

An act establishing a national mental health policy for the purpose of enhancing the delivery of integrated mental health services, promoting and protecting the rights of persons utilizing psychiatric, neurologic and psychosocial health services, appropriating funds therefor, and for other purposes.



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Penalty Clause

Chapter X, SEC 44: Any person who commits any of the following acts shall, upon conviction by final judgement, be punished by imprisonment of not less than six (6) months, but not more than two (2) years, or a fine of not less than Ten thousand pesos (P10,000), but not more than Two hundred thousand pesos (P200,000), or both, at the discretion of the court.

* If the violation is committed by a juridical person, the penalty provided for in this Act shall be imposed upon the directors, officers, employees or other officials or persons therein responsible for the offense.

** If the violation is committed by an alien, the alien offender shall be immediately deported after service of sentence without need of further proceedings.

This section covers our recommendations based on our interpretation of the new laws as a Mental Health Clinic that services Corporate entities and Local Government Units.

Type	Section	Title	Legal Citation	Core Action	Component	Recommendation	Recommended Service	Summary of Service
Compulsory	Chapter V, SEC 25	Mental Health Promotion and Policies in the Workplace	Employers shall develop appropriate policies and programs on mental health in the workplace designed to: Raise awareness on mental health issues, correct the stigma and discrimination associated with mental health conditions, identify and provide support for individuals at risk, and facilitate access of individuals with mental health conditions to treatment and psychosocial support.	Employers shall develop appropriate policies and programs on mental health in the workplace.	Raise awareness on mental health issues.	Prescription Psychiatrists and Psychologists recommends that the business entity provide formal education for all staff including senior management as to inform them to their legal capacity or rights regarding mental health. These seminars will raise awareness of mental health issues and assist in correcting the stigma and discrimination associated with mental health conditions. CH II SEC 5, CH V SEC 25, CH I SEC 5.	Group Seminars (30)	Specialized seminars presented by certified mental health professionals in a group setting. Informing a group of 30 people the benefits of mental health, their rights and a topic chosen by the entity (E.g. Stress in the work place, Anger Management etc). Seminars run for 90 minutes including a Q&A and informational materials for all attendees are provided. Seminars are normally hosted in the entities workplace. We recommend all users attend these seminars every 6 months.
					Correct the stigma and discrimination associated with mental health conditions.	Prescription Psychiatrists and Psychologists recommends that a business entity considers implementing anonymous psychometric tests which are taken by all staff prior to an employee having a '1 on 1 session'. This would include the highest ranking management in an entity. As the law does not state frequency, we recommend that unrestricted access to a mental health provider is provided at least once per year and testing is done every two years. This test will help identify service users who are at risk and assist in providing support for said individuals. This will enable the facilitation and access for individuals with mental health conditions to treatment and psychosocial support on a regular basis. CH II SEC 5, CH V SEC 25, CH I SEC 5.		
					Identify and provide support for individuals at risk.	Prescription Psychiatrists and Psychologists recommends that the business entity provides equal access to all employees in entities that are within the Philippines, including the highest ranking management in an entity. As the law does not state frequency, it is recommended that access is provided once per year. This private session will help identify and provide support for individuals at risk, and facilitate access of individuals with mental health conditions to treatment and psychosocial support. CH II SEC 5, CH V SEC 25, CH I SEC 5.		
Compulsory	Chapter III, SEC 8	Informed Consent to Treatment	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, persons with disabilities, and minors, shall be presumed to possess legal capacity for the purposes of this Act or any other applicable law, irrespective of the nature or the effects of their mental health condition 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.	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.	Service users must provide informed consent in writing.	Prescription Psychiatrists and Psychologists provide legal consent forms prior to all sessions, treatments and seminars. All forms are signed and dated by service users and are stored with Prescription Psychiatrists and Psychologists.	Included with all services.	Depending on your individual entity and its processes, Prescription Psychiatrists and Psychologists will either provide the legal consent forms in advance for internal distribution or will provide the forms prior to any sessions. These forms are kept confidential and are not distributed unless required by the law. Service users can withdraw such consent Chapter II, SEC 5, Para (m). This will be recorded on the service user's clinical record.
