

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.

Section 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 Service² under the Commission of Civil Service.

Article II THE BOARD OF MEDICAL EDUCATION AND ITS FUNCTIONS

Section 3. *Composition of the Board of Medical Education.* - The Board of Medical Education shall be composed of the Secretary of Education⁴ or his duly authorized representative, as Chairman, and the Secretary of Health or his duly authorized representative; the Director of the Bureau of Private Schools⁵ or his duly authorized representative; the Chairman of the Board of Medical Examiners⁶ or his duly authorized representative; a representative of the Philippine Medical Association; the Dean of the College of Medicine, University of the Philippines; a representative of the Council of Deans of Philippine Medical Schools; and a representative of the Association of the Philippine Medical Colleges 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.*

Section 4. *Compensation and Traveling Expenses.*- The chairman, members and secretary of the Board of Medical Association shall be entitled to twenty-five pesos per diem for every meeting, provided, the number of meetings authorized with a per diem shall not exceed four times in a month, and traveling expenses in connection with their official duties as herein provided.*

Section 5. *Functions.*- The functions of the Board of Medical Education shall be:

- a. to determine and prescribe requirements 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, 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 minimum qualifications of teaching personnel, including student-teachers ratio;
- d. to determine and prescribe the minimum required curriculum leading to the degree of Doctor of Medicine;
- e. to authorize the implementation of experimental medical curriculum in a medical school that has exceptional faculty and instrumental facilities. Such an experimental curriculum may prescribe admission and graduation requirements other than those prescribed in this Act; *Provided*, That only exceptional students shall be enrolled in the experimental curriculum.
- f. to accept applications for certification for admission to a medical school and keep a register of those issued said certificate; and to collect from said applicants the amount of twenty-five pesos each which shall accrue to the operating fund of the Board of Medical Education;
- g. 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
- h. to promulgate and prescribe and enforce the necessary rules and regulations for the proper implementation of the foregoing functions.

Section 6. *Minimum Required Course.*- Students seeking admission to medical course must have a bachelor/ s degree in science or arts. The medical course leading to the degree of doctor of medicine shall be at least four years and shall consist of the following subjects. Anatomy Physiology Biochemistry and Nutrition Pharmacology Microbiology Parasitology Medicine and Therapeutics Pathology Gynecology Ophthalmology, Otolaryngology, Rhinology and Laryngology Pediatrics Obstetrics Surgery Preventive Medicine and Public Health Legal Medicine, including jurisprudence, Medical Economics and Ethics. *Provided,* That the Board is hereby authorized or modify or add to the subjects listed above as the needs and demands of progress in the medical profession may require.

Section 7. *Admission Requirements.*- The medical college may admit any student who has not been convicted by any court of competent jurisdiction of any offense involving moral turpitude, and who presents

- (a) a record showing completion of a bachelor/s degree in science or arts;
- (b) a certificate of eligibility for entrance to a medical school from the Board of Medical Education;
- (c) a certificate of good moral character issued by two of his former professors in the College of Liberal Arts; and
- (d) birth certificate. 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 purposes of this Act the term "College of Medicine" shall mean to include the faculty of medicine, institute of medicine, school of medicine or other similar institutions, 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, graduates, and must publish each year a catalogue giving the following information:

1. Date of publication
2. Calendar of academic year
3. Faculty roll indicating whether on full-time or part-time basis
4. Requirements for admission
5. Grading system
6. Requirements for promotion
7. Requirements for graduation
8. Curriculum and description of course by department
9. Number of students enrolled in each class in the preceding year. (Amended by R.A. 4224)

Article III THE BOARD OF MEDICAL EXAMINERS; REGISTRATION OF PHYSICIANS

Section 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 of Examination and is a holder of a valid Certificate of Registration duly issued to him by the Board of Medical Examiners.⁸

Section 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,⁹ 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;
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;
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 government; and
6. He must have completed a calendar year of technical training known as internship the nature of which shall be prescribed by the Board of Medical Education undertaken in hospitals and health centers approved by the Board.

Section 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 human disease, injury, deformity, physical, mental, psychical 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 psychical condition; or
- (c) who shall falsely use the title M.D. after his name.

Section 11. *Exemptions.*- The preceding section shall not be construed to affect

- (a) any medical student duly enrolled in an approved medical college or school, or graduate 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 the eyes for the purpose of constructing or adjusting eyeglasses, spectacles, and lenses;
- (e) any person who renders any service gratuitously in cases of emergency, or in place where the services of a duly registered physician, nurse or midwife are not available;
- (f) any person who administer or recommends any household remedy as per classification of existing Pharmacy Laws;
- (g) any clinical psychologist, or mental hygienist, in the performance of his duties in regard to patients with psychiatric problems, provided such performance is done with the prescription and direct supervision of a duly registered physician and
- (h) prosthetics who fit artificial limbs under the supervision of a registered physician.¹¹

Section 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 services 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, upon previous authorization of the Board of Medical Examiners.¹³ Medical students who have completed the first four year of medical course, graduates of medicine and registered nurses who may be given limited and special authorization by the Secretary of Health¹⁴ to render 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.

Section 13. *The Board of Medical Examiners, Its Composition and Duties.*- The Board of Medical Examiners¹⁵ shall be composed of six members to be appointed by the President¹⁶ of the Philippines from a 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 during the month of September each year. The Chairman of the Board shall be elected from among themselves by the member at a meeting called for the purpose. The President¹⁷ 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 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 Service¹⁸ 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 Commissioner¹⁹ within one hundred twenty days from the date of the termination of the examination. A final meeting of the Board for the deliberation and approval of the grades shall be called by the Commissioner of Civil Service²⁰ immediately after receipt of the records from the members of the Board of Medical Examiners.²¹ The Secretary of the Board shall submit to the President of the Philippines for approval of the tabulation of results without names and immediately upon receipt of the approved tabulation from the Office of the President, the Board shall insert the names and cause the publication of the names of successful candidates in alphabetical order without the rating obtained by each, at the same time transmit a copy thereof to the Professional Regulation Commission.

