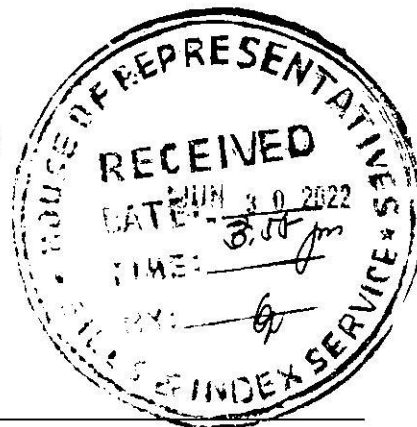


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
FIRST REGULAR SESSION

House Bill No. **296**



INTRODUCED BY Rep. GREG G. GASATAYA

EXPLANATORY NOTE

This bill seeks to protect, promote, advance and develop the socio-economic well-being and career and professional development of mental health professionals in public schools and government service.

This representation believes that it is well within the constitutional duties of the State to ensure the promotion and protection of the physical, moral, spiritual, intellectual, and social well-being of the Filipino people especially the youth. However, the current state of the public mental health profession has led to a perception that such is a dead-end career and resulted in a mental health professional-to-population ratio that is far from ideal. This, despite numerous researches proving the importance of mental healthcare in the educational system and in the workplace with mental health professionals focusing on providing career guidance and counseling, helping at-risk learners and workers, their families, even teachers and other stakeholders by giving them necessary support. Mental health professionals are now faced with the challenge of providing adequate attention to clients, each with their own specific needs and Filipinos not receiving the basic mental health services or attention they need. Aside from this, due to financial and economic constraints on mental health professionals posed by the state of their field, many would rather choose to work for private institutions or go to a different career path.

Now more than ever do we need more mental health professionals, with rapid technological advancement and social changes throughout time resulting in emerging and reformatted social ills such as technological explosion, social media dependence and the current drug situation, among others. The above situations have caused all kinds of abuses (physical, psychological, sexual), teenage pregnancy, incidences of HIV, suicide, confusion in values and even conflict with the law.

Mental Health professionals are an effective delivery system of guidance and counseling programs and services as an integral part of all levels of the educational system, the curriculum and the community especially in view of the recent enactment of RA 11036 otherwise known as the Mental Health Act. They are as well the sole providers for the right of students to avail of school guidance and counseling services prescribed in BP Blg. 232, otherwise known as the Education Act of 1982. These professionals undergo rigorous training and spend a considerable amount of time to qualify for and retain their positions as mental

health professionals. For example, a licensed Guidance Counselor has a minimum educational attainment of a master's degree; needs to attend professionalizing seminars or training at least once in a year; performs an arduous listening and empathizing coupled with the integration of different counseling techniques suitable to a specific client who may experience sexual abuse, verbal and physical abuse, bullying, incest, substance abuse, learning difficulties, adjustment with classmates and/or teachers, and many more; and, often times aside from its functions does unrelated work in schools such as the secretary of the principal, or a focal person of a program or worst, a contradictory role of a discipline officer. Despite these everyday functions and qualifications, the guidance counselor in public schools is only appointed at Salary Grade 11 and may only prosper to Salary Grade 13 until his/her retirement.

The need for mental health services only continues to rise given the complex evolution of modern society. To ensure that adequate mental health services are provided to the Filipino public, it is imperative for the State to assist in the advancement of the mental health profession and the protection and development of mental health professionals.

The professionalization of mental healthcare through this Act recognizes the significant role of mental health professionals in our educational system and societal welfare and the undeniable fact that the State can only provide adequate mental health services through safeguarding the skills, capabilities, and overall competence of mental health service providers.

In view thereof, the passage of this bill is earnestly sought.



REP. GREG G. GASATAYA
Lone District of Bacolod City

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House Bill No. **296**

INTRODUCED BY Rep. GREG G. GASATAYA

AN ACT
PROVIDING THE MAGNA CARTA FOR PUBLIC MENTAL HEALTH
PROFESSIONALS

Section 1. *Short Title.* – This Act shall be known as the “*Magna Carta for Public Mental Health Professionals*”.

