

AN ACT TO REGULATE THE PRACTICE OF OPTOMETRY IN THE PHILIPPINES

REPUBLIC ACT NO. 1998, June 22, 1957

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Definition of terms.—As used in this Act, the term—

- "Optometry" means the science and art of examining the human eye, analyzing the ocular function, and prescribing ophthalmic lenses, prisms, contact lenses, ocular exercises, visual training, orthoptics, prosthetics, and other preventive or corrective measures for the aid, correction, or relief of the human eye, or to insure maximum vision and comfort, without the use of drugs or medicines.
- "Optometrist" means a person legally qualified to practice optometry under this Act.

SEC. 2. Inhibition against the practice of optometry.—No person shall practice or attempt to practice optometry, as denned in this Act, without holding a valid certificate of registration as optometrist issued to him by the Board of Examiners in Optometry herein created and in accordance with the provisions hereof: Provided, That valid certificates of registration as optometrists shall be issued to optometrists of good moral character now registered in accordance with the provisions of chapter thirty-three of the Revised Administrative Code, who shall, by application within a period of one year from the effectivity of this Act, be exempt from the provisions of sections eleven, twelve and twenty-three of this Act: Provided, further, That registration shall not be required of optometrists in the service of the United States Armed Forces stationed in the Philippines while rendering services as such for members of the said armed forces, nor of regularly licensed and duly registered physicians in the Philippines as certified by the Philippine Board of Medical Examiners.

SEC. 3. Board of Examiners in Optometry.—There is created a new Board of Examiners in Optometry, hereinafter referred to as the Board, which shall be organized within thirty days from the date of effectivity of this Act, and which shall be composed of three members, one to be designated as chairman, all to be appointed by the President of the Philippines, upon the recommendation of the Commissioner of Civil Service, among such optometrists of recognized standing and possessing the qualifications prescribed in section five as certified to by a bona fide organization of optometrists as academically and morally qualified and as having practiced for at least ten years. Each member of the Board shall qualify by taking the proper oath of office before entering upon the performance of his duties.

SEC. 4. Functions and duties of the Board.—The Board is vested with authority and required, conformably with the provisions of this Act, to—

- Administer the provisions of this Act;
- Administer oaths in connection with the administration of this Act;
- Issue, suspend and revoke certificates of registration for the practice of optometry;

- Look, from time to time, into conditions affecting the practice of optometry in the Philippines and, whenever necessary, adopt such measures as may be deemed proper for the maintenance of good ethics and standards in the practice of optometry; and
- Investigate such violations of this Act or of the regulations issued thereunder as may come to the knowledge of the Board and, for this purpose, issue subpoena and subpoena duces tecum to secure appearance of witnesses and production of documents in connection with the charges presented to the Board.

SEC. 5. Qualifications of Board members.—Each member of the Board shall, at the time of his appointment:

- Be a citizen and resident of the Philippines;
- Be at least thirty years of age, and of good moral character;
- Be a graduate from a school, institute, college or university recognized by the government or the state in which established, who has been engaged in the practice of optometry for at least ten years prior to his appointment;
- Be a registered optometrist duly qualified to practice optometry under this Act: Provided, That this qualification shall not be required of the first appointees to the Board under this Act;
- Not be a member of the faculty of any school, institute, college or university where a regular course in optometry is taught, nor have a pecuniary interest in any such institutions; and
- Not be a former member of the faculty of any school, institute, college or university where a regular course in optometry is taught, unless he had stopped teaching therein at least for the two consecutive years immediately preceding his appointment.

SEC. 6. Term of office of Board members.—The members of the Board shall hold office for a term of three years after appointment and until their successors shall have been appointed and shall have qualified: Provided, That the first appointees to the Board shall hold office for the following terms: the Chairman for three years, one member for two years, and one member for one year. Interim vacancies in the Board shall be filled for the unexpired term only.

SEC. 7. Removal of the Board members.—Any member of the Board may be removed by the President of the Philippines for neglect of duty, incompetency, malpractice, or unprofessional, unethical, immoral or dishonorable conduct, after having been given opportunity to defend himself in a proper administrative investigation: Provided, That during the process of investigation, the President shall have the power to suspend such member under investigation and appoint a temporary member in his place.

