

NINETEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **4194**

EXPLANATORY NOTE

This bill was filed during the 17th Congress and was approved by the House of the Representatives.

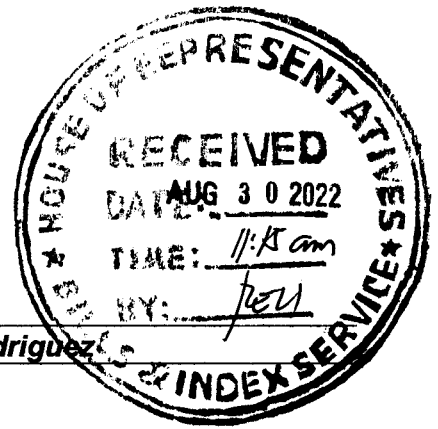
The promotion of mental health among the youth, especially among the school children, is often neglected because of the focus given to the academic or curricular development in aiming to upgrade and improve the quality of education in our country. The government and its partners in the academe, however, fail to realize that the intellectual development of a child can only prosper if he is given the adequate mental health services.

Despite the immense need for counseling professionals, we have a very limited number of school-based counselors, psychologists and social workers who are serving in our educational institutions.

This bill seeks to recruit, hire, and train additional school-based guidance counselors, psychologists, school social workers and mental health personnel. This will enable the students to avail of services that will attend to their mental, emotional and developmental needs. Hence, we can expect a holistic approach to the development and learning of our students.

The immediate approval of this bill is earnestly sought.


RUFUS B. RODRIGUEZ



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **4194**

AN ACT

**STRENGTHENING THE PROMOTION AND DELIVERY OF MENTAL HEALTH SERVICES
IN BASIC EDUCATION THROUGH THE HIRING AND DEPLOYMENT OF MENTAL
HEALTH PROFESSIONALS, AND APPROPRIATING FUNDS THEREFOR**

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

SECTION 1. *Short Title.* – This Act shall be known as the “*Basic Education Mental Health and Well-Being Promotion Act*”.

SEC. 2. *Purposes.* - The purposes of this Act are as follows:

- a) Adequately address the mental, emotional and developmental needs of learners as well as the teaching and non-teaching personnel by making available the services of mental health professionals;
- b) Promote the emotional, psychological and mental health well-being of learners and teachers so as to enhance their classroom and learning preparedness, most specially to those learners identified as children in conflict with law (CICL), students at risk of dropping out (SRDO), learner-victims of Violence Against Women and Children (VAWC), and learners-victims of other related forms of child abuse and criminal acts;
- c) Enable the Department of Education (DepEd) to recruit, hire, and train additional mental health professionals and sustain their competencies, professional growth, and career development;
- d) Support teachers and other education personnel in improving classroom management through the conduct of behavioral and other guidance related interventions to improve the learners’ well-being, emotional and psycho-social development, daily disposition and career decision making capability. Likewise, train the teachers and other education personnel in developing awareness and skills to identify early warning signs of mental health problems and the need for mental health interventions;
- e) Establish linkages with the community through the promotion of mental health programs and activities geared for the development of learners;
- f) Support parents, guardians, and concerned stakeholders in enhancing the academic performance of their children;
- g) Remove the emotional, behavioral, and psycho-social barriers to learning so as to enhance the classroom atmosphere in order to achieve a child-friendly, inclusive, safe, and motivating learning environment; and

- h) Provide after care support in the treatment of mental health concerns of learners and the school's teaching and non-teaching personnel.

