



Republic of the Philippines
CARAGA Region XIII
Province of Surigao del Norte
Municipality of San Benito



Office of the 10th Sangguniang Bayan

AN EXCERPT FROM THE MINUTES OF THE 34TH REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN MEMBERS OF THE MUNICIPALITY OF SAN BENITO, SURIGAO DEL NORTE HELD AT SANGGUNIANG BAYAN SESSION HALL ON SEPTEMBER 02, 2024 AT EXACTLY 9:00 O' CLOCK IN THE MORNING

PRESENT:

Hon. Wellybel A. Requirme
Hon. Cindy R. Agati
Hon. Charlito E. Mendavia
Hon. Aldrein C. Glimane
Hon. Felix B. Sumando Sr.
Hon. Delfin P. Labola
Hon. William A. Polican
Hon. Jayrom P. Caballejos
Hon. Ruella T. Rulete
Hon. Aira Mae C. Galano

Municipal Vice Mayor / Presiding Officer
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Ex-Officio / LNMB President
Ex-Officio / SKF President

ABSENT:

Hon. Puyat P. Sumando

Sangguniang Bayan Member

MUNICIPAL ORDINANCE NO. 158 - 24 Series of 2024

"AN ORDINANCE INSTITUTIONALIZING THE MENTAL HEALTH CARE PROGRAM IN THE MUNICIPALITY OF SAN BENITO, SIARGAO ISLAND, SURIGAO DEL NORTE, ESTABLISHING MECHANISMS AND GUIDELINES FOR ITS IMPLEMENTATION, ADOPTING CERTAIN PROVISIONS OF RA. 11036, APPROPRIATING FUNDS THEREOF, AND FOR OTHER PURPOSES"

WHEREAS, mental health as defined by the World Health Organization (WHO) is "a state of well-being in which the individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his/her community";

WHEREAS, mental health is a vital part of a person's total health and that the problems on mental health contain not just the traditional mental disorders but the issues of population who are susceptible to psychosocial risks caused by extreme life experiences such as traumatic incidence/events, disasters, near-death experiences, heinous and violent crimes, internal displacement brought about by religious and civil unrests as well as the psychosocial matters of daily living like preserving a sense of well-being in these complicated times;

WHEREAS, recently, Republic Act No. 11036, otherwise known as the "Mental Health Act" mandates local government units to strengthen programs and governance to promote mental health wellness by formulating, developing, and implementing national policies, strategies, programs and regulations relating to mental health;

WHEREAS, the Local Government Units (LGUs) are required to support the Mental Health Program by reviewing, formulating and developing regulations and guidelines necessary to implement an effective health care and wellness policy within their territorial jurisdictions, including the passage of a local ordinance focusing on mental health which are consistent with existing national policies and guidelines;

WHEREAS, there is a need to review, update, evaluate and institutionalize the mental health program in the municipality of San Benito, Siargao Island, Surigao del Norte in order to improve and enhance its delivery and accessibility to the constituents who may need mental health care services;

WHEREAS, recognizing the need for a local policy to institutionalize a mental health care program in the municipality, the San Benito, Siargao Island, Surigao del Norte Local Health Board, endorsed to the Sangguniang Bayan the crafting of an ordinance that will institutionalize a Mental Health Care Program in the municipality of San Benito, Siargao Island, Surigao del Norte;

WHEREFORE, for and in consideration of the foregoing premises and upon the motion of Sangguniang Bayan Member Charlito E. Mendavia duly seconded by Sangguniang Bayan Member William A. Polican,

BE IT ORDAINED, by the 10th Sangguniang Bayan of San Benito, Siargao Island, Surigao del Norte in session assembled, that:

Section 1. Title. This ordinance shall be known as the "Mental Health Wellness Ordinance of the Municipality of San Benito, Siargao Island, Surigao del Norte.

Section 2. Policies. This Ordinance is enacted pursuant to the provision of Section 2 of the Philippine Constitution which states that:

- 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 commits itself to promoting the well-being of people by ensuring that mental health is valued, promoted and protected; mental health conditions are treated and prevented; timely, affordable, high-quality, and culturally appropriate mental care is made available to the public; mental health services are free from coercion and accountable to the service users; and persons affected by mental health conditions are able to exercise the full range of human rights, and participate fully in society and at work, free from stigmatization and discrimination.

Section 3. Definition of Terms. As used in this ordinance, the following words and phrases shall have the meanings ascribed to them:

- a. *Mental Health* - refers to a state of well-being in which the individual realizes one's own abilities and potentials, copes 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;
- b. *Mental Disability* - refers to impairments in activity limitations and individual and participatory restrictions denoting the negative aspects of interaction between an individual and his environment. This results from organic syndromes such as mental retardation and acquired lesions of the central nervous system, dementia and psychotic and non-psychotic disorders;
- c. *Mental Illness* - refers to mental or psychiatric disorder or other neurodevelopmental disorders 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; including epilepsy, neuro dementia, anxiety depression and other neurologic illnesses.

