provides that the student whose general average is below eighty-five per cent but without any grade of failure or condition may be allowed to pursue and finish the course in three academic years.

The students under paragraph (b) whose general average is 85 per cent or over may be permitted to finish the course in three academic years by allowing them to take each semester the overload granted to bright students. That is, without summer courses. Provided, however, that upon failure to maintain it, the students under paragraph (b) revert to the category of the students under paragraph (a).

Senator RODRIGO. Upon failure to maintain a general average of 85 per cent?

Senator SABIDO. Correct.

Senator RODRIGO. Would that reduce also the category of the students to paragraph (a)?

Senator SABIDO. No, because the students under paragraph (a) who fail to comply with the requirements therein stated refer to the category of students who shall be required to pursue the preparatory course in four years.

Senator RODRIGO. But that is not what the proviso states.

Senator SABIDO. That is.

Senator RODRIGO. The proviso reads:

"Provided, that upon failure to maintain the general average of 85 per cent, students under paragraph (b) shall automatically revert to the category of students under paragraph (a)."

And those students under paragraph (a), meaning to say, those who "fail to maintain the general average of 85 per cent" are reverted to the four-year course. There seems to be an inconsistency here.

Senator SABIDO. What could be the inconsistency there?

Senator RODRIGO. The students under paragraph (a) even if they have an average of less than 85 per cent provided that they do not fail in any subject will be allowed to take the course in three years with summer courses. Whereas, in this proviso, it is stated that the same students under paragraph (a) upon failure to maintain the general average of 85 per cent shall be reverted automatically to the category of the students under paragraph (b) who are required to pursue the course in four years, as mentioned above.

Senator SABIDO. Exactly. A student under paragraph (a), whose general average is below 85 per

cent but without any grade of failure or condition may be allowed to pursue in three years the preparatory course. But if he fails, and that is the proviso . . .

Senator RODRIGO. If he fails to maintain the general average of 85 per cent, is the proviso.

Senator SABIDO. Correct, "to maintain the general average of 85 per cent." That is, if he happens to have a grade of failure or condition, then he shall be required to comply with the four years preparatory course. That is the meaning of this proviso, as I understand it.

Senator RODRIGO. This proviso has a general condition for both students under paragraphs (a) and (b). This general condition is, "upon failure to maintain the general average of 85 per cent." Those students under paragraph (b) will go to (a), and those under paragraph (a) will have to take the four years course. That is under the first condition. But this will apply only to students under the category (b), because under paragraph (b) only students under paragraph (b) are required to have the general average of 85 per cent or over. Whereas, those under paragraph (a) are not required to have the general average of 85 per cent or over.

Senator SABIDO. Yes, but they are required not to have any failure or condition. So, the moment a student under category (a) of sub-paragraph (a) has a grade of failure or condition, such a student is required to comply with the four years preparatory course.

Senator RODRIGO. May I read again the provision on page 5 and I shall give Your Honor an example. The proviso reads as follows:

"Provided, That upon failure to maintain the general average of 85 per cent, students under (b) shall automatically revert to the category of students under (a) and those under (a)"—

Senator SABIDO. May I interrupt Your Honor for the purpose of clarification?

Senator RODRIGO. It is very clear up to here. Let us read the words on line 11:

"Those under (a) shall automatically revert to the category of students required to pursue the preparatory course in four years mentioned above."

Senator SABIDO. That is the meaning of this: if they fail.

Senator RODRIGO. But supposing they do not fail but their average is less than 85 per cent, will they revert to the four years course?

Senator SABIDO. The correct meaning of this sub-paragraph (a) on line 11, is that: If a student

under category (a) fails to comply with the requirements, then he shall be required to take the four years preparatory course.

Senator RODRIGO. Does not Your Honor believe that this provision needs clarification? Because this proviso imposes only one condition for both (a) and (b), and that condition is: "Upon failure to maintain the general average of 85 per cent or (a) of sub-paragraph (a).

Senator SABIDO. We can insert the words "upon failure" in relation to the students under category (a) of sub-paragraph (a).

Senator RODRIGO. I think, this needs a clarification. I shall present the corresponding amendment later on. Thank you.

Senator PÚYAT. Mr. President, will the gentleman yield?

The PRESIDENT PRO TEMPORE. The gentleman may yield if he so desires.

Senator SABIDO. Gladly.

Senator PÚYAT. I think that every year many of us notice the problem in medical schools, where there are too many students enrolled in the preparatory course and yet when they get into the medical schools there are limitations as to the number of students allowed. Is there anything in this bill that will solve that problem?

Senator SABIDO. Yes, Your Honor, there is precisely.

Senator PÚYAT. May I know it, please?

