

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **7344**



Introduced by Representatives Ron P. Salo and Ciriaco S. Calalang

EXPLANATORY NOTE

Government has to be managed by the best workers who can deliver most effectively the benefits of good governance that will better the lives of the governed. These workers are individuals of sound mind, body and spirit, and who are imbued with a remarkable degree of professionalism, integrity, and dedication.

The concept of such a government remains an ideal that can, however, be realized. And a crucial step to achieving this kind of government is to determine the state of mental and psychological health of the people to which the privilege of running and leading it has been or will be given.

Progress has been made on the various tools for the assessment and validation of a person's mental and psychological health. And these same tools can and should be applied to establish the psychological and psychiatric upkeep of those who are, or who aspire to be, in government service.

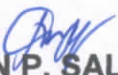
It is standard practice for most, if not all, private companies and non-government and international organizations to use pre-employment tests, such as aptitude and psychological tests, to measure potential employees' fitness and suitability for work. These tests offer an objective measure of the applicants' personalities, capabilities and competencies, as well as their character, and their ability to perform and deliver under various circumstances. The end in view is to establish the impact the applicants will have on the overall performance of the entire organization.

This Bill proposes that candidates and applicants for certain government positions shall undergo mandatory psychological and psychiatric tests to ensure their fitness or suitability to the positions they are applying or vying for. This will cover all appointive or elective positions that require the exercise of discretionary and supervisory power and authority. Likewise, this Bill establishes a mechanism to ensure the continued fitness or suitability of the officials or employees who are already in government.

Our people deserve only the highest quality of service from our government and its leaders and workers. Having only the most mentally and psychologically

qualified individuals appointed or elected in government positions and offices of higher power and authority is to ensure that the Filipino people shall enjoy this highest quality of service.

In view of the foregoing, the approval of this bill is urgently sought.


RON P. SALO
KABAYAN Partylist


CIRIACO S. CALALANG
KABAYAN Partylist

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AN ACT
ESTABLISHING MANDATORY PSYCHOLOGICAL AND PSYCHIATRIC TESTING
FOR OFFICIALS AND EMPLOYEES IN GOVERNMENT SERVICE AND FOR
OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the “Government Service Mandatory Psychological and Psychiatric Testing Act.”

SEC. 2. Mandatory Psychological and Psychiatric Testing. – The fitness and suitability of a candidate for the position shall be considered a qualification requirement, and the candidate shall comply with the following specific rules concerning mandatory psychological and psychiatric testing:

- a. Subject to the provisions of Section 9 of this Act, all candidates for appointive positions, who exercise discretion or supervisory powers and whose qualifications are not specifically provided in the constitution, shall undergo mandatory psychological and psychiatric testing.
- b. Government employees who are applying for promotion to a position which exercises discretion or supervisory power shall also undergo mandatory psychological testing prior to being qualified for interview for the said position.
- c. For the purpose of this Act, all appointive officials who are occupying Salary Grade 22 or higher are deemed officials exercising discretion or supervisory power, subject to specific guidelines to be issued by the appointing authority, in coordination with the Civil Service Commission.
- d. Except for those whose qualifications are explicitly provided for in the Constitution, all candidates for elective positions shall likewise undergo mandatory psychological and psychiatric testing.

- e. For government officials whose qualification requirements are provided in the Constitution, the Constitutional bodies in charge of their appointment are encouraged to include in their rules the requirement for mandatory psychological and psychiatric testing.

SEC. 3. Objectives. –The mandatory psychological and psychiatric testing aims:

- a) To ensure the mental, psychological and psychiatric fitness and suitability of the candidate to a government post, whether appointive or elective;
- b) To significantly lessen the time needed for the selection of the most qualified candidates for appointive or elective positions;
- c) To ensure the continued fitness and suitability for the position of the officials in government service; and
- d) To ensure the highest quality of service of government officials and employees.

SEC. 4. Definition of Terms. –

- a) *Psychology* refers to the scientific study of human behavior. It involves the application of scientific methods to inquire into the biological, cognitive, affective, developmental, personality, social, cultural and individual difference dimensions of human behavior.
- b) *Psychiatry* refers to a branch of health science that deals with the study, treatment, and prevention of mental, emotional, or behavioral disorders.
- c) *Psychosocial Problem* refers to a condition that indicates the existence of dysfunctions in a person's behavior, thoughts and feelings brought about by sudden, extreme, prolonged or cumulative stressors in the physical or social environment.
- d) *Mental Disorder* refers to a neurologic or psychiatric condition characterized by the existence of a recognizable, clinically-significant disturbance in an individual's cognition, emotional regulation, or behavior that reflects a genetic or acquired dysfunction in the neurobiological, psychosocial, or developmental processes underlying mental functioning. The determination of psychiatric and neurologic disorders shall be based on scientifically accepted medical nomenclature.
- e) *Psychological Testing* refers to the administration of tests to assess an individual's behavior, personality, cognitive abilities, and several other domains.
- f) *Psychiatric Testing* refers to the process of gathering information about a person within a psychiatric service, with the purpose of making a diagnosis.

- g) *Mandatory Psychological and Psychiatric Testing* refers to the examination by which a candidate for appointive, elective, and certain government positions must undergo in order to determine their fitness and suitability for the position.

