



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



EXECUTIVE ORDER NO. 29
Series of 2018

PROVIDING FOR THE ESTABLISHMENT AND IMPLEMENTATION OF
A DRUG-FREE WORKPLACE POLICY PROGRAM FOR
THE CITY GOVERNMENT OF MUNTINLUPA

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;"

WHEREAS, Section 51, Article VII, *supra*, 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;

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*" expressly mandates every Local Government Unit to establish its own Workplace Anti-Drug Abuse Policy Program;

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 R.A. No. 9165;

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

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

Section 1. Creation.

The City Government of Muntinlupa Workplace Anti-Drug Abuse Policy Program (Muntinlupa-WADAP) is hereby created.

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Section 2. Objective.

It is the objective of this program to promote and achieve a drug-free workplace in the departments and offices of the City Government of Muntinlupa (CGM), to maintain an atmosphere that is safe, secure and healthy for the protection of its workers, properties, and to enhance the local government's integrity.

Section 3. Policy Statement.

The CGM 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 CGM, furthermore, 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, and drug awareness and education, and to ensure the workplace is free from drugs and provide intervention if called for.

Section 4. Coverage.

All adopted policies shall be applicable to all officials and employees of the CGM without distinction to rank, status or salary, whether elective or appointive official.

Section 5. Definition of Terms.

- a. 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.
- b. 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.
- c. 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.

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- d. **Contract of Service or 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.
- e. **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.
- f. **Drug Dependency Examination** :
refers to the examination conducted by a physician accredited by the Department of Health (DOH) to evaluate the extent of drug use of a person and to determine whether he or 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.
- g. **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 CGM and its employees.
- h. **Mandatory Drug Testing** :
compulsory submission of a public officer or a prospective employee for drug testing as mandated by the Act or by the drug-free workplace program of the CGM.
- i. **Public Officer** :
any person holding any public office in the CGM, by virtue of an appointment, election or contract.
- j. **Random Drug Testing** :
drug testing where the selection process results in equal probability that any employee from a department of office will be tested, and without any prior notice of the date and venue.

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- k. 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.
- l. 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. In controlled environment, in describing their diagnosis, could either be any of the following:
- i. Mild SUD :
a minimum of two (2) to three (3) criteria had been met. Similar to experimental and occasional users;
 - ii. Moderate SUD :
four (4) or five (5) criteria have been met which would be similar to regular and habitual users; and
 - iii. Severe SUD :
if six (6) or more symptoms or 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

The Drug-Free Workplace Assessment Committee (*DFWAC, for brevity*) of the CGM shall be composed of the following individuals, with their respective designations, namely:

- a. Jaime R. Fresnedi,
City Mayor Chairperson;
- b. Atty. Roderick B. Tagnia,
City Human Resources Management Department Member;
- c. Ma. Teresa Reyes Tuliao, MD,
City Health Office Member;
- d. Analyn A. Mercado, RSW
Social Services Department Member;
- e. Atty. Karen B. Baldonasa,
City Legal Office Member;

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- f. Col. Florocito Ragudo (Ret.),
Drug Abuse Prevention and Control Office Member;
- g. Mary Anne I. Simon,
Representative of second rank employees Member.

Section 7. Secretariat.

Staff members of the Drug Abuse Prevention and Control Office (DAPCO) shall form the Secretariat of the DFWAC, and it shall be headed by Ms. Josephine O. Suitado. The Secretariat shall be responsible for the issuance of notices of meetings, whether regular or special; the logistical support for meetings; the writing, dissemination and filing of the minutes of the meeting; correspondence; and related work.

Section 8. Functions of the DFWAC.

- a. Form and sustain a substance abuse awareness program to inform its employees about;
- b. Disseminate information as to the consequences, penalties, and administrative sanctions in violation thereof, which includes:
 - i. Salient Features of Muntinlupa City Hall Anti-Drug Abuse Policy and Program;
 - ii. The availability of employees' assistance program;
 - iii. Information on dangerous drugs and its ill effects; and
 - iv. Implementation of Substance Use Prevention Intervention Measures.
 - v. Distribution of copy of the Policy to each employee;
 - vi. Creation of a Committee that will implement, to the fullest, the contents of the Policy;
 - vii. Display of billboard at a strategic place in the City Hall once the City Hall is declared as a drug-free workplace, with the message: "This is a Drug-Free Workplace. Let's Keep It This Way."

Section 9. The Responsibility of the Employees and the Officials of the City Hall.

- a. Never possess and/or use dangerous drugs and other substances of abuse;
- b. 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 Republic Act No. 9165 and Presidential Decree No. 1619;
- c. Must faithfully abide by the terms of the Policy as a condition for continued employment;
- d. Must voluntarily seek treatment and rehabilitation if they have problems related to dangerous drugs;

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- e. Advocate against drug abuse; and
- f. Help maintain a drug-free workplace;

Section 10. 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 of Republic Act No. 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, includes, 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.

The kind of authorized drug test which are:

- B. When to conduct mandatory drug test.
 - i. Pre-employment
 - ii. Persons in high-risk/decision-making positions
 - iii. Past history of drug test
 - iv. Involvement in accidents
 - v. Discovery of Dangerous Drugs Paraphernalia
 - vi. Detention by police/filing of charge in court for drug-related cases
 - vii. As a requirement for promotion
 - viii. Annually for employee records/renewal of contracts
 - ix. Employees reporting to work after undergoing rehabilitation in a treatment and rehabilitation facility.
- C. Conduct of Random Drug Test
 - i. Without prior notice of date and venue of drug test,
 - ii. On selected employees chosen by the Drug-Free Workplace or Assessment Committee until all officials and employees have undergone the test.
 - iii. Random selection process or procedure is either raffled or computer generated;
 - iv. "For cause" or "probable cause" when there is reasonable ground to believe that a random drug test is necessary, for example:
 - a. Attendance - frequent unauthorized absences, repeated tardiness, truancy from the job.

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- 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.
- D. Procedure of the Conduct of the Random Drug Test
- a. The Committee will notify the randomly selected officials or employees to go for a urine test;
 - b. The selected officials/employees must immediately report for the drug test;
 - c. 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:
 - i. The selected officials/employees will fill out and sign the consent and chain of custody form issued to them;
 - ii. 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;
 - iii. The taking of the urine sample must be done in an area where manipulation is not possible;
 - iv. In case of negative drug test result, no further action is needed;
 - v. 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;
 - vi. 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 11. Employees 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

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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 12. 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.

Section 13. 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 14. Repealing Clause.

All orders, inconsistent with this Policy shall be deemed repealed, amended and/or modified accordingly.

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Section 15. Confirmation Commitment to Policy Form.

The employee shall duly fill out the form provided hereinbelow.

**CONFIRMATION / AFFIRMATION AND
 COMMITMENT TO THE POLICY**

As an Official/Employee of the **City Government of Muntinlupa**, I hereby certify that I have read the **Workplace Anti-Drug Abuse Policy Program** and affirm and confirm my commitment to unconditionally abide to all that is provided therein and I shall be answerable to the office/agency for whatever violation that I may commit by:

Name & Signature of Employee _____
Date

Attested by:

Name

Designation

Section 16. Separability Clause.

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 17. Effectivity Clause.

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

DONE AND EXECUTED on this 28th of December 2018 in the City of Muntinlupa.


Jaime R. Fresnedi
 City Mayor 

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