Senator SABIDO. It is the Board of Medical Education which is given or vested with certain powers or functions.

Senator PÚYAT. May we have that section, please?

Senator SABIDO. In subparagraph (b), of Section 5, page 3, Your Honor. And also subparagraph (a). It is provided that among the functions of the Board shall be:

- "(a) To determine and prescribe minimum requirements for admission into a recognized college of medicine;
- "(b) To determine and prescribe requirement for minimum physical facilities of colleges of medicine, to wit: buildings, including hospitals, equipment and supplies, apparatus, instruments, etc., and others, used for didactic and practical instructions in accordance with modern trends;
- "(c) To determine and prescribe the minimum number and the minimum qualifications of teaching personnel, etc.;

And then, under subparagraph (e), they are authorized to promulgate and prescribe and enforce necessary rules and regulations for the proper implementation of the foregoing functions.

Senator PÚYAT. I am afraid, Your Honor, that the point I raised is not covered by any of these sections, because the point to be considered is this. These medical schools admit students in the preparatory course without any limit. Now, when they get into the medical course proper, there is placed a limitation. Well, how about those preparatory students who successfully qualified and completed the preparatory course? Isn't that equivalent to wasting their time and wasting the money of these students and their parents? So, I think, as this is a Medical Act, that is one of the gravest problems facing the medical profession. There should be correlation between the number of students accepted and allowed to take the preparatory course and the number of students that should be allowed to qualify for the first year medical course proper, otherwise it is unfair to the students, to their parents and to everybody to set that limit when these students are completing the preparatory course and nothing whatsoever was mentioned to them about the limitation of the number who could qualify in the first year medical course proper.

Senator SABIDO. In other words, what Your Honor has in mind is that all those who are allowed to take up the preparatory course should be accepted in the medical course proper.

Senator PÚYAT. No, Your Honor, I would not say that. If we take into account the capacity of the different colleges to accept graduates from the preparatory course, there must be a correlation between that number and the number of students to be allowed to take up the preparatory course, otherwise it will be a waste of time and money.

Senator SABIDO. Does not Your Honor believe that that is a matter to be considered by the Board rather than be the subject of an expressed provision?

Senator PÚYAT. Your Honor, we have been able to provide with respect to hospitals, with respect to personnel. This is, I think, more important than any of those provisions.

Senator SABIDO. Does Your Honor have any amendment in mind?

Senator PÚYAT. I intend to present an amendment if the sponsor has no objection.

Senator SABIDO. I know the existence of the problem, Your Honor.

Senator SUMÚLONG. Mr. President, may I ask a few questions to the sponsor?

The PRESIDENT PRO TEMPORE. The gentleman may yield if he so desires.

Senator SABIDO. Gladly.

Senator SUMÚLONG. Section 14, the qualification of examiners, page 13 of the bill, says that "any person shall be appointed a member of the Board of Medical Examiners unless he (1) etc." Now, in using the word "he", does that mean that all physicians are disqualified from becoming members of the Board of Medical Examiners?

Senator SABIDO. No, Your Honor. I think "he" includes "she".

Senator SUMÚLONG. Would Your Honor consider making it clearer by putting there "unless he or she"?

Senator SABIDO. I have no objection, Your Honor. All the time I believed that the word "he" included the word "she".

Senator SUMÚLONG. Now, if I remember correctly, Your Honor, I think that besides the Philippine Medical Association, there is also an association of women physicians. I have been invited to a gathering of theirs and they constitute an important segment in the medical field in our country. May I know if they were given a chance to be heard on this bill before this was reported out by the Committee?

Senator SABIDO. We are considering, Your Honor, the House bill. I do not know really what preliminary steps were taken by the authors or by the Committee before recommending the approval of the same. As regards to the Senate bill which your humble servant has prepared, it was prepared in consultation with the Philippine Medical Association which, according to my impression, is the most widely known and is the one which comes with the greatest number of members.

Senator SUMÚLONG. That is quite correct. Senator SABIDO. But I also know—and according to information I have just received—the association of women physicians is affiliated to the Philippine Medical Association.

Senator SUMÚLONG. Do I have that assurance that the women's medical association is an affiliate of the Philippine Medical Association?

Senator SABIDO. Yes, Your Honor. Senator SUMÚLONG. But do they have representation in the executive council of the Philippine Medical Association which under the bill which President will make the list of 12 from which Senator SABIDO. My impression is that they represented in the Philippine Medical Association?

Senator SUMÚLONG. Is Your Honor sure of that? I am afraid they have their own executive council.

Senator SABIDO. That is my impression, Your Honor.

