

1 **IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 12080**
2 **(BASIC EDUCATION MENTAL HEALTH AND WELL-BEING PROMOTION ACT)**

3
4 **RULE I**
5 **GENERAL PROVISIONS**
6

7 SECTION 1. *Title.* – These Rules and Regulations shall be referred to as the
8 Implementing Rules and Regulations (IRR) of Republic Act No. (RA) 12080, otherwise
9 known as the “Basic Education Mental Health and Well-Being Promotion Act,”
10 hereinafter referred to as the Act.

11
12 SEC. 2. *Construction.* – This IRR shall be interpreted in light of the Declaration of Policy
13 and Objectives found in RA 12080.

14
15 SEC. 3. *Declaration of Policy and Objectives.* – The State recognizes the vital role of
16 children and the youth in nation-building and shall foster and protect their holistic well-
17 being. The State also affirms its policy to promote mental health and well-being in
18 educational institutions.

19
20 To this end, the State shall ensure that learners and personnel receive the necessary
21 support that addresses both their academic performance and overall well-being to
22 facilitate the fulfillment of their aspirations.

23
24 In pursuit of such policy, the State shall aim to achieve the following main objectives
25 under the Act:

- 26
27 (a) Strengthen the implementation of the existing mental health and guidance and
28 counseling program and other health and wellness activities, including sports-
29 related programs, through the development of an effective and efficient school-
30 based mental health program, to promote and ensure the mental health and well-
31 being of all learners, as well as provide mental health awareness and literacy
32 programs and appropriate mental health-related referrals to the teaching and
33 non-teaching personnel, in all public and private basic education schools in the
34 country;
- 35
36 (b) Establish and maintain a Care Center in every public basic education institution,
37 and ensure their establishment and maintenance in private basic education
38 institutions, to be operated by competent personnel, equipped with the necessary
39 facilities, and supported with the required resources;
- 40
41 (c) Establish a Mental Health and Well-Being Office, in every Schools Division Office
42 (SDO), under the administration and supervision of the Department of Education
43 (DepEd), to address the mental health and well-being of all learners and
44 personnel of DepEd under the jurisdiction of the SDO; and
- 45
46 (d) Hire, deploy, and capacitate competent personnel whose duties and responsibilities
47 shall be geared towards promoting and ensuring the mental health and well-being of
48 all learners, and promote their professional growth and career progression by

1 prescribing the creation of new plantilla positions of Schools Division Counselors,
2 School Counselors, and School Counselor Associates in DepEd.

3
4 SEC. 4. *Definition of Terms.* – For purposes of this IRR, the following terms shall mean
5 or be understood as follows:
6

7 (a) *Basic Education*, as defined under RA 10533, or the “Enhanced Basic Education
8 Act of 2013”, is intended to meet basic learning needs which provides the
9 foundation on which subsequent learning can be based. It encompasses
10 kindergarten, elementary and secondary education as well as alternative learning
11 systems for out-of-school learners and those with special needs.
12

13 (b) *Care Center* refers to an office in basic education schools that is equipped with
14 functional physical facilities, headed by a School Counselor, and provides school-
15 based mental health services.
16

17 (c) *Community Learning Center*, as defined under RA 11510, or the “Alternative
18 Learning System Act”, is a physical space to house learning resources and
19 facilities of a learning program for out-of-school children in special cases and
20 adults. It is a venue for face-to-face learning activities and other learning
21 opportunities for community development and improvement of the people's
22 quality of life.
23

24 (d) *Counseling* refers to a dynamic and professional face-to-face or online interaction
25 between the registered/licensed counselor and the counselee/s, where the
26 counselor employs various evidence-based methods, approaches, or techniques
27 to enhance the counselees' intrapersonal and interpersonal development and
28 competencies.
29

30 (e) *Inclusive Learning Resource Center of Learners with Disabilities (ILRC)*, as defined
31 under RA 11650, or the “Instituting a Policy of Inclusion and Services for Learners
32 with Disabilities in Support of Inclusive Education Act”, is a physical or virtual
33 center that provides support and related services to teaching and learning, using
34 appropriate, accessible, disability, linguistically-culturally-, and gender-sensitive
35 instructional learning materials, tools, devices, gadgets, and equipment to
36 facilitate and enhance learning, and assessment tools and instruments, to
37 evaluate developmental domains and specific areas of concern to determine
38 appropriate services and placement decisions, with support and related services
39 from medical, health, and allied professionals for care, rehabilitation, and
40 development of learners with disabilities.
41

