



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

ORDINANCE NO. 06-115

**AN ORDINANCE ESTABLISHING DRUG-FREE POLICY GUIDELINES FOR
THE CITY GOVERNMENT EMPLOYEES OF MUNTINLUPA.**

Sponsored by: **Hon. Francis Ian T. Bagatsing**
Hon. Ma. Luisa B. Echavez, M.D.
Hon. Allen F. Ampaya
Hon. Rene Carl S. Cayetano
Hon. Atty. Icasiano M. dela Rea
Hon. Allan Rey A. Camilon
Hon. Melchor R. Teves
Hon. Kevin B. Delgado
Hon. Elmer S. Espeleta
Hon. Marissa C. Rongavilla
Hon. Lucio B. Constantino
Hon. Engr. Mamerto T. Sevilla, Jr.
Hon. Christian Glenn D. Lorica
Hon. Artemio A. Simundac

WHEREAS, Par. (d), Sec 36 of Article III of Republic Act No. 9165, otherwise known as "The Comprehensive Dangerous Drug Act of 2002" provides that "Officers and employees of public and private offices, whether domestic or overseas, shall undergo a random drug test as contained in the company's work rules and regulations, which shall be borne by the employers, for purposes of reducing the risk in the workplace. Any officer or employee found positive for use of dangerous drugs shall be dealt with administratively which shall be a ground for suspension or termination. Subject to the provisions of Article 282 of the Labor Code and pertinent provisions of the Civil Service Law xxx";

WHEREAS, Par. (c), Sec. 47, Drug-Free Workplace, provides that "Pursuant to the functions of Board under Section 81 (a) of the Act, the existing Civil Service rules and policies needed to respond to drug abuse in the public sector shall be adopted";

WHEREAS, Sec. 51 of said Republic Act No. 9165, further mandates the Local Government Units to appropriate a substantial portion of their respective annual budgets to assist in or enhancement of this Act giving priority to preventive or educational programs and the rehabilitation or treatment of drug dependents;

WHEREAS, it is the Vision of the City of Muntinlupa to be a Drug-Free City;

WHEREAS, to achieve the said vision, there is a need to adopt and establish a Drug-Free Workplace Policy Guidelines for the City Government Employees of Muntinlupa and one of the components of a Drug-Free Workplace is the implementation of a Random and/or Mandatory Drug Test for employees of the workplace concerned;



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WHEREAS, Drug abuse Prevention and Control Office (DAPCO, for brevity) has recommended the implementation of Drug-Free Workplace Program in the City Government of Muntinlupa and the conduct of Random and/or Mandatory Drug testing for City Employees;

NOW, THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED by the members of Sangguniang Panlungsod of the City of Muntinlupa duly assembled, hereby enact the following:

Section 1. Purpose – The City of Muntinlupa is committed to protect and promote the safety, health and well-being of all employees and the public; and to encourage employees with drug problems to voluntarily seek help. If, however, a city official or employee violates the policy, the consequences are provided in Section 5 hereof.

Section 2. Coverage – This Policy applies to all officials and employees of the City of Muntinlupa regardless of employment status. Any individual who is applying for the renewal of his/her contract of employment in the City Government is also covered by this drug-free workplace policy.

Section 3. Acts Prohibited – It is a violation of the drug-free workplace policy to use, possess, sell, trade, and/or offer for sale illegal drugs and/or controlled precursors and essential chemicals.

Section 4. Drug-Testing – The authorized drug testing shall be the Muntinlupa Drug Testing Laboratory (MDTL), a drug testing center owned by the City Government of Muntinlupa and accredited by the Department of Health (DOH). The drug testing shall employ the screening test method which will determine the positive result as well as the type of drug used. In case of positive results, the screening laboratory examination or test may be challenged by the official or employee concerned within fifteen (15) days after receipt of the result through a confirmatory test to be conducted by the PNP/NBI Crime Laboratory testing for the presence of metabolites of drugs will be conducted by the analysis of urine.