SEC. 3. Definition of Terms. – As used in this Act:

- a) *Counseling* refers to a dynamic personal interaction, either through face-to-face or virtual interaction, between the counselor and the counselee, where the counselor employs various methods, approaches or techniques to enhance the counselee's intrapersonal and interpersonal development and competencies;
- b) *Guidance associate* refers to an individual who is employed by the DepEd to perform specific skills relevant to the provision of mental health services in the school setting, and who possesses a bachelor's degree in Psychology or any related course, has earned a minimum of twelve (12) units of behavioral science subjects or undergone two hundred (200) hours of supervised practicum or internship experience in guidance and counselling, preferably in a school or community setting;
- c) *Guidance counselor* refers to an individual who possesses a valid license or certification granted by the Professional Regulation Commission (PRC) and holds at the minimum a master's degree in Guidance and Counseling, Guidance, or Counseling without prejudice to those registered under the grandfather's clause of R.A. 9258, otherwise known as the "Guidance and Counseling Act of 2004," and is competent to perform guidance and counselling, career guidance and implement mental health programs;
- d) *Guidance services specialist* refers to the specific Guidance Counselor plantilla-position in the DepEd that takes care of the mental health and well-being of learners and employees;
- e) *Guidance teacher* refers to a regular teacher who is given additional assignments related to guidance and counselling services aside from the teaching load, to augment the lack of Guidance Counselors. They shall be selected by the school heads based on leadership skills and potentials, and competence in handling guidance related concerns. A Guidance Teacher shall preferably have a background in psychology or have units in guidance and counseling, and values education;
- f) *Mental health* refers to state of well-being in which the individual realizes one's own abilities and potentials, copes adequately with the normal stresses of life, displays resilience in the face of extreme life events, works productively and fruitfully, and is able to make a positive contribution to the community;
- g) *Mental health professional* refers to a medical doctor, nurse, guidance counselor, psychologist, or any other appropriately trained and qualified person with specific skills relevant to the provision of mental health services;
- h) *Mental health program* refers to the system of services designed to maintain the state of well-being of an individual in order that one may realize one's own abilities and potentials, cope adequately with the normal stresses of life, displays resilience in the face of extreme life events, work productively and fruitfully, and be able to make a positive contribution to the community;
- i) *Mental health services* refer to the 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;

- j) *Psychologist* refers to a natural person who has professional training and clinical skills in psychotherapeutic intervention and assessment for mental health problems, possesses a license or certification granted by the PRC and holds at the minimum a master's degree in Psychology without prejudice to those granted licenses under the grandfather's clause of R.A. 10029, otherwise known as the "Psychology Act of 2009";
- k) *Psychometrician* refers to a natural person who has professional training skills in psychological assessment, possesses a license or certification granted by the PRC and holds at the minimum a bachelor's degree in Psychology without prejudice to those granted licenses under the grandfather's clause of the Psychology Act of 2009; and
- l) *Psychosocial problem* refers to 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.

SEC. 4. Establishment of Mental Health and Well-being Office. – There is hereby established, under the administration and supervision of the DepEd, a Mental Health and Well-being Office in every schools division which shall provide services that cater and respond to the mental, emotional, and developmental needs of learners and personnel of the DepEd.

A sufficient number of Guidance Counselors and Guidance Services Specialist positions shall be created within the schools division offices and in schools in order to cater to the needs of learners and employees, based on the minimum standards to be determined by the DepEd and the Department of Health (DOH), in coordination with the Civil Service Commission (CSC) and the Department of Budget and Management (DBM).

Each Mental Health and Well-being Office shall be headed by a qualified mental health professional who shall hold the position of Guidance Services Specialist V (Salary Grade 24).

SEC. 5. Hiring and Deployment of Mental Health Professionals. – Subject to the guidelines set by the CSC and the DBM, the DepEd shall provide for the hiring and deployment of mental health professionals such that each public elementary and secondary school, vocational institution, and offices in the central, regional, and schools division governance levels of the DepEd shall have mental health professionals or mental health service providers within five (5) years from the effectivity of this Act.

Until such time that the number of mental health professionals is deemed sufficient, the DepEd may deploy guidance teachers and other similarly qualified employees to provide school-based mental health services: *Provided*, That the DepEd shall provide the said teachers and employees the appropriate training in counselling and management of mental health issues: *Provided, further*, That the performance of said teachers and employees shall be supervised by qualified mental health professionals within the school or the schools division office: *Provided, finally*, That they shall receive additional honoraria as just compensation for providing such services, subject to the guidelines set by the DBM and the Commission on Audit.