Section 2. *Purposes.* The purposes of this Act are to:

- (1) promote and improve the professional, ethical, social, and economic well-being of public mental health professionals, their living and working conditions and terms of employment;
- (2) develop their skills and capabilities to empower and capacitate mental health professionals to provide responsive public mental health services;
- (3) encourage qualified and competent mental health professionals to join and remain in government service;
- (4) strengthen the right of students to guidance and counselling services in educational institutions as prescribed in Batas Pambansa Bilang 232 otherwise known as the Education Act of 1982;
- (5) reinforce Republic Act No. 11036 otherwise known as the Mental Health Act;

- (6) help the basic education institutions and other government agencies in the formal, informal and alternative delivery modes to recruit, train, hire and sustain the professional growth and career development of mental health professionals;
- (7) help adequately address the mental, emotional and developmental needs of the learners and the general public;
- (8) remove the emotional, behavioral, and psycho-social barriers to learning so as to enhance the classroom atmosphere in order to achieve a child-friendly, gender-sensitive, safe, and motivating learning environment;
- (9) support educational institution staff, teachers, and administrators in improving classroom management through the conduct of behavioral and other mental health-related interventions to improve the learner's well-being, emotional and psycho-social development, every day and career decision making and developing the awareness and skills to identify early warning signs of mental health problems and the need for guidance services including but not limited to those learners identified as Children in Conflict with the Law (CICL), Students at Risk of Dropping Out (SARDO), Learner-victims of VAWC and Child-Abuse, learner-victims of criminal acts which affects their total well-being and those learner-patients who are afflicted with diseases that may affect their psycho-emotional state;
- (10) prevent, promote, provide after care and support in the treatment of mental health concerns of the public;
- (11) assist parents and other stakeholders in improving the learners' school behavior and academic success of the youth;
- (12) sustain the development of reservoir of mental health professionals through proactive and sustainable programs; and
- (13) provide the framework of the mental health profession and services for the public.

Section 3. *Definitions.* – For purposes of this Act, the following terms are defined as follows:

- (1) ***“Mental Health Professional”*** refers to a medical doctor, psychologist, nurse social worker or any other appropriately -trained, licensed, and qualified person with specific skills relevant to the provision of mental health services.
- (2) ***“Mental Health Service”*** refer to psychosocial psychiatric or neurologic activities and programs along the whole range of the mental health support services including promotion, prevention, treatment, and aftercare, which are provided by mental health facilities and mental health professionals;

Section 4. *Hiring of Mental Health Professionals.* – The Civil Service Commission and the head of offices shall, subject to existing rules and regulations of the Department of Education, the Commission on Higher Education, Technical Education Skills Development Authority, the Civil Service Commission, Department of Health, Department of Labor and Employment,

Department of Interior and Local Government, Department of Overseas Filipino Workers, Professional Regulations Commission, and the Department of Budget and Management, provide for hiring additional mental health professionals such that:

- (1) each public elementary, secondary and learning centers, and vocational institutions shall have at least one (1) mental health professional for every 500 students;
- (2) each State/Local Universities and Colleges shall have the ratio of one (1) mental health professional for every 500 students; and
- (3) each Public Employment Services Office in the Local Government Units shall be headed by a mental health professional;
- (4) each Mental Health Professional shall have a number of caseloads as determined by the respective Department of the employer institution.

Section 5. *Professional and Career Development of Mental Health Professionals.* – The Professional Regulations Commission, the Philippine Council for Mental Health, and the Professional Regulatory Board of Guidance and Counseling in coordination with the Secretary of Education, Commission on Higher Education, Technical Education Skills Development Authority, the Civil Service Commission, Department of Health, Department of Labor and Employment, Department of Interior and Local Government, Department of Overseas Filipino Workers, and the Department of Budget and Management, shall:

- (1) prepare a uniform career and personnel development plan that shall include provisions on personal wellness, merit promotion, performance evaluation, in-service training, post graduate scholarship grants, research grants, suggestions and incentive award system;
- (2) harmonize the Qualification Standards of Mental Health Professionals related items with respect to paragraph C, Sec 13 of Republic Act No. 9258 otherwise known as the Guidance and Counseling Act and such standards set by the Mental Health Act and the Philippine Council for Mental Health;
- (3) match the salary grades of mental health professional related items with respect to provisions of RA 6758 otherwise known as the Position Classification and Compensation Act;
- (4) align the qualifications and standards for the qualification outcomes of mental health professionals to RA 10968 otherwise known as the Philippine Qualifications Framework Act;
- (5) review and align the implementation of Republic Act No. 5789 as amended by RA 10691 otherwise known as the PESO Act with Republic Act No. 9258 otherwise known as the Guidance and Counseling Act in the delivery of career and employment services;
- (6) revisit the institution's organizational structure in order to provide competent and professional personnel who will provide supervision and technical assistance to mental health professionals in the school levels;

