

H. No. 6574
S. No. 2200

Republic of the Philippines
Congress of the Philippines
Metro Manila
Nineteenth Congress
Third Regular Session

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

[REPUBLIC ACT NO. 12080]

AN ACT STRENGTHENING THE PROMOTION AND DELIVERY OF MENTAL HEALTH SERVICES IN BASIC EDUCATION BY DEVELOPING SCHOOL-BASED MENTAL HEALTH PROGRAMS, ESTABLISHING SCHOOLS DIVISION MENTAL HEALTH AND WELL-BEING OFFICES AND CARE CENTERS, PRESCRIBING THE CREATION OF NEW PLANTILLA POSITIONS, AND HIRING AND DEPLOYING SCHOOLS DIVISION COUNSELORS, SCHOOL COUNSELORS, AND SCHOOL COUNSELOR ASSOCIATES IN THE DEPARTMENT OF EDUCATION, AND APPROPRIATING FUNDS THEREFOR

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 “Basic Education Mental Health and Well-Being Promotion Act.”

SEC. 2. *Declaration of Policy and Objectives.* – The State recognizes the vital role of children and the youth in nation-building and shall foster and protect their holistic well-being. The State also affirms its policy to promote mental health and well-being in educational institutions.

To this end, the State shall ensure that learners and personnel receive the necessary support that addresses both their academic performance and overall well-being to facilitate the fulfillment of their aspirations.

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

(a) Strengthen the implementation of the existing mental health and guidance and counseling program and other health and wellness activities, including sports-related programs, through the development of an effective and efficient school-based mental health program, to promote and ensure the mental health and well-being of all learners, as well as provide mental health awareness and literacy programs and appropriate mental health-related referrals to the teaching and non-teaching personnel, in all public and private basic education schools in the country;

(b) Establish and maintain a Care Center as defined in Section 7 of this Act in every public basic education institution, and ensure their establishment and maintenance in private basic education institutions, to be operated by competent personnel, equipped with the necessary facilities, and supported with the required resources;

(c) Establish a Mental Health and Well-Being Office as defined under Section 5 of this Act, in every Schools Division Office (SDO), under the administration and supervision of the Department of Education (DepEd), to address the mental health and well-being of all learners and personnel of the DepEd under the jurisdiction of the SDO; and

(d) Hire, deploy, and capacitate competent personnel whose duties and responsibilities shall be geared towards promoting and ensuring the mental health and well-being of all learners, and promote their professional growth and career progression by prescribing the creation of new plantilla positions of Schools Division Counselors, School Counselors, and School Counselor Associates in the DepEd.

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

(a) *Counseling* refers to a dynamic face-to-face or online interaction between the counselor and the counselee, where the counselor employs various methods, approaches, or techniques to enhance the counselee's intrapersonal and interpersonal development and competencies.

(b) *Mental health*, as defined under Republic Act No. 11036, or the "Mental Health Act", refers to a state of well-being in which the individual realizes one's own abilities and potentials, copes adequately with the normal stresses of life, displays resilience in the face of extreme life events, works productively and fruitfully, and is able to make a positive contribution to the community.

(c) *Registered Guidance Counselor* refers to an individual who possesses a license or certification granted by the Professional Regulation Commission (PRC) and holds at least a Master's Degree in Guidance and Counseling, without prejudice to those registered under the grandfather clause of Republic Act No. 9258, or the "Guidance and Counseling Act of 2004", and is competent to perform guidance and counseling and career guidance, and implement mental health programs.

(d) *Registered Psychologist* refers to an individual who possesses a license and holds a valid certificate of registration and a valid professional identification card as a Professional Psychologist, issued by the Professional Regulatory Board of Psychology and the PRC, and with at least a Master's Degree in Psychology.

(e) *Schools Division Counselor* refers to the plantilla position in the DepEd which shall be filled up by a Registered Guidance Counselor or a Registered Psychologist charged with heading the Mental Health and Well-Being Office in the SDO and ensuring the performance of its functions under Section 5 of this Act.