Senator SUMÚLONG. Just one more question regarding the section providing for grounds for the suspension or revocation of the certificate of registration which appears on pages 20 and 21 of the bill. Now, one of the grounds for revocation, suspension or reprimand under paragraph (7) of Section 24 is unethical advertisements. And according to the bill, unethical advertisements would include advertising by the respondent for the purpose of enhancing his prestige and increasing his clientele, of postgraduate studies or the possession of special certificate or degrees from colleges or clinics where postgraduate work was pursued, or previous service or experience in any institution, governmental or otherwise." Those are considered unethical advertisements.

Senator SABIDO. Your Honor, according to the report of the Committee, one of the proposed amendments is precisely the elimination of that whole paragraph from the word "Advertising" on line 7 to the words "unethical advertisements" on line 18.

Senator SUMÚLONG. So that this definition of "unethical advertisements" will be eliminated.

Senator SABIDO. It is proposed by the Committee to have the definition stricken out.

Senator SUMÚLONG. But how about the words "unethical advertisement"?

Senator SABIDO. Let those words be the subject of proper interpretation or construction.

Senator SUMÚLONG. Does not Your Honor believe that that is a superfluity, because paragraph 12 of the same section which says "Violation of any provision of the Code of Ethics as approved by the Philippine Medical Association" will be sufficient ground for revocation of certificate of registration. So that, it will cover any unethical act of a physician.

Senator SABIDO. I have no objection if Your Honor would propose the elimination of the words "unethical advertisement" because, as I said, one of the amendments of the Committee is the elimination of the whole paragraph.

Senator SUMÚLONG. I am glad to hear that Your Honor because it does not seem fair for a physician taking post graduate courses and who is supposed to be skilled after working in hospitals abroad, and here in the Philippines simply . . .

Senator SABIDO. The Chairman and the Committee have the same impression and reaction.

Senator PADILLA. Mr. President, will the gentleman yield?

The PRESIDENT PRO TEMPORE. The gentleman may yield if he so desires.

Senator SABIDO. With pleasure.

Senator PADILLA. On page 7, Section 9, regarding candidates for board examinations, there is a proviso on lines 9 to 11 which reads:

"Provided, however, That there is an equal number of Filipino physicians in actual practice in that particular country."

Senator SABIDO. Your Honor, there is a proposed amendment on the part of Senator Lim to eliminate that provision.

Senator PADILLA. Has the Committee accepted that amendment?

Senator SABIDO. The Committee accepts because that is the amendment of the Committee also.

Senator PADILLA. I have no more further question.

Senator SABIDO. That refers to the Senate bill.

Senator PADILLA. But the Report of the Committee says that it be approved without amendment.

Senator SABIDO. We have not reported on House Bill 2882 which recommends the amendment I have just indicated.

Senator PADILLA. Because that Senate bill contains the same provision.

Senator SABIDO. Correct.

Senator PADILLA. And the amendment is to eliminate that provision?

Senator SABIDO. Yes, the amendment contained in the House bill which is now under consideration.

Senator PADILLA. So, I will not ask any further question because my question has reference to that provision.

Senator SABIDO. Thank you.

Senator PADILLA. One more question, Your Honor.

Senator SABIDO. Yes, please.

Senator PADILLA. How many examinations are being given for the admission of medical practitioners? I think they give more than two.

Senator SABIDO. Two examinations yearly, according to information.

Senator PADILLA. Does not Your Honor believe that just like the bar examinations, there should be one board examination?

Senator SABIDO. I have not considered that question, Your Honor.

Senator PADILLA. Sometimes some colleges state in the papers that their graduates are topnotchers. Now, generally, the UP students take the examination in the first examination; other graduates take

the examination on the second, or if there is a third, the third examination. And when the results are released, they are also medical topnotchers. Does not Your Honor believe that we should adopt one examination a year, something like the bar examination so that whoever comes out on top are really the top students qualified for medical practice for that year? Because if we have more than one examination we have too many topnotchers; and besides, I do not see any reason why we should have different sets of questions during the year. The first set of questions may be more difficult, the second may be more lenient. There is no uniform standard to maintain the proficiency of medical students to be medical practitioners.

Senator SABIDO. I must confess that the Committee did not consider that question because no one of the interested parties seems to have any complaint against the present set-up.

Senator PADILLA. But does not Your Honor believe that this suggestion of mine is better? Anyway we have the same school year. We practically finish the scholastic year at the same time. They can have the same period of time for review just like the bar examination and have one examination for all candidates.

Senator SABIDO. Upon the other hand, the unfortunate ones do not have to wait for the whole year . . .

Senator PADILLA. We do that for the lawyers.

Senator SABIDO. . . . and suffer that state of agony for one year.

Senator PADILLA. Why not make the practice uniform not only for Medicine but for all professions and provide one examination once a year?

Senator SABIDO. An omnibus bill may take care of Your Honor's suggestion.

Senator PADILLA. May not a provision be inserted in some sections of this Medical Act?

Senator SABIDO. No, Your Honor, because this refers only to the medical examination and we cannot include other professions.

Senator PADILLA. No, I mean we start with the medical profession patterned after the bar examination by inserting a proviso that medical examinations should be held only once a year.

Senator SABIDO. As I said Your Honor, I am inclined to believe that the two examinations during the year gives the poor students better chances to pass and to shorten their state of agony after failing.

Senator PADILLA. But if the practice adopted by the Supreme Court regarding the lawyers is satisfactory, perhaps the same practice may become satisfactory with respect to the medical profession.

Senator SABIDO. I do not think it would be satisfactory. Your Honor is a very experienced professor and I think Your Honor will agree with me that many of those students who fail to pass after a year have practically forgotten everything they have studied and they continue studying and in the absence of something that may spurt them to continue studying such as the proximity of another examination, they are liable to relax to the extent of forgetting everything they have studied.

Senator PADILLA. That is very true. But if those students relax their efforts in learning and imbibing the law, probably they are the ones who do not deserve to become lawyers.

Senator SABIDO. Not necessarily. Some of them perhaps, are good students and if given a chance may be good practitioners.

Senator PADILLA. I agree with Your Honor that there are several or many of those who failed in the bar examination but who would probably succeed in the practice of law better than those who pass because you cannot apply a general rule or a general standard of success to all the applicants. But there must be some sort of uniformity. For law, it is once a year; for medical students; twice a year; for dentists and what not and other professions, I do not know how many times a year.

Senator SABIDO. Well, there is something in what Your Honor says. But suppose we leave this matter as it is now without prejudice to considering an omnibus bill with the purpose of establishing uniformity in all examinations?

Mr. President, I beg leave to introduce the amendments of the Committee so that the members who may wish to introduce further amendments may do so after the Committee has introduced its amendments. The amendments of the Committee are the following:

#### ENMIENDAS DEL COMITÉ

On page 2, Section 4, line 17, delete the words "nor" and insert in lieu thereof the words "EXCEPT FOR".

The PRESIDENT PRO TEMPORE. Is there any objection? (Silence.) The Chair hears none. The amendment is approved.

Senator SABIDO. On the same page, line 18, delete the period (.) after the word "expenses" and

add the following: "IN CONNECTION WITH THEIR OFFICIAL DUTIES AS HEREIN PROVIDED."

The PRESIDENT PRO TEMPORE. If there is no objection, the amendment is approved. (*There was none.*)

Senator SABIDO. On page 8, line 11, after the word "thereof" change the comma (,) to a semicolon (;) and delete the rest of the sentence up to the word "country" on line 13.

The PRESIDENT PRO TEMPORE. If there is no objection, the amendment is approved. (*There was none.*)

Senator SABIDO. On page 9, line 16, change the second word "physical" to "psycrical".

The PRESIDENT PRO TEMPORE. If there is no objection, the amendment is approved. (*There was none.*)

Senator SABIDO. On page 21, line 7 to 18, after the period (.) on line 7, eliminate the rest of the paragraph from the word "Advertising" up to the words "unethical advertisements".

The PRESIDENT PRO TEMPORE. If there is no objection, the amendment is approved. (*There was none.*)

Senator SABIDO. On page 22, line 23, after the word "after" delete the word "five" and insert in lieu thereof the word "two".

The PRESIDENT PRO TEMPORE. If there is no objection, the amendment is approved. (*There was none.*)

Senator SABIDO. Those are all the amendments of the Committee.

#### ENMIENDA PÚYAT

Senator PÚYAT. Mr. President, I should like to introduce an amendment on page 3. After subsection (c), insert the following subsection which should be called subsection (d): TO DETERMINE AND PRESCRIBE THE NUMBER OF STUDENTS WHO SHOULD BE ALLOWED TO TAKE UP THE PREPARATORY COURSE TAKING INTO ACCOUNT THE CAPACITY OF THE SENATOR RECOGNIZED COLLEGES.

Senator SABIDO. I accept the amendment.  
The PRESIDENT PRO TEMPORE. If there is no objection, the amendment is approved. (*There was none.*)

Senator PUYAT. As a consequence of that amendment, change the subsection (e) to subsection (f).  
The PRESIDENT PRO TEMPORE. If there is no objection, the amendment is approved. (*There was none.*)

#### ENMIENDA ROSALES

Senator ROSALES. Mr. President, for an amendment. On page 2, line 5, delete the word "Health"

and in lieu thereof insert the word "Education", and on line 6 delete the word "Education" and insert in lieu thereof the word "Health", thus making the Secretary of Education as the chairman of the Board of Medical Education for the reason I have already stated.