42 (f) *Learner*, as defined under RA 9155, or the “Governance of Basic Education Act”,
43 is any individual enrolled in basic education seeking basic literacy skills and
44 functional life skills or support services for the improvement of the quality of
45 his/her life.
46

47 (g) *Learner Wellness Division (LWD)* refers to the division to be created under the
48 BLSS which shall lead in the progressive realization of promoting and ensuring

1 mental health and well-being in basic education. This shall not be in prejudice to
2 any reorganization, rationalization, right-sizing or other such modifications to the
3 organizational structure by DepEd or future laws and executive issuances.
4

5 (h) *Learners with Diverse Backgrounds* refer to learners who are vulnerable to or have
6 experienced abuse, neglect, exploitation, cruelty, discrimination, or violence
7 (armed conflict, domestic violence and other analogous conditions prejudicial to
8 their development) by reason of their diverse physical, mental, social, economic,
9 and cultural conditions.
10

11 (i) *Mental Health*, as defined under RA 11036, or the “Mental Health Act”, is a state
12 of well-being in which the individual realizes one’s own abilities and potentials,
13 copes adequately with the normal stresses of life, displays resilience in the face
14 of extreme life events, works productively and fruitfully, and is able to make a
15 positive contribution to the community. It shall likewise refer to a state of mental
16 well-being that enables people to cope with the stresses of life, realize their
17 abilities, learn well and work well, and contribute to their community.
18

19 (j) *Mental Health and Well-Being Office (MHWO)* refers to the office to be established
20 at every SDO, headed by a Schools Division Counselor, which is primarily tasked
21 to address the mental health and well-being of all learners and DepEd personnel
22 under the jurisdiction of the SDO.
23

24 (k) *Parent-Substitute*, as defined under RA 11908, or “The Parent Effectiveness
25 Service Program Act”, is a person other than the biological parent who has
26 custody over a child and is primarily responsible for his/her care, and physical,
27 moral and intellectual development, such as foster care parents, legal guardians
28 and care providers: Provided, That surrogate parents and care providers shall
29 secure a certification from the proper office of the Department of Social Welfare
30 and Development (DSWD) confirming him/her as a parent-substitute.
31

32 (l) *Registered Guidance Counselor* refers to an individual who possesses a license or
33 a valid certificate of registration and a valid professional identification card as a
34 guidance counselor issued by the Professional Regulatory Board of Guidance and
35 Counseling and the Professional Regulation Commission (PRC) and holds at least
36 a Master’s Degree in Guidance and Counseling, without prejudice to those
37 registered under the grandfather clause of Republic Act No. 9258, or the
38 “Guidance and Counseling Act of 2004”, and is competent to perform guidance
39 and counseling and career guidance, and implement mental health programs.
40

41 (m) *Registered Psychologist* refers to an individual who possesses a license and holds
42 a valid certificate of registration and a valid professional identification card as a
43 Professional Psychologist, issued by the Professional Regulatory Board of
44 Psychology and the PRC, and, with at least a Master’s Degree in Psychology,
45 including those registered under the grandfather clause of RA 10029, or the
46 “Philippine Psychology Act of 2009”, and is competent to perform psychological
47 services, and implement mental health programs.
48

- 1 (n) *School*, as defined under RA 9155, or the “Governance of Basic Education Act”,
2 is an educational institution, private or public, undertaking educational
3 operation with a specific group of learners pursuing defined studies at defined
4 levels, receiving instruction from teachers, usually located in a building or a
5 group of buildings in a particular physical or cyber site.
6
- 7 (o) *School-Based Mental Health Program (SMHP)* refers to the program of DepEd,
8 headed by the Bureau of Learner Support Services (BLSS) or its equivalent, which
9 serves to promote and ensure the mental health and well-being of learners and
10 school personnel in compliance with its mandate stipulated under RA 11036, or
11 the “Mental Health Act”.
12
- 13 (p) *School-Based Mental Health Services* refer to psychosocial activities and programs
14 along the whole range of the mental health support services, including promotion,
15 prevention, referral for treatment, and aftercare, to be provided in schools.
16
- 17 (q) *Schools Division Counselor* refers to the plantilla position in DepEd which shall
18 be filled up by a Registered Guidance Counselor or a Registered Psychologist
19 charged with heading the Mental Health and Well-Being Office in the SDO and
20 ensuring the performance of its functions.
21
- 22 (r) *School Counselor* refers to the plantilla position in the DepEd which shall be filled
23 up by a Registered Guidance Counselor or a Registered Psychologist charged with
24 heading the school Care Center and ensuring the performance of its functions.
25
- 26 (s) *School Counselor Associate* refers to the plantilla position in the DepEd which
27 shall be filled up by a graduate of (1) a Bachelor’s Degree in Guidance and
28 Counseling or Psychology; (2) any Bachelor’s Degree with at least eighteen (18)
29 units of courses in Guidance and Counseling or Psychology; or (3) any related
30 Bachelor’s Degree and who must have earned a minimum of eighteen (18) units
31 of Behavioral Science courses that shall include two hundred (200) hours of
32 supervised practicum or internship experience on guidance and counseling,
33 preferably in a school or community setting.
34

