



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE 53RD REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN ON AUGUST 7, 2023 HELD AT THE SESSION HALL, THE BUNKER, CAPITOL COMPOUND, BALANGA CITY, BATAAN

PRESENT:

Hon. Ma. Cristina M. Garcia, Vice Governor and Presiding Officer

FIRST DISTRICT:

Hon. Benjamin C. Serrano, Jr., Board Member
Hon. Jomar L. Gaza J.D., Board Member

SECOND DISTRICT:

Hon. Maria Margarita R. Roque, Board Member
Hon. Manuel N. Beltran, Board Member
Hon. Noel Joseph L. Valdecañas, Board Member

THIRD DISTRICT:

Hon. Romano L. Del Rosario, Board Member
Hon. Jorge S. Estanislao, M.D., Board Member
Hon. Angelito M. Sunga, Board Member
Hon. Roman Harold R. Espeleta, Board Member

Hon. Jovy Z. Banzon, Board Member (PCL President)
Hon. Doroteo M. Austria, Board Member (FABC President)
Hon. Precious D. Manuel, Board Member (SKF President)

ABSENT:

Hon. Antonino B. Roman III, J.D., LL.M., Board Member (On Leave)



PROVINCIAL ORDINANCE NO. 13 SERIES OF 2023

AN ORDINANCE PROVIDING FOR A COMMUNITY-BASED MENTAL HEALTH PROGRAM AND DELIVERY SYSTEM IN THE PROVINCE OF BATAAN, ESTABLISHING MECHANISMS AND GUIDELINES FOR ITS IMPLEMENTATION, AND APPROPRIATING NECESSARY FUNDS THEREFOR.

AUTHORED BY:

HON. ANTONINO B. ROMAN III, J.D., LL.M.

SPONSORED BY:

HON. JORGE S. ESTANISLAO, M.D.

WHEREAS, under Section 15, Article II of the 1987 Constitution, it is the policy of the State to protect and promote the right to health of the people and to instill health consciousness among them;

WHEREAS, Republic Act No. 11036 or the "Mental Health Act" affirms the basic right of all Filipinos to mental health as well as the fundamental rights of people who require mental health services;

JOSE ENRIQUE S. GARCIA III
Provincial Governor

"EXCELLENT PUBLIC SERVICE TOWARDS A BETTER QUALITY OF LIFE FOR ALL"

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WHEREAS, mental health is a vital part of the well-being of an individual and its maintenance involves not only addressing mental conditions and disorders which are commonly known, but also those brought about by extreme life experiences, heinous and violent crimes, internal displacement brought about by religious and civil unrests as well as the psychosocial matters of daily living;

WHEREAS, the Department of Health (DOH) estimated at least 3.6 million Filipinos suffered from mental health issues during the COVID-19 pandemic, such as but not limited to depression, substance and alcohol use disorders, and mood disorders;

WHEREAS, mental health programs should realize the significance of community efforts with multi-sectoral and multi-disciplinary participation, and should integrate the preventive, promotive, curative, and rehabilitative aspects of medical attention;

WHEREAS, there is a need to protect people with mental health issues from any form of discrimination;

WHEREAS, R.A. No. 11036 directs local government units (LGUs) to review, formulate, and develop regulations and guidelines necessary to implement effective mental health care and wellness policy within their respective territorial jurisdictions, including passage of a local ordinance on the subject of mental health, consistent with existing relevant national policies and guidelines;

WHEREAS, the Province of Bataan has yet to provide a mental health program in response to R.A. No. 11036 and to address the needs of its residents;

NOW THEREFORE, be it ordained by the Sangguniang Panlalawigan that:

Section 1. SHORT TITLE. – This ordinance shall be known as the "Mental Health Ordinance of Bataan."

Section 2. DECLARATION OF POLICY. – It is hereby declared the policy of the Province of Bataan to uphold the right of the people to mental health and encourage mental health consciousness. Towards this end, the Province shall adopt an integrated and comprehensive approach to the development of the Province of Bataan Mental Health Care Delivery System to deliver appropriate services and intervention 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 this ordinance are as follows:

- (a) Provision of mental health services in the Province of Bataan through capacity-building in district hospitals and at the municipal and barangay levels;
- (b) Integration of mental health care in the general health care delivery system;
- (c) Prevention, treatment and control of mental illness at all levels and rehabilitation of persons with mental disability; and
- (d) Promotion of mental health awareness in the Province.