(f) *School Counselor* refers to the plantilla position in the DepEd which shall be filled up by a Registered Guidance Counselor or a Registered Psychologist charged with heading the school Care Center and ensuring the performance of its functions under Section 8 of this Act.

(g) *School Counselor Associate* refers to the plantilla position in the DepEd which shall be filled up by a graduate of (1) a Bachelor's Degree in Guidance and Counseling or Psychology; (2) any Bachelor's Degree with at least eighteen (18) units of courses in Guidance and Counseling or Psychology; or (3) any related Bachelor's Degree and who must have earned a minimum of eighteen (18) units of Behavioral Science courses that shall include two hundred (200) hours of supervised practicum or internship experience on guidance and counseling, preferably in a school or community setting.

SEC. 4. *School-Based Mental Health Program; School-Based Mental Health Services.* – The implementation of the existing mental health program of the DepEd shall be strengthened through the development of a School-Based Mental Health Program, hereinafter referred to as the Program, to promote and ensure the mental health and well-being of all learners in all public and private basic education schools, including out-of-school children in special cases as defined under Republic Act No. 11510, or the "Alternative Learning System Act", taking into consideration the provisions under Republic Act No. 11650, or the "Instituting a Policy of Inclusion and Services for Learners with Disabilities in Support of Inclusive Education Act".

The Program shall promote mental health awareness and manage the mental health concerns of all learners, including the prevention of suicide in schools. The program shall likewise define the role of every stakeholder in the school community to appropriately respond to such mental health concerns through prevention, intervention, postvention, and recovery.

The Program shall be developed in consultation with the learners, their parents and parent-substitutes, and local government units, and designed to provide school-based mental health services including the following: screening, evaluation, assessment, and monitoring; mental health first aid; crisis response and referral system; mental health awareness and literacy; emotional, developmental, and preventive programs; and other support services such as strengthening the learners' family bonds. The DepEd shall likewise implement complementary measures that promote healthy behaviors, habits, and activities among learners and eliminate the stigma on mental health counseling. Further, it shall provide mental health awareness programs and literacy and appropriate mental health-related referrals to the teaching and non-teaching personnel.

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

SEC. 5. *Establishment of a Mental Health and Well-Being Office in Every Schools Division Office.* – There is hereby established, under the administration and supervision of the DepEd, a Mental Health and Well-Being Office, hereinafter referred to as the Office, in every SDO, which is primarily tasked to address the mental health and well-being of all learners and personnel of the DepEd under the jurisdiction of the SDO. It shall be headed by a Schools Division Counselor with Salary Grade 24 whose qualifications must include being a Registered Guidance Counselor or a Registered Psychologist.

SEC. 6. *Functions of the Mental Health and Well-Being Office.* – The Office shall have the following functions:

(a) Provide a general framework for the mental health and well-being programs of the schools under its jurisdiction. This framework shall encompass strategies and guidelines to promote the psychological welfare of learners within the educational system;

(b) Review, revise, and approve the mental health and well-being programs submitted by schools, particularly if the head of the Care Center is not a School Counselor, to ensure that the programs are aligned with established standards and best practices in the field of mental health;

(c) Conduct periodic visits to the schools under its jurisdiction to assess the implementation of mental health and well-being programs, evaluate their effectiveness, and determine the overall mental health status of the learners;

(d) Provide technical assistance and counseling services to learners under its jurisdiction, particularly in cases where there is no designated School Counselor available. This includes offering support, guidance, and interventions to address the mental health needs of individual learners;

(e) Ensure that relevant training and capacity-building is conducted for School Counselors, School Counselor Associates, and other personnel of Care Centers, as provided in Section 12 of this Act;

(f) Maintain comprehensive records of its activities, including program approvals, school visits, training and equipping of learners and personnel, and counseling sessions;

(g) Collaborate with relevant stakeholders, including educators, parents, and mental health professionals, to foster a holistic approach to mental health within the educational system. This collaboration may involve joint initiatives, sharing of resources, and coordination of efforts to promote the overall well-being of learners;

(h) Conduct periodic evaluations of its own effectiveness and the impact of the implemented programs. Based on these evaluations, necessary adjustments and adaptations to the framework and activities shall be made to ensure the continuous enhancement of mental health support within the educational system; and

(i) Perform other activities within the purview of guidance and counseling deemed necessary to enhance the mental health and well-being of learners.