35 **RULE II**
36 **SCHOOL-BASED MENTAL HEALTH PROGRAM;**
37 **SCHOOL-BASED MENTAL HEALTH SERVICES**
38

39 SEC. 5. *School-Based Mental Health Program; School-Based Mental Health Services.* –
40 The implementation of the existing mental health program of DepEd shall be
41 strengthened through the development of a School-Based Mental Health Program
42 (SMHP) to promote and ensure the mental health and well-being of all learners in all
43 public and private basic education schools, including out-of-school children in special
44 cases as defined under RA 11510, or the “Alternative Learning System Act”, taking into
45 consideration the provisions under RA 11650, or the “Instituting a Policy of Inclusion
46 and Services for Learners with Disabilities in Support of Inclusive Education Act”.
47

1 SMHP shall promote mental health awareness and manage the mental health concerns
2 of all learners, including the prevention of suicide in schools and in times of
3 emergencies, in accordance with RA 10821, or the “Children’s Emergency Relief and
4 Protection Act”. The program shall likewise define the role of every stakeholder in the
5 school community to appropriately respond to such mental health concerns through
6 prevention, intervention, postvention, and recovery.
7

8 The promotion of mental health awareness shall include, but not be limited to,
9 curricular efforts such as roll-out of mental health-related curriculum programs like the
10 Homeroom Guidance Program, and curriculum integration.
11

12 SMHP shall be developed and continuously improved, in consultation with the learners,
13 their parents and parent-substitutes, and local government units, and designed to
14 provide school-based mental health services including the following: screening,
15 evaluation, assessment, and monitoring; mental health first aid; crisis response and
16 referral system; mental health awareness and literacy; emotional, developmental, and
17 preventive programs; and other support services such as strengthening the learners’
18 family bonds. Other services under the SMHP shall include counseling services and
19 other mental health interventions such as psychological first aid.
20

21 DepEd shall likewise implement complementary measures that promote healthy
22 behaviors, habits, and activities among learners and eliminate the stigma on mental
23 health counseling. Further, it shall provide mental health awareness programs and
24 literacy and appropriate mental health-related referrals to the teaching and non-
25 teaching personnel.
26

27 DepEd shall provide guidelines for the effective delivery of school-based mental health
28 services to private schools, taking into consideration the number of learners and the
29 availability of funds of private schools with limited resources. Such guidelines, to be
30 developed in consultation with stakeholders in private basic education, shall form part
31 of the manual of regulations for private schools.
32

33 DepEd, in coordination with State Universities and Colleges (SUCs)/Local University
34 and Colleges (LUCs) and relevant National Government Agencies (NGAs), shall provide
35 similar guidelines to all other basic education schools in implementing their respective
36 school-based mental health programs.
37

38 **RULE III**
39 **MENTAL HEALTH AND WELL-BEING OFFICES**
40

41 *SEC. 6. Establishment of a Mental Health and Well-Being Office in Every Schools Division*
42 *Office.* – There is hereby established, under the administration and supervision of
43 DepEd, a Mental Health and Well-Being Office (MHWO) in every SDO, which is primarily
44 tasked to address the mental health and well-being of all learners and personnel of the
45 DepEd under the jurisdiction of the SDO. It shall be headed by a Schools Division
46 Counselor with Salary Grade 24 whose qualifications must include being a Registered
47 Guidance Counselor or a Registered Psychologist.
48

49 Until such time that a qualified Schools Division Counselor is hired or an MHWO is fully
50 established, the SDO, without prejudice to the progressive realization of promoting and