The following are the Drug Testing Program that may be required:

a. Pre-Employment Test – It is conducted to prevent hiring individuals who illegally use drugs. It takes place after a conditional offer of employment has been made or before the renewal of contracts of employment of casual and contractual employees.

b. Mandatory Drug-Test – It is conducted as pre-requisite for renewal of employment for casual/contractual employees or for promotional purposes on the date he/she is instructed to undergo the same, as a condition of rehiring and are not considered if they fail to produce a negative result; and



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c. Random Drug Test – Random testing is unannounced and unscheduled employees' identifying data are placed in a testing pool from which a random selection is made. Every employee in the pool has an equal chance of being chosen for testing every time a random selection is drawn. This selection may be computer generated or raffled.

Section 5. Violations of Policy – If an official or employee violates the drug-free workplace policy or tests positive for use of dangerous drugs, he or she will be:

a. Immediately removed from duty and will be referred to DAPCO's substance abuse professional for assessment and recommendations. However, in all instances, an employee concerned may challenge the positive result or the Drug Screening Test and submit the same specimen for Confirmatory Drug Test within fifteen (15) days upon the issuance of the result.

b. When a regular employee is involved, he/she shall be sanctioned pursuant to the pertinent provisions of Civil Service Law.

c. When casual or contractual employee is involved, he/she, upon the recommendation of the city government's resident psychologist may be required to successfully complete recommended treatment and rehabilitation process including continuing after-care or reentry programs pursuant to Sec. 54 of R.A. 9165 and will be subsequently referred to the Office of the City Personnel for appropriate action.

The subject employee, in whatever category, may be suspended without pay for a period of 30 days, or terminated immediately subject however to the pertinent provisions of the Muntinlupa City Government Employees' Manual and the Civil Service Law on drug-related cases.

Section 6. Repealing Clause – Any other ordinances, resolutions or parts thereof, which are inconsistent with this Ordinance, are hereby repealed or modified accordingly.

Section 7. Separability Clause – If for any reason/s, any section or provisions of this Ordinance shall be held unconstitutional or invalid, no other section or provision thereof shall be affected thereby.

Section 8. Effectivity – This Ordinance shall take effect upon approval.

APPROVED, by the **Fourth (4th) Sangguniang Panlungsod of Muntinlupa** this **9th** day of **November, 2006** on its **97th** Regular Session.



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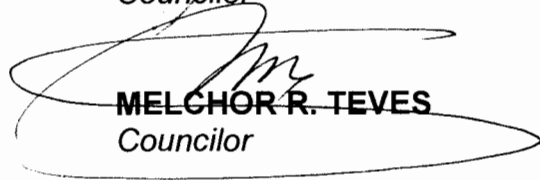
CONCURRED:


ALLAN REY A. CAMILON
Councilor

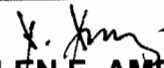

ELMER S. ESPELETA
Councilor


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FRANCIS IAN T. BAGATSING
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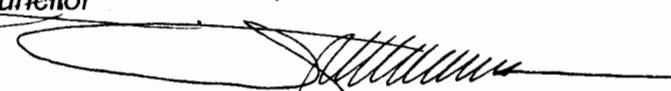

LUCIO B. CONSTANTINO
Councilor

KEVIN B. DELGADO
Councilor


MAMERTO T. SEVILLA, JR.
Councilor


ATTY. ICASIANO M. DELA REA
Councilor


CHRISTIAN GLENN D. LORICA
Sectoral Representative
President, Federation of
Sangguniang Kabataan


ARTEMIO A. SIMUNDAC
Sectoral Representative
President, Federation of
Barangay Captains

ABSENT:


ATTY. RAUL R. CORRO
Councilor

RENE CARL S. CAYETANO
Councilor

BAL NIEFES
Councilor

JOSELITO V. AREVALO
Councilor

MARIO E. BULAY, JR.
Councilor

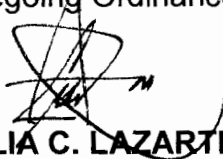


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I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.



CECILIA C. LAZARTE
Secretary
Sangguniang Panlungsod

ATTESTED:



ALDRIN L. SAN PEDRO
City Vice Mayor/Presiding Officer

APPROVED:



ATTY. JAIME R. FRESNEDI
City Mayor

Date: _____



Ogie Claudel