Notwithstanding the provisions of the Guidance and Counseling Act of 2004, public education institutions may hire, as may be necessary, college graduates who do not yet qualify as mental health professionals but who possess a background in psychology or similar fields to provide school-based mental health services: *Provided*, That the DepEd shall provide such college graduates the appropriate training in counselling and management of mental health issues and shall be supervised by qualified mental health professionals within

the schools division: *Provided, further*, That they meet the relevant qualifications and are licensed as mental health professionals within three (3) years from the date they are hired.

The DepEd shall establish mechanisms to maximize existing services offered by other executive departments that provide mental health services such as the DOH and the Department of Social Welfare and Development (DSWD).

SEC. 6. *Professional and Career Development of Mental Health Professionals.* – The DepEd shall, in coordination with the DBM, CSC, DOH and PRC:

- a) Prepare a 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;
- b) Prescribe the salary grades of mental health professionals related items in accordance with the provisions of R.A. 6758, otherwise known as the "Position Classification and Compensation Act of 1989", as amended;
- c) Set the standards for qualification outcomes of mental health professionals in accordance with R.A. 10968, otherwise known as the "Philippine Qualifications Framework (PQF) Act";
- d) Revisit the DepEd's organizational structure in order to provide competent and professional personnel who shall provide supervision and technical assistance to Guidance Counselors at the school levels;
- e) Review and revise the duties and responsibilities of mental health professionals in accordance with pertinent laws;
- f) Prepare a performance evaluation system that appraises the performance of a counselor and the impact of the same on organizational effectiveness: *Provided*, That each employee shall be informed by the immediate supervisor of the result of the evaluation of their performance;
- g) Provide for the institutionalization of the Basic Education Mental Health Manual; and
- h) Provide periodic training and skills upgrading and development to mental health professionals.

SEC. 7. *Salary Scale.* – The career and salary scales of mental health professionals in schools shall provide for a gradual progression from a minimum to a maximum salary by means of regular increments, to be given regularly based on merit and competencies as similarly given to Master Teachers.

The entry level of mental health professionals shall not be lower than Salary Grade 16. The positions of Guidance Associates and Psychometricians shall be assigned the Salary Grade 11 level.

SEC. 8. *Benefits.* – The mental health professionals shall enjoy the rights and privileges as provided in R.A. 7305, or the "Magna Carta of Public Health Workers", R.A. 11036, or the "Mental Health Act", and other pertinent laws.

SEC. 9. *Programs and Projects Related to Mental Health.* – The DepEd shall provide sufficient resources for mental health programs and projects designed to maintain and address the mental health and well-being of learners and personnel.

SEC. 10. Appropriations. – The amount necessary for the implementation of this Act shall be included in the DepEd budget in the annual General Appropriations Act.

SEC. 11. Joint Congressional Oversight Committee. – There is hereby created a Joint Congressional Oversight Committee (JCOC) to monitor and oversee the implementation of the provisions of this Act. The JCOC shall be composed of five (5) members each from the Senate and from the House of Representatives, respectively, including a member of the minority from each chamber, to be chaired jointly by the chairpersons of the Committees on Basic Education of both the Senate and the House of Representatives. The four (4) other members from each chamber, which include those coming from the minority, shall be designated, respectively, by the President of the Senate and the Speaker of the House of Representatives.

SEC. 12. Sunset Review. – Within five (5) years after the effectivity of this Act, or as the need arises, the JCOC shall conduct a sunset review. For purposes of this Act, the term “sunset review” shall mean a systematic evaluation by the JCOC of the implementing agencies’ performance and accomplishments, including the impact of this Act, for purposes of determining remedial legislation.

SEC. 13. Implementing Rules and Regulations. – Within ninety (90) days from the approval of this Act, the Secretary of Education shall, in consultation with the DBM, CSC, DOH, DSWD, PRC and other concerned stakeholders, formulate and issue the rules and regulations implementing the provisions of this Act.

SEC. 14. 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.

SEC. 15. Repealing Clause. – All laws, orders, and rules and regulations contrary to, or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 16. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,