



Republic of the Philippines  
 City Government of Muntinlupa  
**CITY OF MUNTINLUPA**  
**Office of the City Mayor**



**EXECUTIVE ORDER NO. 3**  
**Series of 2018**

**PROVIDING FOR THE GUIDELINES IN THE MANDATORY DRUG TESTING FOR  
 OFFICIALS AND EMPLOYEES OF THE CITY GOVERNMENT OF MUNTINLUPA**

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**WHEREAS**, Section 15, Article II of the 1987 Philippine Constitution provides that “(t)he State shall protect and promote the right to health of the people and instill health consciousness among them;”

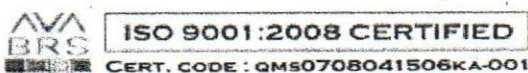
**WHEREAS**, Section 36 (d) of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, provides that “(o)fficers and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo a random drug test as contained in the company’s work rules and regulations, which shall be borne by the employer, 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;”

**WHEREAS**, Memorandum Circular No. 13, Series of 2017, issued by the Civil Service Commission, dated 19 April 2017, provides for the Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes;

**NOW, THEREFORE, I, Atty. JAIME R. FRESNEDI, City Mayor of Muntinlupa**, by virtue of the powers vested in me by law, do hereby ordain and decree:

Section I. Scope

- A. This covers all regular and casual officials and employees of the City Government of Muntinlupa (CGM), including the Ospital ng Muntinlupa and the Pamantasan ng Lungsod of Muntinlupa, regardless of rank, status and salary.
- B. These do not cover contract of service or job order employees. However, the City Human Resources Management Department (CHRMD) shall include a drug use policy clause in their contract. Employees under contract of service or job order employees whose drug tests yield positive results shall be dealt with accordingly by the CHRMD, subject to existing laws, rules and regulations.





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Section II. Pre-Employment Drug Testing

- A. Drug testing shall be a requirement for initial entry to service in the City Government. Any applicant found positive for drug use shall be denied entry to the government service.
- B. The Drug Abuse Prevention and Control Office (DAPCO) shall conduct the random drug testing, or, when unavailable, a reputable and Department of Health (DOH)-authorized and accredited drug testing facility may conduct the same procedure.

Section III. Initial and Subsequent Drug Testing of Public Officials and Employees

- A. The DAPCO, as lead agency of the CGM, shall conduct a mandatory, random and suspicion-less drug testing of incumbent public officials and employees as a condition for retention in the government service. It shall follow procedures set forth by the Dangerous Drugs Board (DDB), which includes, but not limited to, the following:
  1. Only the DAPCO, or a government drug testing laboratory, or a DOH-authorized and accredited private drug testing laboratory shall conduct the random drug test;
  2. The random selection of officials and employees shall be done by the CHRMD, which, after selection, shall secretly transfer the names to the DAPCO;
  3. Specimen bottles shall be properly labeled and the taking of specimen samples for screening test shall be done in an area where manipulation (for example: diluting with water) is not possible;
  4. Specimen bottles found positive in the screening test shall be submitted for confirmatory testing, in the appropriate government facility, within the same day.
- B. If the confirmatory test abovementioned still yields a positive result, the head of the department or office, to which the employee belongs, shall be properly notified. In turn, this head shall inform the concerned official or employee. If an official is involved, the City Mayor or the City Administrator shall be notified, who shall summon and duly inform the said official.
- C. Said official or employee shall have fifteen (15) days from receipt of notice to challenge the result of the confirmatory test. The challenge test shall use the same specimen, which shall be kept for safekeeping with the City Health Office (CHO). A government drug testing laboratory or a private drug testing laboratory, duly authorized and accredited by the DOH, shall conduct the said challenge test.



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- D. Failure to file a challenge within the prescribed period shall make the positive drug test result from the confirmatory test final. Moreover, a positive drug test result from the challenge test is deemed final. In both cases, the official or employee shall be immediately subjected to the provisions in the succeeding section.
- E. The drug test result shall be attached to the 201 file of the official and employee, and alongside this, all results and records shall be held in strict confidentiality.

Section IV. Frequency of Random Drug Tests

The frequency of random drug tests shall be prescribed by the DAPCO, in coordination with the CHRMD, taking into account, among others, the number of officials and employees, the nature of work being discharged, funding, and other logistics. However, no random drug testing shall be conducted beyond a two-year interval.

Section V. Intervention

- A. Once the result is final, based on sub-paragraph III.D above-mentioned, the official or employee shall undergo a Drug Dependency Examination (DDE) conducted by the Department of Health (DOH) or by any medical practitioner accredited by the DOH. Moreover, based on the level or degree of use, he or she shall be subjected to the following treatment and rehabilitation program:
1. **Experimenter** : outpatient, guidance counseling for six (6) months, which shall be at the personal expense of the official or employee concerned;
  2. **Occasional User** : outpatient guidance counseling and regular monthly drug testing for six (6) months, which shall be at the personal expense of the official or employee concerned; or
  3. **Chronic User**  
or **Drug Dependent** : mandatory continuous treatment and rehabilitation for a minimum period of six (6) months in a government rehabilitation center, a DOH-accredited private rehabilitation center, or through a community rehabilitation program sanctioned under the rules of the DDB.
- B. For the Experimenter and Occasional User, time spent for counseling and regular monthly drug testing, if done during office hours, shall be charged against the leave



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credits of the official or employee. Once leave credits are exhausted, vacation leave credits may be utilized. Once all leave credits are used, absence shall be on leave without pay.