1 ensuring mental health and well-being in basic education, may adopt alternative
2 organizational arrangements, subject to the guidelines to be released by the DepEd
3 Central Office, in consultation with the CSC.
4

5 *SEC. 7. Functions of the Mental Health and Well-Being Office.* – Guided by the national
6 policies, standards, and frameworks set by the DepEd Central Office, the MHWO shall
7 have the following functions:
8

- 9 (a) Provide a general framework for the mental health and well-being programs of
10 the schools under its jurisdiction. This framework shall encompass strategies
11 and guidelines to promote the psychological welfare or the mental health and
12 wellbeing of learners within the educational system;
13
- 14 (b) Review, revise, and approve the mental health and well-being programs
15 submitted by schools, particularly if the head of the Care Center is not a School
16 Counselor, to ensure that the programs are aligned with established standards
17 and best practices in the field of mental health;
18
- 19 (c) Conduct periodic visits to the schools under its jurisdiction to assess the
20 implementation of mental health and well-being programs, monitor and evaluate
21 their effectiveness, and determine the overall mental health status of the learners;
22
- 23 (d) Provide technical assistance to school personnel and counseling services to
24 learners under its jurisdiction, particularly in cases where there is no designated
25 School Counselor available. This includes offering support, guidance, and
26 interventions to address the mental health needs of individual learners;
27
- 28 (e) Ensure that relevant training and capacity-building as well as supportive
29 supervision and continuous care is regularly conducted for or provided to School
30 Counselors, School Counselor Associates, and other personnel of Care Centers,
31 as provided in Section 18 of this IRR;
32
- 33 (f) Maintain comprehensive records of its activities, including program approvals,
34 school visits, training and equipping of learners and personnel, and counseling
35 sessions, as well as assume responsibility over the custody of assessment
36 materials related to guidance services and other confidential records or
37 documents pursuant to RA 10173, or the “Data Privacy Act of 2012”;
38
- 39 (g) Collaborate with relevant stakeholders, including educators, parents and parent-
40 substitutes, and mental health professionals, to foster a holistic approach to
41 mental health within the educational system, involving joint initiatives, such as,
42 but not limited to, sharing of resources, and coordination of efforts to promote
43 the overall well-being of learners.
44
- 45 (h) Conduct periodic evaluations of its own effectiveness and the impact of the
46 implemented programs. Based on these evaluations, necessary adjustments and
47 adaptations to the framework and activities shall be made to ensure the

1 continuous enhancement of mental health support within the educational
2 system;

3
4 (i) Perform other activities within the purview of guidance and counseling deemed
5 necessary to enhance the mental health and well-being of learners, including the
6 coordination of programs and oversight of school-based committees and offices
7 related to learner rights and protection concerns; and

8
9 (j) Provide professional guidance and expertise to the Human Resource
10 Development (HRD) units in their respective SDOs on aspects concerning mental
11 health, such as awareness and prevention campaigns, referral systems, capacity-
12 building, integration of mental health in HRD, and review of working conditions:
13 Provided that, the DepEd Bureau of Human Resource and Organizational
14 Development (BHROD) shall be responsible for the overall well-being programs
15 for DepEd personnel across all governance levels.

16
17 DepEd shall issue separate guidelines operationalizing the above mentioned functions
18 as well as the organizational structure of the MHWO.

19
20 DepEd shall also issue the necessary policy and guidelines on the welfare and mental
21 health framework for personnel, operationalizing the coordination mechanism between
22 the MHWO and the HRD unit at the SDO level.

23
24 **RULE IV**
25 **CARE CENTERS**

26
27 *SEC. 8. Establishment of Care Centers in DepEd Schools.* – DepEd shall provide the
28 minimum standards on the establishment and maintenance of Care Centers in public
29 basic education schools.

30
31 The Care Center shall be equipped with functional physical facilities, including
32 necessary tools, materials, and infrastructure for the provision of school-based mental
33 health services, and is located within an adequate space where confidentiality is
34 maintained and is accessible to all learners including out-of-school children in special
35 cases as defined under RA 11510, and the teaching and non-teaching personnel.

36
37 *SEC. 9. Conversion of Existing Guidance and Counseling Offices.* – All existing Guidance
38 and Counseling Offices shall be converted and renamed to “Care Center”, upon fulfilling
39 the minimum standards to be set by the DepEd Central Office.

