

Board of Midwifery

Republic Act No. 7392

An Act Revising Republic Act No. 2644, As Amended, Otherwise Known as the Philippine Midwifery Act

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

Article I TITLE

Section 1. *Title.*- This Act shall be known as the "Philippine Midwifery Act of 1992."

Article II THE BOARD OF MIDWIFERY

Section 2. *Composition.*- There shall be a Board of Midwifery, hereinafter referred to as the Board, which shall be under the direct supervision of the Professional Regulation Commission (PRC). It shall be a collegial body composed of a chairman and four (4) members to be appointed by the President of the Philippines from among the recommend of the Commissioner of the Professional Regulation Commission. The Commission shall recommend three (3) registered midwives from the list submitted by the association of midwives; one (1) obstetrician from the list submitted by the association of obstetricians; and one (1) registered-nurse-midwife from the list submitted by the association of midwives; *Provided*, That said associations are accredited in accordance with Presidential Decree No. 223: *Provided, further*, That the nominees submitted shall possess the appropriated qualifications prescribed in Section 3 hereof.

Section 3. *Qualifications and Disqualification of the Board Members.*-

- (a) Each member of the Board shall at the time of his appointment:
 - (1) be a citizen and resident of the Philippines;
 - (2) be of good moral character;
 - (3) be at least thirty (30) years of age; and
 - (4) not be a member of the faculty, whether full time, part time or lecturer, of any school, college or university where a regular course in midwifery is taught, and shall not have any pecuniary interest directly or indirectly, in such institution during his term of office as a Board member.
- (b) The Chairman of the Board shall at the time of his appointment:
 - (1) be a registered obstetrician; and
 - (2) have at least ten (10) years practice as an obstetrician prior to his appointment.
- (c) Three (3) members of the Board shall at the time of their appointment:
 - (1) be registered midwives;
 - (2) be degree holders, preferably in the field of health and social sciences; and
 - (3) have at least ten (10) years practice as midwives prior to their appointment, five (5) years of which are in supervisory positions.
- (d) One (1) member of the Board shall at the time of his appointment:
 - (1) be a registered nurse-midwife; and
 - (2) have at least ten (10) years practice as a nurse-midwife.

Section 4. *Term of Office.*- The Chairman and the four (4) members of the Board shall hold office for a term of three (3) years or until their successors shall have been appointed and duly qualified, without prejudice to reappointment for another term. Each member of the Board shall qualify by taking his/her oath of office before entering upon the performance of his/her duties.

Section 5. *Duties and Functions of the Board.*- The Board shall have the following duties and functions:

- (a) to enforce the provisions of this Act;
- (b) to administer oaths in accordance with the provisions of this Act;
- (c) to issue and, after due investigation, suspend or revoke certificates or registration for the practice of midwifery;
- (d) to investigate any violation of this Act or of the rules and regulations issued thereunder, as may come to the knowledge of the Board, and for this purpose, to issue *subpoena* and *subpoena duces tecum* to alleged violators or witnesses to secure their attendance in investigations or hearings, and the production of books, papers and documents in connection therewith and compel their attendance by the power of contempt;
- (e) to conduct yearly board examinations to midwifery examinees under the supervision of the Commission;

- (f) to look, from time to time, into the condition affecting the practice of midwifery in the Philippines and adopt such measures as may be deemed necessary for the maintenance of the standards and ethics of the profession; and
- (g) to adopt an official seal to authenticate its official documents. The Board shall exercise these powers and duties in accordance with Presidential Decree No. 233.

Section 6. *Compensation of Board Members.*- The Chairman and the Members of the Board shall receive the same compensation granted to the Chairman and members of the boards of similar nature as provided for in the General Appropriations Act.

Section 7. *Removal of Board Members.*- Any member of the Board may be removed from office by the President, upon the recommendation of the Professional Regulation commission, for neglect of duty, incompetence or for unprofessional, immoral or dishonorable conduct, after having been given the opportunity to defend himself in a proper administrative investigation conducted by the Commission.

Section 8. *Supervision of the Board and Custodian of its Records.*- The members of the Board shall be under the general supervision of the PRC. All records, including examination papers, examinations results minutes of deliberation, records of administrative cases and investigations of the Board shall be kept by the Commission.

Section 9. *Rules and Regulations.*- Subject to the approval of the Commission, the Board shall set ethical and professional standards for the practice of midwifery and adopt such rules & regulations as may be necessary to carry out the provisions of this Act. Such standards, rules and regulations shall take effect thirty days after publication in two national newspapers of general circulation.

