

H. No. 5253
S. No. 2128

Republic of the Philippines
Congress of the Philippines
Metro Manila

Twelfth Congress

Third Regular Session



Begun and held in Metro Manila, on Monday, the twenty-eighth day
of July, two thousand three.

[REPUBLIC ACT NO. 9258]

AN ACT PROFESSIONALIZING THE PRACTICE OF
GUIDANCE AND COUNSELING AND CREATING FOR
THIS PURPOSE A PROFESSIONAL REGULATORY
BOARD OF GUIDANCE AND COUNSELING,
APPROPRIATING FUNDS THEREFOR AND FOR
OTHER PURPOSES

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

ARTICLE I
TITLE, DECLARATION OF POLICY,
DEFINITION OF TERMS

SECTION 1. *Title.* — This Act shall be known as the
"Guidance and Counseling Act of 2004."

SEC. 2. Declaration of Policy. – It is hereby declared a policy of the State to promote the improvement, advancement, and protection of the guidance and counseling 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 counselors in nation-building and promotes the sustained development of a reservoir of guidance counselors whose competence have been determined by honest and credible licensure examinations and 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.

SEC. 3. Definition of Terms. – As used in this Act, the following terms shall mean:

a) 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 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, psychological testing, (as to personality, career interest, study orientation, mental ability and aptitude), research, placement, group process, teaching and practicing of guidance and counseling subjects, particularly subjects given in the licensure examinations, and other human development services.

b) 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 Regulation Commission (PRC) in accordance with this Act and by virtue of specialized training performs for a fee, salary or other forms of compensation, the functions of guidance and counseling under Section 3 (a) of this Act.

ARTICLE II
THE PROFESSIONAL REGULATORY BOARD
OF GUIDANCE AND COUNSELING

SEC. 4. *Creation of the Professional Regulatory Board of Guidance and Counseling.* – There shall be created a Professional Regulatory Board of Guidance and Counseling, hereinafter referred to as the Board, under the administrative control and supervision of the Professional Regulation Commission, hereinafter referred to as the Commission, to be composed of a Chairman and two (2) members who shall be appointed by the President of the Philippines from among a list of three (3) recommendees for each position submitted by the Commission from a list of five (5) nominees for each position submitted by the accredited and integrated organization of guidance counselors.

SEC. 5. *Powers, Functions, Duties and Responsibilities of the Board.* – The Professional Regulatory Board shall have the following specific powers, duties and responsibilities:

(a) Supervise and regulate the practice of Guidance and Counseling;

(b) Determine and evaluate the qualifications of the applicants for registration with or without licensure examinations and for issuance of special permits;

(c) Prepare the examination questions in accordance with Section 15 hereof or the modifications thereof, and correct and rate the examination papers through a process of computerization;

(d) Prepare, adopt, issue or amend the syllabi for the subjects in the licensure examination, in consultation with the Commission on Higher Education (CHED), the academe and the accredited professional organization;

(e) Register successful examinees in the licensure examination and issue the corresponding certificates of registration;

(f) Issue special/temporary permits to foreign guidance counselors to practice Guidance and Counseling for specific projects and for a specific duration of time for a fee or on medical mission without a fee;

(g) Monitor the conditions affecting the practice of Guidance and Counseling, conduct ocular inspection of places where guidance counselors practice their profession, and adopt measures for the enhancement of the profession and the maintenance of high professional, technical and ethical standards;

(h) Ensure, in coordination with the CHED, that all educational institutions offering the course/program of Guidance and Counseling comply with the policies, standards and requirements of the said course prescribed by the CHED in the areas of curriculum, faculty, library and facilities;

(i) Promulgate rules and regulations including a Code of Ethics, a Code of Technical Standards for guidance counselors and administrative policies, orders and issuances, to carry out the provisions of this Act;

(j) Investigate violations of this Act and the Rules and Regulations, Code of Ethics, Code of Technical Standards, administrative policies, orders and issuances promulgated by the Professional Regulatory Board. The rule on administrative investigation promulgated by the Commission shall govern in such investigation;

(k) Issue *subpoena* or *subpoena duces tecum* to secure the attendance of respondents or witnesses or the production of documents relative to the investigation conducted by the Board;

