

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session
6264
House Bill No. _____



Introduced by: **REPRESENTATIVE IRENE GAY F. SAULOG**

EXPLANATORY NOTE

The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. (Article II, Section 13, 1987 Constitution). Moreover, Article II, Section 15 states that the people's right to health shall be protected and promoted by the State.

Guidance counselors perform an important role in the public school system. They provide career guidance and counseling to the students. With the passage of the Republic Act 11036, known as the Philippine Mental Health Act, guidance counselors are now mental health professionals who provide a myriad of mental health services which includes psycho-social, psychiatric, or neurologic activities. The Guidance Counselor is essential in the effective delivery of these programs and services.

With the increased attention rightfully given to mental health nowadays, it is only fitting to promote the welfare of guidance counselors not only in the public school system but in the government service as a whole. The complexities of modern life has resulted in problems and issues that must affect the well-being of individuals. There is a pressing need to address the shortage of guidance counselors in the public schools. Many positions have remained vacant for

so long. This unfortunate situation means that many students do not receive proper guidance regarding their lives and career. A quick response is to increase the salary of guidance counselors commensurate to their education, training, and workload.

The importance of counseling can be seen with the passage of RA 9258, otherwise known as the Guidance and Counseling Act of 2004. A licensure examination is now required and the practice of this profession is now limited and professionalized. A licensed Guidance Counselor has a minimum educational attainment of a master's degree. He/She needs to attend seminars or training at least once a year, perform an arduous listening and empathizing coupled with the integration of different counseling techniques suitable to a specific client who may experience sexual abuse, verbal abuse, physical abuse, substance abuse, bullying, incest, learning difficulties, adjustment with classmates and/or teachers, etc. Oftentimes aside from these functions, he/she does unrelated work in schools such as the secretary of the principal, or a focal person of a program, or even the contradictory role of a discipline officer.

Despite these everyday functions and qualifications, the guidance counselor in public schools is only appointed at Salary Grade 11 and may only reach Salary Grade 13 until his/her retirement. There is also limited progression in the career path of the Guidance Counselor in the government.

Given the importance of the Guidance Counselors and the extensive qualifications required of them, it is only just that their compensation be increased and opportunities for career promotion be opened for them.

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



IRENE GAY F. SAULOG
Kalinga Party-list

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AN ACT
PROVIDING FOR ADDITIONAL BENEFITS AND PRIVILEGES TO PUBLIC
COUNSELORS, OTHERWISE KNOWN AS THE MAGNA CARTA FOR PUBLIC
COUNSELORS

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

SECTION 1. *Short Title.* – This Act shall be known as the “Magna Carta for Public Counselors”.

SEC. 2. *Declaration of Policy.* – The State recognizes the basic right of Filipinos to mental health. It is incumbent upon the State to promote the well-being of people by providing adequate services concerning mental health. One way to ensure the delivery of these services is providing adequate compensation to the mental health professionals in the public sector.

SEC. 3. *Objectives.* – The objectives of this Act are as follows:

- (1) Promote and improve the professional, ethical, social, and economic well-being of the public counselors, their living and working conditions, and terms of employment;

- (2) Develop their skills and capabilities in order that they will be more responsive and better equipped to deliver Guidance Program and Services, and Mental Health Services;
- (3) Encourage those with proper qualifications and excellent abilities to join and remain in government service;
- (4) Achieve the right of the students to avail of the guidance and counseling services in the schools as prescribed by Batas Pambansa Blg. 232, otherwise known as the Education Act of 1982, and other relevant laws on education;
- (5) Strengthen the implementation of Republic Act 11036, otherwise known as the Mental Health Act;
- (6) Help the basic education institutions and other government agencies in the formal, informal and alternative delivery modes to recruit, train, hire and sustain the professional growth and career development of counselors;
- (7) Help adequately address the mental, emotional and developmental needs of the basic education learners, and clients;
- (8) Remove the emotional, behavioral, and psycho-social barriers to learning so as to enhance the classroom atmosphere in order to achieve a child-friendly, gender-sensitive, safe, and motivating learning environment;
- (9) Support school staff, teachers, and administrators in improving classroom management through the conduct of behavioral and other guidance related interventions to improve the learner's well-being, emotional and psycho-social development, every day and career decision-making, and developing the awareness and skills to identify early warning signs of mental health problems and the need for guidance services including but not limited to those learners identified as Children in Conflict with the Law (CICL), Students at Risk of Dropping Out (SARDO), learner-victims of VAWC and Child-Abuse,

learner-victims of criminal acts which affect their total well-being and those learner-patients who are afflicted by diseases that may affect their psycho-emotional state;

