

[ADMINISTRATIVE ORDER NO. 172, January 09, 1956]

**REQUIRING DR. FELINO N. HERNANDEZ TO RESIGN AS MEMBER
AND ACTING CHAIRMAN OF THE BOARD OF OPTICAL
EXAMINERS.**

This is an administrative case against Dr. Felino N. Hernandez, acting chairman of the Board of Optical Examiners, who is charged with a number of irregularities including neglect of duty, incompetence, and unprofessional and immoral conduct supposedly committed by him as a member of the board. The charges were looked into by a special investigating committee appointed for the purpose.

It appears that on February 1, 1954, the Secretary of the Optometric Association of the Philippines wrote to the Board of Optical Examiners complaining about the signboard of the respondent displayed in his establishment at 113 Escolta, Manila, allegedly in violation of the regulations governing the practice of optometry in the Philippines in that he announced therein his business jointly with his profession. In his answer to the complaint the respondent stated, among other things, that his signboard had been corrected in accordance with the regulations. Later, or on March 23, 1954, he and Dr. Nemesio Garcia, the other board member, adopted Resolution No. 5 dismissing the complaint of the optometric association against the respondent on the ground that the cause of action no longer existed, from which the former board chairman, Dr. Pablo C. Feliciano, dissented.

The signboard in question of the respondent before its correction read thus:

"HERNANDEZ OPTICAL CO.
Watches & Jewelry
Dr. Felino N. Hernandez – Optometrist"

Respondent claimed that said advertisement was not an announcement to the public of his profession as an optometrist but of his business establishment known as Hernandez Optical Co., which deals, among other things, in watches and jewelry; that his name was written thereon only to show that he was the owner; that the word "optometrist" following his name was intended to show that the said "Dr. Felino N. Hernandez" was an optometrist; that he could not omit the word "optometrist" after using the word Dr." in his name, as it would not be known in what branch of science he is a doctor; and that to advertise his business is something entirely different from announcing the practice of his profession as an "optometrist." He also claimed that he wanted to distinguish his business or store from that of "L. A. Hernandez, Optical and Jewelries" on Rizal Avenue, Manila; and that some leading practitioners in Manila displayed similar signs.

Respondent's explanation is not satisfactory. While it is true that under the disputed sign he was advertising his business establishment, it is nevertheless undisputable that he was also advertising himself as an optometrist. The regulations prohibit the