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S.B. No. 2200

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(In substitution of S.B. Nos. 379 and 1795, taking into consideration H.B. No. 6574)

Prepared by the Committee on Basic Education joint with the Committees on Health and Demography; and Finance, with Senators Gatchalian, Lapid, Go, Binay, Revilla, and Villanueva as authors thereof.

AN ACT

PROMOTING MENTAL HEALTH AND WELL-BEING IN BASIC EDUCATION BY INSTITUTIONALIZING A SCHOOL-BASED MENTAL HEALTH PROGRAM, ESTABLISHING CARE CENTERS, PRESCRIBING THE CREATION OF NEW PLANTILLA POSITIONS OF MENTAL HEALTH SPECIALISTS AND MENTAL HEALTH ASSOCIATES IN THE DEPARTMENT OF EDUCATION, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 Section 1. *Short Title.* – This Act shall be known as the "*Basic Education Mental*
2 *Health and Well-Being Promotion Act*".

3

4 Sec. 2. *Declaration of Policy and Objectives.* – The State recognizes the vital role
5 of children and the youth in nation-building and shall promote and protect their holistic
6 well-being. Towards this end, it shall be the duty of the State to establish, maintain,
7 and support a complete, adequate, and integrated system of education relevant to the
8 needs of society and its people.

9 In pursuit of such policy, the State shall aim to achieve the following main
10 objectives under this Act:

- 11 a. institutionalize an effective and efficient School-Based Mental Health
12 Program, and strengthen the existing mental health and guidance and
13 counseling program, to promote and ensure the mental health and well-

1 being of all learners, as well as provide mental health awareness and
2 literacy programs and appropriate mental health-related referrals to the
3 teaching and non-teaching personnel, in all public and private basic
4 education schools in the country;

- 5 b. establish and maintain a Care Center in every public basic education
6 institution, and ensure their establishment and maintenance in private basic
7 education institutions, to be operated by competent personnel, equipped
8 with the necessary facilities, and supported with the required resources;
9 and
- 10 c. hire and capacitate competent personnel whose duties and
11 responsibilities shall be geared towards promoting and ensuring the mental
12 health and well-being of all learners, and promote their professional growth
13 and career progression by prescribing the creation of new plantilla positions
14 of Mental Health Specialists and Mental Health Associates in the
15 Department of Education (DepEd).

16
17 *Sec. 3. Definition of Terms. – As used in this Act:*

- 18 a. *Mental Health*, as defined in Republic Act (R.A.) No. 11036, otherwise known
19 as the "Mental Health Act", refers to a state of well-being in which the
20 individual realizes one's own abilities and potentials, copes adequately with
21 the normal stresses of life, displays resilience in the face of extreme life
22 events, works productively and fruitfully, and is able to make a positive
23 contribution to the community.
- 24 b. *Mental Health Associate* refers to an individual holding a Mental Health
25 Associate plantilla position in the DepEd and who has (1) a Bachelor's Degree
26 in Guidance and Counseling, Psychology, Human Services, Social Work, or
27 other allied disciplines, or (2) any Bachelor's Degree with eighteen (18) units
28 of courses in Guidance and Counseling or Psychology.
- 29 c. *Mental Health Specialist* refers to a Guidance Counselor or a Psychologist
30 holding a Mental Health Specialist plantilla position in the DepEd and who
31 shall have qualified pursuant to either the provisions of R.A. No. 9258,

1 otherwise known as the "Guidance and Counseling Act of 2004", or R.A. No.
2 10029, otherwise known as the "Philippine Psychology Act of 2009",
3 respectively.

- 4 d. *School-Based Mental Health Services* refer to the comprehensive services
5 delivered by a Care Center in the performance of its functions under Sec. 6
6 of this Act, including but not limited to promotion, prevention, appropriate
7 response, efficient referrals, and aftercare support.

8
9 *Sec. 4. The School-Based Mental Health Program; School-Based Mental Health*
10 *Services.* – The School-Based Mental Health Program (Program) is hereby
11 institutionalized to promote and ensure the mental health and well-being of all learners
12 in all public and private basic education schools, including Out-of-School Children in
13 Special Cases as defined under R.A. No. 11510, otherwise known as the "Alternative
14 Learning System Act". The Program shall promote mental health awareness and
15 manage the mental health concerns of all learners, including the prevention of suicide
16 in schools. The Program shall likewise define the role of every stakeholder in the school
17 community to appropriately respond to such mental health concerns through
18 prevention, intervention, postvention and recovery.