40
41 *SEC. 10. Utilization of the Career Guidance and Counseling Program Centers.* – Secondary
42 schools may utilize the Career Guidance and Counseling Program (CGCP) Centers as
43 established under Section 5 of RA 11206, or the “Secondary School Career Guidance
44 and Counseling Act”, to accommodate the implementation and delivery of services under
45 the SMHP.

46
47 *SEC. 11. Organizational Structure of the Care Center.* – The Care Center shall be headed
48 by a School Counselor who shall be under the direct supervision of the Schools Division
49 Counselor of the Mental Health and Well-Being Office at the division level. The School

1 Counselor shall be assisted by a School Counselor Associate, and other necessary
2 support personnel as may be determined by the DepEd upon the recommendation of
3 the Schools Division Counselor. The School Counselor Associate shall be subject to the
4 conditions of professional practice under Sections 27 and 28 of RA 9258, or Sections
5 3(b), 30 and 32 of RA 10029, or the “Philippine Psychology Act of 2009”, as applicable.
6 The same shall apply to any other school personnel responsible and performing support
7 functions in the delivery of the school-based mental health programs and services,
8 allowed by Section 10 of the Act.
9

10 This section shall not be construed as prohibiting DepEd from proposing the creation of
11 other position items that will allow the Care Center to effectively fulfill its functions or
12 the school to effectively implement the SMHP, subject to CSC rules and regulations.
13

14 In addition to implementing the program and delivering the services of the Care Center,
15 the School Counselor and School Counselor Associate shall likewise assist the school
16 administrator in the CGCP Centers, in accordance with Section 5 of RA 11206, and
17 subject to the appropriate training.
18

19 *SEC. 12. Functions of the Care Center.* – The Care Center in every public basic education
20 school shall deliver school-based mental health services that are required in the
21 fulfillment of the following functions:
22

- 23 (a) Develop a localized school-based mental health program to strengthen the
24 implementation of the existing mental health program of the DepEd based on the
25 framework provided by the MHWO, guided by the national framework set by the
26 DepEd Central Office, to promote and ensure the mental health and well-being of all
27 learners, as well as provide mental health awareness and literacy programs and
28 appropriate mental health-related referrals to teaching and non-teaching personnel.
29 This shall be submitted to the Office at the SDO for review and approval particularly
30 if there is no School Counselor in the Care Center;
31
- 32 (b) Render counseling when the Care Center has a School Counselor or facilitate referral
33 to the Schools Division Counselor for counseling when it only has School Counselor
34 Associates;
35
- 36 (c) Maintain a comprehensive record of counseling sessions through case notes that
37 shall include learners’ information, interventions conducted, referrals, and other
38 recommendations that the Care Center deems relevant and essential to the
39 improvement of the mental health and well-being of the learners;
40
- 41 (d) Conduct proper monitoring of all learners to identify their mental health needs and
42 concerns and to determine appropriate and timely response and intervention when
43 necessary;
44
- 45 (e) In coordination with the Child Protection Committees, Disaster Risk Reduction and
46 Management (DRRM) Teams, and other school-based committees or personnel
47 concerned, equip the learners with skills and information for prevention,
48 identification, and proper response and referral for their own and others’ mental
49 health needs, as applicable, and especially for learners identified as children-at-risk,
50 children in conflict with the law, learners at risk of dropping out, learner-victims of

1 violence against women and their children, learners who are victims of natural
2 calamities, armed conflicts, and other emergencies, learners with disabilities, and
3 learner-victims of other related forms of child abuse and criminal acts, young
4 mothers and fathers, and learners who have recently experienced traumatic
5 experiences in their schools or communities, and other such learners with diverse
6 backgrounds;