(10) Prevent, promote, provide aftercare, and support in the treatment of mental health concerns of clients;

(11) Assist parents and other stakeholders in improving the learners school behavior and academic success of their children;

(12) Sustain the development of the pool of counselors through proactive and sustainable programs; and

(13) Provide the framework of guidance and counseling program and services for the general clients.

SEC. 4. *Definitions.* – As used in this Act, the following terms are defined as follows:

(1) “Public Counselor” refers to an individual who has documented competence in implementing the Guidance Program that:

a. possesses a license or certification granted by the Professional Regulations Commission;

b. holds a minimum master’s degree in Guidance and Counseling, Guidance, or Counseling without prejudice to those granted licenses under the grandfather’s clause of RA 9258 otherwise known as the Guidance and Counseling Act of 2004.

c. uses of a variety of integrated approaches 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.

- d. generally employed in government schools and educational institutions and includes but not limited to other offices owned and operated by the Government or its political subdivisions with original charters that engages in the delivery of mental health services.
- (2) “Guidance Program” refers to a system of services designed to improve the adjustment of each and every client. It includes counseling, career guidance, psychological testing, research, placement, referral, group processes, guidance, and mental health services. The counselor primarily implements the Guidance Program.
- (3) “Guidance and Counseling” refers to the profession that involves the use of an integrated approach to the development of 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.
- (4) “Counseling” refers to a dynamic face-to-face personal interaction between the counselor and the counselee/s, where the counselor employs various methods, approaches, or techniques to enhance the counselee’s intrapersonal and interpersonal development and competencies.

Counseling is synonymous to Guidance and Counseling and encompasses but is not limited to career counseling, substance-abuse counseling, marital and family counseling, court-directed counseling, grief counseling, correctional and juvenile counseling, crises and disaster counseling among others.

Counselors shall coordinate, refer and cooperate with other mental health professionals such as psychologists and psychiatrists in dealing with clients in order for a better delivery of holistic intervention.

SEC. 5. *Hiring of Counselors.* – The Civil Service Commission and the head of offices shall, subject to existing rules and regulations of the Department of Education, the Commission on Higher Education, Technical Education Skills Development Authority, the Civil Service Commission, Department of Health, Department of Labor and Employment, Department of Interior and Local Government, Department of Overseas Filipino Workers, Professional Regulations Commission, and the Department of Budget and Management, provide for the hiring of additional counselors, such that:

- (1) each public elementary, secondary and learning centers, and vocational institutions shall have counselors with the ratio of one (1) school counselor for every 500 students;
- (2) each state/local university and college shall have the ratio of one (1) school counselor for every 750 students;
- (3) each Public Employment Services Office in the local government units shall be headed by a licensed counselor; and
- (4) each counselor shall have a number of caseloads as determined by the respective department where s/he is employed.

SEC. 6. *Professional and Career Development of Guidance Counselors.* – The Professional Regulations Commission and the Professional Regulatory Board of Guidance and Counseling, in coordination with the Secretary of Education, Commission on Higher Education, Technical Education Skills Development Authority, the Civil Service Commission, Department of Health, Department of Labor and Employment, Department of Interior and Local Government, Department of Overseas Filipino Workers, and the Department of Budget and Management, shall:

- (1) 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;

