

Presidential Decree No. 1286

Regulating the Practice of Nutrition and Dietetics in the Philippines, and for Other Purposes

WHEREAS, Republic Act No. 2674, an Act to regulate the practice of dietetics in the Philippines took effect on June 18, 1960;

WHEREAS, since the effectivity of said Act, significant changes have evolved along the delivery of nutritional services in hospitals and other health care institutions; and

WHEREAS, the provisions of Republic Act No. 2674 regulating merely as it does the practice of dietetics proved inadequate to meet the fast changing needs of promoting the nutritional well-being of individuals and groups within the framework of community life, hence, there is an imperative need to regulate not only the practice of dietetics but also that of nutrition.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

Section 1. *Title of Decree.*- This Decree shall be known and cited as the "Nutrition and Dietetics Decree of 1977."

Section 2. *Definitions.*- The following definitions, unless the context otherwise requires, shall govern in the application and construction of this Decree:

- a. *Board* - The Board of Nutrition and Dietetics.
- b. *Commission* - The Professional Regulation Commission created under Presidential Decree No. 223.
- c. *Nutrition* - The science of foods, the nutrients and other substances therein, their action, interaction, and balance in relation to health and disease and the process by which the organism ingests, digests, absorbs, transports, utilizes and excretes food substances. In addition, nutrition must be concerned with certain social, economic, cultural and psychological implications of food and eating.
- d. *Dietetics* - Refers primarily to the therapeutic and food service aspects of the delivery of nutritional services in hospitals and other health care institutions.
- e. *Nutritionist-dietitian* - A person who is qualified to practice nutrition and dietetics as provided for under this Decree.

Section 3. *Creation and Composition of the Board.* - There is hereby created a Board of Nutrition and Dietetics, herein referred to as the Board under the Commission. It shall be composed of a Chairman and two members, all to be appointed by the President of the Philippines upon the recommendation of the Commission from among nutritionist-dietitians of recognized standing in the Philippines, nominated by the accredited professional organization of nutritionist-dietitians in the Philippines and who, at the time of their appointment, shall:

- a. be a citizen and resident of the Philippines;
- b. be at least thirty (30) years of age, and of good moral character;
- c. be a holder of a bachelor's, masters or doctorate degree conferred by a reputable and legally constituted school, college, or university with nutrition, dietetics community nutrition or Public Nutrition as their major field of study;
- d. have at least five (5) years experience in the field of nutrition and dietetics, immediately prior to his appointment;
- e. be a registered nutritionist-dietitian except the members of the first Board who should be registered dietitians;

- f. not be a member of the faculty of any school, college, or university, conferring a bachelor's degree with nutrition, dietetics or community nutrition as a major study at the time of appointment nor during the year immediately preceding appointment as member of the Board. Neither should she have any direct or indirect pecuniary interest in such institution.

Section 4. *Powers and Duties of the Board.*- The Board is vested with authority conformably with the provisions of this Decree, to:

- a. Administer the provisions of this Decree;
- b. Administer oaths in connection with the administration of this Decree;
- c. Issue, suspend and revoke certificates of registration for the practice of nutrition and dietetics;
- d. Look from time to time, into the conditions affecting the practice of the profession in the Philippines and, whenever necessary adopt such measures as may be deemed proper for the maintenance of high standards of professional practice. Approval of licenses for hospitals by the Bureau of Medical Services shall be subject to recommendation of the Board on the complete facilities and dietetics staffing of said hospital;
- e. Approve hospitals, institutions or agencies where practical training could be given;
- f. Investigate such violations of this Decree 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 the attendance of witnesses and production of documents in connection with the charges presented to the Board;
- g. Establish and administer a code of ethics and fair practice for nutritionist-dietitians in the Philippines;
- h. Subject to the approval of the Commission, promulgate such rules and regulations as may be necessary to carry out the provisions of this Decree.

Section 5. *Refusal to Issue a Certificate In Certain Cases.*- 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, or any person guilty of immoral or dishonorable conduct, or of unsound mind, or suffering from incurable infectious disease and in such case the Board 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.

Section 6. *Revocation and Suspension of Certificates.*- The Board may after giving proper notice and hearing to the party concerned, revoke or suspend a certificate of registration for any of the causes mentioned in the next preceding paragraph, or for unprofessional conduct, malpractice, incompetency or serious ignorance or malicious negligence in the practice of nutrition and dietetics; or for making use of fraud, deceit, or false statement to obtain a certificate of registration; or for habitual use of intoxicating drink, drugs or medicines causing him to become incompetent to practice nutrition and dietetics; or for the employment of a person who is not qualified to do the work that under this Decree can be done only by persons who have certificates of registration to practice nutrition and dietetics in the Philippines.

Section 7. *Appeal from Judgment.*- The decision of the Board shall become final after thirty days from the date of promulgation unless within said period any interested party has perfected on appeal to the Commission whose decision shall be final, subject to the usual appeal to the Office of the President.

Section 8. *Reinstatement and Replacement of Certificates.* - The Board may, upon application and for reasons deemed proper and sufficient, issue another registration certificate in lieu of one previously revoked, and in so doing, it may in its discretion, exempt the applicants from taking another examination. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the applicable law and rules of the Board.