- 7
- 8 (f) Provide training and support to teachers and other personnel in improving mental
9 health awareness and preparedness to enable them to identify early warning signs of
10 mental health problems and the need for appropriate intervention;
- 11
- 12 (g) Facilitate the efficient referral to appropriate agencies, institutions, organizations, or
13 professionals for necessary intervention and aftercare support in addressing mental
14 health concerns and needs of learners. The Care Center shall also monitor all
15 learners who have gone through third-party intervention to ensure their continuous
16 improvement;
- 17
- 18 (h) Engage and provide support to parents, parent-substitutes, and other concerned
19 stakeholders in improving the school behavior and ensuring the academic success of
20 learners;
- 21
- 22 (i) Establish linkages with the community through the promotion of mental health
23 programs and activities geared towards the holistic well-being of learners;
- 24
- 25 (j) Prepare and submit reports periodically to the Office at the SDO for review;
- 26
- 27 (k) Ensure the provision of school-based mental health services to learners during
28 emergencies;
- 29
- 30 (l) provision of the following services, subject to the availability of the appropriate
31 licensed or trained professional:
- 32 i. Counseling and psychosocial support services and information on prevention
33 of risky behaviors, including addiction, pursuant to Section 11.03 of the IRR
34 of RA 10354, or the “Responsible Parenthood and Reproductive Health Act of
35 2012”;
- 36 ii. Career and employment guidance and counseling pursuant to RA 11206, or
37 the “Career Guidance and Counseling Act”;
- 38 iii. Counseling or referral services pursuant to Section 19 of RA 9344, or the
39 “Juvenile Justice and Welfare Act of 2006,” Section 3 of RA 10627, or the
40 “Anti-Bullying Act of 2013,” Section 27 of RA 11930, or the “Anti-Online
41 Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or
42 Exploitation Materials Act,” and such other learner rights and protection
43 concerns that may require counseling or referral services”; and
- 44 iv. Other school-based mental services based on other laws or DepEd programs
45 that entail the provision of such services.
- 46
- 47 (m) provide referral services for school personnel in need of counseling: Provided that,
48 the overall health and wellbeing of school personnel shall be the responsibility of the
49 HRD units in their respective SDOs; and
- 50

1 (n) Perform such other functions and activities that may be assigned to it periodically by
2 the DepEd within the purview of guidance and counseling.
3

4 SEC. 13. *Care Centers, Community Learning Centers (CLCs), and Inclusive Learning*
5 *Resource Centers (ILRCs).* – Care centers may provide mental health services to learners
6 under the Alternative Learning System within their immediate vicinity, in coordination
7 with their respective CLCs.
8

9 Care centers may also provide assistance in ensuring the mental health of learners with
10 disabilities in coordination with nearby ILRCs.
11

12 SEC. 14. *Care Centers in Other Basic Education Schools.* – DepEd shall ensure the
13 establishment and maintenance of Care Centers in private basic education schools.
14 Likewise, DepEd, in coordination with SUCs/LUCs and relevant NGAs, shall provide
15 guidelines in establishing and maintaining Care Centers in all other basic education
16 institutions.
17

18 **RULE V**
19 **HUMAN RESOURCE AND ORGANIZATIONAL DEVELOPMENT, PRE-SERVICE**
20 **EDUCATION, AND OTHER STAKEHOLDERS' TRAINING**
21

22 SEC. 15. *Creation of New Plantilla Positions.* – For purposes of this IRR, the Department
23 of Budget and Management (DBM) shall, in consultation with the DepEd, the Civil
24 Service Commission (CSC), and relevant professional organizations, create the following
25 new plantilla positions in DepEd and include the same in the revised compensation and
26 position classification system, and index of occupational services, occupational groups,
27 classes, and salary grades:
28

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

29
30 The positions of Guidance Counselor, Guidance Coordinator, and Guidance Services
31 Specialist shall be converted or reclassified, or both, to the pertinent newly created
32 positions. The DepEd, DBM, and CSC shall determine the eligibility and qualifications
33 of the newly created positions in accordance with the Act.
34

35 SEC. 16. *Hiring and Deployment of Personnel.* – DepEd and the DBM shall prioritize the
36 hiring of Schools Division Counselors in all MHWOs pursuant to the progressive
37 realization of promoting and ensuring mental health and well-being in basic education.

1 Until the plantilla positions for School Counselor and School Counselor Associates are
2 filled up, the DepEd may assign teachers or other DepEd personnel to deliver school-
3 based mental health services supervised by the School Counselor in the school, if
4 available, or by the Schools Division Counselor: Provided, That they undergo sufficient
5 capacity-building as determined by the DepEd: Provided, further, That they shall receive
6 honoraria for the delivery of such services, subject to the guidelines set by the DBM and
7 the Commission on Audit: Provided, finally, That they shall be subject to the conditions
8 of professional practice under Sections 27 and 28 of RA 9258, or Sections 3(b), 30 and
9 32 of RA 10029, or the “Philippine Psychology Act of 2009”, as applicable.