Proof of successful completion of the treatment shall be a Certification of Completion issued by the attending guidance counselor.

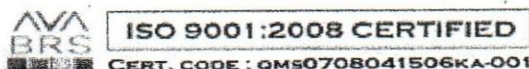
- C. For the Chronic User and Drug Dependent, the entire period of his or her rehabilitation shall be charged against his or her sick leave credits. Once the sick leave credits are exhausted, his or her vacation leave credits may be utilized. Once all leave credits are used, absence shall be on leave without pay.
- D. The official or employee shall undertake the processing of his or her admission to a rehabilitation center in accordance with the provisions of Republic Act No. 9165

Moreover, the official or employee shall shoulder the expenses of his or her rehabilitation, which shall commence within fifteen (15%) days from receipt of Drug Dependency Examination results, to give way to the processing of the necessary clearances.

- E. The official or employee shall secure a certificate of completion of his or her rehabilitation program and clearance from the attending physician, stating (1) the successful completion of the program and (2) his or her fitness to return to work. Minus the same certificate of completion, no official or employee shall be allowed to report back to work.

Section VI. Administrative Liability

- A. An official or an employee found to have used dangerous drugs during the prescribed period of his or her intervention or rehabilitation shall be charged with the administrative offense of Grave Misconduct.
- B. An official or an employee who is not issued
1. a certificate of completion, for experimenter and occasional user, or
  2. a certificate of completion with clearance, for chronic user and drug dependent,
- shall be charged with the administrative offense of Grave Misconduct.
- C. An official or an employee who, after being tested positive of drug abuse, shall refuse to undergo treatment or rehabilitation, or shall fail to complete his or her treatment



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or rehabilitation program, shall be charged with the administrative offense of Grave Misconduct.

In this case, the charge of Grave Misconduct shall be grounded on the fact that said official or employee tested positive for drug use, and not on his or her refusal to undergo or failure to complete his or her treatment.

- D. An official or employee who refuses, without any valid reason, to submit himself or herself for drug testing, shall be charged with administrative offense of Gross Insubordination.
- E. An official or employee who, for the second time, (1) tested positive in a random drug test, after completion of his or her treatment and/or rehabilitation, or (2) found to have used dangerous drugs during the prescribed period of intervention or rehabilitation, shall be charged with the administrative offense of Grave Misconduct.
- F. An official or employee found to have (1) tampered the result of a drug test, or (2) interfered in the conduct of the drug test, or (3) interfered in the release of drug test results, shall be charged with the administrative offense of Grave Misconduct.
- G. An official or employee caught using or peddling drugs shall be charged with the administrative offense of Grave Misconduct, without prejudice to the filing of appropriate criminal charges under Republic Act No. 9165 and other pertinent laws.

Section VII. Responsibilities of Offices

- A. After the conduct of the random drug test, the DAPCO shall prepare and submit a report related thereto to the DDB, which includes the number of officials and employees who tested positive for drug use.
- B. The City Health Office (CHO) shall coordinate with the DAPCO on the
  - 1. training of accredited personnel, or
  - 2. deployment of trained physicians in administering the random drug test.Moreover, the CHO may provide the DAPCO with the necessary medical materials, paraphernalia and kits in the conduct of the drug test.
- C. The CHRMD may issue rules pertaining to the following:
  - 1. restrictions in reporting to work while undergoing treatment or intervention;



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2. enforcement of a no work-no pay policy for an official or employee who do not earn leave credits.  
Provided, that said rules should be without prejudice to the provisions on offenses and penalties provided herein.

Section VIII. Funds

- A. The DAPCO shall prepare and include in its Annual Investment Plan (AIP) the necessary expenses related to the conduct of the random drug tests, taking into account the frequency thereof, the number of officials and employees involved in any given random drug test, the number of trained personnel and medical professionals involved in any given random drug test, and all related expenses thereto.

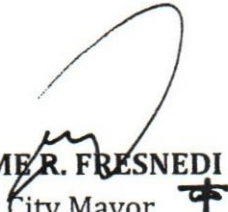
To reiterate, the expenses related to challenging the results of a positive drug test from the confirmatory test shall be charged against the personal funds of the concerned official or employee.

- B. The CHO shall include in its AIP the training of medical professionals, the supply of medical materials, paraphernalia and kits, and related expenses thereto. Moreover, coordination with the DOH on matters related to the random drug test shall be the responsibility of the CHO.
- C. The CHRMD shall prepare the chance selection of officials and employees for inclusion in the random drug test.

Section IX. Effectivity.

This Executive Order shall take effect immediately upon signing hereof and shall remain in full force unless revoked, repealed, amended or modified.

**DONE AND EXECUTED** on this 4<sup>th</sup> day of April 2018 in the City of Muntinlupa.

JAIME R. FRESNEDI  
City Mayor 



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