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.

Section 14. *Qualifications of Examiner.*- No person shall be appointed a member of the Board of Medical Examiner 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 as certified by the Philippine Medical Association,
- (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 any institution where any branch of medicine is taught, at the time of his appointment.

Section 15. *Tenure of Office and Compensation of Members.*- The members of the Board of Medical Examiners²⁵ shall hold office for a term of three years without immediate reappointment and until their successors shall have been duly appointed and duly qualified. During the first year of the implementation of this amendment, the members of the Board of Medical Examiners shall hold office as follows: Two members for a term of one year; Two members for a term of two years; Two members for a term of three years; *Provided*, That yearly appointments to two new members will be made to replace those whose terms will expire: *Provided, further*, that appointments to fill up vacancies created by causes other than through expiration of regular terms will be for the unexpired period only. Each member shall receive as compensation fifteen pesos each candidate examined for registration as physician, and five pesos for each candidate examined in the preliminary or final physician examination, provided the sum of said compensation does not exceed twenty four thousand pesos annually.

Section 16. *Executive Officer and Secretary of the Board.*- The Secretary of the Boards of Examiners²⁹ 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,³⁰ 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 the 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 on clinics 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 further copies 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 the 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 each privilege. The Secretary shall keep all the records and proceedings, and issue and receive all papers in connection with any and all complaints presented to the Board.

Section 17. *Rules and Regulations.*- The Board of Medical Examiners,³¹ with the approval of the Professional Regulation Commission 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 Commissioner³² 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.

Section 18. *Dates of Examinations.*- The Board of Medical Examiners³³ shall give examinations for the registration of physicians, twice a year on dates to be determined by it provided that the interval between the first and the second examinations in a year shall be six months, 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.

Section 19. *Fees.*- The Secretary of the Board,³⁵ under the supervision of the Commissioner of Civil Service³⁶ shall collect from each candidate the following fees: For complete physician examination P 100.00. For preliminary or final examination P 50.00 For registration as physician P 50.00 All fees paid as provided herein shall accrue to the funds of the Board of Medical Examiners³⁷ 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.

Section 20. *Issuance of Certificates of Registration for Refusal of Same.*- The Commissioner of the Civil Service, the Chairman, the members and the Secretary of the Board of Medical Examiners shall sign 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 the investigation by the Board of Medical Examiners or has been declared to be of unsound mind.

Section 21. *Scope of Examination.*- The following subjects shall be given in the examination:

- a. Preliminary Examination
 1. Anatomy and Histology
 2. Physiology
 3. Biochemistry
 4. Microbiology and Parasitology
- b. Final Examination
 1. Pharmacology and Therapeutics
 2. Pathology
 3. Medicine
 4. Obstetrics and Gynecology
 5. Pediatrics and Nutrition
 6. Surgery and Ophthalmology, Otolaryngology and Rhinology
 7. Preventive Medicine and Public Health, and
 8. Legal Medicine, Ethics and Medical Jurisprudence
- c. Complete Examination
 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

The questions shall be the same for all applicants. All answers must be written in English. No name of the examinee shall appear in the examination paper but the examiners shall devise a system whereby such 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 percent without a grade lower than fifty percent in any subject: Provided, That a candidate who fails for the third time in the complete or final examinations will be required to take a refresher course prescribed by the Board of Medical Examiners⁴² of at least one (1) year in a recognized medical school or college before he could be allowed to take the subsequent examinations. If the applicant is found to be proficient in the subjects in the preliminary examinations, he or she shall be exempt in these subjects at the time of the final examination. In case of failure in any subject at any preliminary examination given in accordance with this section, the candidate shall not then be reexamined in such subject in which he may have failed until he shall have finished the prescribed course of medical study and internship.

Section 22. *Administrative Investigations.*- In addition to the functions provided for in the preceding sections, the Board of Medical Examiners⁴³ shall perform the following duties: (1) to administer oath to physician who qualified in the examinations; (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 Service⁴⁴ 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 shall be conducted by at least two members of the Board of Medical Examiners⁴⁵ with one legal officer sitting during the investigation, otherwise the proceedings shall be considered void. The existing rules of evidence shall be observed during all administrative investigations. The Board may disapprove application for examination or registration, reprimand erring physicians, or suspend or revoke registration certificates, if the respondents are found guilty after due investigation.

Section 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.

Section 24. *Grounds for reprimand, suspension or revocation or 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 & reputation of another physician without justifiable motive;
11. Aiding or acting as a dummy of unqualified or unregistered person to practice 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 for suspension of his registration certificate if there is a risk to the physician's life.

Section 25. *Rights of respondents.*- The respondent physician shall be entitled to be represented by counsel or be heard in person, 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.

Section 26. *Appeal for judgment.*- The decision of the Board of Medical Examiners⁴⁷ 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 Service⁴⁸ and later to the Office of the President for 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.

Section 27. *Reinstatement.*- After two years, the Board may order the reinstatement of any physician whose certificate of registration has been revoked, if the respondents 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

Section 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.

Section 29. *Injunctions.*- The Board of Medical Examiners⁵⁰ 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.

Section 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.

Section 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.

Section 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, June 20, 1959.