19 The Program shall be developed in consultation with learners, their parents and
20 parent-substitutes, and implemented by the DepEd and designed to provide school-
21 based mental health services including the following: screening, evaluation,
22 assessment, and monitoring; mental health first aid; crisis response and referral
23 system; mental health awareness and literacy; emotional, developmental and
24 preventive programs; and other support services such as strengthening the learners'
25 family bonds. The DepEd shall likewise implement complementary measures that
26 enable other associated healthy behaviors among learners and eliminate the stigma
27 on mental health counseling. Further, it shall provide mental health awareness
28 programs and literacy and appropriate mental health-related referrals to the teaching
29 and non-teaching personnel.

1 The DepEd shall provide guidelines for the effective delivery of school-based
2 mental health services in private schools, taking into consideration the number of
3 learners and the availability of funds of private schools with limited resources.
4

5 *Sec. 5. The Care Center; Mental Health Specialists; Mental Health Associates;*
6 *Other Necessary Support Personnel.* – To effectively implement this Act, the DepEd
7 shall establish and maintain a Care Center (Center) in every public basic education
8 school, as well as ensure their establishment and maintenance in private basic
9 education schools in the country. The Center shall be equipped with functional physical
10 facilities, located within an adequate space where confidentiality is maintained, and
11 accessible to the learners and the teaching and non-teaching personnel.

12 For this purpose, secondary schools may utilize the Career Guidance and
13 Counseling Program Centers required to be established under Sec. 5 of R.A. No.
14 11206, otherwise known as the "Secondary School Career Guidance and Counseling
15 Act". Existing Guidance and Counseling Offices may likewise be utilized for this
16 purpose or integrated into the Center.

17 The Center shall be headed by a Mental Health Specialist who shall be under
18 the administrative supervision of the school head. The Mental Health Specialist shall
19 be assisted by a Mental Health Associate, and other necessary support personnel as
20 may be determined by the DepEd upon the recommendation of the school head. In
21 assisting the Mental Health Specialist in the implementation of the Program and
22 delivery of the services of the Center, the Mental Health Associate shall be subject to
23 the conditions of professional practice under Secs. 27 and 28 of R.A. No. 9258, or
24 Secs. 30 and 32 of R.A. No. 10029, as applicable.
25

26 *Sec. 6. The Care Center; Functions.* – The Center in every public and private
27 basic education school shall deliver school-based mental health services that are
28 required in the fulfillment of the following functions:

- 29 a. develop a localized multi-year School-Based Mental Health Program to
30 promote and ensure the mental health and well-being of all learners, as well
31 as provide mental health awareness and literacy programs and appropriate

- 1 mental health-related referrals to the teaching and non-teaching personnel;
- 2 b. equip the learners with skills and information for prevention, identification,
- 3 and proper response and referral for their own and others' mental health
- 4 needs, with special attention to vulnerable learners such as, but not limited
- 5 to, those identified as children-at-risk (CAR), children in conflict with the law
- 6 (CICL), learner-victims of Violence Against Women and Their Children
- 7 (VAWC), learners who are victims of natural calamities, armed conflicts, and
- 8 other emergencies, learners with disabilities, learner-victims of other related
- 9 forms of child abuse and criminal acts, young mothers and fathers, and
- 10 learners who have recently experienced traumatic experiences in their
- 11 schools or communities;
- 12 c. facilitate the efficient referral for appropriate intervention to, and provision
- 13 of adequate aftercare support by, other appropriate agencies, institutions,
- 14 organizations, or professionals, in addressing the mental health concerns
- 15 and needs of learners;
- 16 d. improve the mental health awareness and literacy of the teaching and non-
- 17 teaching personnel, and equip them with skills and information for detection
- 18 of early warning signs of mental health concerns, prevention of suicide and
- 19 self-harm, and appropriate referrals for their mental health needs;
- 20 e. engage and support parents, parent-substitutes, and other stakeholders in
- 21 improving the school behavior and academic performance of learners;
- 22 f. establish linkages with the school community, including parents, parent-
- 23 substitutes, local government units, and other stakeholders for the effective
- 24 and efficient implementation of the localized Program, adopting a Whole of
- 25 Society approach; and
- 26 g. ensure stigma reduction through education and training for all stakeholders
- 27 in the school and the school community.
- 28