SEC. 8. Executive Officer of the Board.—The Commissioner of Civil Service shall be the executive officer of the Board, and shall conduct the examinations given by it according to the rules and regulations promulgated by him and approved by the President of the Philippines. The secretary of the Board of Examiners appointed in accordance with section ten of Act Numbered Four thousand seven, as amended by Republic Act Numbered Five hundred forty-six, shall also be the secretary of the Board. All the records of the Board, including examination papers, minutes of deliberations and records of administrative proceedings and investigations, shall be kept by the Bureau of Civil Service.

SEC. 9. Compensation of Board members.—The members of the Board shall each receive as compensation the sum of ten pesos for each applicant examined. Any optometrist in the service of the Government of the Philippines appointed as member of the Board shall receive the compensation herein provided in addition to his salary.

SEC. 10. Rules and regulations.—Subject to the approval of the President of the Philippines and with the advice of the Commissioner of Civil Service, the Board shall set ethical and professional standards for the practice of optometry and prescribe collegiate courses therefor and, in general, adopt such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 11. Examination.—Every applicant for registration as optometrist shall undergo a technical examination as provided in this Act, Examinations for the practice of optometry in the Philippines shall be given once a year in July on such working days and places as the Bureau of Civil Service may designate and shall be governed by Civil Service rules and regulations. To each applicant for examination having the necessary qualifications, written or printed notice thereof shall be mailed at least fifteen days prior to the date of the first day of the examination.

SEC. 12. Prerequisite qualifications for examination.— Every applicant for examination under this Act shall, prior to the date thereof, furnish to the Board satisfactory proof that—

- He is of good moral character;
- Before he began the study of optometry, he had finished a four-year high school course as prescribed by the Department of Education of the Philippines, or its equivalent; and
- He has received a diploma either as Doctor of Optometry (O.D.) or as Graduate in Optometry (O.G.) from a school, institute, college or university recognized by the government or the state wherein established, in which the following subjects are taught during four years in regular nine months' courses: mathematics, general chemistry, practical and mechanical optics, psychology, physiologic optics, theoretic optometry, practical optometry, sociology, applied psychology, general anatomy and physiology, general histology and embryology, ocular anatomy and physiology, general pathology, ocular pathology, clinical optometry, orthoptics, optometric ethics, economics and jurisprudence, and optometric hygiene and sanitation.

SEC. 13. Scope of the Examination.—The examination shall comprise all the subjects of optometry and other auxiliary subjects mentioned in the preceding section.

SEC. 14. Report of result.—The Board shall, within one hundred twenty days after the date of completion of the examination, report the result thereof to the Commissioner of Civil Service, who shall, with his recommendation, submit such result to the President of the Philippines for approval.

SEC. 15. Oath of optometrist.—All successful examinees shall be required to take a professional oath before the Board or before any person authorized to administer oaths, prior to entering upon the practice of optometry in the Philippines.

SEC. 16. Reexamination.—An applicant who, for the third time, fails to pass the prescribed examination shall not be allowed to take the next succeeding examination until and after he has taken a review course.

SEC. 17. Issuance of certificates of registration.—Every applicant who has satisfactorily passed the required examination, shall, upon payment of the registration fee, receive a certificate of registration as optometrist: Provided, That no such certificate shall be issued to any applicant who has not attained the age of twenty-one years. All certificates shall be signed by the members of the Board and attested by its secretary.

SEC. 18. Fees.—The Board shall charge for each applicant for examination the sum of forty pesos; for each certificate of registration, thirty pesos; and for each duplicate registration certificate, five pesos. All such fees shall be paid to the disbursing officer of the Bureau of Civil Service, and such officer shall pay from the receipts thereof all the authorized expenses of the Board, including the compensation of its members: Provided, That one-half of the examination fee shall be refunded to the applicant if his application is disapproved.

SEC. 19. Refusal to issue certificate.—The Board shall refuse to issue a certificate of registration to any person convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude, and to any person guilty of immoral or dishonorable conduct, or of unsound mind, or incurable infectious disease, and in such cases shall give to the applicant a written statement setting forth the reason for its action, which statement shall be incorporated in the record of the Board.

SEC. 20. Revocation or suspension of certificate.—The Board may, after giving proper notice and hearing to the party concerned, revoke or suspend a certificate of registration for the causes mentioned in the next preceding section, or for unprofessional conduct, malpractice, incompetency or serious ignorance or malicious negligence in the practice of optometry; or for making use of fraud, deceit, or false statements to obtain a certificate of registration; or for habitual use of intoxicating liquors, drugs or medicines causing him to become incompetent to practice optometry; or for the employment of persons who are not duly authorized to do the work that under this Act can be done only by persons who have certificates of registration to practice optometry in the Philippines; or for the employment of deceit or any other fraud with the public in general or some client in particular for the purpose of extending his clientele; or for making false advertisements, radio announcements and other similar means of calling the attention of the public; or for publishing or circulating exaggerated, fraudulent or deceitful allegations regarding his professional attainments, skill, or knowledge, or the methods and technique employed by him.

SEC. 21. Appeal.—The revocation or suspension of a certificate made by the Board shall be subject to appeal to the President of the Philippines whose decision shall be final.

SEC. 22. Reinstatement, reissue or replacement of certificate.—The Board may, upon application and for reasons deemed proper and sufficient, reinstate any suspended registration certificate, or issue another certificate in lieu of one previously revoked, and in so doing, it may, in its discretion, exempt the applicant from taking another examination.

A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the Board.

SEC. 23. Foreign reciprocity.—Except as exempted in section two, no foreigner shall be admitted to the examination as optometrist under this Act, unless he proves in the manner provided by the Rules of Court that, by specific provision of law, the country of which he is a citizen, subject, or national, either admits Filipino citizens to the practice of optometry without restriction, or allows them to practice optometry after an examination on terms of strict and absolute equality with citizens, subjects, or nationals of said country, including the unconditional recognition of prerequisite degrees issued by institutions of learning duly recognized by the Government of the Philippines.

SEC. 24. Annual report.—The Board shall make an annual report to the President of the Philippines after the close of each fiscal year, giving a detailed account of its proceedings during the year and making such recommendations as it may deem proper.

SEC 25. Roster of optometrists.—A roster of optometrists shall be prepared annually by the secretary of the Board, commencing on the year following that in which this Act shall become effective. This roster shall contain the name and address of each of the registered optometrists, date of registration or issuance of certificate, and other data which in the opinion of the Board may appear pertinent. The roster shall be open for public inspection, and copies thereof shall be mailed to each person included therein, placed on file in the Office of the President of the Philippines, and furnished to all Department Heads, to mayors of all chartered cities, to the Bureau of Health, and to such other bureaus or government agencies, and provincial and municipal authorities as may be deemed

necessary, and to the public upon request.

SEC. 26. Collection of professional fees.—No person shall collect or cause to be collected any fee for optometric services rendered by him unless he is an optometrist registered under this Act.

SEC. 27. Penal provisions.—The following shall be punished by a fine of not less than five hundred pesos nor more than two thousand pesos, or imprisonment for not less than one month nor more than two years, or both, in the discretion of the court:

- Any person not exempt from registration who, without holding a valid certificate of registration issued in accordance with this Act, shall engage in the practice of optometry, or represent himself as a licensed optometrist, or attempt to determine by examination of the eyes the kind of glasses required by any person, or represent himself as capable of examining the eyes of any person for the purposes of fitting glasses;
- Any person who shall prescribe, give or sell graded lenses, prisms or contact lenses, without the approval or certification of a registered optometrist, or of a person exempted from registration under this Act;
- Any person who shall give any false or forged evidence of any kind to the Board or to any member thereof for the purpose of obtaining a certificate of registration as optometrist;
- Any person who shall impersonate any optometrist registered or exempt from registration under this Act;
- Any person who, without holding a valid certificate of registration as optometrist, shall assume, use or advertise in connection with his name any title or description tending to convey the impression that he is an optometrist registered under this Act; and
- Any person who shall violate any provisions of this Act.

SEC. 28. Separability clause.—If any provision of this Act or the application of such provision to any person or circumstance is declared invalid, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

SEC. 29. Repealing clause.—Chapter thirty-three and section two thousand six hundred eighty of the Administrative Code, as amended, and all Acts, executive orders, rules and regulations, or part thereof inconsistent with the provisions of this Act are repealed or modified accordingly.

SEC. 30. Effectivity.—This Act shall take effect upon its approval, except section two and section twenty-seven (a), (b), (d), (e) and (f) which shall take effect one year thereafter.

Approved, June 22, 1957.

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