(l) Render decision, order or resolution on preliminary investigation or inquiry against violators of this Act, Rules and Regulations, Code of Ethics, Code of Technical Standards or any policy on undocketed cases and on docketed administrative cases against examinees or registrants, which shall become final and executory unless appealed with the Commission within fifteen (15) days from receipt of the copy thereof:

(m) Issue, suspend, revoke or re-issue any license for the practice of Guidance and Counseling as defined in this Act;

(n) Administer oaths necessary for the effective implementation of this Act;

(o) Initiate criminal action against any violator of this Act and/or the rules and regulations of the Board;

(p) Adopt the official seal of the Board;

(q) Prescribe guidelines and criteria on the continuing professional education (CPE);

(r) Adopt such measures necessary and proper for the maintenance of high ethical and professional standards in the practice of the profession; and

(s) Perform such other functions and duties as may be necessary to effectively implement this Act.

The policies, resolutions and rules and regulations issued or promulgated by the Professional Regulatory Board shall be subject to review and approval by the Commission; however, the Board's decisions, resolutions or orders which are not interlocutory, rendered in an administrative case, shall be subject to review only if on appeal with the Commission. The decision of the Board and/or the Commission may be appealed to the Court of Appeals in accordance with the Rules of Court.

SEC. 6. *Qualifications of the Professional Regulatory Board Members.* – The Chairman and members of the Professional Regulatory Board, at the time of their appointment shall:

(a) Be a citizen of the Republic of the Philippines;

(b) Be a resident of the country for at least five (5) years immediately prior to his/her appointment;

(c) Be of good moral character and must not have been convicted of any crime involving moral turpitude;

(d) Be a qualified guidance counselor holding a valid Certificate of Registration: *Provided*, That in the case of the first members of the Board of Guidance and Counseling, they shall be issued Certificates of Registration as guidance counselors without prior examination;

(e) Be a holder of a doctoral degree in Guidance and Counseling from a reputable college or university duly recognized by the CHED and/or by a duly accredited college or university abroad;

(f) Have at least ten (10) years of continuous professional practice as a guidance counselor or counselor educator under this Act;

g) Not be a member of the faculty of any school, college, or university where regular and/or review courses in guidance and counseling education is taught nor have any pecuniary interest in such institution; and

(h) Not be an official of the integrated and accredited national professional organization.

SEC. 7. *Term of Office.* – The members of the Board shall hold office for a term of three (3) years or until their successors shall have been appointed and qualified. They may, however, be reappointed for a second term. Of the members to be appointed for the first Board, one (1) member shall hold office as Chairman for three (3) years; one (1) as member for two (2) years; and one (1) member for a term of one (1) year. Any vacancy in the Board shall be filled for the unexpired portion of the term only. Each member shall take the proper oath prior to assumption of duty.

SEC. 8. *Administrative Supervision of the Board, Custodian of its Records, Secretariat and Support Services.* – All records of the Board, including application for examination

and administrative and other investigative cases shall be under the custody of the Commission. The Commission shall designate the Secretary of the Board and shall provide the secretariat and support services to implement the provisions of this Act.

SEC. 9. *Compensation and Allowances of the Board.* – The Chairman and members of the Board shall receive compensation and allowances comparable to the compensation and allowances received by the chairman and members of existing regulatory boards under the Commission as provided for in the General Appropriations Act.

SEC. 10. *Grounds for Suspension or Removal of Board Members.* – The President of the Philippines, upon the recommendation of the Commission, after giving the concerned member an opportunity to defend himself/herself in a proper administrative investigation to be conducted by the Commission, may remove and suspend any member on the following grounds:

- (a) neglect of duty or incompetence;
- (b) violation or tolerance of the violation of this Act or the Code of Ethics and Code of Professional and Technical Standards for guidance counselors;
- (c) conviction by final judgment of crimes involving moral turpitude;
- (d) manipulation or rigging of the licensure examination results, disclosure of secret information or the examination questions prior to the conduct of the said examination, or tampering of the grades therein; or
- (e) conviction by final judgment of any criminal offense by the courts.