Section 9. *Term of Office.*- The members of the Board shall hold office for a term of three years after appointment or until the successor shall have been appointed and duly qualified but not to exceed two terms or six years. Interim vacancies in the Board shall be filled for the unexpired term only.

Section 10. *The Commission and All Records of the Board.*- The Commission shall conduct the examinations given by the Board according to the rules and regulations promulgated by the former. All records of the Board, including examination papers, minutes of deliberations, and records of administrative proceedings and investigations shall be kept by the Commission.

Section 11. *Compensation of the Board.*- The members of the Board shall each receive as compensation the sum of fifteen (P15.00) pesos for each applicant examined but shall not be less than three thousand six hundred (P3,600.00) pesos per annum nor more than twenty four thousand (P24,000.00) pesos per annum as provided for in Republic Act Four Hundred Sixty Five, as amended. Any nutritionist- dietitian in the service of the government of the Philippines upon recommendation of the Commission receive the compensation herein provided in addition to his salary.

Section 12. *Removal of Board Members.*- The President of the Philippines upon recommendation of the Commission may suspend or remove any member of the Board for neglect of duty, incompetence, commission or tolerance or irregularities in the examinations, malpractice, or unprofessional, unethical, immoral or dishonorable conduct, after having given the member concerned an opportunity to be heard and/or to defend himself in a proper administrative investigation: Provided, That during the investigation, the President shall have the power to suspend such member under investigation and appoint a temporary member in his place.

Section 13. *Publication in the Official Gazette.*- All rules, regulations and code of ethics promulgated by the Board under the provisions of this Decree shall be published in the Official Gazette, and shall be effective fifteen days after publication therein.

Section 14. *Annual Report.*- The Board shall submit an annual report to the Commission after the close of each fiscal year, giving a detailed account of the proceedings of the Board during the year an embodying such recommendations as the Board may desire to make.

Section 15. *Practice of Nutrition and Dietetics.*- No person shall offer himself in the Philippines as, or use the title "Nutritionist-dietitian" or any word, letter, figure, or sign whatsoever, tending to convey the impression that he or she is a nutritionist-dietitian, or advertise or indicate in any manner that he or she is qualified to perform the work of a nutritionist-dietitian without holding a valid certificate or registration as issued by the Board in accordance with this Decree, unless exempt from registration as provided under Section 24 hereof.

Section 16. *Registration.*- Certificates of Registration - A certificate of registration for nutritionist-dietitian shall be issued to any applicant who passes the examinations hereinafter provided upon payment of the required fees: Provided, That, the first Board may issue within a period not exceeding two years from the composition of said Board, a certificate of registration as nutritionist-dietitian, without the necessity of undergoing the examinations herein prescribed to applicants who are dietitians registered in accordance with Republic Act Number Two Thousand Six Hundred Seventy Four, and to any person who has passed the civil service examinations for nutritionists given prior to the effectivity of this Decree provided that he or she is a holder of a Bachelor, Masters or Doctorate degree in Foods and Nutrition or Nutrition and Dietetics or Community Nutrition or Institutional Management, or Public Health Nutrition: Provided, That holders of Doctor of Philosophy in Nutrition and Dietetics, Community Nutrition, Public Health Nutrition, or Institutional Management with at least 3 years practice in the Philippines shall be allowed to register without examination.

Every certificate of registration shall show the full name of the registrant with a serial number, and shall be signed by all the members of the Board and the Chairman of the Commission and duly authenticated by the Official seal of the Board. The certificate of registration issued by the Board to the registrant shall be evidence that the person named therein is entitled to the rights and privileges of a registered nutritionist-dietitian while said certificate remains in force.

Section 17. *Board Examinations.*- Except as otherwise specifically provided herein, all applicants for registration as nutritionist-dietitian shall undergo the required technical examinations in accordance with this Decree.

Section 18. *Qualifications for Admission.*- In order to be admitted to the examinations for nutritionist-dietitians, an applicant must, at the time of filing his or her application, establish to the satisfaction of the Board that:

- a. He or she is a citizen of the Philippines;
- b. He or she is at least twenty one years of age, in good health and is of good moral character;
- c. He or she had finished a standard academic high school course or its equivalent in a school, college or university legally established and duly recognized by the government;
- d. He or she is a holder of a bachelor's degree conferred by a reputable and legally constituted school, college or university with nutrition, dietetics or community nutrition as a major study;
- e. He or she has completed the required practical training as may be prescribed by the Board; Provided, That within three years after approval of this decree, graduates of Nutrition and Dietetics who have undergone dietetic internship may be admitted to the Board.

Section 19. *Schedule of Examination.*- Examinations for candidates desiring to practice nutrition and dietetics in the Philippines shall be given by the Board in the place or places and on the dates to be determined and fixed by the Commission.

Section 20. *Scope of Examination.*- The examinations for the practice of nutrition and dietetics in the Philippines shall consist of written tests which shall cover such subjects as the Board may prescribe.