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JOSE ENRIQUE S. GARCIA III
Provincial Governor

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Section 4. DEFINITION OF TERMS. – The following terms are defined as follows:

(a) *Advance directive* refers to the legal document communicating a person's wishes about health care decisions in the event the person becomes incapable of making health care decisions;

(b) *Allied professionals* refer to trained or certified non-psychiatric physicians, social workers, nurses, occupational therapists, counselors, priests, ministers, pastors, nuns, trained or certified non-psychiatric individuals or non-physicians;

(c) *Confidentiality* refers to ensuring that all relevant information related to persons with psychiatric, neurologic, and psychological health needs is protected from access or use by, or disclosure to, persons or entities who are not authorized to access, use, or possess such information;

(d) *Discrimination* refers to any distinction, exclusion or restriction which has the purpose or effect of nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation. Special measures solely to protect the rights or secure the advancement of persons with decision-making impairment capacity shall not be deemed to be discriminatory;

(e) *Drug Rehabilitation* refers to the processes of medical or psychotherapeutic treatment of dependency on psychoactive substances such as alcohol, prescription drugs, and other dangerous drugs pursuant to R.A. No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002." Rehabilitation process may also be applicable to diagnosed behavioral addictions such as gambling, internet and sexual addictions. The general intent is to enable the patient to confront the psychological, legal, financial, social, and physical consequences. Treatment includes medication for co-morbid psychiatric or other medical disorders, counseling by experts, and sharing of experience with other addicted individuals;

(f) *Informed Consent* refers to consent voluntarily 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;

(g) *Legal Representatives* refers to a person designated by the service user, appointed by a court of competent jurisdiction, or authorized by this Act or any other applicable law, to act on the service user's behalf. The legal representative may also be a person appointed in writing by the service user to act on his or her behalf through an advance directive;

(h) *Mental Disability* refers to a mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disability, that limits a major life activity. It also includes autism spectrum disorders, schizophrenia, and chronic or episodic conditions such as clinical depression, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and any other mental or psychological disorder or condition that requires special education or related services;


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(i) *Mental Health* refers to a state of well-being in which the individual realizes one's own abilities and potentials, scopes 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;

(j) *Mental Health Condition* refers to a neurologic or psychiatric condition characterized by the existence of a recognizable, clinically-significant disturbance in an individual's cognition, emotional regulation, or behavioral that reflects a genetic or acquired dysfunction in the neurological, psychosocial, or developmental process underlying mental functioning. The determination of neurologic and psychiatric conditions shall be based on scientifically-accepted medical nomenclature and best available scientific and medical evidence;

(k) *Mental Health Facility* refers to any establishment, or any unit of an establishment, which has, as its primary function, the provision of mental health services;

(l) *Mental Health Professional* refers to a medical doctor, psychologist, nurse, social worker or any other appropriately trained and qualified person with specific skills relevant to the provision of mental health services;

(m) *Mental Health Service Provider* refers to an entity or individual providing mental health services as defined in this ordinance, whether public or private, including, but not limited to mental health professionals and workers, social workers and counselors, informal community caregivers, mental health advocates and their organizations, personal ombudsmen, and persons or entities offering nonmedical alternative therapies;

(n) *Mental Health Service* refer to psychosocial, psychiatric, or neurologic activities and programs along the whole range of the mental health support services including promotion, prevention, treatment, and aftercare, which are provided by mental health facilities and mental health professionals, and mechanisms for suicide intervention, prevention, and response strategies;

(o) *Mental Health Worker* refers to a trained person, volunteer or advocate engaged in mental health promotion, providing support services under the supervision of a mental health professional;

(p) *Mental illness* refers to a 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;

(q) *Psychiatric or Neurologic Emergency* refers to a condition presenting a serious and immediate threat to the health and well-being of a service user or any other person affected by a mental health condition, requiring immediate medical intervention;

(r) *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; and

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Provincial Governor

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(s) *Service User* refers to a person with lived experience of any mental health condition including persons who require or are undergoing psychiatric, neurologic or psychosocial care.

