



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

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ORDINANCE NO. 2020-050

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT & IMPLEMENTATION OF
DRUG-FREE WORKPLACE POLICY PROGRAM FOR MUNTINLUPA CITY HALL.

Sponsored by:

Francis Ian T. Bagatsing
Hon. Coun. Francis Ian T. Bagatsing
Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Alexson V. Diaz
Hon. Coun. Paty Katy C. Boncayao
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Ting Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Ivey Rhia A. Tadea
Hon. Coun. Engr. Neptali S. Santiago
Hon. Coun. Engr. Marissa C. Rongavilla
Hon. Coun. Mark Lester M. Baes
Hon. Coun. Engr. Mamerto T. Sevilla, Jr.
Hon. Coun. Walter A. Arcilla
Hon. Coun. Kenichi D. Takagi, Jr.

Francis Ian T. Bagatsing
WHEREAS, Section 47, Article III of Republic Act No. 9165 otherwise known as the "Comprehensive Dangerous Drugs Act of 2002" provides that all establishments employing more than 10 persons, regardless of category, shall establish its own workplace anti-drug abuse policy program using the tripartite approach;

Francis Ian T. Bagatsing
WHEREAS, Section 51, Article VII, of aforesaid Act, provides that all local government units are mandated to assist in or enhance the enforcement of the aforesaid Act and to give priority to preventive or educational programs and rehabilitation or treatment of drug dependents;

Francis Ian T. Bagatsing
WHEREAS, DILG Memorandum Circular No. 2018-213 in relation to the DDB Regulation No. 13 series of 2018 entitled: "Establishment and Institutionalization of Drug-Free Workplace Policies in all Government Offices, including the Conduct of Authorized Drug Testing for Elective Local Officials and Appointive Public Officers and for Other Purposes" whereby it expressly mandates every Local Government Unit to establish its own Workplace Anti-Drug Abuse Policy Program;

Francis Ian T. Bagatsing
WHEREAS, Rule VIII(a) of aforesaid DDB Regulation, provides that failure to formulate or implement a Drug-Free Workplace Policy within two (2) months after effectivity of the same shall be penalized under Section 32 of RA 9165;

Francis Ian T. Bagatsing
WHEREAS, CSC Memorandum Circular No. 13 dated April 17, 2017 provides the "Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes".

Francis Ian T. Bagatsing
NOW, THEREFORE BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Members of the Sangguniang Panlungsod duly assembled that:



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SECTION 1. Title. An Ordinance Providing for the Establishment & Implementation of Drug-Free Workplace Policy Program for Muntinlupa City Hall.

SECTION 2. Objective. the objective of this ordinance to promote and achieve a Drug-Free Muntinlupa City Hall and maintain an atmosphere that is safe, secure and healthy for the protection of its workers, properties and enhance the local government's integrity.

SECTION 3. Policy Statement. The City Government of Muntinlupa recognizes the threat posed by drug abuse, thus, it absolutely prohibits the use of dangerous drugs in and outside the office by all its officials and employees, regardless of category.

The City Government of Muntinlupa, aware of its role as the premier agency responsible for the prevention of drug abuse in the Workplace, shall endeavor to provide mechanisms to prevent the use of dangerous drugs by its workers through mandatory random drug testing; drug awareness and education and ensure that the workplace is free from drugs and provide intervention if called for.

SECTION 4. Scope/Coverage. All adopted policies in the Workplace shall be applicable to all officials and employees in the City Government of Muntinlupa without distinction to rank, status or salary, whether elective or appointive official.

SECTION 5. Definition of Terms.

- 1. Authorized Drug Testing** – the testing done by drug testing laboratories accredited by the Department of Health (DOH). It shall employ, among others, two (2) testing methods, the screening test, which will determine the positive result as well as the type of the drug used, and the confirmatory test, which will confirm a positive screening test.
- 2. Challenge Test** – a drug test conducted as a result of a challenge filed by a public officer who tested positive for drug use in a confirmatory test in an authorized drug testing activity.
- 3. Confirmatory Test** – an analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which will validate and confirm the result of the screening test.
- 4. Contract of Service/Job Order** – refers to employment covered by a contract pertaining to lump sum work or services such as janitorial, security, or consultancy services where no employer-employee relationship exists; piece of work or intermittent job of short duration not exceeding six (6) months on a daily basis; all of which are not covered by Civil Service Law, rules and regulations, but covered by Commission on Audit rules; and the public officials or employees involved do not enjoy the benefits received by government employees, including, but not limited to, personal economic relief allowance, cost of living allowance, and representation and travel allowance.