Section 21. *Ratings in the Examinations.*- To pass the examinations, a candidate must obtain an average of seventy percent, with no rating below fifty percent in any subject: Provided, That an applicant who fails to obtain a passing average but who obtained at least seventy percent in each of at least one-half of the total subjects given in the examinations, may be permitted to take within one (1) year from the date of his examination, another examination, on the subjects in which he obtained a grade below seventy percent. Should the examinee fail in the set of subjects repeated in the second examinations, he shall be required to take all the subjects in the next examinations.

Section 22. *Report of Results of Examinations.*- Within one hundred twenty (120) days after the examinations, the Board shall report the result thereof to the Commission for approval.

Section 23. *Fees for Examinations and Registration.*- Every applicant for examinations and registration, including registration without examination as nutritionist-dietitian shall pay the fees prescribed under Republic Act Numbered Four Hundred Sixty Five, as amended. All such fees shall be paid to the collecting officer of the Commission who shall pay from the receipt thereof all the authorized expenses of the Board: Provided, That onehalf of the examination fee shall be refunded to the applicant if his application is disapproved.

Section 24. *Exempt from Registration.*- Registration shall not be required of nutritionist-dietitians, from other countries called in for consultations: Provided, That a certificate of exemption shall be secured from the Board in advance.

Section 25. *Oath of Nutritionist-Dietitians.*- All successful examinees shall be required to take a professional oath before the Board or before any person authorized to administer oaths, prior to engaging in the practice of nutrition and dietetics in the Philippines.

Section 26. *Roster of Nutritionist-Dietitians.*- A roster of nutritionist-dietitians shall be prepared by the Commission during the month of July every year, commencing on the year following that in which the Decree shall become effective. This roster shall contain the name and address of each of the registered nutritionist-dietitians, date of registration or issuance of certificates, and other date which in the opinion of the Board may appear pertinent. The roster shall be open for public inspection, and copies thereof shall be furnished each person so registered, placed on file in the Office of the President of the Philippines, and furnished to all Department Heads, to the Department of Health, and to such other bureaus or government agencies as may be deemed necessary and to the public upon request: Provided, That those previously registered in accordance with Republic Act Numbered Two Thousand Six Hundred Seventy Four shall retain their registration certificate numbers.

Section 27. *Requirement for Hospitals and Nutrition Agencies.*-

- a. *Hospitals* - All hospitals whether government or private with twenty five (25) to seventy five (75) bed capacity shall employ a minimum of one nutritionist-dietitian, above seventy five (75) to one hundred fifty (150) bed capacity, a minimum of two nutritionist-dietitians, above one hundred fifty (150) to two hundred fifty (250) bed capacity, a maximum of three nutritionist-dietitians, above two hundred fifty (250) bed capacity to five hundred (500) bed capacity, a minimum of four nutritionist-dietitians and above five hundred (500) to one thousand (1,000) bed capacity, a minimum of five nutritionist-dietitians: Provided, That no person shall be employed as nutritionist dietitian in any hospital without having been registered in accordance with the provisions of this Decree. The provisions of this section shall be complied with within one year from the date of effectivity of this Decree.
- b. *Nutrition Agencies* - All these agencies whether government or private shall employ registered nutritionist- dietitians. There shall be required at least one (1) nutritionist-dietitian for each province, city, municipality and rural health units.

Section 28. *Enforcement of the Decree by Officer of the Law.*- It shall be the duty of all duly constituted officers of the law of the National Government, or of any provincial, city or municipal government, to enforce the provisions of this Decree and to prosecute any person violating the same.

Section 29. *Foreign Reciprocity.*- No foreigner shall be admitted to examinations, or be given a certificate or registration or be entitled to any of the rights and privileges under this Act, unless the country or state of which he is a subject or a citizen permits Filipino nutritionist-dietitians to practice within its territorial limit on the same basis as the subjects or citizens of said country or state: Provided, however, That number of foreigners allowed to practice in the Philippines shall not exceed the number of Filipinos practising in their respective countries.

Section 30. *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:

- a. Any person who shall give any false or fraudulent statement to the Board to obtain a certificate of registration as nutritionist-dietitian;
- b. Any person who shall present or use as his own a certificate of registration issued to another under this Decree;

- c. Any person who shall present or use a revoked or suspended certificate of registration as nutritionist-dietitian;
- d. Any person who shall assume, use, or advertise as nutritionist-dietitian or appeal to his or her name, letters, or words tending to convey the impression that he or she is a registered nutritionist-dietitian when in fact he or she is not duly registered nutritionist-dietitian with the Board as such;
- e. Any person who shall violate any provision of this Decree or any rules and regulations promulgated under this Decree.

Section 31. *Repealing Clause*.- The following are hereby repealed: Republic Act Numbered Two Thousand Six Hundred Seventy Four; and such other laws or part of laws, executive orders, circulars, regulations and memoranda inconsistent with this Decree.

Section 32. *Separability of Provisions*.- If any provision of this Decree or any portion hereof is declared unconstitutional by a competent Court, the other provisions thereof shall not be affected thereby.

Section 33. *Effectivity*.- This Decree shall take effect immediately.

Done in the City of Manila, this 20th day of January, in the year of Our Lord, nineteen hundred and seventy-eight.