10
11 SEC. 17. *Professional and Career Development.* – DepEd shall, in coordination with the
12 DBM, CSC, and PRC, prepare a uniform career and personnel development plan that
13 shall include provisions on personal wellness, merit promotion, performance evaluation,
14 in-service training, post-graduate scholarship grants, research grants, suggestions, and
15 incentive award system.

16
17 The promotion of School Counselors and School Counselor Associates shall be based on
18 merit, fitness, and competence through the reclassification of position titles.

19
20 DepEd shall, in collaboration with the Commission on Higher Education (CHED) and
21 other government agencies concerned, develop a scholarship program to be provided by
22 CHED for teaching personnel and other school personnel interested in becoming either
23 a (a) School Counselor Associate, requiring the completion of a Bachelor’s Degree in
24 Guidance and Counseling or Psychology, any Bachelor’s Degree with at least eighteen
25 (18) units of courses in Guidance and Counseling or Psychology, or any related
26 Bachelor’s Degree with at least eighteen (18) units of courses of Behavioral Science
27 including two hundred (200) hours of supervised practicum or internship experience on
28 guidance and counseling; or (b) School Counselor, necessitating the attainment of a
29 Master’s Degree in Guidance and Counseling or Psychology, and successful passing of
30 the licensure examinations within a reasonable period.

31
32 A scholarship program shall likewise be made available to School Counselor Associates
33 to qualify as School Counselor.

34
35 The scholars shall be required to fulfill an obligation to render return service in the
36 DepEd by serving as School Counselors or School Counselor Associates for such
37 reasonable period as may be determined by the DepEd.

38
39 SEC. 18. *Pre-Service Education; Continuing Education.* – DepEd, in collaboration with
40 CHED, shall coordinate with the Teacher Education Council (TEC), to ensure that
41 teacher education institutions offering Bachelor of Elementary or Secondary Education
42 or related degrees and programs, including teacher certification programs, shall include
43 courses on mental health and behavioral science in the curriculum.

44
45 Further, DepEd shall carry out the appropriate regular training and skills upgrading
46 and development for the personnel of the Care Center.

47
48 SEC 19. *Other Stakeholders’ Training.* – To promote the mental health awareness of the
49 school community, DepEd, in collaboration with the Department of Health (DOH), shall
50 equip all teaching and non-teaching personnel in public and private basic education

1 schools, as well as other stakeholders, with the needed basic knowledge and positive
2 values and attitudes regarding mental health management to detect learners who may
3 need mental health support and refer them to the Care Center for appropriate
4 intervention.

5
6 *SEC. 20. Operational Details for Human Resource and Organizational Development.* –
7 DepEd shall issue separate guidelines on the sections and provisions related to human
8 resource and organizational development.

9
10 DepEd, in coordination with the Professional Regulatory Boards of Guidance and
11 Counseling and of Psychology, may jointly issue guidelines on matters of supervision,
12 in the context of implementing the SMHP.

13
14 **RULE VI**
15 **PROGRESSIVE REALIZATION OF PROMOTING AND ENSURING MENTAL HEALTH**
16 **AND WELL-BEING IN BASIC EDUCATION**
17

18 *SEC. 21. Ensuring Continuity of the SMHP in Schools.* – The absence of a physical Care
19 Center shall not prohibit the School from providing school-based mental health services
20 under the SMHP.

21
22 *SEC. 22. Creation of a Division under the Bureau of Learners Support Services.* – There
23 is hereby created a Learner Wellness Division (LWD) under the Bureau of Learners
24 Support Services (BLSS) to lead in the progressive realization of promoting and ensuring
25 mental health and well-being in basic education. To this end, the LWD, in coordination
26 with other DepEd units concerned such as but not limited to the Bureau of Human
27 Resource and Organizational Development, Planning Service, and Finance Service, shall
28 provide yearly targets such as, but not limited to, the following:

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30 (a) Establishment of Mental Health and Well-Being Offices;
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32 (b) Establishment of Care Centers;
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34 (c) Creation and filling up of the plantilla positions for the personnel of the Mental Health
35 and Well-Being Offices and Care Centers;
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37 (d) Capacity-building and training programs for relevant personnel and other
38 stakeholders concerned; and
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40 (e) Funding requirements with a determination of appropriate budgetary allocation and
41 inclusion under the yearly national expenditure program of the government.
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43 Finally, DepEd, through the LWD, together with other DepEd units concerned, shall
44 coordinate with CHED, the TEC, the CSC, the PRC, and other government agencies
45 concerned, to ensure the supply of qualified professionals through the recruitment of
46 students in the appropriate courses and ensure their seamless progression from higher
47 education to employment, taking into consideration the demand for such professionals
48 in the Care Centers. This may include the grant of scholarships to qualified students,
49 subject to the usual rules and regulations on the grant of scholarships.