- d. *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;
- e. *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 health services;
- f. *Allied Professional* - refers to any trained non-medical mental health professional;
- g. *Mental Health Service Provider* - refers to an entity or individual providing mental health services, whether public or private, including, but not limited to, mental health professionals and workers, social workers and counselors, peer counsellors, informal community caregivers, mental health advocates and their organizations and persons or entities offering non-medical alternative therapies;
- h. *Patient or Service User* - refers to a person with mental health condition who requires or undergoing psychiatric, neurologic or psychosocial care;
- i. *R.A. No. 11036- Republic Act No. 11036* or "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", otherwise known as the "Mental Health Act", approved on June 20, 2018;
- j. *Traumatic Events* - refers to an incident that causes physical, emotional, spiritual, or psychological trauma or harm to an individual, including but not limited to, accidents, natural disasters, attacks, sexual harassment, domestic violence, and emotional or physical abuse;
- k. *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 right or secure the advancement of persons with decision-making impairment capacity shall not be deemed to be discriminatory."

Section 4. Duties and Responsibilities Of The Municipal Government Of San Benito, Siargao Island, Surigao del Norte:

- a. Review, formulate, and develop regulations and guidelines necessary to implement an effective mental health care and wellness program and policies in municipality of San Benito;
- b. Integrate mental health care services in the basic health care services, and ensure that these are provided in primary health care facilities and hospitals;
- c. Establish or provide training programs or activities necessary to enhance the capacity of mental health service providers and other health workers in providing appropriate mental health services or interventions;
- d. Establish and capacitate mental health care facilities or clinic in the municipality in order to be more accessible and responsive to the needs of the patients or community;
- e. Establish a temporary housing facility for vagrant psychotics or individuals suffering from mental health problem with no identified relatives where they can live or stay;
- f. Refer or coordinate transfer of service users or patients to mental health facilities, professional workers and other service providers for appropriate care; and
- g. Establish a multi-sectoral network for the identification, management, and prevention of mental health illness in the community

Section 5. Institutionalizing the Mental Health Program of the Municipality of San Benito, Siargao Island, Surigao del Norte. The mental health program and services of the Municipal Health Office of San Benito, Siargao Island, Surigao del Norte is hereby institutionalized and shall be integrated as part of the public health services in the health facilities of Municipal Government of San Benito, Siargao Island, Surigao del Norte.

- a. Mental health care services to be provided in the municipality shall be:
 - a. 1. Based on medical and scientific research findings;
 - a.2. Responsive to the clinical, gender, cultural and other special needs of the individuals being served;
 - a.3. Service must be provided in most appropriate and least restrictive setting;
 - a.4. Age-appropriate;
 - a.5. Provided by mental health professionals and workers in a manner that ensures accountability; and
 - a.6. Economically accessible.
- b. The mental health care services shall aspire to evolve from a predominantly hospital-based mental health care system to a comprehensive community-based mental health care system which shall consists of:
 - b. 1. Development and integration of mental health care at the primary health in the community;

- b.2. Continuation of programs for capacity/capability building among existing local health workers in close coordination with mental or psychiatric hospitals, universities and other health providers;
- b.3. Continuous support services and intervention for affected families;
- b.4. Advocacy and promotion of mental health awareness among the general population;
- b.5. Capacity building, reorientation and training shall be required for health providers;
- b.6. Research and development to improve mental health programs shall be undertaken, in collaboration with other government agencies, academic institutions, mental health associations and non-government organizations, to develop or enhance appropriate and relevant mental health services in the community.

Section 6. Mental Health Clinic / Facility. In the Rural Health Unit of San Benito, Siargao Island, Surigao del Norte, Mental Health Clinic shall be established and shall serve patients with mental health problem on an out-patient basis. It shall provide the following services:

- a. Psychiatric consultation and counselling;
- b. Provision of medicine for mental health disorder;
- c. Referral and coordination of patients needing admission;
- d. Screening and assessment of individuals for substance use disorder.

Section 7. Establishment of the Council for Mental Health. The Local Council for Mental Health of San Benito, Siargao Island, Surigao del Norte is hereby established to guide the development and implementation of mental health policies, programs, and services to address the significant burden of mental illness and improve mental health and well-being in the municipality.

Section 8. Composition of Council For Mental Health. The Council shall be composed of the following, to wit:

Chairman	:	Municipal Mayor
Co-Chairman	:	Municipal Health Officer
Members	:	MSWD Officer
		Liga Ng Mga Barangay Fed. President
		SB Chair, Women, Children and Family
		DepEd District Supervisor
		Two (2) Representatives from CSO concerned with mental health.

Section 9. Appointment of Members. Within ninety (90) days from the date of effectivity of this ordinance, the Municipal mayor shall appoint the member of the council through an Executive Order.