SEC. 11. *Annual Report.* – The Chairman of the Board, shall after the close of the fiscal year, submit an annual report to the Commission, giving a detailed accounting of the proceedings of the Board during the year and embodying such recommendations as the Board may desire to make.

ARTICLE III
EXAMINATION, REGISTRATION
AND LICENSURE

SEC. 12. *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.

SEC. 13. *Qualifications for Examination.* – In order to qualify for the examination, an applicant must, at the time of filing the application, be:

(a) a citizen of the Republic of the Philippines or a foreigner whose country has reciprocity with the Philippines in the practice of Guidance and Counseling;

(b) has not been convicted of an offense involving moral turpitude by a competent court; and

(c) holder of a Bachelor's Degree in Guidance and Counseling or in other allied disciplines and a master's degree in Guidance and Counseling from an institution in the Philippines or abroad recognized and accredited by the CHED.

SEC. 14. *Registration Without Taking Licensure Examination.* – A person who possesses the pertinent qualifications required for admission in the examination for registration as a guidance counselor pursuant to the provisions of this Act may be registered without examination: *Provided*, That the applicant files with the Board within two (2) years after its creation, an application for registration and issuance of a Certificate of Registration and Professional Identification Card by submitting credentials showing that the applicant before the effectivity of this Act:

a) Had been doctoral and masters degree holders in Guidance and Counseling with at least three (3) years of teaching

experience in Guidance and Counseling courses and/or full-time counseling practice for the same period;

b) Had passed at least eighteen (18) units of Master's level courses in Guidance and Counseling such as Counseling Techniques/Theories, Organization and Administration of Guidance Services, Tests and Measurement, Group Process/Counseling and Career Guidance/Counseling; and, have at least seven (7) years of experience in counseling work; and

c) Had completed academic requirements for a master's degree in guidance and counseling and have five (5) years experience as full-time guidance counselors.

SEC. 15. *Scope of Examination.* – The examination shall cover the following subject areas:

(a) Philosophical, Psychological and Sociological Foundations of Guidance;

(b) Counseling Theories, Tools and Techniques;

(c) Psychological Testing;

(d) Organization and Administration of Guidance Services;
and

(e) Group Process and Program Development.

The Board, subject to approval by the Commission, may revise or exclude any of the subjects and their syllabi, and add new ones as the need arises.

SEC. 16. *Report of Ratings.* – The Board shall, within ten (10) days after the examination, report the ratings obtained by each candidate to the Commission.

SEC. 17. *Ratings in the Examination and Re-examination.*
– To be qualified as having passed the licensure examination for

guidance counselors, a candidate must have obtained a weighted general average of seventy-five percent (75%), with no grade lower than sixty percent (60%) in any given subject. However, an examinee who obtains a weighted average of seventy-five percent (75%) or higher but obtains a rating below sixty percent (60%) in any given subject, must take an examination in the subject or subjects where he obtained a grade below sixty percent (60%) within two (2) years from the date of the last examination. The subject or subjects retaken must have each a rating of no less than seventy-five percent (75%) in order to qualify as having passed the examination.

SEC. 18. *Oath-Taking.* – All successful examinees shall be required to take a professional oath before any member of the Board or any officer of the Commission authorized by the PRC, or any officer authorized by law.

SEC. 19. *Issuance of Certificates of Registration and Professional Identification Card.* – A Certificate of Registration as a guidance counselor shall be issued to any applicant who passes the examination or who is registered without examination, bearing the signature of the Commission Chairperson and the Chairman and members of the Board, and the official seal of the Board.

A Professional Identification Card bearing the registration number, date of issuance, expiry date, duly signed by the Commission Chairperson, shall likewise be issued to every registrant who has paid the prescribed fee.

SEC. 20. *Roster of Guidance Counselors.* – The Board, in coordination with the accredited professional organization, shall keep a roster of the names, residence and office addresses of all registered and licensed guidance counselors and the said roster shall be made available to the public upon request.

