



## Office of the Sangguniang Panlungsod

CITY OF BOGO

Province of Cebu

Republic of the Philippines

2<sup>nd</sup> Floor City Hall, City of Bogo, Province of Cebu 6010 Trunklines 2605310-11 local 1052 [f](#) Sangguniang Panlungsod of the City of Bogo

54<sup>th</sup> Session

7<sup>th</sup> SP

### EXCERPT FROM THE MINUTES OF THE REGULAR SESSION AND CONSULTATIVE ASSEMBLY OF THE 7<sup>TH</sup> SANGGUNIANG PANLUNGSOD OF THE CITY OF BOGO HELD AT THE SESSION HALL ON JULY 4, 2023

#### Present:

Hon. Maria Cielo A. Martinez	Vice-Mayor, Presiding Officer
Hon. Erwin P. Rosal	SP Member
Hon. Luis A. Asiendo Jr.	SP Member
Hon. Ethel A. Gulane	SP Member
Hon. Romeo B. Alarde Jr.	SP Member
Hon. Alexie R. Sevilla	SP Member
Hon. Domingo P. Armenton	SP Member
Hon. Vivian M. Canama	SP Member
Hon. Noel S. Seno	SP Member
Hon. Santiago M. Oliamot	SP Member
Hon. Victor Elliot S. Lepiten III	SP Member
Hon. Emma U. Jagdon	Ex-Officio Member, ABC President
Hon. Philippe Romeo V. Tolingin	Ex-Officio Member, SKF President

**WHEREAS**, pursuant to Republic Act No.11036 known as "Mental Health Act" it is the declared policy of the State to affirm the basic right of all Filipinos to mental health as well as the fundamental rights of people who require mental health services;

**WHEREAS**, mental health is a vital part of a person's total health to include issues of target populations susceptible to psychosocial risks caused by extreme life experiences such as disasters, near-death experiences, heinous, and violent crimes;

**WHEREAS**, there is a need to include mental health in the public health and hospital system in order to render available, accessible, affordable, and equitable quality mental health care and services to the constituents of the City of Bogo;

**NOW THEREFORE**, upon motion of Hon. Ethel A. Gulane duly seconded by Hon. Vivian M. Canama, be it;

**RESOLVED**, to enact the following:

#### ORDINANCE NO. 015-2023

#### AN ORDINANCE ENACTING THE MENTAL HEALTH CODE OF THE CITY OF BOGO

Authored by Hon. Ethel A. Gulane  
Chair, Committee on Health and Sanitation

Be it ordained by the Sangguniang Panlungsod of the City of Bogo in session assembled:

Section 1. **Short Title.** This ordinance shall be known as the "City of Bogo Mental Health Code of 2023".

**Section 2.** **Declaration of Policy.** It is hereby declared the policy of the City of Bogo to uphold the right of the people to mental health and encourage mental health consequences among them. The City shall adopt an integrated and comprehensive approach to the development of the Local Mental Health Care Delivery System to deliver appropriate services and interventions including provision of mental health protection, care, treatment, and other essential services to those with mental illness or disability.

**Section 3.** **Objectives.** The objectives of the ordinance are as follows:

- 3.1 Promote a shift from a hospital-based system to strengthened community-based mental health care delivery system;
- 3.2 Re-orient and modernize the existing mental health facilities;
- 3.3 Integrate mental health care in the general health care delivery system;
- 3.4 Prevent, treat, and control mental illness at all levels and rehabilitate persons with mental disability;
- 3.5 Provide access to comprehensive health care and treatment which ensure a well-balanced mental health program of community-based and hospital care and treatment;
- 3.6 Establish a multi-sectoral joint network for the identification and prevention of mental illness or disability and the management of mental health problems among vulnerable groups in the population which include those affected by overseas employment, children, adolescents, elderly and those who are in need of special protection like survivors of extreme life experiences and violence, among others;
- 3.7 Protect and promote the mental health of the people through a multi-disciplinary approach that covers health, education, labor and employment, justice, and social welfare.