SEC. 5. Mandatory Psychological and Psychiatric Testing for Appointive Officials.— For appointive positions whose qualifications and bases for removal are not specifically provided for in the Constitution, the candidate shall undergo mandatory psychological and psychiatric testing prior to being qualified to be interviewed for the said position. If the applicant or candidate is found to be unfit or unsuitable to the position, the applicant or candidate shall be automatically disqualified from being considered for the position.

SEC. 6. Mandatory Psychological and Psychiatric Testing for Elective Officials.— For elective positions whose qualifications are not specifically provided for in the Constitution, the candidate shall undergo mandatory psychological and psychiatric. The result of his psychological and psychiatric testing shall be submitted to the Commission on Elections (COMELEC), together with the candidate's Certificate of Candidacy (COC). If the candidate is found to be unfit or unsuitable for the post he is seeking election, the candidate shall be automatically disqualified to run for the position.

SEC. 7. Existing Employees in Government Service.— Candidates for promotion or to other positions covered by this Act shall undergo mandatory psychological and psychiatric testing prior to being qualified and interviewed for the said post. If the candidate is found to be unfit or unsuitable for the said post, the candidate shall be automatically disqualified from being considered thereof.

Every official or employee in government service covered by this Act shall undergo psychological or psychiatric testing every five (5) years from the employee's appointment to ensure the employee's continued suitability and fitness to the position.

Officials or employees whose appointment are for a fixed term and covered by this Act shall also undergo mandatory psychological and psychiatric testing. In the event that the term is less than five (5) years, the official or employee shall still undergo mandatory psychological and psychiatric testing prior to being considered for the position, or prior to reappointment.

SEC. 8. Role of Civil Service Commission.— The Civil Service Commission (CSC), in coordination with the National Center for Mental Health and the National Professional and Medical Associations for Psychology and Psychiatry, shall:

- a) Formulate a standardized psychological and psychiatric test appropriate to the post for both appointive and elective positions covered by this Act in order to determine the candidates' fitness and suitability for the position; and
- b) Conduct mandatory psychological and psychiatric testing for appointive and elective officials and shall determine the candidates' fitness and suitability for the position.

The CSC may engage the services of private entities specializing in psychological or psychiatric tests in formulating, as well as in administering or interpreting, the standardized psychological or psychiatric tests. The CSC may accredit private testing centers/institutions for this purpose.

SEC. 9. Employees Exempted from Mandatory Psychological and Psychiatric Testing. – The following government employees shall be exempted from taking the mandatory psychological and psychiatric testing:

- a) Employees who do not exercise discretion or supervisory powers in their functions;
- b) Those whose qualifications and bases for removal from office are explicitly provided in the 1987 Constitution;
- c) Casual employees;
- d) Temporary employees;
- e) Co-terminus employees; and
- f) Employees in confidential positions.

However, co-terminus employees or employees in confidential positions who exercise discretion or supervisory powers shall still undergo the mandatory psychological and psychiatric testing.

Furthermore, in the event that the appointing authority or the immediate superior observes that the candidate or employee in the civil service is exhibiting psychological or psychiatric disorder, he may require the candidate or the employee to undergo a psychological and psychiatric test even if he is not covered by this Act.

SEC. 10. Effect of Appointment or Election of Unfit or Unsuitable Candidates. – Candidates who have been determined to be unfit or unsuitable for the position cannot be appointed or elected to the post. Their appointment or election in violation of this Act shall be considered void.

However, those who are already in the government service prior to this Act or those who are previously fit or suitable to their positions but who subsequently become unfit or unsuitable to their post because of psychological or psychiatric factors, shall first be considered for other available comparable position where they are fit or suitable. In case there is no other available position where they are fit or suitable within a year from the time the subject employee was determined to be unfit or unsuitable, the employee shall be removed from government service subject to payment of applicable retirement or separation benefits.

SEC. 11. Confidentiality of Test Results. – The results of the test shall be confidential but shall be immediately available to the appointing authority. However,

the results may be disclosed subject to the waiver of the examinee, or when subpoenaed by the courts, or by other constitutional bodies.

SEC. 12. Non-confidentiality of Test Results for Elective Positions. – Section 11 does not apply to candidates for elective positions because the psychological and psychiatric test results of candidates for elective positions is a basis for determining by the electorates of the candidates' fitness or suitability for the position.

SEC. 13. Prohibited Acts. – Specific provisions of Republic Act 10951, which adjusted the fines and penalties imposed in the revised penal code, shall apply to any person who:

- a) Willfully publishes or discloses the test result of an examinee without the waiver of the examinee; and
- b) Being an employee of the Civil Service Commission, or of any government agency, publishes or causes to publish, disclose, or transmits to anyone else the test result of an examinee.

SEC. 14. Implementing Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the CSC, in coordination with the Commission on Elections, the National Center for Mental Health and the National Professional and Medical Associations for Psychology and Psychiatry, shall promulgate the necessary rules and regulations for the implementation of this Act.

SEC. 15. Appropriations. –The amount necessary for the initial implementation of this Act shall be taken from the available funds of the Civil Service Commission. For the succeeding fiscal years, the amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 16. Separability Clause. – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall continue to be in full force and effect.

SEC. 17. Repealing Clause. – All laws, executive orders, and administrative orders or parts thereof inconsistent with any provision of this Act are hereby repealed or amended accordingly.

SEC. 18. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the online version of the *Official Gazette* or in two (2) newspapers of general circulation or with established internet website presence.

Approved.