SEC. 7. Establishment of a Care Center in Every School; Conversion of Guidance Offices to Care Centers; Utilization of the Career Guidance and Counseling Program Centers. – The DepEd shall establish and maintain a Care Center, hereinafter referred to as the Center, in every public basic education school, as well as ensure their establishment and maintenance in private basic education schools in the country. The Center shall be equipped with functional physical facilities, located within an adequate space where confidentiality is maintained and accessible to all learners including out-of-school children in special cases as defined under Republic Act No. 11510, and the teaching and non-teaching personnel.

For this purpose, secondary schools may utilize the Career Guidance and Counseling Program (CGCP) Centers required to be established under Section 5 of Republic Act No. 11206, or the “Secondary School Career Guidance and Counseling Act”. All existing Guidance and Counseling Offices shall be converted and renamed to “Care Center”.

The Center shall be headed by a School Counselor who shall be under the direct supervision of the Schools Division Counselor of the Mental Health and Well-Being Office at the division level. The School Counselor shall be assisted by a School Counselor Associate, and other necessary support personnel as may be determined by the DepEd upon

the recommendation of the Schools Division Counselor. The School Counselor Associate shall be subject to the conditions of professional practice under Sections 27 and 28 of Republic Act No. 9258, or Sections 30 and 32 of Republic Act No. 10029, or the “Philippine Psychology Act of 2009”, as applicable.

In addition to implementing the program and delivering the services of the Center under this Act, the School Counselor and School Counselor Associate shall likewise assist the school administrator in the CGCP Centers, in accordance with Section 5 of Republic Act No. 11206.

SEC. 8. Functions of the Center. – The Center in every public basic education school shall deliver school-based mental health services that are required in the fulfillment of the following functions:

(a) Develop a localized school-based mental health program as provided under Section 4 of this Act to strengthen the implementation of the existing mental health program of the DepEd based on the framework provided by the Office to promote and ensure the mental health and well-being of all learners, as well as provide mental health awareness and literacy programs and appropriate mental health-related referrals to teaching and non-teaching personnel. This shall be submitted to the Office at the SDO for review and approval particularly if there is no School Counselor in the Center;

(b) Render counseling when the Center has a School Counselor or facilitate referral to the Schools Division Counselor for counseling when it only has School Counselor Associates;

(c) Maintain a comprehensive record of counseling sessions through case notes that shall include learners’ information, interventions conducted, referrals, and other recommendations that the Center deems relevant and essential to the improvement of the mental health and well-being of the learners;

(d) Conduct proper monitoring of all learners to identify their mental health needs and concerns and to determine appropriate and timely response and intervention when necessary;

(e) Equip the learners with skills and information for prevention, identification, and proper response and referral for their

own and others' mental health needs, especially learners identified as children in conflict with the law, learners at risk of dropping out, learner-victims of violence against women and their children, learners who are victims of natural calamities, armed conflicts, and other emergencies, learners with disabilities, and learner-victims of other related forms of child abuse and criminal acts, young mothers and fathers, and learners who have recently experienced traumatic experiences in their schools or communities;

(f) Provide training and support to teachers and other personnel in improving mental health awareness and preparedness to enable them to identify early warning signs of mental health problems and the need for appropriate intervention;

(g) Facilitate the efficient referral to appropriate agencies, institutions, organizations, or professionals for necessary intervention and aftercare support in addressing mental health concerns and needs of learners. The Center shall also monitor all learners who have gone through third-party intervention to ensure their continuous improvement;

(h) Engage and provide support to parents, parent-substitutes, and other concerned stakeholders in improving the school behavior and ensuring the academic success of learners;

(i) Establish linkages with the community through the promotion of mental health programs and activities geared towards the holistic well-being of learners;

(j) Prepare and submit reports periodically to the Office at the SDO for review; and

(k) Perform such other functions and activities that may be assigned to it periodically by the DepEd within the purview of guidance and counseling.