**Section 4.** **Definition of Terms.**

- 4.1 Allied professional – refer to any trained or certified non-psychiatric physician, social worker, nurse, occupational therapist , counselor, priest, minister, pastor, nun, trained or certified non-psychiatric individual or physician;
- 4.2 Confidentiality – means ensuring that all relevant information related to persons with psychiatric, neurologic and psychosocial health needs is kept safe from access or use by, or disclosure to persons or entities who are not authorized to access use, or possess such information;
- 4.3 De-institutionalization – refers to the process of transitioning service users, including persons with mental health conditions and psychosocial disabilities, from institutional and other segregated settings, to community-based settings that enable social participation, recovery-based approaches to mental health, and individual care in accordance with service-user's will and preference;

- 4.4 Discrimination – means any distinction, exclusion or restriction which has the purpose or effect of impairing or nullifying the recognition or exercise, on an equal basis with others, of all human rights and fundamental freedoms;
- 4.5 Free prior informed consent or informed consent – refers to consent voluntary given by a service user to a plan for treatment, after a full disclosure communicated in plain language by the attending mental health service provider, of the nature, consequences, benefits, and risks of the proposed treatment, as well as available alternatives;
- 4.6 Legal representative – refers to a person charged by law with duty of representing in any specified undertaking or of exercising specified rights on the patient's behalf;
- 4.7 Local mental health care delivery system – shall constitute a quality mental health care program, through the development of efficient and effective structures, systems and mechanisms that will ensure fair, accessible, appropriate, efficient and effective delivery of mental health care to all its stakeholders by qualified, competent, compassionate and ethical mental health professionals and mental health services;
- 4.8 Mental disability – refers to impairments in activity limitations and individual and participatory restrictions denoting the negative aspects of interaction between an individual and his environment. This results from organic syndromes such as mental retardation and acquired lesions of the central nervous system, dementia and psychotic and non-psychotic disorders;
- 4.9 Mental health – refers to a state of well-being in which an individual fulfills his/her own potential in every stage of human development at work and in relationship, in order to cope with the day to day stress of life and make a positive contribution to the community;
- 4.10 Mental health professionals – refer to those persons with formal education and training in mental and behavioral sciences, such as, but not limited to psychiatrist, psychiatric nurse or psychiatric social worker;
- 4.11 Mental health workers – refer to trained volunteers and advocates engaged in mental health promotion and services under the supervision of mental health professional;
- 4.12 Mental illness – refers to mental or psychiatric disorder characterized by the existence of recognizable changes in the thoughts, feelings and general behavior of an individual brought about by neurobiological causes manifested by genetic or biochemical abnormalities and associated medical conditions which include distress, personality disorder, substance use dependence and mental retardation;
- 4.13 Patient- refers to a person receiving mental health care and treatment or psychosocial intervention from a mental health care facility or clinic;

- 4.14 Psychosocial problem – refers to a condition that indicates the existence of recognizable changes in the individual's behavior, thoughts and feelings brought about and closely related to sudden, extreme and prolonged stress in the physical or social environment;
- 4.15 Recovery-based approach – means an approach to intervention and treatment centered on the strengths of a service user and involving the active participation, as equal partners in care, of persons with lived experiences in mental health. This requires integrating a service user's understanding of his or her condition into any plan for treatment and recovery;
- 4.16 Supported decision-making – is the act of assisting a service user who is not affected by an impairment or temporary loss of legal capacity, in expressing a mental health-related preference, intention or decision. It includes all the necessary support, safeguards and measures to ensure protection from undue influence, coercion or abuse;

**Section 5.** **City of Bogo Mental Health Committee.** The City of Bogo Mental Health Committee is hereby created to provide for a consistent, rational, and unified response to mental health problems, concerns and efforts through the formulation and implementation of the City Mental Health Care Delivery System.

**5.1 Composition.** The composition shall be composed of the following:

Chair	:	City Mayor
Vice-Chair	:	City Health Officer
Members	:	City Mental Health Coordinator
	:	Head, City Social Welfare and Development Office
	:	Chair, Committee on Health
	:	Chair, Committee on Women, Children and Family Relations
	:	Chair, Committee on Barangay Affairs ( <i>Liga ng mga Barangay President</i> )
	:	Chief, City of Bogo Police Station
	:	Chief, Bureau of Jail Management and Penology
	:	City Budget Officer
	:	Head, Disaster Risk Reduction Management Office
	:	City Agriculturist
	:	City Planning Development Coordinator
	:	DepEd Representative
	:	Two (2) representatives from non-government organizations involved in mental health issues appointed by the City Mayor
	:	One (1) representative from the private health sector appointed by the City Mayor

**5.2 Duties and Functions.** The Committee and the Mental Health Coordinator shall exercise the following duties and functions:

**5.2.1 City of Bogo Mental Health Committee**

- a. Review and formulate policies and guidelines on mental health issues and concerns;

