

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



23 JAN 30 A11 :32

SENATE

S. No. 1795

RECEIVED BY: _____

Introduced by Senator MANUEL "LITO" M. LAPID

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

EXPLANATORY NOTE

Mental health includes our emotional, psychological, and social well-being. It affects the way we think, feel, behave, and act. It is important since it impacts our decision making process and how we relate to others.

Mental health promotion and early intervention strategies may produce the greatest impact on people's health. It may allow for more effective healthcare pathways by acting on the problem before the same becomes worse. It minimizes the impact of any potentially serious health condition. Indeed, mental health promotion or early intervention in young people is an investment for the future.

The Department of Health estimated that at least 3.6 million Filipinos faced mental health issues during the pandemic. Sadly, we fail to recognize that poor mental health can interfere with one's ability to think clearly and make healthy decisions. We neglect the fact that being emotionally healthy can promote productivity and efficiency.

Just recently, on January 20, 2023, a 13-year-old male student was stabbed by his 15-year-old classmate inside the Culiati High School. Further, on January 23, 2023,

a senior high school student died after falling from the ninth floor of a building inside the school premises. We do not want more of these cases in the future. These underscored the importance of prioritizing students' mental health.

Thus, this bill aims to strengthen the promotion and delivery of mental health services in basic education through the hiring and deployment of mental health professionals. This bill also seeks to establish Mental Health and Well-being Offices in every schools division. This is to address the mental, emotional, and developmental needs of learners and personnel of the DepEd.

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



MANUEL "LITO" M. LAPID
Senator

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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 the 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."

Section 2. Purposes. – The purposes of this Act are as follows:

- a. Enable the Department of Education (DepEd) to recruit, train, and hire additional mental health professionals, sustain their well-being, competencies, professional growth, and career development in the DepEd;
- b. Adequately address the mental, emotional, and developmental needs of learners as well as the teaching and non-teaching personnel through the mental health professionals;
- c. Promote the emotional, psychological, and mental health well-being of learners and teachers so as to enhance their classroom and learning preparedness, including those learners identified as children in conflict with law, students at risk of dropping out,

1 learner-victims of Violence Against Women and Children, and
2 learners-victims of other related forms of child abuse and
3 criminal acts;

4 d. Support teachers and other education personnel in improving
5 classroom management through the conduct of behavioral and
6 other guidance related interventions to improve the learners'
7 well-being, emotional and psycho-social development, daily
8 disposition and career decision making. Likewise, train the
9 teachers and other education personnel in developing
10 awareness and skills to enable them to identify early warning
11 signs of mental health problems and the need for mental health
12 interventions;

13 e. Establish linkages with the community through the promotion
14 of mental health programs and activities geared for the
15 development of learners;

16 f. Support parents, guardians, and concerned stakeholders in
17 improving the school behavior and ensuring the academic
18 success of their children;

19 g. Remove the emotional, behavioral, and psycho-social barriers
20 to learning so as to enhance the classroom atmosphere in order
21 to achieve a child-friendly, inclusive, safe, and positive learning
22 environment; and

23 h. Provide after care support in the treatment of mental health
24 concerns of clients.

25 **Section 3. *Definition of Terms.*** – As used in this Act:

26 a. *Counseling* – refers to a dynamic face to face or online
27 interaction between the counselor and the counselee, where
28 the counselor employs various methods, approaches or

1 techniques to enhance the counselee's intrapersonal and
2 interpersonal development and competencies;

3 b. *Guidance associate* – refers to a *plantilla*-position in the DepEd
4 which shall be filled-in by a graduate of a Bachelor's Degree in
5 Psychology, or any related courses and who must have earned
6 a minimum of twelve (12) units of Behavioral Science subjects
7 and two hundred (200) hours of supervised practicum or
8 internship experience on guidance and counselling, preferably
9 in a school or community setting;

10 c. *Guidance counselor* – refers to an individual who possesses a
11 license or certification granted by the Professional Regulation
12 Commission (PRC) and holds a minimum master's degree in
13 Guidance and Counseling, Guidance, or Counseling without
14 prejudice to those registered under the grandfather clause of
15 R.A. 9258, otherwise known as the "Guidance and Counseling
16 Act of 2004," and is competent to perform guidance and
17 counselling, career guidance and implement mental health
18 programs;