29 *Sec. 7. Localized Multi-Year Roadmap on the School-Based Mental Health*

30 *Program.* – In developing and implementing the localized multi-year School-Based

31 Mental Health Program under Sec. 6(a) of this Act, the Center shall undertake a local

1 needs assessment of the school and the school community to craft a roadmap that is
2 both responsive and sensitive to local needs and situations. The Center may also
3 consult with the Philippine Council for Mental Health member agencies and permanent
4 resource persons and other relevant stakeholders in its crafting. *Provided,* That all
5 roadmaps shall be crafted taking into consideration a general framework to be
6 provided by the DepEd, as provided under Sec. 11 of this Act, in terms of the following
7 components of the Program: (1) vision, goals, and objectives; (2) time-bound targets
8 and key performance indicators; (3) services and activities; (4) resource requirements,
9 such as budgetary and personnel complement; (5) monitoring, evaluation and impact
10 assessment; and (6) other relevant issues and concerns.

11 The Center shall periodically prepare and submit reports to the Schools Division
12 Office (SDO) on the Program implementation of the school. The Superintendent shall
13 submit a consolidated report to the Secretary of the DepEd through the Regional
14 Director having jurisdiction of the SDO.

15

16 *Sec. 8. Creation of New Plantilla Positions of Mental Health Specialists and*
17 *Mental Health Associates; Conversion of Existing Guidance Counselors and*
18 *Psychologists Plantilla Positions to Mental Health Specialists with Corresponding Salary*
19 *Adjustments.* – The new plantilla positions of Mental Health Specialists I to V and
20 Mental Health Associates I to V are hereby created in the DepEd. The salary schedules
21 for these newly created plantilla positions shall be as follows:

Plantilla Position Title	Salary Grade
Mental Health Associate I	11
Mental Health Associate II	12
Mental Health Associate III	13
Mental Health Associate IV	14
Mental Health Associate V	15
Mental Health Specialist I	16
Mental Health Specialist II	18
Mental Health Specialist III	20

Mental Health Specialist IV	22
Mental Health Specialist V	24

1 All existing plantilla positions of Guidance Counselors and Psychologists in the
2 DepEd shall be converted to Mental Health Specialists plantilla positions, and their
3 corresponding salary grades shall be adjusted in accordance with the salary schedule
4 prescribed in this Act.

5 To implement Sec. 11(b) of this Act, the DepEd, in consultation with the Civil
6 Service Commission (CSC), shall determine the required eligibility and qualifications of
7 the plantilla positions under this section.

8 The DepEd shall likewise coordinate with the Department of Budget and
9 Management and the CSC to ensure that the necessary changes in the newly created
10 plantilla positions and the converted existing plantilla positions with the adjusted salary
11 grades are reflected in the Revised Compensation and Position Classification System
12 and other relevant existing rules and regulations.

13

14 *Sec. 9. Scholarship and Training Programs; Service Obligation.* – The DepEd shall
15 endeavor to attract the best available and competent personnel for the Center through
16 scholarship and training programs, teacher exchange programs, and other similar
17 incentives.

18 The DepEd, in collaboration with the Commission on Higher Education (CHED),
19 shall develop a scholarship program for in-service teachers, Mental Health Associates,
20 and non-teaching personnel who shall complete a master’s degree in Guidance and
21 Counseling or Psychology and who shall be required to take the licensure examinations
22 within an agreed period of time.

23 The scholars shall be required to fulfill an obligation to return service in the
24 DepEd by serving as Mental Health Specialists or Mental Health Associates for such
25 reasonable period as may be determined by the DepEd.

26

27 *Sec. 10. Pre-Service Education; Continuing Education; Other Stakeholders*
28 *Training.* – The DepEd shall collaborate with the CHED to ensure that teacher

1 education institutions offering bachelor of elementary or secondary education degrees
2 include courses on mental health in the curriculum.

3 Further, the DepEd shall carry out the appropriate regular training and skills
4 upgrading and development for the personnel of the Center.