- b. Conduct regular monitoring and evaluation in support of policy formulation and planning on mental health;
- c. Develop an inclusive and integrated plan and program on mental health;
- d. Promote and facilitate collaboration among sectors and disciplines for the development and implementation of mental health related programs within these sectors;
- e. Provide over-all technical supervision and ensure compliance with policies, programs and projects within the comprehensive framework of the Local Mental Health Care Delivery System and such other activities related to the implementation of this ordinance, through the view of mental health services and the adoption of legal and other remedies provided by law;
- f. Plan and implement the necessary and urgent capacity building, reorientation and training programs for all mental health professionals, mental health workers and allied professionals as articulated in this ordinance;
- g. Review all existing laws related to mental health and recommend legislations that sustain and strengthen programs, services and other mental health initiatives;
- h. Create such inter-agency committees, project task forces, and other groups necessary to implement the policy and program framework of this ordinance; and
- i. Perform such other duties and functions necessary in carrying the purposes of this ordinance.

5.2.2 City Mental Health Coordinator

- a. Act as Secretary and is responsible in implementing its purposes and objectives,
- b. Maintain a close and functional relationship with the Department of Health and other government and private entities concerning mental health care;
- c. Ensure that policies are effectively carried out by the committee.

5.3 **Quorum.** The presence of a majority of the members of the committee shall constitute a quorum.

5.4 **Meetings.** The committee shall meet bi-annually or as frequently as necessary to discharge its duties and functions.

Section 6. **Community-based Mental Health Care.** The Local Mental Health Care Delivery System shall evolve from a predominantly hospital-based health care system to a comprehensive community-based mental health care system which shall consist of:

- 6.1 **Mental Health Service Development.** Mental health service shall, within the general health care system in the community, include the following:
- 6.1.1 Development and integration of mental health care at the primary health care in the community;
  - 6.1.2 Continuation of programs for capacity building among existing local mental health workers so that they can undertake mental health care in the community and undertake training and capacity building programs in close coordination with mental or psychiatric hospitals or departments of psychiatry in general or university hospitals;
  - 6.1.3 Continuous support services and intervention for families and co-workers; and
  - 6.1.4 Advocacy and promotion of mental health awareness among the general population.
- 6.2 **Capacity Building, Re-orientation, and Training.** Capacity building, re-orientation, and training shall be required for mental health professionals or workers in close coordination with the Department of Psychiatry in general hospitals, university hospitals, or mental facilities and non-government organizations focusing on mental health;
- 6.3 **Research and Development.** Research and development shall be undertaken, in collaboration with academic institutions, mental health associations and non-government organizations, to develop appropriate and culturally relevant mental health services in the community.

Section 7. **Promotion of Mental Health.** To respect and protect the right, of mental health patients, the Committee shall promote an integrated approach to mental health care to strengthen the basic coping mechanism of individuals in relation to stress and advocacy to raise the value of mental health consciousness among the people.

Section 8. **Access to Effective and High Quality Mental Health Care.** Any person shall have the right to receive mental health care appropriate to one's needs and shall be entitled to care and treatment, in accordance to the same standards and accessibility as other sick individuals. An improved, effective, and easy access to mental health care shall be made possible and a shift from a predominantly hospital-based mental health care to community-based care shall be provided.

Section 9. **Person with Mental Illness or Disability.** The determination that a person has a mental illness or disability shall be made according to internationally accepted medical classifications and standards.

Section 10. **Confidentiality.** All patients or clients with mental illness or disability shall be entitled the right to confidentiality.

Section 11. **Patient's Treatment.** A patient or client with mental illness or disability shall have the right to treatment in the least restrictive environment suited to the patient's mental health needs.

**Section 12. Consent to Care, Treatment or Rehabilitation.** The consent of the patient to be treated or admitted in the mental health facility within the City Health Office shall be obtained freely without threats or improper inducements and with pertinent disclosure to the patient of adequate and understandable information in a form or language that is understood by the patient. When the patient, at a relevant time, lacks the capacity to give or withhold consent, the next of kin or legal representative shall give consent.

**Section 13. Psychiatric Services.** Psychiatrist service shall be established in the City of Bogo Health Office which shall provide the following:

- 13.1 Out-patient clinic in close collaboration with mental health program at the primary health centers in the area;
- 13.2 Linkage and possible supervision of home care services for those with special needs as a consequence of long term hospitalization, unavailable families, inadequate, or non-compliance to treatment;
- 13.3 Coordination with drug rehabilitation centers on the care, treatment, and rehabilitation of persons suffering from drugs or alcohol induced mental, emotional, and behavioral disorder;
- 13.4 Referral system with other health and social welfare programs, both government and non-government, for programs in the prevention of mental illness, the management of those at risk for mental health and psychosocial problems and mental illness or disability.