- (2) harmonize the qualification standards of counselor-related items with respect to paragraph C, Section 13, of RA 9258, otherwise known as the Guidance and Counseling Act;
- (3) match the salary grades of counselor-related items with respect to provisions of RA 6758 otherwise known as the Compensation and Position Classification Act of 1989;
- (4) align the qualifications and standards for the qualification outcomes of counselors to RA 10968 otherwise known as the Philippine Qualifications Framework Act;
- (5) review and align RA 5789 as amended by RA 10691 otherwise known as the PESO Act with RA 9258 otherwise known as the Guidance and Counseling Act in the delivery of career and employment services;
- (6) revisit the department's organizational structure in order to provide competent and professional personnel who will provide supervision and technical assistance to counselors in the school levels;
- (7) review, revise and develop the duties and responsibilities of guidance counselors as provided by RA 9258 otherwise known as the Guidance and Counseling Act of 2004;
- (8) develop, integrate and implement the tenets and concepts of Guidance and Counseling in the Basic Education Curriculum in order to address enormous concerns of both learners and teachers such as learner's behavior, responsiveness to learning and positive discipline, soft skills and vocation development, resiliency to the day to day problems and integral total development;
- (9) provide support staff to the Counseling Offices whom are covered by the Rule on Privilege Communication;

- (10) prepare of performance evaluation plan that shall consider the improvement of individual counselor efficiency and organizational effectiveness: Provided, That each employee shall be informed regularly by his/her supervisor of his/her performance evaluation;
- (11) provide of the institutionalization of the Basic Education Guidance and Counseling Manual; and,
- (12) provide periodic training and skills upgrading and development of Guidance Counselors as Mental Health Professionals.

SEC. 7. *Guidelines.* – The Civil Service Commission and the Professional Regulatory Board of Guidance and Counseling in cooperation with the Department of Health, Department of Education, Commission on Higher Education, Technical Education Skills Development Authority, Department of Labor and Employment, Department of Overseas Filipino Workers, and the Department of Budget and Management shall, ninety (90) days after the enactment of this Act, issue necessary guidelines but not limited to

- (1) the selection, recruitment and hiring of counselors;
- (2) career and professional development of counselors;
- (3) personnel and the nature of scope of the Guidance and Mental Health Services to be offered to students in educational institutions and to the general clients;
- (4) departmental organizational structure related to Guidance and Counseling and Mental Health Services;
- (5) integration of Guidance and Counseling to the Basic Education Curriculum in the Department of Education; and

(6) integration of Guidance and Counseling subjects in social sciences curriculum in the tertiary level.

SEC. 6. *Salary Scale.* – Salary scales of counselors shall provide for a gradual progression from a minimum to a maximum salary by means of regular increments, granted automatically after three years. Provided, that the efficiency rating of the counselor concerned is at least very satisfactory. The progression from the minimum to the maximum of the salary scale shall not extend over a period of ten years.

The thirteen (13) guidance related positions in the Government Service found in the Department of Budget and Management Index of Occupational Services, Occupational Groups, Classes and Salary Grades shall be revised read as follows:

Guidance Services:

Counselor I (Generalist)	SG 16
Counselor II (Senior Generalist)	SG 18
Counselor (Supervisor, Specialist, or Educator) I	SG 20
Counselor (Supervisor, Specialist, or Educator) II	SG 21
Counselor (Supervisor, Specialist, or Educator) III	SG 22
Counselor (Supervisor, Specialist, or Educator) IV	SG 23
Counselor (Supervisor, Specialist, or Educator) V	SG 24

SEC. 7. *Study Leave.* – In addition to the leave privileges now enjoyed by the personnel in the public schools, counselors shall be entitled to study leave not exceeding to two years after five years of service. Such leave shall be granted in accordance with a schedule set by their respective departments. During the period of such leave, the counselors shall be entitled to at least eighty-five per cent of their monthly salary. Provided, however, that no counselor shall be allowed to accumulate more than two years study leave, unless h/she needs an additional

semester to finish his/her dissertation for a graduate study in education, counseling fields (career counseling, counseling supervision, etc.), psychology or allied courses. Provided, further, that no compensation shall be due the counselor after the first year of such leave. In all cases, the study leave period shall be counted for seniority and pension purposes.

SEC. 8. *Indefinite Leave.* – An indefinite sick leave of absence shall be granted to counselors when the nature of the illness demands a long treatment that will exceed one year at the least.

SEC. 9. *Mental Health/Self-Care Leave.* – An additional of twenty-four (24) leave day credits shall be added on the top of the existing annual leave/sick benefits of counselors intended for their mental health well-being and self-care. Unused credits shall expire at the end of each calendar year.

