

**\*\*Title:\*\* Board of Medicine, et al. v. Yasuyuki Ota: An Examination of Reciprocity in the Practice of Medicine Between the Philippines and Japan**

**\*\*Facts:\*\*** Yasuyuki Ota, a Japanese national married to a Filipino and residing in the Philippines for over a decade, completed his medical degree at Bicol Christian College of Medicine and passed the Medical Board Examinations in August 1992. Despite fulfilling these requirements, the Professional Regulation Commission (PRC) and the Board of Medicine denied his request for a medical practice license based on the perceived absence of reciprocity between Japan and the Philippines concerning medical practice by foreigners. Ota contended that Japan's laws permit foreigners, including Filipinos, to practice medicine therein under reciprocal conditions and presented supporting documents, including the Medical Practitioners Law of Japan. The Regional Trial Court (RTC) of Manila ruled in favor of Ota, ordering the Board to issue the appropriate certification. The Board and PRC's appeal to the Court of Appeals (CA) was unsuccessful, leading to a petition for review in the Supreme Court.

**\*\*Issues:\*\*** The core legal issue revolves around the existence of reciprocity in the practice of medicine between the Philippines and Japan and whether the denial of Ota's license by the PRC and the Board of Medicine was in contravention of the principle of reciprocity as provided for under Philippine law.

**\*\*Court's Decision:\*\*** The Supreme Court denied the petition, affirming the decisions of the CA and the RTC. It held that Philippine law only requires a foreign medical practitioner to present "competent and conclusive documentary evidence" to prove that their country's laws permit Filipinos to practice medicine under reciprocal conditions. The fact that no Filipino has yet practiced medicine in Japan does not negate the existence of reciprocity. The Court emphasized that reciprocity does not demand actual practice but rather the legal opportunity for such practice to occur. Ota's submission sufficiently demonstrated that Japan's laws allow for the possibility of Filipino medical practitioners to obtain licensure and practice within its jurisdiction, thereby meeting the reciprocity requirement under Philippine law.

**\*\*Doctrine:\*\*** This case clarifies and reinforces the doctrine of reciprocity in the context of professional licensure for foreign nationals in the Philippines. It specifies that reciprocity is established through the legal possibility of mutual practice rights, relying on the respective laws of the foreign national's home country, rather than evidence of actual practice.

**\*\*Class Notes:\*\***

1. **\*\*Reciprocity Principle:\*\*** Reciprocity exists when foreign laws offer the same privileges to Filipino professionals as Philippine laws do to professionals from that foreign country.
2. **\*\*Legal Documentation:\*\*** Competent and conclusive documentary evidence confirmed by the Department of Foreign Affairs is crucial to establishing reciprocity.
3. **\*\*Role of the Supreme Court:\*\*** In reviewing administrative decisions, the Supreme Court underscores that regulations and controls over professional practice must not be arbitrary or capricious.
4. **\*\*Statutory Construction:\*\*** The term “shall” in legal statutes indicates a mandatory action, imposing a duty to act when conditions are met.

**\*\*Historical Background:\*\*** This case serves as a significant point of reference for the interpretation of laws related to the practice of medicine by foreign nationals in the Philippines, particularly under the Medical Act of 1959 (R.A. No. 2382) and related decrees. It underscores the balance between safeguarding public health and respecting international principles of reciprocity, reflecting the Philippines’ ongoing engagement with global standards in professional regulation.