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5. **Dangerous Drugs** – include those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in the attached annex which is an integral part of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, as amended (the Act).
6. **Drug Dependency Examination** – refers to the examination conducted by a physician accredited by the DOH to evaluate the extent of drug use of a person and to determine whether he/she is a drug dependent or not, which includes history taking, intake interview, determination of criteria for drug dependency, mental and physical status, and the detection of dangerous drugs in body specimens through laboratory procedures.
7. **Employee Assistance Program** – a program that offers assistance to government officials or employees who have alcohol or drug-related issues and problems that may affect work performance. It shall be jointly implemented by the agency and the employees.
8. **Mandatory Drug Testing** – compulsory submission of a public officer or prospective employee to drug testing as mandated by the Act or by the drug-free workplace program of the agency.
9. **Public Officer** – any person holding any public office in the Government of the Republic of the Philippines, by virtue of an appointment, election or contract.
10. **Random Drug Testing** – drug testing where the selection process results in equal probability that any employee from a group of employees will be tested, and without any prior notice of the date and venue.
11. **Screening Test** – a rapid drug test performed to establish potential or presumptive positive result. It refers to the immunoassay test to eliminate a “negative” specimen, i. e. one without the presence of dangerous drugs, from further consideration and to identify the presumptive positive specimen that requires confirmatory test.
12. **Substance Use Disorder (SUD)** – term used in Diagnostic Manual 5 which combines categories of substance use, abuse and dependence into a single disorder measured on a continuum form from mild to severe. Each specific substance is addressed as a separate disorder (e.g. alcohol use disorder, shabu use disorder) and is diagnosed based on the same overarching eleven (11) behavioral criteria. Clinicians can also add “in early remission”, “in sustained remission,” “or maintenance therapy.” And “in controlled environment” in describing their diagnosis which could either be the following:



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- a. **Mild SUD** – a minimum of two (2) to three (3) criteria had been met. Similar to experimental and occasional users;
- b. **Moderate SUD** – four (4) or five (5) criteria have been met which would be similar to regular and habitual users; and
- c. **Severe SUD** – if six (6) or more symptoms / criteria have been met which is the equivalent to an abuser and substance dependent individual.

SECTION 6. Creation of Drug Free Workplace or Assessment Committee (Committee in short) for the City Government of Muntinlupa composed of the following:

City Mayor or his Representative	- Chairman
SP Chairman Committee on Public Order Security and Safety	- Vice
Chairman	
Representative of the 2 nd level employees (permanent)	- Member
Head of the Human Resource & Management	- Member
Head of City Health Office	- Member
Head of Social Services Department	- Member
Head of Legal Office	- Member
Head of Drug Abuse Prevention & Control Office	- Member
Staff of Drug Abuse Prevention & Control Office	- Secretariat

SECTION 7. Responsibility of the Committee –

1. Form and sustain a substance abuse awareness program to inform its employees about:
 - a. *The consequences, penalties, and administrative sanctions in violation thereof;*
 - b. *The Salient Features of Muntinlupa City Hall Anti-Drug Abuse Policy and Program;*
 - c. *The availability of employee's assistance program;*
 - d. *Dangerous Drugs & Its ill effects; and*
 - e. *Substance Use Prevention Intervention Measures.*
2. Distribute a copy of the Policy to each employee
3. Create a Committee that will implement, to the fullest, the contents of the Policy;
4. To display a Billboard at a strategic place in the City Hall once the City Hall is declared as a drug-free, with the message: "This is a Drug-Free Workplace. Let's Keep it This Way."

SECTION 8. The Responsibility of the Employees and the Officials of the City Hall:

1. *Never possess and/or use dangerous drugs and other substances of abuse.*



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2. *Must not directly or indirectly sell, give, provide or administer any dangerous drugs and/or other substance of abuse to his/her co-employees or others and/or to commit or abet/aid in the commission of any unlawful acts penalized under RA 9165 and PD 1619;*
3. *Must faithfully abide by the terms of the Policy as a condition for continued employment.*
4. *Must voluntarily seek treatment and rehabilitation if they have problems related to dangerous drugs.*
5. *Advocate against drug abuse.*
6. *Help maintain a drug-free workplace.*

SECTION 9. Guidelines in the Conduct of the Authorized Drug Test - The Committee shall formulate and put in place the Drug Testing Program which shall be in accordance with Section 36, RA 9165. The program must be made known to all employees and officers stressing the fact that the purpose is not to harass, but rather to prevent the entry of illegal drugs and the abuse thereof in the City Hall.