Section 10. Functions Of Municipal Council for Mental Health. The Council shall undertake the following:

- A. Formulate policies and guidelines on mental health issues and concerns.
- B. Develop a comprehensive and integrated local plan on mental health.
- C. Conduct periodic monitoring, evaluation, and research in support to policy formulation and a plan on mental health.
- D. Promote and facilitate collaboration among sectors for the design development and Implementation of sectoral mental health plan.
- E. Review all existing related ordinances and executive orders related to mental health and recommend legislation which will sustain and strengthen existing programs and services and other mental health initiatives.
- F. Advice the Local Chief Executive in the field on mental; and
- G. Submit annual report to the Local Chief Executive

Section 9. Promotion to Mental Health. To protect the right to be treated with dignity, respect, and justice of those who are suffering from mental health problems, the council shall promote an integrated approach to mental health care to prevent mental disorders through programs that strengthen the basic coping mechanism of individuals on relation to stress and advocacy to raise the value of mental health consciousness among the people.

Section 10. Access to Quality Mental Health Care. Every constituent shall have the right to equal and non- discriminatory mental health care services appropriate to his or her needs and shall be entitled to care and treatment in accordance to the same standards and accessibility as other sick individuals. Moreover, people in far-flung areas and/or highly populated or depressed areas/barangays and people from vulnerable sectors such as the children in conflict with the law, people deprive of liberty, indigenous people, and women in postpartum shall have the same level of access and shall be prioritized for home or facility visits and access to mental health outreach activities.

Section 11. Confidentiality. All patients with mental illness shall be entitled to the right to confidentiality. All information, communications, and records, 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/service user, shall not be disclosed to third parties without the written consent of the patient/service user concerned or the patient's/service user's legal representative, except in some circumstances allowed by law.

Section 12. Mental Health Care for Drug Dependents. Persons who use prohibited drugs or substances referred shall be given equal and non-discriminatory services but subject to the existing policies and programs of the municipality for substance abuse clients or patients.

Section 13. Reportorial Requirements. The Municipal Government of San Benito, Siargao island, Surigao del Norte through the Municipal Health Office shall submit reports for the mental health program to authorized government agencies.

- For the purpose of obtaining accurate reports for planning and prioritization of health programs and fundings, all health facilities and/or health providers whether public or private practitioner, are required under this ordinance to submit report on patients or clients with mental health problems seen, consulted or managed in their respective clinics or health facilities. Report shall be submitted to the San Benito Municipal Health Office at least every quarter and shall include the following information:
- Age
- Sex
- Barangay Address
- Diagnosis
- Consultation status (New or Old)

Section 14. Penalty. This ordinance strictly prohibits the discrimination against a person with a mental health condition. This Ordinance adopts the penalty clause as provided in RA 11036 and its IRR. For this purpose, the Municipal Government of San Benito shall assist any complainant's in filing a case with the proper court. Failure to observe the provisions of Section 13 of this Ordinance, the following shall be observed:

First offense	Warning
Second offense	Fine of Php 1000.00
Third Offense	Fine of Php 2000.00

For this purpose, the Municipal Legal Officer or its equivalent office shall be directed to implement this provision of the Ordinance.

Section 15. Access to Information. Only patients or former patients shall be entitled have access to their personal mental health records. For justifiable reason, such confidential information may not be given to patient but instead be given to the patient's representative or counsel.

Section 16. Appropriation and Funding. The Municipal Government of San Benito, Siargao Island, Surigao del Norte shall appropriate funds for the implementation of San Benito Mental Health Care Program and for the operational expenses of the Council for Mental Health and the fund shall be sourced from the San Benito Municipal Health Office, Municipal Social Welfare and Development Office and GAD Fund.

SECTION 16. Separability Clause. Any provision or portion of this ordinance found to be violative to the constitution and other existing laws, other provisions parts thereof not affected shall continue to be in full force and effect.


Section 17. Repealing Clause. All ordinances contrary to or inconsistent with this ordinance are hereby repealed or modified accordingly.

Section 18. Effectivity. This ordinance shall take effect after its approval.


ENACTED this, 02nd day of September 2024 at the Sangguniang Bayan Session Hall, 3rd Floor, Legislative Building, San Benito, Surigao del Norte.

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We hereby certify to the correctness of the foregoing Ordinance.

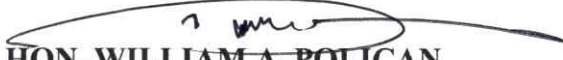

HON. CINDY R. AGATI
SB Member



HON. CHARLITO E. MENDAVIA
SB Member


HON. ALDREIN C. GLIMANE
SB Member

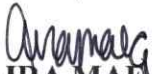

HON. FELIX B. SUMANDO, SR.
SB Member



HON. DELFIN P. LABOLA
SB Member


HON. WILLIAM A. POLICAN
SB Member



HON. JAYROM P. CABALLEJOS
SB Member


HON. RUELLA T. RULETE
LNMB President / Ex – Officio



HON. AIRA MAE C. GALANO
SKF President / Ex – Officio


HON. WELLYBEL A. REQUIRME
Municipal Vice Mayor
Presiding Officer

Attested:


MELQUIADES G. MANTILLA, MA, MPA
Municipal Government Department Head 1
Sangguniang Bayan Secretary

APPROVED: 09/04/2024


HON. Ma. GINA SUMANDO – MENIL, LCB
Municipal Mayor