

[Act No. 3111, March 19, 1923]

AN ACT TO AMEND SECTIONS SEVEN HUNDRED AND FIFTY-NINE, SEVEN HUNDRED AND SIXTY, SEVEN HUNDRED AND SIXTY-ONE, SEVEN HUNDRED AND SIXTY-TWO, SEVEN HUNDRED AND SIXTY-FIVE, SEVEN HUNDRED AND SIXTY-SEVEN, SEVEN HUNDRED AND SEVENTY, SEVEN HUNDRED AND SEVENTY-FOUR, SEVEN HUNDRED AND SEVENTY-FIVE, SEVEN HUNDRED AND SEVENTY-SIX, SEVEN HUNDRED AND SEVENTY-EIGHT, SEVEN HUNDRED AND EIGHTY, SEVEN HUNDRED AND EIGHTY-TWO, SEVEN HUNDRED AND EIGHTY-THREE, AND TWENTY-SIX HUNDRED AND SEVENTY-EIGHT OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE, INCREASING THE NUMBER OF THE MEMBERS OF THE BOARD OF MEDICAL EXAMINERS, CONFERRING UPON THE SAME CERTAIN ADDITIONAL POWERS AND RESPONSIBILITIES, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section seven hundred and fifty-nine of the Administrative Code is hereby amended to read as follows:

"SEC. 759. *Board of Medical Examiners.*—The Board of Medical Examiners shall consist of five members to be appointed by the Secretary of the Department, who shall have the following qualifications: (1) Be a citizen of the Philippine Islands or of the United States of America; (2) hold the degree of M.D., L.M., or M.B., or another equivalent degree conferred by a medical school or college, legally chartered and of good standing; (3) be legally qualified to practice medicine in the Philippine Islands; (4) have been in practice for at least three years, and (5) have no pecuniary interest in any school, college or university where any branch of medicine is taught: *Provided, however,* That of the five members to be appointed, not more than two shall be graduates of the same institution."

SEC. 2. Section seven hundred and sixty is hereby amended to read as follows:

"SEC. 760. *Functions and duties of the Board.*—The Board shall study the conditions affecting the practice of medicine in all parts of the Philippine Islands and shall exercise the powers conferred upon it by this chapter, with a view to the maintenance of ethical and professional standards among members of the medical profession and midwives in the Philippine Islands. A majority of the Board shall constitute a *quorum*. The Board is authorized to establish and maintain an office in the City of Manila for the transaction of business.

"The Board of Medical Examiners is vested with authority, conformably with the provisions of this chapter, to issue, suspend and revoke certificates of registration for medical practitioners and midwives, to administer oaths and to subpoena, and to subpoena *duces tecum*

witnesses, for all purposes required in the discharge of its duties and adopt a seal to be affixed to all of its official documents."

SEC. 3. Section seven hundred and sixty-one of the same Act is hereby amended to read as follows:

"SEC. 761. *Term of members of the Board.*—The members of the present Board of Medical Examiners shall continue to hold office during the time for which they were appointed. Two other members shall be appointed, one for three years and one for four years, and thereafter all appointments shall be for five years, or until their successors qualify. Interim appointments to fill vacancies occurring through death, resignation or otherwise, shall be for the unexpired term only. Each member of the Board shall qualify by taking the proper oath of office prior to entering upon the performance of his duties."

SEC. 4. Section seven hundred and sixty-two of the same Act is hereby amended to read as follows:

"SEC. 762. *Removal of a member of the Board.*—The Department Head may remove any member of the Board for neglect of duty, incompetency, unprofessional or dishonorable conduct, after having given the member concerned an opportunity to defend himself in the proper administrative investigation."

SEC. 5. Section seven hundred and sixty-five of the same Act is hereby amended to read as follows:

"SEC. 765. *Compensation of members.*—The members of the Board shall receive from the Insular funds as compensation, the sum of five pesos for each candidate examined for registration as physician and two pesos for each candidate examined in midwifery. If any government physician shall be appointed a member of the Board, he may receive the compensation herein provided, in addition to his salary."

SEC. 6. Section seven hundred and sixty-seven of the same Act is hereby amended to read as follows:

"SEC. 767. *Rules and regulations.*—The Board shall, with the approval of the Department Head, adopt such rules and regulations as it may deem necessary for the performance of its duties, in harmony with the provisions of this Act, as regards the practice of medicine and midwifery in the Philippine Islands, and shall also promulgate rules and regulations governing examinations and the standards to be attained in them, which shall not be changed within sixty days of any examination. Such rules shall be printed in pamphlet form for the information of candidates."