Senator SABIDO. I would rather leave the amendment to the Senate because there are pros and cons.

Senator ROSALES. As I have said, this board is under the Department of Education, and the main functions of this board are educational, not medical; so, it is just proper that the Secretary of Education shall be made the chairman of the Board of Medical Education. Those are the reasons why I introduced the amendment.

Senator SABIDO. May I request, Mr. President, that the proposed amendment be submitted to a vote?

The PRESIDENT PRO TEMPORE. Those who are in favor of the amendment will please say *aye*. (*Several Senators: Aye.*) Those against will please say *nay*. (*Silence.*) The amendment is approved.

#### ENMIENDA RODRIGO

Senator RODRIGO. I have an amendment, Mr. President, on page 5, line 11. After the small letter (a) in parenthesis, place a comma (,) and insert the following: UPON HAVING ANY GRADE OF FAILURE OR CONDITION, so that the proviso will read: "That upon failure to maintain the general average of eighty-five per cent, students under (b) shall automatically revert to the category of students under (a) and those under (a), UPON HAVING ANY GRADE OF FAILURE OR CONDITION, shall automatically revert to the category of students required to pursue the preparatory course in four years mentioned above."

Senator SABIDO. I accept the amendment.  
The PRESIDENT PRO TEMPORE. If there is no objection, the amendment is approved. (*There was none.*)

#### ENMIENDAS TAÑADA

Senator TAÑADA. Mr. President, for some amendments. On page 7, line 21, after the word "he" insert the following: IS AT LEAST TWENTY-ONE YEARS OF AGE, so that the section will read: "No person shall engage in the practice of Medicine in the Philippines unless he is at least twenty-one years of age, has satisfactorily passed the corresponding Board Examination and is a holder of a valid Certificate of Registration duly issued to him by the Board of Medical Examiners."

Senator SABIDO. I accept the amendment.

The PRESIDENT PRO TEMPORE. If there is no objection, the amendment is approved. (*There was none.*)

Senator TAÑADA. And as a consequence of that amendment, on page 8, lines 14, and 15, delete subsection (2) "He shall not be less than twenty-one years of age", so that the qualification prescribed in Section 9 shall not include the age qualification. After all it is already provided in the previous section that no one can practice Medicine unless he is at least twenty-one years of age.

Senator SABIDO. I accept the amendment.

The PRESIDENT PRO TEMPORE. If there is no objection, the amendment is approved. (*There was none.*)

Senator TAÑADA. As a consequence of this amendment, change the numbering of the subsequent paragraphs: paragraph (3) to paragraph (2); paragraph (4) to paragraph (3); paragraph (5) to paragraph (4); and paragraph (6) to paragraph (5).

The PRESIDENT PRO TEMPORE. If there is no objection, the amendment is approved. (*There was none.*)

#### ENMIENDA SUMÚLONG

Senator SUMÚLONG. Mr. President, for an amendment. On page 13, line 12, after the word "he" insert the words "or she".

Senator SABIDO. I accept the amendment.

The PRESIDENT PRO TEMPORE. If there is no objection, the amendment is approved. (*There was none.*)

Senator PAREDES. Mr. President, will the sponsor yield?

The PRESIDENT PRO TEMPORE. The sponsor may yield if he so desires.

Senator SABIDO. Gladly.

Senator PAREDES. I will ask one or two questions. May I know whether the approval of this Act will mean that those students who have already graduated and who by the present law could take the examination this year or next year will be affected?

Senator SABIDO. No, Your Honor, they are not affected in so far as taking the examination is concerned, but they will be affected in relation to the practice of their profession.

Senator PAREDES. As to the additional subjects, I understand that there are additional subjects given, suppose they have not taken them yet?

Senator SABIDO. They are not affected because they are expressly excepted in the effectivity clause which provides that this bill partly shall take effect in 1961 and partly four years thereafter.

Senator PAREDES. Only the first part. How about those actually taking the examination?

Senator SABIDO. No. "SEC. 32. Effectivity.— This Act shall take effect upon its approval: Provided, That if it is approved during the time when examinations for physicians are held, it shall take effect immediately after the said examinations: Provided, further, That section six of this Act shall take effect at the beginning of the academic year nineteen hundred sixty to nineteen hundred sixty-one, and the first paragraph of section seven shall take effect four years thereafter."

Senator PAREDES. In other words, anyone who has already graduated during this year will not fall within the provision.

Senator SABIDO. No.

Senator PAREDES. Except for the practice of the profession afterwards.

