

SEVENTEENTH CONGRESS  
CONGRESS OF THE PHILIPPINES  
First Regular Session  
HOUSE OF REPRESENTATIVES

House Bill No. 584



Introduced by REPRESENTATIVE PIA S. CAYETANO

EXPLANATORY NOTE

The right of all Filipinos to have a healthy life is protected under Article 2, Section 15 of the Philippine Constitution which states that “the State shall protect and promote the right to health of the people and instill health consciousness among them.” An important dimension of this right to health is mental health because “health,” as defines in the World Health Organization Constitution, is “a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity.”

In the Philippines, there are studies that reveal the extent of the mental health needs of the country’s population. The Global School Based Health Survey (WHO 2011) shows that 16% of students between 13-15 years old have “ever seriously considered attempting suicide during the past year” while 13% have “actually attempted suicide one or more times during the past year.” A study conducted by the Department of Health among government employees in Metro Manila revealed that 32% out of 327 respondents have experienced a mental health problem in their lifetime (DOH 2006). Almost one per 100 households (0.7%) has a member with mental disability (DOH-SWS 2004) while intentional self-harm is the ninth leading cause of death among 20-24 years old (DOH 2003).

Compounding these problems, persons with mental illness are vulnerable to abuse in healthcare settings. A recent report of the UN Special Rapporteur on Torture raised alarm on the prevalence of practices which can be considered “cruel and inhumane, degrading treatment” or even torture in health care settings. The report cites that persons with psychosocial disabilities, including those with long term sensory and intellectual impairments who have been neglected or detained in a variety of settings, from psychiatric to social care institutions or other residential centers, may be subject to all kinds of abuses or violence.

It is in this context that international bodies like the WHO have advocated for mental health legislation with a “rights-based” approach. In its 2003 document entitled “Mental Health Legislation and Human Rights,” the WHO noted the following: (1) People with mental disorders constitute a vulnerable section of society. (2) Mental health legislation is necessary for protecting the rights of people with mental disorders. (3) Mental health legislation is concerned with more than care and treatment. It provides a legal framework to address critical mental health issues such as access to care, rehabilitation and aftercare, full integration of people with mental disorders into the community, and the promotion of mental health in different sectors

of society. (4) There is no national mental health legislation in 25% of countries with nearly 31% of the world's population. (5) Mental health legislation is an integral part of mental health policy and provides a legislative framework for achieving the goals of such policy."

The purpose of this bill is to incorporate and institutionalize comprehensive mental health services into the national health system of the Philippines. The aim is to render available, accessible, affordable, and equitable quality mental health care and services to Filipinos, especially the poor, underserved and high-risk population.

In this context, passage of the Bill is earnestly requested.

  
PIA S. CAYETANO

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**AN ACT**  
**PROMULGATING A NATIONAL MENTAL HEALTH POLICY TOWARDS THE**  
**ENHANCEMENT OF INTEGRATED MENTAL HEALTH SERVICES, THE**  
**PROMOTION AND PROTECTION OF PERSONS UTILIZING MENTAL HEALTH**  
**SERVICES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER**  
**PURPOSES**

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

**ARTICLE I**  
**TITLE, POLICY, OBJECTIVES AND DEFINITION OF TERMS**

1  
2  
3  
4 **SECTION. 1. *Short Title.***-This Act shall be known as the "Philippine Mental Health  
5 Act".

6 **SEC. 2. *Declaration of Policy.*** – The 1987 Philippine Constitution mandates that  
7 the State shall protect and promote the right to health of the people, adopt an  
8 integrated and comprehensive approach to health development giving priority to the  
9 needs of the underprivileged, sick, elderly, disabled, women and children.

10  
11 The Universal Declaration of Human Rights, the International Covenant on  
12 Economic, Social and Cultural Rights, and the International Covenant on Civil and  
13 Political Rights, further provide for the right to equality and non-discrimination, dignity  
14 and respect, privacy and individual autonomy, information and participation of all  
15 people.

16  
17 The State recognizes its obligations as a State-Party to the UN Convention on  
18 the Rights of Persons with Disabilities under Article 4 of the present Convention "to  
19 ensure and promote the full realization of all human rights and fundamental  
20 freedoms for all persons with disabilities without discrimination of any kind on the  
21 basis of disability." Likewise, the State aligns itself with the UN General Assembly  
22 resolution 46/119 of December 17, 1991, on the Principles for the Protection of  
23 Persons with Mental Illness and the Improvement of Mental Health Care that lays  
24 down the policies and guidelines for the protection from harm of persons with mental  
25 disabilities and the improvement of mental health care.

1 In line with all these, it is hereby declared the policy of the State to uphold the  
2 basic right of all Filipinos to mental health and respect the fundamental rights of  
3 people who require mental health services. The State thus recognizes that people  
4 with mental disabilities by virtue of the nature and/or severity of their illness, have  
5 specific vulnerabilities and therefore need special care that is appropriate to their  
6 needs based on national and internationally-accepted standards.

7  
8 The State commits to the promotion and protection of the rights of persons  
9 with psychosocial and mental health needs and the belief that addressing their  
10 profound social disadvantage enhances their significant contribution in the civil,  
11 political, economic, social and cultural spheres.

12  
13 **SEC. 3. Objectives.** –The objectives of this Act are as follows:

14  
15 a) Ensure a community of Filipinos who are mentally healthy, able to  
16 contribute to the development of the country and attain a better quality of life through  
17 access to an integrated, well-planned, effectively organized and efficiently delivered  
18 mental health care system that responds to their mental health needs in equity with  
19 their physical health needs;

20  
21 b) Promote mental health, protection of the rights and freedoms of persons  
22 with mental health needs and the reduction of the burden and consequences of  
23 mental ill-health, mental and brain disorders and disabilities; and

24  
25 c) Provide the direction for a coherent, rational, and unified response to the  
26 nation's psychosocial and mental health problems, concerns and efforts.

27  
28 **SEC. 4. Definition of Terms.** – For the purpose of this Act, the following terms shall  
29 be defined as follows:

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31 a) **“Allied Professionals”** refer to any formally educated and trained non-  
32 mental health professionals.

33  
34 b) **“Carer”** refers to a person who may or may not be the service user's next of  
35 kin nor relative but maintains a close personal relationship with the service user and  
36 manifests concern for his welfare.

37  
38 c) **“Confidentiality”** refers to the relationship of trust and confidence created or  
39 existing between service users and their mental health professionals, mental health  
40 workers and allied professionals. It also applies to any person who, in any official  
41 capacity, has acquired or may have acquired such confidential information.

42  
43 d) **“Legal Representative”** refers to a substitute decision-maker charged by law  
44 with the duty of representing a service user in any specified undertaking or of  
45 exercising specified rights on behalf of the service user that will redound to the  
46 latter's well-being taking into consideration the latter's wishes.