- (7) develop, integrate and implement the tenets and concepts of the mental health profession in the basic, secondary, and higher education institutions in order to address concerns of both learners and teachers such as learner's behavior, responsiveness to learning and positive discipline, soft skills and vocation development, resiliency to the day to day problems and integral total development;
- (8) provide support staff to the mental health offices whom are covered by the Rule on Privileged Communication;
- (9) prepare a performance evaluation plan that shall consider the improvement of individual mental health professional efficiency and organizational effectiveness: *Provided*, That each employee shall be informed regularly by his/her supervisor of his/her performance evaluation;
- (10) provide of the institutionalization of the Mental Health Profession Manual; and
- (11) provide periodic training and skills upgrading and development of Mental Health Professionals.

Section 6. *Guidelines.* – The Civil Service Commission, the Philippine Council for Mental Health, and the Professional Regulatory Board of Guidance and Counseling in cooperation with the Department of Health, Secretary of Education, Commission on Higher Education, Technical Education Skills Development Authority, Department of Labor and Employment, Department of Overseas Filipino Workers, and the Department of Budget and Management shall, ninety (90) days after the enactment of this Act, issue necessary guidelines but not limited to:

- (1) the selection, recruitment and hiring of mental health professionals;
- (2) career and professional development of mental health professionals;
- (3) personnel and the nature of scope of the Guidance and Mental Health Services to be offered to students in educational institutions and to the general clients;
- (4) Departmental organizational structure related to Guidance and Counseling and Mental Health Services; and
- (5) integration of Guidance and Counseling to the Basic, Secondary, and Tertiary Education Curriculum in the Department of Education and the Commission on Higher Education.

Section 7. *Salary Scale.* – Salary scales of mental health professionals shall provide for a gradual progression from a minimum to a maximum salary by means of regular increments, granted automatically after three years: *Provided*, That the efficiency rating of the mental health professional concerned is at least very satisfactory. The progression from the minimum to the maximum of the salary scale shall not extend over a period of ten years.

The thirteen (13) guidance-related positions in the Government Service found in the Department of Budget and Management Index of Occupational Services, Occupational Groups,

Classes and Salary Grades shall be revised to the following and shall be applied to mental health professionals in positions of equivalent and similar nature:

Guidance Services:

Counselor I (Generalist)	SG 16
Counselor II (Senior Generalist)	SG 18
Counselor (Supervisor, Specialist, or Educator) I	SG 20
Counselor (Supervisor, Specialist, or Educator) II	SG 21
Counselor (Supervisor, Specialist, or Educator) III	SG 22
Counselor (Supervisor, Specialist, or Educator) IV	SG 23
Counselor (Supervisor, Specialist, or Educator) V	SG 24

Section 8. *Study Leave.* – Mental Health Professionals shall be entitled to study leave not exceeding to two years after five years of service. Such leave shall be granted in accordance with a schedule set by their respective Departments. During the period of such leave, the Mental Health Professionals shall be entitled to at least eighty-five per cent of their monthly salary: *Provided*, however, that no mental health professional shall be allowed to accumulate more than two years study leave, unless h/she needs an additional semester to finish his/her dissertation for a graduate study in education, mental health fields such as but not limited to career counseling, counseling supervision, psychology. *Provided*, further, That no compensation shall be due the mental health professional after the first year of such leave. In all cases, the study leave period shall be counted for seniority and pension purposes.

Section 9. *Indefinite Leave.* – An indefinite sick leave of absence shall be granted to mental health professionals when the nature of the illness demands a long treatment that will exceed one year at the least.

Section 10. *Mental Health/Self-Care Leave.* – An additional of twenty-four (24) leave day credits shall be added on the top of the existing annual leave/sick benefits of mental health professionals intended for their mental health well-being and self-care. Unused credits shall expire at the end of each calendar year.