Senator SABIDO. Correct, Your Honor.

Senator PRIMICIAS. Mr. President, will the sponsor yield?

The PRESIDENT PRO TEMPORE. The sponsor may yield if he so desires.

Senator SABIDO. Gladly.

Senator PRIMICIAS. I shall ask a few questions before I propose an amendment. According to Section 13, the Board of Medical Examiners shall be composed of members from the medical associations in consultation with other associations, so that we will be sure that the chairman of this board will be a member of a medical association. Now, according to Section 3, page 2, the chairman of the Board of Medical Examiners is already a member of the Board of Medical Education. Then we designate one from the medical association as member. Suppose we change this medical association to Philippine Association of Colleges and Universities so that the association of colleges and universities will have a representative in the Board of Medical Education?

Senator SABIDO. Which part is Your Honor referring to?

Senator PRIMICIAS. Section 3, page 2. Your Honor will note that on line 9, the chairman of the Board of Medical Examiners is already a member of the Board of Medical Education, and then the chairman must necessarily be, according to Section 13, a member of the Philippine Medical Association. Now, according to lines 10 and 11,

the Philippine Medical Association will have another representative in the same Board. This is on page 2, Section 3, lines 10 and 11.

Senator SABIDO. Now, what is the question, Your Honor?

Senator PRIMICIAS. I would propose that these words, "Philippine Medical Association" be changed to "Philippine Association of Colleges and Universities."

Senator SABIDO. Why, Your Honor? What is the purpose?

Senator PRIMICIAS. The purpose is to give representation to these colleges and universities, who, after all, are the ones giving the medical education. If they want to give representation to the Philippine Medical Association, well and good. They have it already in the Board of Examiners. I do not see any reason why we should give the association two representatives in this Board. Does Your Honor get my point?

Senator SABIDO. The Board of Medical Association shall be composed of six members, according to Section 13, to be appointed by the President of the Philippines.

Senator PRIMICIAS. From a list to be submitted by the Philippine Medical Association. Now, therefore, there is reason to assume that the Chairman of that Board of Examiners will be a member of that medical association.

Senator SABIDO. Not necessarily, Your Honor, because, as it is stated in this provision, the Philippine Medical Association shall submit such a list after due consultation with the other medical associations. It may happen that the Philippine Medical Association be ultimately excluded from anyone of these Boards.

Senator PRIMICIAS. That is, of course, possible. But in the natural course of events, the Medical Association will submit names, the majority of which will belong to the Association. In which case, the Chairman of the Board will be a member of the Medical Association. And, again, in Section 3, the Board of Medical Education will get another representative without giving the Association of Universities and Colleges a member, who, after all, are the ones giving the medical education.

Senator SABIDO. Well, Your Honor is recommending that one of the members of the Board of Examiners . . .

Senator PRIMICIAS. No, I am recommending that one of the members of the Board of Medical Examiners, as provided for in Section 3, page 2, be from the Association of Universities and Colleges.

Senator SABIDO. Supposing we just add one more member, Your Honor, instead of excluding the representative of the Philippine Medical Association.

Senator PRIMICIAS. My point is this: The Board of Medical Examiners must have two members in that Board: one as Chairman of the Board and this one.

Senator SABIDO. As I said, it may happen that the one chosen from the list may not be a member of the Philippine Medical Association.

Senator PRIMICIAS. That is possible, but that is very remote because the Philippine Medical Association will submit a list to the President and out of those names the President will select six. In the natural course of events, the Philippine Medical Association will submit names, and most of them members of the said association.

Senator SABIDO. Is there any particular objection to just increase the number of the members?

#### ENMIENDA PRIMICIAS

Senator PRIMICIAS. No, I have no objection. In that case, I would propose the following amendment: On line 10, page 2, delete the words "from the", and insert in lieu thereof, the words "chosen by the"; and on line 11, delete the word "Medical" and between the words "association" and "as" insert the following "of Colleges and Universities",

Senator SABIDO. I have no objection, Your Honor. The PRESIDENT PRO TEMPORE. The amendment is approved if there is no objection. (*There was none.*)

#### ENMIENDA TOLENTINO

Senator TOLENTINO. Mr. President, I was going to suggest an amendment to the originally proposed amendment, but since this amendment was changed, I am going to introduce it as an independent amendment. This is on page 2, lines 10 and 11, instead of "a representative chosen by the Philippine Association," can we not just say, "a representative of private practitioners" to make it broader and so that the appointment does not necessarily have to come from the Philippine Medical Association?

Senator SABIDO. May I request Your Honor that we have the phraseology as it is in order to incorporate it here?

Senator TOLENTINO. This bill is beginning to look as if it was drafted by the Philippine Medical Association because of the preference given to the Association.