SEC. 9. *Creation of New Plantilla Positions.* – For purposes of this Act, the Department of Budget and Management (DBM) shall, in consultation with the DepEd, the Civil Service Commission (CSC), and relevant professional organizations, create the following new plantilla positions in the DepEd and include the same in the revised compensation and position classification system, and index of occupational services, occupational groups, classes, and salary grades:

Plantilla Position Title	Salary Grade
School Counselor Associate I	11
School Counselor Associate II	12
School Counselor Associate III	13
School Counselor Associate IV	14
School Counselor Associate V	15
School Counselor I	16
School Counselor II	18
School Counselor III	20
School Counselor IV	22
Schools Division Counselor	24

The positions of Guidance Counselor, Guidance Coordinator, and Guidance Services Specialist shall be converted or reclassified, or both, to the pertinent newly created positions. The DepEd, DBM, and CSC shall determine the eligibility and qualifications of the newly created positions in accordance with this Act.

SEC. 10. *Hiring and Deployment of Personnel.* – The DepEd and the DBM shall prioritize the hiring of Schools Division Counselors in all Mental Health and Well-Being Offices pursuant to the progressive realization as provided under Section 13 of this Act.

Until the plantilla positions for School Counselor and School Counselor Associates are filled up, the DepEd may assign teachers to deliver school-based mental health services supervised by the School Counselor in the school, if available, or by the Schools Division Counselor: *Provided, That they undergo sufficient capacity-building as determined by the DepEd: Provided, further, That they shall receive honoraria for the delivery of such services, subject to the guidelines set by the DBM and the Commission on Audit.*

SEC. 11. *Professional and Career Development.* – The DepEd shall, in coordination with the DBM, CSC, and PRC, 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.

The promotion of School Counselors and School Counselor Associates shall be based on merit, fitness, and competence through the reclassification of position titles.

The DepEd shall, in collaboration with the Commission on Higher Education (CHED), develop a scholarship program for teaching personnel interested in becoming either a (a) School Counselor Associate, requiring the completion of a Bachelor's Degree in Guidance and Counseling or Psychology, any Bachelor's Degree with at least eighteen (18) units of courses in Guidance and Counseling or Psychology, or any related Bachelor's Degree with at least eighteen (18) units of courses of Behavioral Science including two hundred (200) hours of supervised practicum or internship experience on guidance and counseling; or (b) School Counselor, necessitating the attainment of a Master's Degree in Guidance and Counseling or Psychology, and successful passing of the licensure examinations within a reasonable period.

A scholarship program shall likewise be made available to School Counselor Associates to qualify as School Counselor.

The scholars shall be required to fulfill an obligation to return service in the DepEd by serving as School Counselors or School Counselor Associates for such reasonable period as may be determined by the DepEd.

SEC. 12. Pre-Service Education; Continuing Education; Other Stakeholders' Training. – The DepEd shall collaborate with the CHED to ensure that teacher education institutions offering Bachelor of Elementary or Secondary Education degrees shall include courses on mental health in the curriculum.

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

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

SEC. 13. Progressive Realization of Promoting and Ensuring Mental Health and Well-Being in Basic Education; Creation of a Division under the Bureau of Learners Support Services. – The DepEd

shall create a Division under the Bureau of Learners Support Services to lead in the progressive realization of promoting and ensuring mental health and well-being in basic education. To this end, the Division shall provide yearly targets such as, but not limited to, the following:

(a) Establishment of Mental Health and Well-Being Offices under Section 5 of this Act;

(b) Establishment of Centers under Section 7 of this Act;

(c) Creation and filling up of the plantilla positions for the personnel of the Mental Health and Well-Being Offices and Centers under Sections 9 and 10 of this Act;

(d) Capacity-building and training programs for the personnel and other stakeholders under Sections 11 and 12 of this Act; and

(e) Funding requirements with a determination of appropriate budgetary allocation and inclusion under the yearly national expenditure program of the government.