SEC. 21. *Integration of Guidance Counselors.* – All registered/licensed guidance counselors whose names appear in the roster of guidance counselors shall be united and integrated through their automatic membership in a one (1) and only registered and accredited national organization of registered/

licensed guidance counselors which the Board, subject to approval by the Commission, shall recognize and accredit after consultation with all existing organizations of registered and licensed guidance counselors and, if possible, with all those who are not members of any of the said organizations. The members in the said integrated and accredited national organization shall receive benefits and privileges appurtenant thereto upon payment of required fees and dues. Membership in the integrated organization shall not be a bar to membership in any other association of guidance counselors.

SEC. 22. *Indication of Certificate of Registration Number and Professional Tax Receipts (PTR).* – The guidance counselor shall be required to indicate his/her certificate of registration number, the date of issuance, the period of validity of the license, including the professional tax receipt number on the documents he/she signs, uses or issues in connection with the practice of his/her profession.

SEC. 23. *Practice Through Special/Temporary Permit.* – Special/temporary permit may be issued by the Board, subject to the approval of the Commission and payment of the fees the latter has prescribed and charged thereof, to the following persons:

(1) Licensed guidance counselors from foreign countries/ states whose services are either for a fee or free;

(a) If they are internationally well-known counselors or outstanding experts in any branch or speciality of guidance and counseling; and

(b) If their services are urgently and importantly necessary for lack of, or inadequacy of available local specialists/ experts for the promotion or advancement of the practice of guidance and counseling through transfer of technology.

(2) Licensed guidance counselors from foreign countries/ states whose services shall be free and limited to indigent patients in a particular hospital, center or clinic;

(3) Licensed guidance counselors from foreign countries/ states employed as exchange professors in a branch or specialty of guidance and counseling in schools, colleges, universities offering the course of guidance and counseling.

The permit shall, among other things, include these limitations and conditions for a period of not more than one (1) year subject to renewal, the branch or specialty of guidance and counseling, and the specific place of practice such as clinic, hospital, center, school/college/university offering the course of guidance and counseling. The Board, subject to approval by the Commission, shall prescribe rules and regulations on the implementation of this particular section.

SEC. 24. Denial, Suspension, Revocation of a Certificate of Registration, Cancellation of Special Permit. – The application for registration and the issuance of a Certificate of Registration may be denied for any of these causes:

- (a) Conviction of an offense involving moral turpitude by a competent court;
- (b) Finding of guilt by the Professional Regulatory Board for immoral and/or dishonorable conduct; and
- (c) Declaration by the court of the applicant as being insane.

The Certificate of Registration may be revoked or suspended, or the special permit may be cancelled for any of the above-enumerated causes including the following: fraudulent acquisition of Certificate of Registration and or special permit; abetment or tolerance of illegal practice by unqualified person through the use by the latter of guidance counselor's certificate, or special permit; violation of any provision of this Act, rules and regulations of the Board and the Commission and other policies thereof, including the Code of Ethics and Code of Technical Standards for guidance counselors; unethical, immoral, dishonorable or unprofessional conduct; malpractice; guilty of drug or alcohol abuse impairing his/her ability to practice his/

her profession; and practice of the profession during period of suspension by one whose Certificate of Registration had been suspended by the Board.

No certificate shall be denied, revoked or suspended for any of the reasons herein provided, until after sworn complaint in writing against the applicant or holder thereof shall have been filed and heard in a public hearing or upon request, behind closed doors.

SEC. 25. *Reinstatement.* – A person may apply to the Board for reinstatement of a certificate the issuance of which has been duly revoked at any time after the expiration of one (1) year from the date of revocation of said certificate. The application shall be in writing and shall conform to the requirements provided by the Board. No certificate shall be reinstated unless the Board is satisfied that a good cause exists to warrant such reinstatement.

SEC. 26. *Appeal.* – The decision on the denial or refusal to issue Certificate of Registration, the revocation or suspension of the Certificate of Registration, or cancellation of special permit by the Board shall be final unless appealed to the Commission within fifteen (15) days from receipt of the decision. The decision of the Board and/or Commission may be appealed to the Court of Appeals.

ARTICLE IV PRACTICE OF GUIDANCE AND COUNSELING

SEC. 27. *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 a valid Professional Identification Card or a special permit; (b) make representations to the public or to third persons as a licensed guidance counselor during the time that the license has been revoked or suspended, and, (c) allow anybody to use his/her license as guidance counselor to enable such unqualified individual 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.

