

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



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **3850**

EXPLANATORY NOTE

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

It is a right of a student to avail the school guidance and counseling services for decisions and selecting the alternatives in fields of work suited to his potentialities. However, the guidance program is one very weak area in the Philippine public high schools and much worse in the elementary schools. On one hand, many schools do not have guidance services. On the other hand, some schools look for qualified guidance counselors. The Department of Education cannot provide schools with trained guidance counselors and more often the counselor-to-student ratio is too big for ideal counseling to take place.

Numerous researches proved that Guidance and Counseling is important in the educational system. A lot of these responsibilities focus on helping at-risk learners, their families, even teachers and other stakeholders by giving them necessary support. Guidance counselors are faced with the challenge of providing one-on-one attention to every student with different needs.

As the Guidance Service is neglected, so too its implementer, the Guidance Counselor. The Guidance Counselor is indispensable to the Guidance Program where he/she manages, implements and plans the different services.

The Guidance Counselor is the primordial in the effective delivery 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 the light of the implementation of RA 11036 otherwise known as the Mental Health Act. In the said law, the Guidance Counselor is considered a Mental Health Professional. Moreover, Section 17 (Career Guidance and Counseling Programs) of the Implementing Rules and Regulations (IRR) of RA 10533, otherwise known as the Enhanced Basic Education Act of 2013, stipulates that "students be properly guided towards becoming productive and contributing individuals through informed career choices". This was further strengthened by RA 11206 otherwise known as the Secondary School Career Guidance and Counseling Act. Through the presence of the guidance and counseling programs and services in all levels of education, the students shall be able to achieve their RIGHT to avail themselves of these guidance services prescribed in BP Blg. 232, otherwise known as the Education Act of 1982.

Ironically, though the Guidance Counselor is the career specialist yet s/he does not have a career in the current government set-up.

On the other hand, the millennium has spawned many complex situations which resulted to 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, incidence of HIV, suicide, confusion in values and even conflict with the law. We are alarmed of this situation.

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.

However, amidst of 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 importance of counseling to all who need it most cannot be understated. It is a skill, and counselors must try their best to maximize their potentials to address the needs of their counselees. Having this mind, the RA 9258 otherwise known as the Guidance and Counseling Act of 2004, a requirement for counselors to take the licensure examination to limit and professionalize the practice to those who are qualified, was implemented. Likewise, there is a need for more resources for the counselors to continuously enhance their practice.

The professionalization of the guidance counseling through its law signifies the importance and the role of professional, skilled and equipped Guidance Counselors who will take charge of the school's Guidance Program or an agency's Guidance Program and/or Mental Health Program.

However, we need also to protect, enhance and develop our human resource – the Guidance Counselors.

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


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 3850

AN ACT PROVIDING FOR THE MAGNA CARTA FOR PUBLIC COUNSELORS

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 ***“Magna Carta for Public Counselors”***.

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

- (1) promote and improve the professional, ethical, social, and economic well-being of the public counselors, their living and working conditions and terms of employment;
- (2) develop their skills and capabilities in order that they will be more responsive and better equipped to deliver Guidance Program and Services, and Mental Health Services;
- (3) encourage those with proper qualifications and excellent abilities to join and remain in government service;
- (4) achieve the right of the students to avail the guidance and counseling services in the schools prescribed in BP Blg 232 otherwise known as the Education Act of 1982;
- (5) strengthen RA 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 counselors;
- (7) help adequately address the mental, emotional and developmental needs of the basic education learners, and clients;
- (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 school staff, teachers and administrators in improving classroom management through the conduct of behavioral and other guidance 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 afflict of diseases that may affect their psycho-emotional state;
- (10) prevent, promote, provide after care and support in the treatment of mental health concerns of clients;
- (11) assist parents and other stakeholders in improving the learners school behavior and academic success of their children;

- (12) sustain the development of reservoir of counselors through proactive and sustainable programs; and
- (13) provide the framework of guidance and counseling program and services for the general clients.

Section 3. Definitions. – For purposes of this Act –

- (1) **“Public Counselor”** refers to an individual who has documented competence in implementing the Guidance Program that:
 - a. possesses license or certification granted by the Professional Regulations Commission;
 - b. holds a minimum master’s degree in Guidance and Counseling, Guidance, or Counseling without prejudice to those granted licenses under the Grandfather’s Clause of RA 9258 otherwise known as the Guidance and Counseling Act of 2004.
 - c. uses of a variety of integrated approaches to the development of well-functioning individual primarily by helping him/her to utilize his /her potentials to the fullest and plan his/her future in accordance with his/her abilities, interests and needs.
 - d. generally employed in government schools and educational institutions but not limited to other offices owned and operated by the Government or its political subdivisions with original charters that engages in the delivery of mental health services.
- (2) **“Guidance Program”** refers to a system of services designed to improve the adjustment of each and every client. It includes counseling, career guidance, psychological testing, research, placement, referral, group processes, guidance, and mental health services. The Counselor primarily implements the Guidance Program.
- (3) **“Guidance and Counseling”** refers to the is a profession that involves the use of an integrated approach to the development of well-functioning individual primarily by helping him/her to utilize his /her potentials to the fullest and plan his/her future in accordance with his/her abilities, interests and needs.
- (4) **“Counseling”** refers to a dynamic face to face personal interaction between the counselor and the counselee/s, where the counselor employs various methods, approaches or techniques to enhance the counselee’s intrapersonal and interpersonal development and competencies.

Counseling is synonymous to Guidance and Counseling and encompasses but not limited to career counseling, substance-abuse counseling, marital and family counseling, court-directed counseling, grief counseling, correctional and juvenile counseling, crises and disaster counseling among others.