SEC. 7. Section seven hundred and seventy of the same Act is hereby amended to read as follows:

"SEC. 770. *Inhibition against practising medicine by uncertified persons.*—No person shall practice medicine in the Philippine Islands without having previously obtained the proper certificate of registration issued by the Board of Medical Examiners as herein constituted, or the lawful Board

which was its predecessor, except as hereinafter stated in this section and in the next following section of this Act.

"A person shall be considered to practice medicine within the meaning of this section, who shall, for compensation or reward or even without the same, diagnose, treat, operate, prescribe remedies for any human disease, injury, deformity, physical or mental condition or any ailment, real or supposed, regardless of the nature of the remedy or treatment used or recommended, or who shall, by means of signs, cards, advertisements, or in any other way either offer or undertake by any means or method to diagnose, treat, manipulate, adjust, operate, or prescribe for any human disease, pain, injury, deformity, physical or mental condition.

"This section shall not be construed to affect commissioned medical officers serving in the United States Army, Navy, or Public Health Service while so commissioned; or any one serving without professional fees as intern on the resident staff of any legally incorporated hospital; or the furnishing of medicine by authorized Government employees in Government free dispensaries; or any legally registered dentist exclusively engaged in practising dentistry; or the application of massage whenever advised by duly registered physicians or limited to hygienic or aesthetic purposes; or any person who mechanically fits or sells lenses, artificial eyes; limbs or other apparatus or appliances, or is engaged in the mechanical examination of eyes, for the purpose of constructing or adjusting spectacles, eyeglasses, and lenses; or the furnishing of medical assistance gratuitously in case of emergency or in places where the services of a duly qualified physician, midwife, or nurse are not available; or the administration of family remedies; or the practice of chiropody."

SEC. 8. Section seven hundred and seventy-four of the same Act is hereby amended to read as follows:

"SEC. 774. *Time of examination.*—The Board shall meet in the City of Manila for the purpose of examining candidates desiring to practice medicine or surgery and midwifery in the Philippine Islands, on the second Tuesday of February, May, August, and November of each year, after giving thirty days' written notice of such meeting to each candidate who has filed his name and address with the Secretary-Treasurer of the Board."

SEC. 9. Section seven hundred and seventy-five of the same Act is hereby amended to read as follows:

"SEC. 775. *Prerequisite qualifications for examination.*—Every person desiring a physician's certificate of registration, and applying for examination under the provisions of this chapter shall furnish to the Board satisfactory evidence that he or she is more than twenty-one years of age, of good moral character, and has received a diploma conferring the degree of M.D., L.M., M.B., or other degree of equivalent standard from a reputable medical school of good standing.

"The term reputable medical school as used in this chapter, is hereby declared to mean such medical schools or colleges as are legally

chartered and recognized, which were in good standing at the time of graduation of the applicant, and which five years after the approval of this Act and thereafter, maintain proper standards of medical education, as specified below, and which require as a minimum for admission, two years after the approval of this Act and thereafter, the preliminary education specified below.

"Only such medical schools or colleges will be considered reputable and in good standing, within the meaning of this section, which have a faculty of reasonable size to give proper laboratory and clinical instruction to their students in the various branches of the medical curriculum; which have sufficient laboratory equipment and hospital facilities comprising at least a minimum of one hundred teaching ward beds for giving the necessary laboratory and clinical instruction; require for graduation the satisfactory completion of not less than four courses or sessions of not less than eight months each, in four different calendar years, with not less than thirty-five hours of instruction each week plus nine months of hospital internship or clinical work in a hospital; which require attendance upon at least eighty per cent of each course of instruction, and which fulfill their published promises concerning entrance requirement, courses of instruction given, and advantages which may be offered to students in regard to facilities for laboratory and clinical teaching.

"Within the meaning of this section, a reputable medical school or college, and in good standing, shall require for the admission of students, the satisfactory completion of not less than two years, of sixty semester hours, in an approved college of liberal arts and science, after the completion of a standard four-year high-school course, representing fourteen high-school units, or its equivalent, as shown by examination.

"The sixty semester hours of premedical college work, two years after the approval of this Act and thereafter, must include not less than eight semester hours in general inorganic chemistry, four of which must be in laboratory work, four semester hours of organic chemistry two of which must be in laboratory work, six or eight semester hours of physics, a least two of which must be in laboratory work, and eight semester hours of biology or zoology four of which must be in laboratory work.

"Each medical school or college shall keep on permanent file the certificates of preliminary education issued by the college or university previously attended and accepted for the admission of students.

"Two years after the approval of this Act and thereafter, students shall present at the time of the first matriculation, the medical students entrance certificate, to be issued by the secretary of the Board of Medical Examiners, upon the payment of a registration fee of one peso and the submission of satisfactory credentials acceptable to the Board, as evidence of the fulfillment of the requirements concerning preliminary education."

SEC. 10. Section seven hundred and seventy-six of the same Act is hereby amended to read as follows: