

FELIX MARQUEZ, PETITIONER, VS. THE BOARD OF MEDICAL EXAMINERS AND THE SECRETARY-TREASURER OF THE BOARD OF MEDICAL EXAMINERS, RESPONDENTS.

G.R. No. 24119, August 08, 1925

Ponente: STREET, J.

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STREET, J.:

This is an original proceeding in this court by which the petitioner, Felix Marquez, seeks to obtain a writ of mandamus against the respondents, the Board of Medical Examiners and the Secretary-Treasurer of the Board of Medical Examiners, requiring them to admit the petitioner to the physicians' examinations conducted, or to be conducted by the respondents in the City of Manila. To the original complaint the respondents answered, and to the answer a demurrer was interposed in behalf of the petitioner.

It appears that the petitioner is a graduate of the Chicago Medical College, having received the degree of M.D. from said institution on June 8 of the year 1922. No question appears to have been made by the respondents with respect to the petitioner's qualifications for the physicians' examinations in other respects, but they have denied him admission to the examinations on the ground that the Chicago Medical College, where the petitioner was graduated, has been classified as a Class C medical college by the National Medical State Board of the United States. For this reason the respondents, in accordance with the regulations of the board now in effect, have denied the requisite standing to said institution and excluded the petitioner.

It is not denied by the respondents that prior to the adoption of the present regulations, and prior to the date when the Chicago Medical School was classified as a Class C medical college, the Board of Medical Examiners for the Philippine Islands had accepted diplomas of graduation from said medical college as sufficient proof of proficiency in medical knowledge to admit a graduate to the examinations held in these Islands; and as late as October 29, 1923, said board acted favorably upon the application of one Dr. Mariano M. Lazatin, who was graduated from said school in the year 1921. At the time said candidate was admitted, however, the regulations denying the requisite status to the Chicago Medical College had not been made effective, and they had been made effective by proper authority before the present petitioner had submitted his application.

In the argument for the petitioner it is admitted that under Act No. 3111, and the regulations now in force, the petitioner is disqualified to take the examinations; but it is pointed out that at the time he began and even when he concluded his course in the Chicago Medical School, said institution was still recognized as a reputable medical institution; and the question submitted is whether the petitioner's case should be governed by the law and regulations in force at the time of his enrollment in and graduation from the Chicago Medical School, or by those in force at the time he filed his application for admission, on or about September 26, 1924. It is submitted for the petitioner that his case should be governed by the law and regulations at the time of his graduation. To hold otherwise, it is insisted, is to make the law retroactive in effect and to do irreparable damage to the petitioner, who has pursued his work in the institution referred to in good faith, believing that said school had the status necessary

to qualify him for examination.

The position taken by the petitioner is, we think, untenable. The question whether a medical institution is "a reputable medical school," in the sense intended by the law, is vested in the Board of Medical Examiners, and although the action taken by them may conceivably, in isolated cases, result in hardship, nevertheless the interests of the public require that the board should be free to exercise its judgment and discretion without reference to the effect of the determination of the question in particular instances. There can in the nature of things be no vested right in an existing law, which would preclude its change or repeal. No one who has commenced preparation in a particular institution has any inchoate right on account of that fact. If the law were otherwise upon this point, it would be impossible for the Board of Medical Examiners to give effect to the knowledge which they from time to time acquire as to the standing of medical schools; and an intending physician, upon matriculating in a particular college, takes upon himself the risk of changes that may be made in the standing of the institution by the board.

The demurrer to the answer is not well taken. The answer is therefore declared sufficient, and the petition dismissed, with costs. So ordered.

Avanceña, C. J., Johnson, Malcolm, Villamor, Johns, and Villa-Real, JJ., concur.

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