Finally, the DepEd, through the Division, shall coordinate with the CHED to ensure the supply of qualified professionals through the recruitment of students in the appropriate courses and ensure their seamless progression from higher education to employment, taking into consideration the demand for such professionals in the Centers.

SEC. 14. Privileged Communication. – To encourage open and honest communication between the learner and Schools Division Counselor, School Counselor, or School Counselor Associate and create a safe and trusting environment for the learners, all communications, in any form, in the context of mental health support services shall be considered privileged and confidential except when (a) there is a clear and imminent risk of harm to the learner or others, (b) there is a legal obligation to disclose information in accordance with law, or (c) the learner, parent, or legal guardian consents to share specific information with designated individuals.

SEC. 15. Benefits. – The Schools Division Counselors, School Counselors, and School Counselor Associates shall enjoy the rights and privileges as provided in Republic Act No. 7305, or the "Magna Carta of Public Health Workers", Republic Act No. 11036, and other pertinent laws.

SEC. 16. *Programs and Projects Related to Mental Health.* – The DepEd shall provide sufficient resources for the planning and effective implementation of mental health programs and projects of the Offices and Centers.

SEC. 17. *Appropriations.* – The amount needed for the initial implementation of this Act shall be charged against those authorized in the current appropriations of the DepEd. Thereafter, the amount necessary for the continued implementation of this Act shall be included in the budget as a separate line item in the annual General Appropriations Act.

SEC. 18. *Joint Congressional Oversight Committee.* – There is hereby created a Joint Congressional Oversight Committee (JCOC) on the Basic Education Mental Health Program to monitor and oversee the implementation of the provisions of this Act.

The JCOC shall be composed of five (5) members each from the Senate and the House of Representatives, respectively, to be chaired jointly by the chairpersons of the Committee on Basic Education of the Senate and the Committee on Basic Education and Culture of the House of Representatives. The members from the Senate, with one (1) senator representing the minority, shall be appointed by the President of the Senate. The members from the House of Representatives, with one (1) member representing the minority, shall be appointed by the Speaker of the House of Representatives.

SEC. 19. *Annual Report.* – Three (3) years after the effectivity of this Act, the DepEd shall commence the submission of annual reports on the status of its implementation to the Committee on Basic Education of the Senate and the Committee on Basic Education and Culture of the House of Representatives.

SEC. 20. *Implementing Rules and Regulations (IRR).* – Within ninety (90) days from the approval of this Act, the CSC, DBM, DepEd, and PRC shall jointly formulate and issue the rules and regulations necessary for the effective implementation of this Act.

SEC. 21. *Separability Clause.* – If any part or provision of this Act is declared invalid or unconstitutional, other parts not affected thereby shall continue to be valid and subsisting.

SEC. 22. *Repealing Clause.* – All laws, presidential decrees, executive orders, presidential proclamations, rules and regulations, or parts thereof contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.


SEC. 23. *Effectivity.* – Notwithstanding the non-issuance of the IRR, this Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.


Approved,


FRANCIS "CHIZ" G. ESCUDERO
President of the Senate


FERDINAND MARTIN G. ROMUALDEZ
Speaker of the House of Representatives

This Act, which is a consolidation of House Bill No. 6574 and Senate Bill No. 2200, was passed by the House of Representatives and the Senate of the Philippines on September 4, 2024.


RENATO N. BANTUG JR.
Secretary of the Senate


REGINALD S. VELASCO
Secretary General House of Representatives

DEC 06 2024

Approved:


FERDINAND ROMUALDEZ MARCOS JR.
President of the Philippines



Office of the President
MALACAÑANG RECORDS OFFICE

CERTIFIED COPY

ATTY. LOVELY V. TOLENTINO-NAVA
ACTING DIRECTOR IV

ME120924


REPUBLIC OF THE PHILIPPINES


PBBM006748