SEC. 28. *Right to Privileged Communication for Guidance Counselors.* – A certified guidance counselor who is allowed to practice guidance and counseling in accordance with this Act cannot, without the consent of the client, be examined as to any communication or information which has been acquired while attending to such client. The protection accorded herein shall also extend to the records and secretary or clerk of a licensed guidance counselor, who may not be examined concerning any fact, the knowledge of which has been acquired in such capacity.

Any evidence obtained in violation of this provision shall be inadmissible for any purpose in any proceeding.

SEC. 29. *Foreign Reciprocity.* – No foreign guidance counselor shall be admitted to the examination, or be given a Certificate of Registration, or be entitled to any of the rights and privileges under this Act unless the country or state of which he/she is a subject or citizen permits Filipino guidance counselors to practice within its territorial limits on the same basis as the subjects or citizens of said country or state: *Provided*, That the requirements for certification of guidance counselors in said foreign state or country are substantially the same as those required and contemplated under this Act: *Provided, further*, That the laws of such state or country grant the same privilege to Filipino guidance counselors on the same basis as the subjects or citizens of such foreign state or country.

ARTICLE V
GENERAL PROVISIONS

SEC. 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.

SEC. 31. *Assistance of Law Enforcement Agency.* – Any law enforcement agency shall, upon call or request of the Commission or the Board, render assistance in enforcing this Act, including all the rules and regulations promulgated thereunder by prosecuting the violators thereof in accordance with law and the Rules of Court.

SEC. 32. *Implementing Rules and Regulations.* – Within sixty (60) days after the effectivity of this Act, subject to the approval of the Commission, the Board shall promulgate the necessary rules and regulations, in coordination with the integrated and accredited professional organization, to implement the provisions of this Act, which shall be effective after fifteen (15) days following its publication in the *Official Gazette* or newspaper of general circulation.

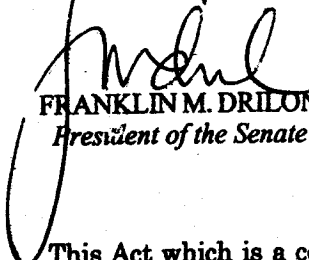
SEC. 33. *Penalty Clause.* – Any person who violates any provision of this Act and the rules and regulations issued by the Board and the Commission or commits fraud in the acquisition of Certificate of Registration or special permit, shall be punished with imprisonment of not less than six (6) months but not more than eight (8) years, or a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00) or both in the discretion of the court.

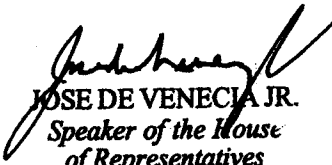
SEC. 34. *Separability Clause.* – If any part of this Act is declared unconstitutional, the remaining parts not affected thereby shall continue to be valid and operational.

SEC. 35. *Repealing Clause.* – All laws, decrees, orders, circulars, rules and regulations and other issuances, which are inconsistent with this Act, are hereby repealed, amended or modified accordingly.

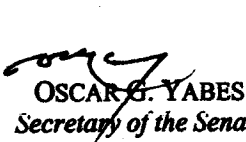
SEC. 36. *Effectivity.* – This Act shall take effect one (1) month after its publication in a newspaper of general circulation in the Philippines.

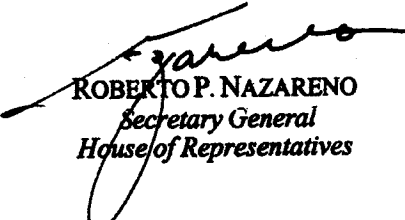
Approved,


FRANKLIN M. DRILON
President of the Senate


JOSE DE VENEZIA JR.
Speaker of the House of Representatives

This Act which is a consolidation of House Bill No. 5253 and Senate Bill No. 2128 was finally passed by the House of Representatives and the Senate on January 20, 2004 and January 19, 2004, respectively.


OSCAR G. YABES
Secretary of the Senate


ROBERT P. NAZARENO
Secretary General House of Representatives

Approved: MAR 0 2 2004


GLORIA MACAPAGAL-ARROYO
President of the Philippines

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