**Section 14. Duties and Responsibilities of the City Social Welfare and Development (CSWD) Office.** As per Section 37 of the Implementing Rules and Regulation of Republic Act 11036 known as the Mental Health Act that the City Social Welfare and Development shall:

- 14.1 Refer service users to mental health facilities, professional, workers, and other service providers for appropriate care;
- 14.2 Provide or facilitate access to public or group housing facilities, counseling, therapy, and livelihood training and other available skills development programs;
- 14.3 In coordination with the City Health Office and representatives of the DOH, formulate, develop and implement community resilience and psychosocial well-being training, including psychosocial support services during and after natural disasters and other calamities.
- 14.4 Develop and implement training and capacity building programs to effectively discharge the agency's role.

**Section 15. Integration of Mental Health Program in Schools, Training Centers, and Workplace.**

- 15.1 Educational institutions shall develop programs for students, educators, and other employees designed to:
  - 15.1.1 Raise awareness on mental health issues;

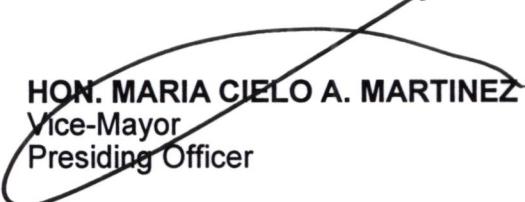
- 15.1.2 Identify and provide support for individuals at risk;
  - 15.1.3 Facilitate access of individuals with mental health conditions to treatment and psychosocial support.
- 15.2 Business establishments, organizations and other institutions within the City of Bogo are encouraged to develop appropriate policies and programs on mental health in the workplace designed to:
- 15.2.1 Raise awareness on mental health issues;
  - 15.2.2 Correct the stigma and discrimination associated with mental health conditions;
  - 15.2.3 Identify and provide support to individuals at risk;
  - 15.2.4 Facilitate access of individuals with mental health conditions to treatment and psychosocial support.
- Section 16. Access to Information.** Only patients or former patients shall be entitled access to their personal mental health records. The patient may authorize another person to access his mental health record through a special power of attorney (SPA).
- Section 17. Implementing Rules and Regulations.** Within ninety (90) days from the effectivity of this ordinance the City Health Officer shall, in coordination with the Committee, formulate the rules and regulations necessary for the effective implementation of this ordinance.
- Section 18. Mental Health Awareness Week.** The City shall raise community awareness and discussion in an effort to put an end to stigma and advocate for treatment and recovery thus declaring the second week of October as the Mental Health Awareness Week in accordance with Proclamation No. 452 series of 1994.
- Section 19. Appropriation.** The City shall appropriate the necessary amount for the implementation of this ordinance which shall be taken from the Mental Health Program under the budget of the City Health Office and the special appropriations fund from the Office of the City Mayor.
- Section 20. Separability Clause.** If any provision of this local ordinance is declared unconstitutional or invalid by a court of component jurisdiction the remaining provisions not affected thereby shall continue to be in full force and effect.
- Section 21. Repealing Clause.** All ordinances, rules, and regulations, or parts thereof, in conflict with or inconsistent with the provisions of this ordinance are hereby repealed, amended, and modified accordingly.
- Section 22. Effectivity.** This ordinance shall take effect fifteen (15) days following the posting of this ordinance in conspicuous places in the City as mandated by the Local Government Code.

**CARRIED UNANIMOUSLY.**

CERTIFIED TRUE AND CORRECT:

  
**MARTA T. LABRADO**  
SP Secretary

ATTESTED:

  
**HON. MARIA CIELO A. MARTINEZ**  
Vice-Mayor  
Presiding Officer

Date of Approval: AUG 01 2023

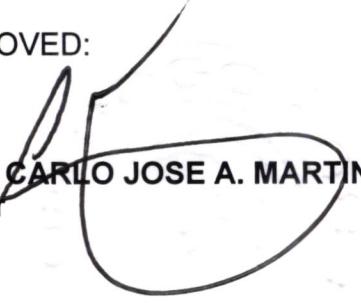
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Date of Publication: Not Mandatory

Date of Effectivity: AUG 16 2023

APPROVED:

  
**HON. CARLO JOSE A. MARTINEZ**  
Mayor