Section 10. *Annual Report.*-The Board shall submit an annual report to the Commission at the end of each calendar year, giving a detailed report of its activities and proceedings during the year. Other information or data may be requested by the Commission as often as may be necessary and practicable.

Article III EXAMINATION AND REGISTRATION OF MIDWIVES

Section 11. *Examination Required.*- All applicants for registration to the practice of midwifery in the Philippines shall be required to undergo an examination as required for in this Act.

Section 12. *Scope of Examination.*- The scope of examination for the practice of midwifery shall consist of the ff:

- (a) Infant care and feeding;
- (b) Obstetrical anatomy and physiology;
- (c) Principles of bacteriology as applied to midwifery practice;
- (d) Obstetrics;
- (e) Midwifery procedures;
- (f) Domiciliary midwifery;
- (g) Community hygiene and firstaid;
- (h) Nutrition;
- (i) Ethics of midwifery practice;
- (j) Primary health care;
- (k) Professional Growth and Development;
- (l) Family planning; and
- (m) Other subjects which the Board may deem necessary for addition or inclusion from time to time.

Section 13. *Prerequisite and Qualifications of Applicants for Examination.*- In order to be admitted to the midwifery examination, an applicant shall, at the time of filing of his/ her application therefor, establish to the satisfaction to the Board that he/she:

- (a) Is in good health and of good moral character; and
- (b) is a graduate of midwifery in a government recognized and duly accredited institution. At the time of the issuance of a certificate of registration, the applicant shall be a citizen of the Philippines and at least eighteen (18) years of age.

Section 14. *Schools of Midwifery.*- To be recognized as a duly accredited and legally constituted institution for midwifery training as provided in this Act, a school of midwifery shall have a permit from the Department of Education, Culture and Sports (DECS). The school shall have at least fifty (50) maternity beds and affiliated with an accredited hospital duly accredited by an authorized government agency or instrumentality. The school shall have a minimum ratio of one (1) clinical instructor to twelve (12) students in the hospital and in the community. Before allowing a student to graduate, the school shall satisfactory show to the Department of Education, Culture and Sports (DECS) or other authorized government agencies that the student has completed the course in midwifery as prescribed by the DECS or other duly authorized government

agencies, and that during the training, the student has personally attended at least a total of twenty (20) deliveries in the hospital and in its domiciliary services.

Section 15. *Qualification of Faculty.*- The faculty shall have academic preparation appropriate to teaching assignment, as follows:

- (a) At least a bachelors- degree holder or doctor of Medicine (M.D.);
- (b) Proof of competence in the field of specialization assigned to him; and
- (c) A registered nurse or registered midwife in the Philippines with at least one (1) year of satisfactory teaching experience or one (1) year of efficient performance in maternity ward/ community: *Provided*, That a registered midwife may be allowed to follow-up student midwives in the community ward provided she has at least two (2) years of experience in the area of assignment and has undergone training in the supervision of students.

Section 16. *Ratings in the Board Examination.*-To be qualified as having passed the board examination for midwives, a candidate must obtain a general rating of seventy five percent (75%) in the written test with no grade lower than fifty percent (50%) in any subject.

Section 17. *Report of the Results of Examination.*- The Board shall, within one hundred twenty (120) days after the examination, report the ratings obtained by each candidate to the Commissioner of the PRC.

Section 18. *Issuance of Certificate.*- Certificate of Registration as midwife shall, upon payment of the required fees, be issued to any applicant who passes the examination. Every certificate of registration shall show full name of registrant, have a serial number, bear the signatures of the members of the Board, be attested by the Secretary of the board, I be duly authenticated by the official seal of the Board. The issuance of a certificate of registration by the Board to the registrant shall be evidence that the person named herein is entitled to all rights and privileges of a registered midwife until said certificate, for just cause, is suspended temporarily or revoked.

Section 19. *Registration of Nurse-Midwife.*- Certification of registration may be issued to registered nurses who pass the examination for midwives: *Provided*, That the nurse, before being allowed to take examination show evidence to the Board of having actually handled twenty (20) delivery cases as certified to by the director or chief of a duly registered or recognized hospital, or by the proper municipal, city, or provincial health officer.

Section 20. *Fees of Examination and Registration.*- Applicants for examination for the practice of midwifery shall pay an examination fee as prescribed by the Professional Regulation Commission.

Section 21. *Inhibition Against Practice of Midwifery.*- No person shall practice or offer to practice midwifery in the Philippines, as defined in this Act, without holding a valid certificate of registration & a professional license as midwife.