19 d. *Guidance services specialist* – refers to the specific position of
20 Guidance Counselor in the DepEd *plantilla* who is charged with
21 the duty to care for the mental health and well-being of learners
22 and school employees;

23 e. *Guidance teacher* – refers to a regular teacher who is given
24 additional assignments related to guidance and counselling
25 services aside from a teaching load, to augment the lack of
26 Guidance Counselors. They shall be selected by the school
27 heads based on their leadership skills, and competence in
28 handling guidance related concerns. Preferably, a Guidance
29 Teacher has a background in psychology, values education, or
30 has earned academic units in guidance and counseling;

- 1 f. *Mental health* – refers to a state of well-being in which the
2 individual realizes one’s own abilities and potentials, copes
3 adequately with the normal stresses of life, displays resilience
4 in the face of extreme life events, works productively and
5 fruitfully, and is able to make a positive contribution to the
6 community;
- 7 g. *Mental health professional* – refers to a medical doctor, nurse,
8 guidance counselor, psychologist, or any other appropriately
9 trained and qualified person with specific skills relevant to the
10 provision of mental health services;
- 11 h. *Mental health program* – refers to the system of services
12 designed to maintain the state of well-being of an individual in
13 order for the individual to realize its own abilities and potential,
14 cope adequately with the normal stresses of life, display
15 resilience in the face of extreme life events, work productively
16 and fruitfully, and be able to make a positive contribution to the
17 community;
- 18 i. *Mental health services* – refer to the psychological, psychiatric
19 or neurologic activities and programs along the whole range of
20 mental health support services including promotion, prevention,
21 treatment and aftercare, which are provided by mental health
22 facilities and mental health professionals;
- 23 j. *Psychologist* – refers to a natural person who has undergone
24 professional training in and possesses clinical skills in
25 psychotherapeutic intervention and assessment for mental
26 health problems, has been granted a license to practice the
27 profession of Psychology and is registered with the PRC, and
28 holds a master’s degree in Psychology, without prejudice to
29 those granted licenses under the grandfather clause of R.A.

1 10029, otherwise known as the "Philippine Psychology Act of
2 2009";

3 k. *Psychometrician* – refers to a natural person who has obtained
4 professional training in psychological assessment, possesses a
5 license to practice the profession of psychometry and registered
6 with the PRC, holds a bachelor's degree in Psychology, without
7 prejudice to those granted licenses under the grandfather of
8 R.A. 10029, otherwise known as the "Philippine Psychology Act
9 of 2009"; and

10 l. *Psychosocial problem* – refers to a condition indicated by the
11 existence of dysfunctions in a person's behavior, thoughts, and
12 feelings that have been brought by sudden, extreme, prolonged
13 or cumulative stressors in the physical or social environment.

14
15 **Section 4. *Establishment of a School Level Mental Health and Well-being***
16 ***Office in Every Schools Division.*** – There is hereby established, under the
17 administration and supervision of the DepEd, a Mental Health and Well-being Office
18 in every schools division level which is primarily tasked to address the mental,
19 emotional, and developmental needs of learners and personnel of the DepEd.

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

25 The schools division level Mental Health and Well-being Office shall be headed
26 by qualified Mental Health Professional with a position of Guidance Services Specialist
27 V (Salary Grade 24).

28 **Section 5. *Hiring and Deployment of Mental Health Professionals.*** – Subject to
29 the guidelines set by the CSC and the DBM, the DepEd shall provide for the hiring and

1 deployment of Mental Health Professionals such that each public elementary,
2 secondary, vocational institution, and offices in the different governance levels of the
3 DepEd shall have mental health professionals or mental health service providers within
4 five (5) years from the effectivity of this Act.

5 Until such time that there are adequate Mental Health Professionals, the DepEd
6 may deploy guidance teachers and other similarly qualified employees to provide
7 school-based mental health services: *Provided*, That they undergo sufficient capacity
8 building as determined by the DepEd and supervised by qualified Mental Health
9 Professionals within the school or the schools division office in their provision of mental
10 health services: *Provided further*, That they receive honoraria as just compensation
11 for providing such services, subject to the guidelines set by the DBM and the
12 Commission on Audit.