Senator SABIDO. It is the Association whose members are the medical professionals in this country

Senator TOLENTINO. Yes, but we cannot deny that other associations or maybe those outside of the Association would be interested in the medical profession. I don't intend to have that appear in the bill itself. And as the distinguished Floor Leader stated, there is the likelihood that the chairman of the Board of Medical Examiners will be a member of the Board of Philippine Medical Association because they approved it and the executive council of the Association is the one which recommends the list of 12 names from which the Board of Medical Examiners shall be appointed and these members in the Board will choose their chairman. There is the likelihood that the Association will choose its member.

So, why don't we make it broader in scope to represent the private practitioners? Actually, they may belong to the Association.

Senator SABIDO. May I suggest an amendment to that amendment? "Representative from—"?

Senator TOLENTINO. "Private practitioners."

Senator SABIDO. "Upon recommendation of the Philippine Medical Association"?

Senator TOLENTINO. No, we leave that to the President who has enough discretion.

Senator SABIDO. Or, "upon the recommendation of an organization or a well-known association."

Senator TOLENTINO. But there are several; at least, there are two associations. Without mentioning any association, we leave it a broader field.

Senator SABIDO. After the word "practitioners" add the words: "UPON THE RECOMMENDATION OF AN ACKNOWLEDGED MEDICAL ASSOCIATION."

Senator TOLENTINO. Perhaps, that would be acceptable; we do not limit.

Senator SABIDO. Mr. President, I propose that amendment to the amendment.

The PRESIDENT PRO TEMPORE. If there is no objection, the amendment is approved. (There was none.)

APROBACIÓN EN SEGUNDA LECTURA DEL  
C. R. NO. 2882

Senator SABIDO. Mr. President, I move that we now approve the bill, on second reading as amended.

The PRESIDENT PRO TEMPORE. All those who are in favor of the bill, will please say *aye*. (Several Senators: *aye*.) All those who are against will please say *noy*. (Silence.) House Bill No. 2882, as amended, is approved on second reading.

APROBACIÓN EN TERCERA LECTURA DEL  
C. R. NO. 2882

Senator PRIMICIAS. Mr. President, this bill having been certified as urgent by the Chief Executive, I ask that we vote on it on third reading.

El PRESIDENTE PROTÉMPORE. Está en orden la votación en tercera lectura del Proyecto de Ley Número 2882 de la Cámara de Representantes. Léase solamente el título del proyecto, si no hay objeción. (No la hubo.)

El SECRETARIO:

The Medical Act of 1959,

El PRESIDENTE PROTÉMPORE. Léase la lista.

El SECRETARIO:

Senador Domocao Alonto .....	Sí.
" Eulogio Balao .....	Sí.
" Edmundo B. Cea .....	Sí.
" Mariano J. Cuenco .....	Ausente
Senadora Pacita M. González .....	Sí.
Senador Oscar Ledesma .....	Sí.
" Roseller T. Lim .....	Sí.
" Alejo Mabánag .....	Sí.
" Ambrosio Padilla .....	Sí.
" Quintín Paredes .....	Sí.
" Emmanuel Peláez .....	Sí.
" Cipriano P. Primicias .....	Sí.
" Gil J. Púyat .....	Sí.
" Claro M. Recto .....	Sí.
" Francisco Rodrigo .....	Sí.
" Eulogio Rodríguez, Sr. ....	Sí.
" Rogelio de la Rosa .....	Sí.
" Decoroso Rosales .....	Sí.
" Pedro Sabido .....	Sí.
" Lorenzo Sumálong .....	Sí.
" Lorenzo M. Tañada .....	Sí.
" Arturo M. Tolentino .....	Sí.

El PRESIDENTE PROTÉMPORE  
(El Secretario informa a la Mesa del resultado de la votación)

El PRESIDENTE PROTÉMPORE. Por veintidós votos queda aprobado el proyecto en tercera lectura.

ORDEN ESPECIAL

Senator PRIMICIAS. Mr. President, I ask that the following bills be included in the Calendar for Special Order for the later part of this evening because this is the last day that we can approve these bills: H. 2198, H. 864, H. 1644, H. 1777, H. 1596, H. 3252, H. 2226, S. 447, S. 445, S. 376 and S. 376.

The PRESIDENT PRO TEMPORE. If there is no objection, the motion is approved. (There was none.)

SUSPENSIÓN DE LA SESIÓN

Senator PRIMICIAS. Mr. President, I move that we suspend the session of the Senate for a few minutes.

The PRESIDENT PRO TEMPORE. The session is suspended for a few minutes, if there is no objection. *(There was none.)*

Eran las 8:00 p.m.