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**RULE VII
PRIVILEGED COMMUNICATION**

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SEC. 23. *Privileged Communication.* – To encourage open and honest communication between the learner and Schools Division Counselor, School Counselor, School Counselor Associate, or other school personnel concerned 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 as may be required through a court order, (c) the learner, parent, or legal guardian consents to share specific information with designated individuals.

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**RULE VIII
BENEFITS**

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SEC. 24. *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, subject to guidelines jointly issued by the DBM, DepEd, and the DOH.

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**RULE IX
FUNDING AND OTHER RESOURCES**

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SEC. 25. *Programs and Projects Related to Mental Health.* – DepEd shall provide sufficient resources for the planning and effective implementation of mental health programs and projects of the division MHWOs and the Care Centers.

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SEC. 26. *Appropriations.* – The amount needed for the initial implementation of the Act shall be charged against those authorized in the current appropriations of the DepEd. Thereafter, the amount necessary for the continued implementation of the Act shall be included in the budget as a separate line item in the annual General Appropriations Act.

**RULE X
TRANSITORY PROVISIONS**

SEC. 27. *Supplementary Funding.* – In the absence of a separate line item, DepEd may utilize other existing funds from other existing line items as deemed necessary, to begin the implementation of the Act. DepEd and DBM shall coordinate with the Department of the Interior and Local Government (DILG) for the possible use of the Special Education Fund (SEF).

SEC. 28. *Other Transitory Provisions.* – Consistent with Section 5 of this IRR, DepEd may adopt temporary organizational arrangements across all governance levels to begin the implementation of the SMHP as prescribed by the Act.

DepEd, in coordination with CSC and PRC, shall employ strategies to encourage Registered Guidance Counselors, Registered Psychologists, or any of the qualified

1 Bachelor's degree holders to apply for the newly created plantilla positions under the
2 Act, subject to existing rules and regulations.

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4 **RULE XI**
5 **FINAL PROVISIONS**
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7 SEC. 29. *Implementing Details.* – CSC, DBM, DepEd, and PRC may jointly or separately
8 issue other policies and guidelines, as may be necessary, to further implement this IRR.
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10 SEC. 30. *Amendments.* – Amendments to this IRR shall be jointly promulgated by the
11 CSC Chairperson, DBM Secretary, DepEd Secretary, and the PRC Chairperson.
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13 SEC. 31. *Joint Congressional Oversight Committee.* – There is hereby created a Joint
14 Congressional Oversight Committee (JCOC) on the Basic Education Mental Health
15 Program to monitor and oversee the implementation of the provisions of the Act.
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17 The JCOC shall be composed of five (5) members each from the Senate and the House
18 of Representatives, respectively, to be chaired jointly by the chairpersons of the
19 Committee on Basic Education of the Senate and the Committee on Basic Education
20 and Culture of the House of Representatives. The members from the Senate, with one
21 (1) senator representing the minority, shall be appointed by the President of the Senate.
22 The members from the House of Representatives, with one (1) member representing the
23 minority, shall be appointed by the Speaker of the House of Representatives.
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25 SEC. 32. *Annual Report.* – Three (3) years after the effectivity of the Act, DepEd shall
26 commence the submission of annual reports on the status of its implementation to the
27 Committee on Basic Education of the Senate and the Committee on Basic Education
28 and Culture of the House of Representatives.
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30 SEC. 33. *Separability Clause.* – If any part or provision of this IRR is declared invalid or
31 unconstitutional, other parts not affected thereby shall continue to be valid and
32 subsisting.
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34 SEC. 34. *Repealing Clause.* – All laws, presidential decrees, executive orders,
35 presidential proclamations, rules and regulations, or parts thereof contrary to or
36 inconsistent with the provisions of the Act are hereby repealed or amended accordingly.
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38 SEC. 35. *Effectivity.* – This IRR shall take effect fifteen (15) days after its publication in
39 the Official Gazette or in a newspaper of general circulation.
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41 This IRR shall be registered with the Office of the National Administrative Register at
42 the University of the Philippines Law Center, UP Diliman, Quezon City.
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