SEC. 10. *Salary Increase upon Retirement.* – Public counselors having fulfilled the age and service requirements of the applicable retirement laws shall be given one range salary raise upon retirement, which shall be the basis of the computation of the lump sum of the retirement pay and the monthly benefits thereafter.

SEC. 11. *Overtime Work.* – When the exigencies of the service so require, any public counselor may be required to render, service beyond the normal eight (8) hours a day. In such a case, the counselors shall be paid an additional compensation in accordance with existing laws and prevailing practices.

SEC. 12. *Additional Compensation.* – Notwithstanding Section 12 of Republic Act No. 6758, public workers shall receive the following allowances: hazard allowance, longevity pay, and remote assignment allowance.

SEC. 13. *Hazard Allowance.* – Public counselors shall be compensated hazard allowance equivalent to at least twenty-five percent (25%) of the monthly basic salary of counselors

receiving salary grade 20 and below, and ten percent (10%) for counselors with salary grade 21 and above.

SEC. 14. *Longevity Pay.* – A monthly longevity pay equivalent to five percent (5%) of the monthly basic pay shall be paid to a counselor for every five (5) years of continuous, efficient and meritorious services rendered as endorsed by the counselor supervisor and certified by the Head of Office concerned commencing with the service after the approval of this Act.

SEC. 15. *Remote Assignment Allowance.* – Public guidance counselors who accept assignments as such in remote areas, isolated, or in foreign stations, which for reasons of far distance or hard accessibility shall be entitled to an incentive bonus in the form of remote assignment allowance equivalent to fifty percent (50%) of their basic pay, and shall be entitled to reimbursement of the cost of reasonable transportation to and from and during official trips.

In addition to the above, counselors mentioned in the preceding paragraph shall be given priority in promotion or assignment to better areas. Their tour of duties in the remote areas shall not exceed two (2) years, except when there are no positions for their transfer or they prefer to start in such posts in excess of two (2) years.

Counselors assigned to foreign posts shall be entitled to allowances and benefits as provided by RA 7157.

SEC. 16. *Medical Examination.* – Compulsory medical examination (x-ray, laboratories, medical consultation and counseling, psychological and psychiatric assessment, drug test, etc.) shall be provided free of charge to all counselors before entering the service in the government or its subdivisions and shall be repeated once a year during the tenure of employment of all public guidance counselors. Provided, that where medical examination shows that medical treatment and/or hospitalization is necessary for those already in government service, the treatment and/or hospitalization including medicines shall be provided free either in a government or a private hospital by the government entity paying the salary of the guidance counselors: Provided,

further, That the cost of such medical examination and treatment shall be included as automatic appropriation in said entity's annual budget.

SEC. 17. *Compensation of Injuries.* – Public counselors shall be protected against the consequences of employment and occupational injuries especially resulting to the psycho-emotional and mental hazards in accordance with existing laws. Injuries incurred while doing overtime work shall be presumed work-connected.

SEC. 18. *Right to Self-Organization.* – Public counselors shall have the right to freely form, join or assist organizations or unions for purposes not contrary to law in order to defend and protect their mutual interests and to obtain redress of their grievances through peaceful concerned activities. Provided, that public counselors shall uphold the provision of the IRR of RA 9258 on automatic membership to the Integrated Accredited Professional Organization approved by the Professional Regulatory Board of Guidance and Counseling.

SEC. 19. *Prohibition Against Elimination and/or Diminution.* – Nothing in this law shall be construed to eliminate or in any way diminish benefits being enjoyed by public counselors at the time of the effectivity of this Act.

SEC. 20. Appropriation. – There shall be appropriated from the National Treasury the sums necessary to carry into effect the provisions of this Act.

SEC. 21. *Implementing Rules and Regulations.* – The Civil Service Commission, Department of Education, Commission on Higher Education, Department of Health, Department of Labor and Employment, Department of Interior and Local Government, Professional Regulations Commission, and the Department of Budget and Management shall promulgate the necessary rules and regulations for the implementation of this Act.

SEC. 22. *Separability Clause.* – If any provision or part of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 23. *Repealing Clause.* – All laws, decrees, letters of instruction, executive issuances, resolutions, orders or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

SEC. 24. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,