Section 5. PROVINCIAL MENTAL HEALTH BOARD. – The Provincial Mental Health Board (referred as “Board”) is hereby established under the Provincial Health Office, to provide for a consistent, rational and unified response to mental health problems, concerns and efforts through the formulation and implementation of the Provincial Mental Health Care Delivery System.

For purposes of this ordinance, the Provincial 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, affordable, 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 workers.

Section 6. COMPOSITION OF THE BOARD. – The Board shall be composed of the following:

- (a) Chairperson: Governor
- (b) Vice-Chairperson: Provincial Health Officer
- (c) Members:
 - Chairperson, SP Committee on Health;
 - Chairperson, SP Committee on Women & Family;
 - Chairperson, SP Committee on Barangay Affairs;
 - Chairperson, SP Committee on Education & Culture;
 - Chairperson, SP Committee on Social Welfare & Development;
 - Chairperson, SP Committee on Senior Citizen & Person with Disability;
 - Provincial Social Welfare and Development Office;
 - Representative, Commission on Human Rights;
 - Representative from each of the public hospitals within the Province of Bataan, including provincial district hospitals, Bataan General Hospital, and Mariveles Mental Wellness and General Hospital;
 - Representative from a Non-Governmental Organization focusing on mental health issues and concerns (e.g., Philippine Mental Health Association); and
 - A mental health practitioner from the private sector, preferably, a psychiatrist or psychologist.

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Provincial Governor *mf*

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Section 7. DUTIES AND FUNCTIONS OF THE BOARD. - The Board shall exercise the following duties and functions:

- (a) Review and formulate policies and guidelines on mental health issues and concerns;
- (b) Develop an inclusive and integrated plan and program on mental health that, includes, among others, use of hotline, online, and face-to-face consultations handled by trained professionals to counsel individuals with mental health issues;
- (c) Conduct regular monitoring and evaluation in support of policy formulation and planning 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 overall technical supervision and ensure compliance with policies, programs, and projects within the comprehensive framework of the Provincial Mental Health Care Delivery System and other such activities related to the implementation of this ordinance, through the review 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 legislation which will sustain and strengthen programs, services and other mental health initiatives;
- (h) Initiate efforts to propose the creation of such inter-agency committees, project task forces, and other groups necessary to implement the policy and program framework of this ordinance;
- (i) Provide means and measures to provide easy and confidential access to mental health services;
- (j) Develop plans, programs and activities for the observation of Mental Health Month in the Province of Bataan; and
- (k) Perform such other duties and functions necessary in carrying the purposes of this ordinance.

Section 8. MEETINGS. - The Board shall meet quarterly or as frequently as necessary to discharge its duties and functions. It may be convened by the Chairperson or upon written report of at least three (3) members. Any member of the Committee is allowed to designate a representative to attend such meetings in case of unavailability.

Section 9. COMMUNITY-BASED MENTAL HEALTH CARE. The Mental Health Care Delivery System shall be deinstitutionalized, evolving from being a predominantly hospital-based mental health care system to a comprehensive community-based mental health care system consisting of the following:


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The assigned mental health professional may also be called upon to assist the monitoring of those persons diagnosed with mental health condition, as referred by other mental health professionals, mental health facilities, and other appropriate institutions or agencies.

Section 12. CAPACITY-BUILDING AT DISTRICT HOSPITALS, RURAL HEALTH CLINICS, AND FOR OTHER STAKEHOLDERS. - In close coordination with mental health facilities, academic institutions, and other stakeholders, mental health professionals, workers, and other service providers, especially in district hospitals and Rural Health Clinics, shall undergo capacity-building, reorientation, and training to develop their ability to deliver evidence-based, gender-sensitive, culturally appropriate and human-rights oriented mental health services, with emphasis on the community and public health aspects of mental health.

For this purpose, non-government organizations, people's organizations and other entities that are helping in the promotion and advocacy for mental health awareness shall be encouraged to coordinate with the Provincial Health Office and the Board for the purpose of inclusion in the comprehensive plan to address mental health issues in the Province of Bataan.

Section 13. PROTECTION AGAINST DISCRIMINATION. - Discrimination, as defined under Section 4(d) of this ordinance, against any person with mental-health condition is prohibited.