Section 11. *Salary Increase upon Retirement.* – Public mental health professionals having fulfilled the age and service requirements of the applicable retirement laws shall be given one range salary raise upon retirement, which shall be the basis of the computation of the lump sum of the retirement pay and the monthly benefits thereafter.

Section 12. *Overtime Work.* – Where the exigencies of the service so require, any public mental health professional may be required to render, service beyond the normal eight (8) hours a day. In such a case, the mental health professionals shall be paid an additional compensation in accordance with existing laws and prevailing practices.

Section 13. *Additional Compensation.* – Notwithstanding Section 12 of Republic Act No. 6758, public workers shall receive the following allowances: hazard allowance, longevity pay, and remote assignment allowance.

Section 13. *Hazard Allowance.* – Public mental health professionals shall be compensated hazard allowance equivalent to at least twenty-five percent (25%) of the monthly basic salary of mental health professionals receiving salary grade 20 and below, and ten percent (10%) for mental health professionals with salary grade 21 and above.

Section 14. *Longevity Pay.* – A monthly longevity pay equivalent to five percent (5%) of the monthly basic pay shall be paid to a mental health professional for every five (5) years of continuous, efficient and meritorious services rendered as endorsed by the mental health professional's supervisor and certified by the Head of Office concerned commencing with the service after the approval of this Act.

Section 15. *Remote Assignment Allowance.* – Public mental health professionals who accept assignments as such in remote areas, isolated, or in foreign stations, which for reasons of far distance or hard accessibility shall be entitled to an incentive bonus in the form of remote assignment allowance equivalent to fifty percent (50%) of their basic pay, and shall be entitled to reimbursement of the cost of reasonable transportation to and from and during official trips.

In addition to the above, mental health professionals mentioned in the preceding paragraph shall be given priority in promotion or assignment to better areas. Their tour of duties in the remote areas shall not exceed two (2) years, except when there are no positions for their transfer or they prefer to start in such posts in excess of two (2) years.

Mental health professionals assigned to foreign posts shall be entitled to allowances and benefits as provided by Republic Act No. 7157.

Section 16. *Medical Examination.* – Compulsory medical examination such as but not limited to x-ray, laboratories, medical consultation and counseling, psychological and psychiatric assessment, and drug test shall be provided free of charge to all mental health professionals before entering the service in the Government or its subdivisions and shall be repeated once a year during the tenure of employment of all public mental health professionals: *Provided*, That where medical examination shows that medical treatment and/or hospitalization is necessary for those already in government service, the treatment and/or hospitalization including medicines shall be provided free either in a government or a private hospital by the government entity paying the salary of the mental health professionals: *Provided*, further, That the cost of such medical examination and treatment shall be included as automatic appropriation in said entity's annual budget.

Section 17. *Compensation of Injuries.* – Public mental health professionals shall be protected against the consequences of employment and occupational injuries especially resulting to the psycho-emotional and mental hazards in accordance with existing laws. Injuries incurred while doing overtime work shall be presumed work-connected.

Section 18. *Right to Self-Organization.* – Public mental health professionals shall have the right to freely form, join or assist organizations or unions for purposes not contrary to law in order to defend and protect their mutual interests and to obtain redress of their grievances through peaceful concerned activities. *Provided*, that public counselors shall uphold the provision of the Implementing Rules and Regulations of Republic Act No. 9258 on automatic membership to the Integrated Accredited Professional Organization approved by the Professional Regulatory Board of Guidance and Counseling.

Section 19. *Prohibition Against Elimination and/or Diminution.* – Nothing in this law shall be construed to eliminate or in any way diminish benefits being enjoyed by public mental health professionals at the time of the effectivity of this Act.

Section 20. *Appropriation.* – There shall be appropriated from the National Treasury the sums necessary to carry into effect the provisions of this Act.

Section 21. *Penal Provision.* - Any person shall willfully interfere with, restrain or coerce any public mental health professionals in the exercise of his/her rights or shall in any manner any act in violation of any of the provisions of this Act, upon conviction, shall be punished by a fine of not less than One Million pesos (P 1,000,000.00) but not more than six (6) years or both at the discretion of the court.

If the offender is a public official, the court, in addition to the penalties provided in the preceding paragraph, may impose the additional penalty of perpetual disqualification from office.

Section 21. *Separability Clause.* – If any part or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

Section 22. *Repealing Clause.* – All other laws, decrees, orders, issuances, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 23. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.