A. Drug Testing Program for Officers and Employees, include, among others:

1. The purpose behind the conduct of either mandatory or random drug test is to help promote a safe and healthy drug-free environment as well as to prevent drug abuse in the workplace.

2. The kind of authorized drug test which are:

a. When to conduct mandatory drug test:

- 1) Pre-employment
- 2) Persons in high-risk/decision-making positions
- 3) Past history of drug test
- 4) Involvement in accidents
- 5) Discovery of Dangerous Drugs Paraphernalia
- 6) Detention by police/filing of charge in court for drug-related cases
- 7) As a requirement for promotion
- 8) Annually for employee records/renewal of contracts
- 9) Employees reporting to work after undergoing rehabilitation in a treatment and rehabilitation facility.

b. Conduct of Random Drug Test:

- 1) Without prior notice of date and venue of drug test.
- 2) On selected employees chosen by the Drug-Free Workplace or Assessment Committee until all officials and employees have undergone the test.
- 3) Random selection process or procedure is either raffled or computer generated;
- 4) "For cause" or "probable cause" when there is reasonable ground to believe that a random drug test is necessary, e.g:



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- a. **Attendance** - frequent unauthorized absences, repeated tardiness, truancy from the job.
- b. **Personal Appearance** - slurred speech, blood-shot eyes, drastic change in appearance, etc.
- c. **Mental Factor** - hot headedness, irritability, increased difficulty in handling assignments, etc.
- d. **General Performance** - missed deadlines, low productivity, increased wastage, public complaints, frequent accidents, carelessness, etc.
- e. **Peer Relations** - isolations, frequent quarrels with officemates, heavy borrowing, frequent mood swings, etc.

c. **Procedure of the Conduct of the Random Drug Test**

1. The Committee will notify the randomly selected officials or employees to go for a urine test;
2. The selected officials/employees must immediately report for the drug test;
3. The test shall only be conducted by the Muntinlupa Drug Testing Laboratory (MDTL) for the screening test, which shall be conducted in the following manner:
 - a. The selected officials/employees will fill out and sign the consent and chain of custody form issued to them;
 - b. The urine specimen bottles must be properly labeled to contain the name, ID number, employment number, position, date and the time when the urine sample was taken;
 - c. The taking of the urine sample must be done in an area where manipulation is not possible;
 - d. In case of negative drug test result, no further action is needed;
 - e. A positive drug test result from the confirmatory test shall immediately be known to the Head, MHRMD, who shall notify the public officer concerned. The public officer shall have fifteen (15) days from the receipt of notice to challenge the result of the confirmatory test. Using the same specimen, a challenge test shall be conducted by a drug testing laboratory accredited by the DOH. All expenses incurred in the conduct of the challenge test shall be borne by the concerned public officer;



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- f. A positive drug test result from the challenge test is deemed final and the public officer shall be subjected to administrative proceedings. Failure to file a challenge within the prescribed period shall make the positive drug test result from the confirmatory drug test final. The Agency shall take the appropriate action.

All drug test results and records shall be strictly held confidential, and shall be attached to the 201 File of all officials and employees.

SECTION 10. Employee Assistance Program - A City Hall employee who is a substance user, prior to the conduct of authorized drug testing, may seek proper intervention in coordination with the Committee, which shall provide referrals, intervention and other services to the concerned employee. A drug dependency examination shall be conducted in order to determine the level of Substance Use Disorder and the appropriate intervention.

This type of assistance shall not apply to public officers who are found to be positive for drug use after the conduct of a confirmatory test.

SECTION 11. Sanctions:

- a. An appointive public officer who refuses, without any valid reason, to submit himself/herself to authorized drug testing, or is found positive for drug use after the conduct of a confirmatory test in an authorized drug testing activity shall be charged with the administrative offense of Grave Misconduct.
- b. Any elective public officer who refuses, without any valid reason, to submit himself/herself to authorized drug testing, or is found positive for drug use after the conduct of a confirmatory test in an authorized drug testing activity shall be subject to disciplinary action for misconduct in office pursuant to Section 60 of the Local Government Code and Article 124 (3) of the Implementing Rules and Regulations of the Local Government Code.
- c. Any public officer found to have tampered the result of a drug test. Interfered with the conduct of the drug test or in the release of drug test results, or violated rules of confidentiality or records shall be charged with the administrative offense of Grave Misconduct without prejudice to the filing of a case for violation of Section 32, Article II of the Act.
- d. Any public officer who violated the provisions of Article II of the Act shall be charged with the administrative offense of Grave Conduct or face disciplinary sanction under Section 60 of the Local Government Code, as the case may be, without prejudice to the filing of criminal charges under the Act and other relevant laws.