Section 22. *Foreign Reciprocity.*- No midwife who is a citizen, subject or national of a foreign country shall be granted any of the rights and privileges under this Act unless he or she shows to the satisfaction of the Board that the country of which he or she is a citizen, subject of national, permits within its territorial limits on the same basis as the citizen, subject or national of such country: *Provided*, That, the requisites for admission to midwifery school and for graduation in said country are substantially the same as those in this country.

Section 23. *Practice of Midwifery Defined.*- The practice of midwifery consist in performing or rendering, or offering to perform or render, for a fee, salary, or other reward or compensation, services requiring an understanding of the principles and application of procedures and techniques in the supervision and care of women during pregnancy, labor and puerperium management of normal deliveries, including the performance of internal examination during labor except when patient is with antenatal bleeding; health education of the patient, family and community; primary health care services in the community, including nutrition and family planning, in carrying out the written order of physicians with regard to antenatal, intra-natal and post-natal care of the normal pregnant mother, in giving immunization, including oral and parenteral dispensing of oxytoxic drug after delivery of placenta, suturing perineal lacerations to control bleeding, to give intravenous fluid during obstetrical emergencies provided they have been trained for that purpose; and may inject Vitamin K to the newborn: *Provided, however*, That this provisions shall not apply to students in midwifery schools who perform midwifery services under the supervision of their instructors, nor to emergency cases.

Section 24. *Refusal to Issue Certificate of Registration.* - 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. The Board shall give the applicant a written statement setting forth the reason or reasons for its action, which statement shall be incorporated in the records of the Board.

Section 25. *Revocation and Suspension of Certificates.* - The Board shall have the power to revoke or suspend the validity of a certificate of registration of a midwife for any of the causes mentioned in the preceding

section, or for unprofessional conduct, malpractice, incompetence or serious ignorance or negligence, assisting or performing abortion in the practice of midwifery or for making use of fraud, deceit or false statements to obtain a certificate of registration. From the decision of the Board, appeal may be taken to the Professional Regulation Commission which decision shall be final.

Section 26. *Re issuance of Revoked Certificates and Replacement of Lost Certificate.*- The Board may for reasons of equity and justice and upon proper application therefor issue another copy of the certificate upon payment of dues, and in so doing, it may exempt the applicant for. The requisite examination.

Article IV MISCELLANEOUS PROVISIONS

Section 27. *Penal Provision.*- Any person who shall practice midwifery in the Philippines within the meaning of this Act without a certificate of registration issued in accordance herewith, or any person presenting or using as his/ her own certificate of registration of another or any person giving any false or forged evidence to the Professional Regulation Commission in order to secure a certificate of registration or any person using a revoked or suspended certificate of registration or any person assuming, using or advertising, as a registered midwife or a registered nurse-midwife or appending to his/her name the letters *R.M.* without having been conferred such title by the Professional Regulation Commission or advertising any title description tending to convey the impression that he/she is a registered midwife, shall be guilty of misdemeanor and shall, upon conviction, be sentenced to a fine of not less than Ten thousand pesos (P10,000.00) nor more than Thirty thousand pesos (P30,000.00), or to suffer imprisonment for a period of not less than two (2) years nor more than seven years, or both such fine and imprisonment at the discretion of the court. The aforementioned penalty shall likewise be imposed upon any person found guilty of violation of any rule & regulation issued pursuant to the provisions of this Act.

Section 28. *Repealing Clause.*- Republic Act Numbered Two Thousand Six Hundred and Forty-four is hereby repealed and all laws, decrees, orders, instructions, rules and regulations and other issuance or parts thereof inconsistent with this Act are likewise repealed or amended accordingly.

Section 29. *Separability Clause.*- If for any reason, any part or section of this Act shall be declared unconstitutional or invalid, other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 30. *Effectivity Clause.*- This Act shall take effect upon completion of its publication in at least two (2) national newspapers of general circulation. Approved,

RAMON V. MITRA
Speaker of the
House of Representatives

NEPTALI A. GONZALES
President of the Senate

This bill which is a consolidation of Senate Bill No. 1519 and House Bill No. 35372, was finally passed by the Senate and the House of Representatives on February 5, 1992 and February 7, 1992, respectively.

Approved: April 10, 1992

CAMILO L. SABIO
Secretary General

ANACLETO D. BADOY, JR.
Secretary of the Senate

House of Representatives

Approved:

CORAZON C. AQUINO
President of the Philippines