Counselors shall coordinate, refer and cooperate with other mental health professionals such as psychologists and psychiatrists in dealing with clients in order for a better delivery of holistic intervention.

Section 4. Hiring of Counselors. – 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 counselors such that:

- (1) each public elementary, secondary and learning centers, and vocational institutions shall have counselors with the ratio of one (1) School Counselor for every 500 students;
- (2) each State/Local Universities and Colleges shall have the ratio of one (1) School Counselor for every 750 students; and
- (3) each Public Employment Services Office in the Local Government Units shall be headed by a licensed Counselor;
- (4) each Counselor shall have a number of caseloads as determined by the respective Department where s/he is employed.

The Department of Education shall establish a Bureau for the implementation of Guidance and Counseling and Mental Health in the Central Office. Additional Functional Divisions shall also be created in the Regional and Schools Division Offices.

The Office of Student Services shall be established in schools, universities, colleges and other educational institutions and shall be headed by a Counselor.

Section 5. Professional and Career Development of Guidance Counselors. – The Professional Regulations Commission 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 of the Qualification Standards of Counselor related items with respect to par C, Sec 13 of RA 9258 otherwise known as the Guidance and Counseling Act;
- (3) match the salary grades of Counselor related items with respect provisions of RA 6758 otherwise known as the Position Classification and Compensation Act;
- (4) align the qualifications and standards for the qualification outcomes of Counselors to RA 10968 otherwise known as the Philippine Qualifications Framework Act;
- (5) review and align RA 5789 as amended by RA 10691 otherwise known as the PESO Act with RA 9258 otherwise known as the Guidance and Counseling Act in the delivery of career and employment services;
- (6) revisit the Department's organizational structure in order to provide competent and professional personnel who will provide supervision and technical assistance to Counselors in the school levels;
- (7) review, revise and develop the duties and responsibilities of Guidance Counselors as provided by RA 9258 otherwise known as the Guidance and Counseling Act of 2004;
- (8) develop, integrate and implement the tenets and concepts of Guidance and Counseling in the Basic Education Curriculum in order to address enormous 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;
- (9) provide support staff to the Counseling Offices whom are covered by the Rule on Privilege Communication;
- (10) prepare of performance evaluation plan that shall consider the improvement of individual counselor efficiency and organizational effectiveness: *Provided, That*

- each employee shall be informed regularly by his/her supervisor of his/her performance evaluation;
- (11) provide of the institutionalization of the Basic Education Guidance and Counseling Manual; and,
 - (12) provide periodic training and skills upgrading and development of Guidance Counselors as Mental Health Professionals.

Section 6. Guidelines. – The Civil Service Commission 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 Counselors;
- (2) career and professional development of Counselors;
- (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;
- (5) integration of Guidance and Counseling to the Basic Education Curriculum in the Department of Education; and,
- (6) integration of Guidance and Counseling subjects in social sciences curriculum in the Tertiary level.

Section 7. Salary Scale. – Salary scales of counselors 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 counselor 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 entry level salary grade of the Counselor shall not be lower than SG-16.

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:

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. – In addition to the leave privileges now enjoyed by the personnel in the public schools, counselors 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 counselors shall be entitled to at least eighty-five per cent of their monthly salary: *Provided*, however, that no counselor 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, counseling fields (e.g. career counseling, counseling supervision, etc.), psychology or allied courses: *Provided*, further, That no compensation shall be due the counselor 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 counselors 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 counselors 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 counselors 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 counselor may be required to render, service beyond the normal eight (8) hours a day. In such a case, the counselors 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 14. Hazard Allowance. – Public counselors shall be compensated hazard allowance equivalent to at least twenty-five percent (25%) of the monthly basic salary of counselors receiving salary grade 20 and below, and ten percent (10%) for counselors with salary grade 21 and above.

Section 15. Longevity Pay. – A monthly longevity pay equivalent to five percent (5%) of the monthly basic pay shall be paid to a counselor for every five (5) years of continuous, efficient and meritorious services rendered as endorsed by the Counselor Supervisor and certified by the Head of Office concerned commencing with the service after the approval of this Act.

Section 16. Remote Assignment Allowance. – Public guidance counselors 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, counselors 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.

Counselors assigned to foreign posts shall be entitled to allowances and benefits as provided by RA 7157.

Section 17. Medical Examination. – Compulsory medical examination (e.i. x-ray, laboratories, medical consultation and counseling, psychological and psychiatric assessment, and drug test) shall be provided free of charge to all counselors 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 guidance counselors: *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 guidance counselors: *Provided*, further, That the cost of such medical

examination and treatment shall be included as automatic appropriation in said entity's annual budget.

Section 18. *Compensation of Injuries.* – Public counselors 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 19. *Right to Self-Organization.* – Public counselors 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 IRR of RA 9258 on automatic membership to the Integrated Accredited Professional Organization approved by the Professional Regulatory Board of Guidance and Counseling.

Section 20. *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 counselors at the time of the effectivity of this Act.

Section 21. *Programs/Projects Related to Guidance and Counseling and Mental Health.* – In consultation with the Professional Regulations Commission and the Professional Regulatory Board of Guidance and Counseling, all departments including their attached agencies, offices, bureaus, agencies, state universities and colleges, government-owned and controlled corporations and other instrumentalities, shall formulate a Guidance and Counseling Plan (Educational and education-related departments) and/or Mental Health Plan, designed to maintain and address counseling and mental health well-being issues. The cost of implementation of the GCP/MH Plan shall be at least five percent (5%) of the agency's total annual budget appropriations.

Section 22. *Appropriation.* – There shall be appropriated from the National Treasury the sums necessary to carry into effect the provisions of this Act.

Section 23. *Penal Provision.* - Any person shall willfully interfere with, restrain or coerce any public counselor 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 24. *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 25. *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 26. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,