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- e. Notwithstanding the administrative sanctions provided herein, an appointee or an elective public officer shall likewise be charged with criminal liability as determine by the City Prosecutor.

SECTION 11. Funding - The City Government of Muntinlupa shall ensure annual funding for the implementation of this Policy Program sourced from allocated budget for employee health and wellness.

SECTION 12. Repealing Clause - All orders, inconsistent with this Policy shall be deemed repealed, amended and/or modified accordingly.

SECTION 13. Separability - If any part or provision of this Policy is held invalid or unconstitutional by judicial decision, other provisions not affected thereby shall remain in force and effect.

SECTION 14. Effectivity Clause - This Executive Order shall take effect immediately and shall remain in full force until amended, superseded or revoked accordingly.

ENACTED, by 9th Sangguniang Panlungsod of Muntinlupa this 6th day of January 2020, on its 26th Regular Session.

CONCURRED:

DISTRICT 1:

COUN. ATTY. RAUL R. CORRO
Member

COUN. ALEXSON V. DIAZ
Member

COUN. PATY KATY C. BONCAYAO
Member

COUN. LOUISITO A. ARCIAGA
Member

(ABSENT)
COUN. ALLAN REY A. CAMILON
Member

COUN. TING NIEFES
Member

COUN. STEPHANIE G. TEVES
Member

COUN. IVEE RHIA A. TADEFA
Member

DISTRICT 2:

COUN. ENGR. NEPTALI S. SANTIAGO
Member



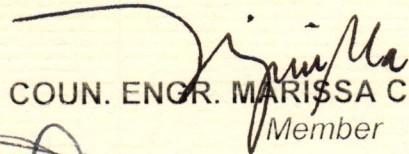
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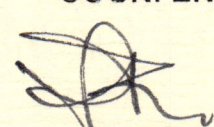
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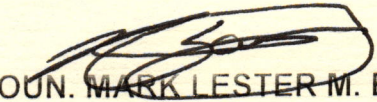


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COUN. ENGR. MARISSA C. RONGAVILLA
Member


COUN. FRANCIS IAN T. BAGATSING
Member

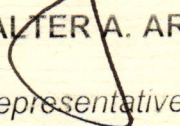

COUN. MARK LESTER M. BAES
Member

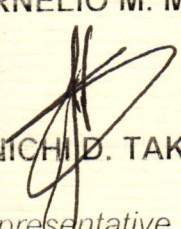
(ABSENT)
COUN. MA. DHESIREE G. AREVALO
Member


COUN. ENGR. MAMERTO T. SEVILLA, JR.
Member

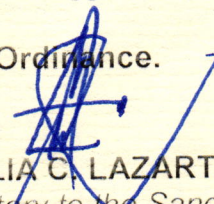

(ABSENT)
COUN. ENGR. ARLENE D. HILAPO
Member

(ABSENT)
COUN. CORNELIO M. MARTINEZ
Member

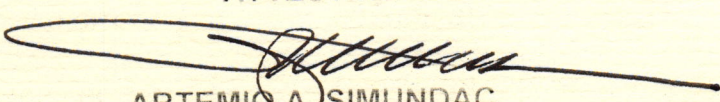

COUN. WALTER A. ARCILLA
President
Sectoral Representative
Association of Barangay Chairman


COUN. KENICHI D. TAKAGI, JR.
President
Sectoral Representative
Federation of Sangguniang Kabataan

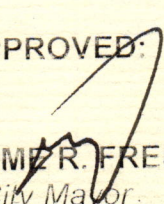
I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.


CECILIA C. LAZARTE
Secretary to the Sangguniang

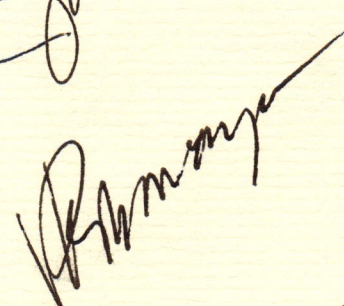
ATTESTED:


ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:


ATTY. JAIMER R. FRESNEDI
City Mayor

Date: 21 JAN 2020


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