Information	Chapter I, SEC 2	Declaration of Policy	The State affirms the basic right of all Filipinos to mental health as well as the fundamental rights of people who require mental health services.	The State shall comply with its obligations under the United Nations Declaration of Human Rights, the Convention on the Right of Persons with Disabilities, and all other relevant international and regional human rights conventions and declarations. The applicability of Republic Act No. 7277, as amended, otherwise known as the "Magna Carta for Disabled Persons", to persons with mental health conditions, as defined herein is expressly recognized.	The State affirms the basic right of all Filipinos to mental health.	All entities must comply with the legal human rights of Filipinos.	N/A	
Information	Chapter I, SEC 3, Para (u)	Objectives	Support refers to the spectrum of informal and formal arrangements or services of varying types and intensities, provided by the State, private entities, or communities, aimed at assisting a service user in the exercise of his or her legal capacity or rights, including: community services; personal assistants and ombudsmen; powers of attorney and other legal and personal planning tools; peer support; support for self-advocacy; nonformal community caregiver networks; dialogue systems; alternate communication methods, such as nonverbal, sign, augmentative, and manual communications and the use of assistive devices and technology.	Support refers to the spectrum of informal and formal arrangements or services of varying types and intensities, provided by the State, private entities, or communities, aimed at assisting a service user in the exercise of his or her legal capacity or rights.	Assisting a service user in the exercise of his or her legal capacity or rights.	Prescription Psychiatrists and Psychologists recommends that the business entity provides formal education for all staff including senior management as to inform them to their legal capacity or rights regarding mental health. These seminars will raise awareness on mental health issues and assist in correcting the stigma and discrimination associated with mental health conditions. CH II SEC 5, CH V SEC 25, CH I SEC 5.	Group Seminars (30)	Specialized seminars presented by certified mental health professionals in a group setting. Informing a group of 30 people about the benefits of mental health, their rights and a topic chosen by the entity (E.g. Stress in the work place, Anger Management etc). Seminars run for 90 minutes including a Q&A and informational materials for all attendees are provided. Seminars are normally hosted in the entities workplace. We recommend all users attend these seminars every 6 months.
Information	Chapter II, SEC 5	Rights of Service Users	Service users shall enjoy, on an equal and nondiscriminatory basis, all rights guaranteed by the Constitution as well as those recognized under the United Nations Universal Declaration of Human Rights and the Convention on the Rights of Persons with Disabilities and all other relevant international and regional human rights conventions and declarations, including the right to: (a) - (f)	Service users shall enjoy, on an equal and nondiscriminatory basis, all rights guaranteed by the Constitution.	Equal and nondiscriminatory basis	Prescription Psychiatrists and Psychologists recommends that the business entity provides equal access to all employees in the entities care within the Philippines, including the highest ranking management in an entity. As the law does not state frequency, it is recommended that access is provided once per year. This private session will help identify and provide support for individuals at risk, and facilitate access of individuals with mental health conditions to treatment and psychosocial support. CH II SEC 5, CH V SEC 25, CH I SEC 5.	1 on 1 Session	Private, Confidential, Anonymous and Secure. Session details can only be shared with legal consent by the service user. (Chapter II, SEC 5, Para (L))
Information	Chapter II, SEC 5, Para (l)	Confidentiality	Confidentiality of all information, communications, and records, in whatever form or medium stored, regarding the service user, any aspect of the service user's mental health, or any treatment or care received by the service user, which information, communications, and records shall not be disclosed to third parties without the written consent of the service user concerned or the service user's legal representative, except in the following circumstances; (l) - (5)	Records shall not be disclosed to third parties without the written consent of the service user.	Records shall not be disclosed.	Prescription Psychiatrists and Psychologists' protects the records of all service users and will not distribute records unless complying with the law or under written request of the service User.	Included with all services.	Prescription Psychiatrists and Psychologists recommends that entities avoid requesting access from service users to their medical records, and if needed, only provide requests under rare circumstances as a last resort. Any entity wanting access to clinical records for business purposes should be familiar with Chapter II, SEC 5 of RA1036.