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H. No. 2882

Fourth Congress
OF THE
Republic of the Philippines
Second Session

Begun and held in the City of Manila on Monday, the twenty-sixth day of January, nineteen hundred and fifty-nine

[REPUBLIC ACT No. 2382]

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 Education or his duly authorized representative, as chairman, and the Secretary of Health 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, a representative of private

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practitioners, upon recommendation of an acknowledged medical association and a representative chosen by the Philippine Association of Colleges and Universities, 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 except for traveling expenses in connection with their official duties as herein provided.

For administrative purposes, the Board shall hold office in the office of its chairman, who may designate a ranking official in the Department of Education 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 determine and prescribe the number of students who should be allowed to take up the preparatory course taking into account the capacity of the different recognized colleges of medicine.

(e) 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

(f) 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 degree or their equivalent and must have taken in four years the following subjects with their corresponding number of units:

	<i>Unit</i>
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), 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.

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 es-

tablishing, 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. *Prerequisite to the practice of medicine.*—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.

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 his country's existing laws permit

citizens of the Philippines to practice medicine under the same rules and regulations governing citizens thereof;

- (2) He shall be of good moral character, showing for this purpose certificate of civil status;
- (3) He shall be of sound mind;
- (4) He shall not have been convicted by a court of competent jurisdiction of any offense involving moral turpitude; and
- (5) 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 psychological 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 reg-

istered 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 specific 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 or she (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, or 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 clinic and all lectures in medicine and surgery, and all other 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 any 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 examinations, correction of examination papers, and registration of physicians. The Commissioner shall supervise each Board examination and enforce the said rules and regulations. These rules and regulations shall take effect 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 every year,

in the City of Manila or any of its suburbs after giving not less than ten days' notice to each candidate who had filed his name and address with the secretary of the Board.

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

For registration as medical student	P5.00
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 identified 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, or to any form of gambling;

(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.

- (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 two 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 thousand pesos nor more than ten thousand pesos with subsidiary imprisonment in case of insolvency,

or by imprisonment of not less than one year nor more than five years, or by both such fine and imprisonment, in the discretion of the court.

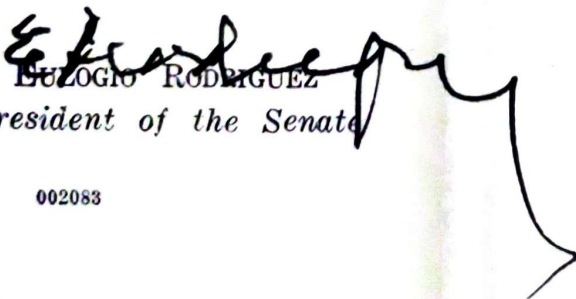
SEC. 29. *Injunctions.*—The Board of Medical Examiners may file an action to enjoin any person illegally practicing medicine from the performance of any act constituting practice of medicine if the case so warrants until the necessary certificate therefor is secured. Any such person who, after having 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.

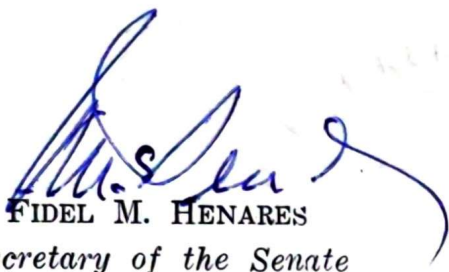
Approved,


Euzogio RODRIGUEZ
President of the Senate



DANIEL Z. ROMUALDEZ
Speaker of the House of
Representatives

Finally passed by the Senate
on May 18, 1959.

This Act, which originated in
the House of Representatives, was
finally passed by the same on
May 19, 1959.



FIDEL M. HENARES
Secretary of the Senate



INOCENCIO B. PAREJA
*Secretary of the House of
Representatives*

Approved:

JUN 20 1959



CARLOS P. GARCIA
President of the Philippines

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