

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
Second Regular Session

HOUSE BILL NO. **10585**



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

The **1987 Constitution** mandates the state to support **guidance and counseling services/personnel** through appropriate technology and research, adequate financial services and other support services.

Guidance and Counseling is a profession that involves the use of an integrated approach to the development of a well-functioning individual primarily by helping him/her potentials to the fullest and plan him/her to utilize his/her potentials to the fullest and plan his/her future in accordance with his/her abilities, interests and needs. It includes functions such as counseling subjects, particularly subjects given in the licensure examinations, and other human development services.

A **guidance counselor** is a natural person who has been registered and issued a valid Certificate of Registration and a valid Professional Identification Card by the **Professional Regulatory Board of Guidance and Counseling** and the **Professional Regulatory Commission (PRC)** in accordance with **RA9258** and by virtue of specialized training performs for a fee, salary or other forms of compensation, the functions of guidance and counseling.

This House Bill seeks to achieve and attain a higher degree of efficiency in the organization, administration, and operation of the **professional regulatory board of counseling** with the end view that harmony and order shall be maintained more effectively, and the laws enforced with more impartiality.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'M. Romero', with a long horizontal flourish extending to the right.

MICHAEL L. ROMERO Ph.D.

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AN ACT

AMENDING **REPUBLIC ACT NO. 9258, “GUIDANCE AND COUNSELING ACT OF 2004”**, TO ACHIEVE AND ATTAIN A HIGHER DEGREE OF EFFICIENCY, PROVIDING FOR STIFFER PENALTIES AND SANCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. DECLARATION OF POLICY — It is hereby declared a policy of the state to promote the improvement, advancement and protection of the guidance and counseling services profession by undertaking and instituting measures that will result in professional, ethical, relevant, efficient, and effective guidance and counseling services for the development and enrichment of individuals and group lives.

The state recognizes the important role of **guidance and counselors** in nation-building and promotes the sustained development of reservoir of guidance and counselors whose competence have been determined by honest and credible licensure examinations whose standards of professional practice and service are world-class and internationally recognized, globally competitive through

preventive regulatory measures, programs and activities that foster their continuing professional development.

The state shall place **guidance and counseling services** on a professional level.

It shall be imperative for the state to promote and make quality services accessible to all Filipino citizens.

For these purposes, the state shall provide the mechanisms to improve our **guidance and counseling forces** by maximizing the use of existing resources of all government agencies and branches, recognizing in the process the government's responsibility to provide a wholistic approach as having priority over its other functions.

SECTION 2. section 30 of RA9258 is hereby amended to read as follows:

***Section 30. Funding Provisions** - The Chairperson of the Commission shall include in the Commission's Programs the implementation of this Act, the funding of which shall be included in the General Appropriations Act.*

Thereafter, such amount as is necessary to carry out the provisions of this Act shall be included in the **annual General Appropriations Act (GAA)**.

The **Department of Budget and Management (DBM)** shall rationalize the existing organizational structure and staffing pattern of the **(professional regulatory board of counseling)** in accordance with the prevailing provisions and relevant compensation and position classification laws, rules and regulations.

The amount of Five hundred Million Pesos **(Php 500,000,000.00)** for the continued operation and administration of the **professional regulatory board of counseling** shall be chargeable against funds for the purpose and other sources

recommended by the **Department of Budget and Management (DBM)**

Thereafter, the amount needed for the continued implementation of this act shall be included in the annual **General Appropriations Act (GAA)**

The **(the professional regulatory board of counseling)** Fund shall be administered by the Chairperson of the **Professional Regulatory Commission (PRC)** in accordance with existing government budgeting, accounting, and auditing rules and regulations.

SECTION 3. section 33 of RA9258 is hereby amended to read as follows:

Section 33. Penalty Clause. - Any person who violates any provision of this Act and the rules and regulations issued by the Board and the Commission or commits fraud in the acquisition of Certificate of Registration or Special Permit, shall be punished with imprisonment of not less than six **(6) years** but not more than twelve **(12) years**, or a fine of not less than One hundred Fifty thousand pesos **(P150,000.00)** but not more than Five hundred thousand pesos **(P500,000.00)** or both in the discretion of the court.

SECTION 4. PRESCRIPTION OF CRIMES. - The crime punishable under this act shall be prescribed in twenty **(20)** years.

SECTION 5. INCREASE OF PERSONNEL. - The **Professional Regulatory Board of Guidance and Counseling** shall maintain a sufficient staffing pattern. Hence, it is authorized to increase its manpower to meet such required and may continue to increase personnel per percentage rate increase of committed mandates annually or as the need arises.

SECTION 6. TRANSITORY PROVISION - Existing industries, businesses and offices affected by the implementation of this Act shall be given

six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 7. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

Section 8. SAVING CLAUSE. all pending cases involving guidance and counseling services/personnel shall be absorbed by the **Philippine Regulatory Commission (PRC)** after the publication of the Manual of Operations containing rules and regulations relative to such matters.

SECTION 9. EXAMINATION REQUIRED - all applicants for registration for the practice of Guidance and Counseling shall be required to undergo a licensure examination to be given by the Board and the Commission in such places and dates as the Commission may designate in accordance with **Republic Act No. 8981**, subject to compliance with the requirements prescribed by the Commission.

SECTION 10. Prohibition Against the Practice of Guidance and Counseling. - No person shall

(a) engage in the practice of guidance and counseling without a valid Certificate of Registration and the valid Professional Identification Card or a special permit;

(b) make representations to the public or to third person as a licensed Guidance Counselor during the time that the licensed has been revoked or suspended, and,

(c) allow anybody to use his/her license as guidance counselor to enable such unqualified individuals to engage in the practice of guidance and counseling.

No corporation, partnership, association or entity shall operate a guidance and counseling office or center, or otherwise engage in the practice of guidance and counseling without securing a permit from the Board, which shall be issued only after it has satisfied itself that such establishment is properly staffed by duly licensed Guidance Counselors.

Any unethical practice of guidance and counseling as may be defined in a Code of ethics and Code of Technical Standards to be prepared by the Board in consultation with Guidance Counselors, is prohibited

SECTION 11. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 12. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 13. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,