Section 14. ACCESS TO EFFECTIVE AND HIGH QUALITY MENTAL HEALTH CARE. - All the residents of the Province of Bataan shall have the right to receive mental health care appropriate to their needs and shall be entitled to care and treatment in accordance to the same standards and accessibility as other sick individuals.

Section 15. CONFIDENTIALITY. - All patients or service users with mental illness enjoy the right to confidentiality. Confidentiality of all information, communications, and records including those in Data Privacy Act, in whatever form or medium stored, regarding the patient/service user, any aspect of the patient's/service user's mental health, or any treatment or care received by the patient's/service user, which information, communication, and records shall not be disclosed to third parties without the written consent of the patient's/service user's legal representative, except as allowed in Section 5(I) of R.A. No. 11036.

Section 16. INFORMED CONSENT. - Except as provided in Section 13 of R.A. No. 11036, service users must provide informed consent in writing prior to the implementation by mental health professionals, workers, and other service providers of any plan or program of therapy or treatment, including physical or chemical restraint. All persons, including service users, person with disabilities, and minors, shall be presumed to possess legal capacity for the purpose of this Act or any other applicable law, irrespective of the nature or effects of their mental health conditions or disability. Children shall have the right to express their views on all matters affecting themselves and have such views given due consideration in accordance with their age and maturity.

Section 17. COMMUNITY COUNSELING CENTER. - Each barangay, as a matter of priority, shall establish or provide a counseling center/space so that those considered with mental health concerns may be initially evaluated and monitored, for their eventual disposition and referral to the proper mental health professional, worker, allied professional, service provider, or facility.


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In furtherance hereof, barangay are highly encouraged to set aside the amount necessary to carry out the intents and purpose of this ordinance.

Section 18. REPORTORIAL REQUIREMENTS. - The Provincial Health Office shall make a quarterly report to the Philippine Council for Mental Health, on the following, among others:

- (a) Number of patients/service users attended to and/or served;
- (b) The respective kinds of mental illness or disability, duration and result of the treatment; and
- (c) Patients'/service users' age, gender, educational attainment, and employment without disclosing the identities of such patients/service user for confidentiality.

Such report shall also include analysis of current and projected mental health situation and recommendations on how to improve mental health campaigns.

Such report shall also be furnished to the Board for appropriate policy and program interventions, and to the Commission on Human Rights-Region III for human rights situation monitoring.

Section 19. ADMINISTRATIVE LIABILITY. - Failure to comply with the provisions of this ordinance shall be a ground for the filing of the appropriate administrative complaint.

Section 20. APPROPRIATIONS. - The PGB shall appropriate funds to implement this ordinance in the Annual Budget of the Province of Bataan and shall use any other available funding source.

Section 21. SEPARABILITY CLAUSE. - Should any provision in this ordinance be declared unconstitutional by any competent court, the remaining provisions shall remain valid and legal.

Section 22. REPEALING CLAUSE. - Any ordinance, rules and regulations and executive issuances found inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

Section 23. EFFECTIVITY. - This ordinance shall take effect after fifteen (15) days following the completion of its full publication in a local newspaper of general circulation within the Province of Bataan.

UNANIMOUSLY ENACTED this 7th day of August 2023.

I HEREBY CERTIFY to the enactment of the foregoing Ordinance.


ATTY. MARK LORENZ C. QUEZON
Secretary to the Sangguniang Panlalawigan


BENJAMIN C. SERRANO, JR.
Board Member


MARIA MARGARITA R. ROQUE
Board Member


JOSE ENRIQUE S. GARCIA III
Provincial Governor

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JOMAR L. GAZA J.D.
Board Member


MANUEL N. BELTRAN
Board Member


ROMANO L. DEL ROSARIO
Board Member


NOEL JOSEPH L. VALDECAÑAS
Board Member


JORGE S. ESTANISLAO, M.D.
Board Member


ANGELITO M. SUNGA
Board Member


JOVY Z. BANZON
Board Member
(PCL President)


ROMAN HAROLD R. ESPELETA
Board Member



DOROTEO M. AUSTRIA
Board Member
(FABC President)


PRECIOUS D. MANUEL
Board Member
(SKF President)

ATTESTED:


MA. CRISTINA M. GARCIA
Vice Governor & Presiding Officer

APPROVED:


JOSE ENRIQUE S. GARCIA III
Provincial Governor
Date: _____