5 To promote the mental health awareness of the school community, the DepEd,
6 in collaboration with the Department of Health (DOH), shall equip all teaching and
7 non-teaching personnel in public and private basic education schools, as well as other
8 stakeholders, with the needed basic knowledge and positive values and attitudes
9 regarding mental health management to detect learners who may need mental health
10 support and refer them to the Center for appropriate intervention.

11

12 *Sec. 11. Progressive Realization of Promoting and Ensuring Mental Health and*
13 *Well-Being In Basic Education; Creation of a Division under the Bureau of Learners*
14 *Support Services and Staffing Pattern.* – The DepEd shall create a Division under the
15 Bureau of Learners Support Services to lead in the progressive realization of
16 promoting and ensuring mental health and well-being in basic education. Towards this
17 end, the Division shall develop the general framework to guide the development and
18 monitor the implementation of the Localized Multi-Year Roadmap on the School-Based
19 Mental Health Program under Sec. 7 of this Act, and provide yearly targets such as,
20 but not limited to, the following:

- 21 a. establishment of Centers under Sec. 5;
- 22 b. creation and filling up of the plantilla positions for the personnel of the
23 Centers under Sec. 8;
- 24 c. capacity-building and training programs for the personnel and other
25 stakeholders under Secs. 9 and 10; and
- 26 d. funding requirements with a determination of appropriate budgetary
27 allocation and inclusion under the yearly national expenditure program of
28 the government.

29 Finally, the DepEd, through the Division, shall coordinate with the CHED to
30 ensure the supply of qualified professionals through recruitment of students in the
31 appropriate courses and ensure their seamless progression from higher education to

1 employment, taking into consideration the demand for such professionals in the
2 Centers.

3

4 *Sec. 12. Appropriations.* – The amount needed for the initial implementation of
5 this Act shall be charged against those authorized in the current appropriations of the
6 DepEd. Thereafter, the amount necessary for the continued implementation of this
7 Act shall be included in the budget as a separate line item in the annual General
8 Appropriations Act.

9

10 *Sec. 13. Joint Congressional Oversight Committee on the School-Based Mental*
11 *Health Program.* – There is hereby created a Joint Congressional Oversight Committee
12 (JCOC) to oversee, monitor and evaluate the implementation and impact of this Act.
13 The JCOC shall be composed of five (5) members each from the Senate and the House
14 of Representatives (House) with the Chairperson of the Committee on Basic Education
15 of the Senate and the Chairperson of the Committee on Basic Education and Culture
16 of the House as Co-chairpersons. The Chairpersons of the Committees on Higher and
17 Technical Education of both Houses, the Chairperson of the Committee on Finance of
18 the Senate, and the Chairperson of the Committee on Appropriations of the House
19 shall likewise be designated as members of the JCOC. The President of the Senate
20 and the Speaker of the House shall designate the other two (2) members of the JCOC
21 of the Senate and the House, respectively, from among the members of the Senate
22 Committee on Basic Education and the House Committee on Basic Education and
23 Culture, one (1) member of each chamber shall be from the minority.

24

25 *Sec. 14. Annual Report.* – Three (3) years after the effectivity of this Act, the
26 DepEd shall commence submitting annual reports to the Committee on Basic Education
27 of the Senate and the Committee on Basic Education and Culture of the House on the
28 status of its implementation.

29

30 *Sec. 15. Implementing Rules and Regulations.* – Within ninety (90) days from
31 the effectivity of this Act, the DepEd, in consultation with relevant national government

1 agencies and other education and health stakeholders, shall issue the rules and
2 regulations implementing its provisions. The Implementing Rules and Regulations
3 (IRR) issued pursuant to this section shall take effect thirty (30) days after its
4 publication in a newspaper of general circulation.

5

6 Sec. 16. *Separability Clause.* – If any part or provision of this Act is held invalid
7 or unconstitutional, the other provisions not so declared shall remain in force and
8 effect.

9

10 Sec. 17. *Repealing Clause.* – All other laws, executive orders, presidential
11 decrees, administrative orders, rules and regulations, issuances, or parts thereof
12 contrary to or inconsistent with the provisions of this Act are hereby repealed or
13 amended accordingly.

14

15 Sec. 18. *Effectivity.* – Notwithstanding the non-issuance of the IRR, this Act
16 shall take effect fifteen (15) days after its publication in the Official Gazette or in a
17 newspaper of general circulation.

Approved,