REANUDACIÓN DE LA SESIÓN

*Se reanuda la sesión a las 9:45 p.m.*

The PRESIDENT PRO TEMPORE. The session is resumed.

SEGUNDA LECTURA Y CONSIDERACIÓN DEL  
C. R. NO. 3362

Senator PRIMICIAS. Mr. President, I ask that we consider House Bill No. 3362, labor bill.

The PRESIDENT PRO TEMPORE. Consideration of House Bill No. 3362 is now in order. The Secretary will please read the bill.

The SECRETARY:

AN ACT TO AMEND COMMONWEALTH ACT NUMBERED FOUR HUNDRED AND FORTY-FOUR, OTHERWISE KNOWN AS THE EIGHT-HOUR LABOR LAW, BY EXCLUDING MANAGERIAL EMPLOYEES AND OUTSIDE SALES PERSONNEL FROM THE SCOPE THEREOF AND FOR OTHER PURPOSES.

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

SECTION 1. Section two of Commonwealth Act Numbered Four hundred and forty-four is hereby amended to read as follows:

"SEC. 2. This Act shall apply to all persons employed in any industry or occupation, whether public or private, with the exception of farm laborers, laborers who prefer to be paid on piece work basis, MANAGERIAL EMPLOYEES, OUTSIDE SALES PERSONNEL, domestic servants, persons in the personal service of another and members of the family of the employer working for him.

THE TERM 'MANAGERIAL EMPLOYEE' IN THIS ACT SHALL MEAN EITHER (a) ANY PERSON WHOSE PRIMARY DUTY CONSISTS OF THE MANAGEMENT OF THE ESTABLISHMENT IN WHICH HE IS EMPLOYED OR OF A CUSTOMARILY RECOGNIZED DEPARTMENT OR SUBDIVISION THEREOF, OR (b) ANY PERSON WHO REGULARLY AND DIRECTLY ASSISTS A MANAGERIAL EMPLOYEE WHERE SUCH ASSISTANCE IS NONMANUAL IN NATURE AND REQUIRES THE EXERCISE OF DISCRETION AND INDEPENDENT JUDGMENT.

THE TERM 'OUTSIDE SALES PERSONNEL' IN THIS ACT SHALL MEAN ANY PERSON WHO CUSTOMARILY AND REGULARLY PERFORMS HIS DUTIES AWAY FROM HIS EMPLOYER'S ESTABLISHED PLACE OR PLACES OF BUSINESS IN MAKING OR PROMOTING, OR IN HELPING MAKE OR PROMOTE, THE SALES OF HIS EMPLOYER'S PRODUCTS, AND IS PAID EITHER A

BASIC COMPENSATION PLUS COMMISSION, OR IN COMMISSION ONLY.

SEC. 2. This Act shall take effect upon its approval.

Senator PRIMICIAS. Mr. President, the distinguished chairman of the Committee on Labor, Senator Lim, will sponsor this bill.

The PRESIDENT PRO TEMPORE. The gentleman from Zamboanga del Sur is recognized.

PONENCIA DEL SEN. LIM

Senator LIM. Mr. President, this is House Bill No. 3362 which seeks to insert two amendments to the present Commonwealth Act No. 444 known as the 8-hour labor law. The first set of amendment refers to the word "laborer who prefers to work on piece work basis" to be substituted by the words "persons who are paid on piece work basis." So that instead of Section 2 of Commonwealth Act No. 444 reading:

"This Act shall apply to all persons employed in any industry or occupation, whether public or private, with the exception of farm laborers, persons who are laborers who prefer to be paid on piece work basis,"

it will read:

"This Act shall apply to all persons employed in any industry or occupation, whether public or private, with the exception of farm laborers, persons who prefer to be paid on piece work basis, MANAGERIAL EMPLOYEES, OUTSIDE SALES PERSONNEL, domestic servants, persons in the personal service of another and members of the family of the employer working for him."

This is mostly a matter of grammatical error. And then the bill goes further by defining the term "managerial employee" and also the term "outside sales personnel". It will be noticed, Your Honors, that this bill was filed by three congressmen, as mentioned in the explanatory note.

It also mentions the fact that in the United States "managerial employees" and "outside sales personnel" are not included in the Eight-hour Labor Law there.

This bill was certified as urgent by the President and it was approved unanimously by the House of Representatives. The Committee on Labor has reported this bill out without any amendments.

Senator TAÑADA. Mr. President, I would like to submit an amendment with respect to the definition of the words "managerial employee." As it is defined now, "managerial employee" means either any person whose primary duty consists of the management of the establishment in which he is employed or of a customarily recognized department or subdivision thereof, or any person who regularly