13 Notwithstanding the provisions of R.A. No. 9258, public education institutions
14 may hire, as may be necessary, graduates with relevant background in psychology or
15 similar fields, who may not yet qualify as Mental Health Professionals, to provide
16 school-based mental health services: *Provided*, That they undergo sufficient capacity
17 building training as determined by the DepEd and shall be supervised by qualified
18 Mental Health Professionals within the schools division level in their provision of mental
19 health services: *Provided further*, That they meet the relevant qualifications and are
20 licensed as Mental Health Professionals within three (3) years from the date when
21 they were hired.

22 The DepEd shall establish mechanisms to maximize existing mental health
23 services offered by other government agencies such as agencies attached to the DOH
24 and the Department of Social Welfare and Development (DSWD).

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

- 27 a. Prepare a uniform career and personnel development plan that
28 shall include provisions on personal wellness, merit promotion,
29 performance evaluation, in-service training, post graduate

1 scholarship grants, research grants, suggestions and incentive
2 award system;

3 b. Match the salary grades of Mental Health Professionals related
4 items with respect to the provisions of R.A. No. 6758, otherwise
5 known as the "Compensation and Position Classification Act of
6 1989", as amended;

7 c. Align the qualifications and standards for Mental Health
8 Professionals with R.A. No. 10968, otherwise known as the
9 "Philippine Qualifications Framework Act";

10 d. Revisit the DepEd organizational structure in order to provide
11 competent and professional personnel who shall provide
12 supervision and technical assistance to Guidance Counselors at
13 the school levels;

14 e. Review, revise, and develop the duties and responsibilities of
15 mental health professionals in accordance with the laws
16 enacted to regulate their respective professions;

17 f. Prepare a performance evaluation plan that considers the
18 improvement of individual counselor efficiency and
19 organizational effectiveness: *Provided*, That each counselor
20 shall be informed regularly by their immediate supervisor of the
21 results of the evaluation of their performance;

22 g. Provide for the institutionalization of the Basic Education Mental
23 Health Manual; and

24 h. Provide periodic training and skills upgrading and development
25 courses to Mental Health Professionals.

26 **Section 7. Salary Scale.** – The career and salary scales of Mental
27 Health Professional in schools shall provide for a gradual progression from a minimum

1 to a maximum salary by means of regular increments, to be given regularly based on
2 merit and competencies as similarly given to Master Teachers.

3 The entry level of Mental Health Professionals shall not be lower than Salary
4 Grade 16. Guidance Associates and Psychometricians shall have as entry level Salary
5 Grade 11.

6 **Section 8. *Benefits.*** – The Mental Health Professionals shall enjoy the rights
7 and privileges as provided for in the Magna Carta of Public Health Workers, Mental
8 Health Act, and other pertinent laws.

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

12 **Section 10. *Appropriations.*** – The amount necessary for the implementation
13 of this Act shall be included in the DepEd budget in the annual General Appropriations
14 Act.

15 **Section 11. *Joint Congressional Oversight Committee.*** – There is hereby
16 created a Joint Congressional Oversight Committee (JCOC) on Basic Education Mental
17 Health Program to monitor and oversee the implementation of the provisions of this
18 Act. The JCOC shall be composed of five (5) members each from the Senate and from
19 the House of Representatives, respectively, including a member of the minority from
20 each chamber, to be chaired jointly by the chairpersons of the Committees on Basic
21 Education of both the Senate and the House of Representatives. The four (4) other
22 members from each chamber, one of whom should come from the minority members,
23 shall be designated, respectively, by the President of the Senate and the Speaker of
24 the House of Representatives.

25 **Section 12. *Sunset Review.*** – Within five (5) years from the effectivity of this
26 Act, or as the need arises, the JCOC shall conduct a systematic evaluation of the
27 performance and accomplishments of agencies that implemented this Act, including
28 its impact on the education sector and economic development, for purposes of
29 determining remedial legislation.

1 **Section 13. *Implementing Rules and Regulations.*** – Within ninety (90) days
2 from the approval of this Act, the Secretary of Education shall, in consultation with the
3 DBM, CSC, DOH, DSWD, PRC and other concerned stakeholders, formulate and issue
4 rules and regulations for the effective implementation of this Act.

5 **Section 14. *Separability Clause.*** – If any part or provision of this Act is held
6 invalid or unconstitutional, other provisions not affected thereby shall remain in force
7 and effect.

8 **Section 15. *Repealing Clause.*** - All laws, executive orders, decrees,
9 instructions, rules and regulations contrary or inconsistent with any provision of this
10 Act are hereby amended, repealed or modified accordingly.

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

13 *Approved,*