



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 6th REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON AUGUST 9, 2022.

OFFICERS/MEMBERS:	POSITION	PRESENT	ABSENT	OB	OL
Hon. Edgardo G. Jamero	Municipal Vice Mayor	___/___	___	___	___
Hon. Julius G. Jamero	SB Member	___/___	___	___	___
Hon. Jo Vincent J. Morpos	SB Member	___/___	___	___	___
Hon. Dean Kaiser C. Tangalin	SB Member	___/___	___	___	___
Hon. Francis Joeray T. Gumban	SB Member	___/___	___	___	___
Hon. Jerson L. Cabahug	SB Member	___/___	___	___	___
Hon. Julito C. Mandac	SB Member	___/___	___	___	___
Hon. Percalixia Y. Bazar	SB Member	___/___	___	___	___
Hon. Efren A. Costanilla	SB Member	___/___	___	___	___
Hon. Ronie C. Gimeno	Ex - Officio Member	___/___	___	___	___
Hon. Leonel C. Dinawanao	Ex - Officio Member	___/___	___	___	___

Municipal Ordinance No. 11th-1-2022

AN ORDINANCE ESTABLISHING AND IMPLEMENTING THE DRUG FREE WORKPLACE PROGRAM, MANDATING THE CONDUCT OF AUTHORIZED DRUG TESTING FOR ALL ELECTIVE, APPOINTIVE PUBLIC OFFICIALS AND EMPLOYEES IN ALL OFFICES OF THE LOCAL GOVERNMENT UNIT OF DUMINGAG, ZAMBOANGA DEL SUR, INCLUDING THE OFFICES OF ITS FORTY FOUR (44) BARANGAYS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.

SECTION 1. TITLE

This Ordinance shall be known as the “DRUG FREE WORKPLACE ORDINANCE OF DUMINGAG, ZAMBOANGA DEL SUR”.

SECTION 2. POLICY AND OBJECTIVES

The municipality of Dumingag recognizes the threat posed by drug abuse in the community and its specific effects in the workplace including, among others, decreased productivity, increased accidents, absenteeism, lapses in the performance of assigned task, criminality, and the like. It is hereby declared the policy of the municipality of Dumingag to absolutely prohibit the use of dangerous drugs in and outside the office by all officials and employees of this municipality, including the offices of its forty four (44) barangays.

SECTION 3. COVERAGE

This ordinance shall be applicable to all elective and appointive public officers, administration and staff of the local government unit of Dumingag, including the officials, Barangay Health Workers and Tanods/CVOs of the forty four (44) barangays of this municipality.

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SECTION 4. PURPOSE

The primary purpose of this Ordinance is to ensure the maintenance of a safe and healthy work environment, free from the use of dangerous drugs and free from other related activities as prescribed by R.A. No. 9165, otherwise known as the Dangerous Drugs Act of 2002.

SECTION 5. DEFINITION OF TERMS

For the purpose of this Ordinance, the following definition of terms shall apply:

- a. **AUTHORIZED DRUG TEST**- the testing done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. It shall employ, among others, two (2) testing methods, the screening and confirmatory tests. The examination of a person's urine specimen to determine the presence of dangerous drugs shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH.
- b. **CONFIRMATORY TEST**- a 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. **DANGEROUS DRUGS**- refers to either prohibited drugs or regulated drugs which require a special prescription form, the use of which is monitored by the Dangerous Drugs Board.
- d. **DEN, DIVE OR RESORT**- refer to a place where any dangerous drugs and/or controlled precursor and essential chemical is administered, delivered, stored for illegal purposes, distributed, sold, or used in any form.
- e. **DRUG ABUSE**- shall refer to the use of illegal drugs or the use of prescription or over-the-counter drugs for purposes other than those for which they are meant to be used, or in excessive amounts. Drug abuse may lead to social, physical, emotional, and job-related problems.
- f. **DRUG DEPENDENCE**- as based on the WHO, it is a cluster of physiological, behavioral and cognitive phenomena of variable intensity, in which the use of psychoactive drug takes on a high priority thereby involving, among others, a desire or sense of compulsion to take the substance and the difficulties in controlling substance taking behavior in terms of its onset, termination, or levels of use.
- g. **EMPLOYEE**- refers to any individual employed by an employer.
- h. **EMPLOYER**- refers to any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the government and all its branches, subdivision and instrumentalities, all government-owned or controlled corporations and institutionaries as well as non-profit private institutions, organizations.
- i. **MADAC**- refers to the Municipal Anti-Drug Abuse Council
- j. **MANDATORY DRUG TEST**- compulsory submission of an employee for drug testing as required by RA No. 9165 and by its ordinance.
- k. **METAMPHETAMINE HYDROCHLORIDE** or A.K.A as **SHABU**- refers to the drug having such chemical composition, including any of its isomers or derivatives in any form

- l. **METAMPHETAMINE HYDROCHLORIDE** or A.K.A as **ECSTACY**- refers to the drug having such chemical composition, including any of its isomers or derivatives in any form.
- m. **PDEA**- refers to the Philippine Drug Enforcement Agency.
- n. **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.
- o. **PROHIBITED DRUG**- includes opium and its active components and derivatives, such as heroin and morphine, coca leaf and its derivatives, principally cocaine.
- p. **RANDOM DRUG TEST**- refers to the subjection of a group of persons to drug testing following no specific pattern and without prior notice/information.
- q. **REGULATED DRUG**- includes self-inducing sedatives, such as secobarbital, phenobarbital, pentobarbital, barbital, and amobarbital and any other drug which contains a salt, isomer, or salt an isomer, of amphetamine, such as physiological action similar to amphetamine, and hypnotic drugs, such as methaqualone or any other compound producing similar physiological effects.
- r. **REHABILITATION**- refers to the processes of medical and/or psychotherapeutic treatment for dependency on prohibited drugs with the intention to enable the patient to cease substance abuse, in order to avoid the psychological, legal, financial, social, and physical consequence that can be caused, especially by extreme abuse.
- s. **SCREENING TEST** - shall mean a rapid test performed to establish potential/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 presumptively positive specimen that requires confirmatory test.
- t. **WORKPLACE**- a place where work is usually performed. For this purpose, it shall mean all the offices of the LGU and the 44 Barangays.

SECTION 6. WHO MAY CONDUCT DRUG TESTING

Drug testing shall be done by the Rural Health Unit (RHU) of Dumingag or by any government forensic laboratory or by any of the drug testing laboratories accredited and monitored by the Department of Health (DOH). For this purpose, this municipality may enter into an agreement with government drug testing laboratories or those accredited and monitored by the DOH.

SECTION 7. DRUG TEST METHODS

The following methods as defined above are adopted as the authorized drug testing methods of the municipality:

- a. Screening Drug Test
- b. Confirmatory Drug Test

SECTION 8. DRUG TESTING WHEN MANDATORY

Drug testing is mandatory in the following cases, to wit;

- a. Pre-employment
- b. Persons in high- risk/decision-making positions
- c. Past history of drug use
- d. Involvement in accidents
- e. Discovery of dangerous drugs paraphernalia
- f. Detention by police/filing of charge in court for drug related cases
- g. As a requirement for promotion; and
- h. Employees reporting to work after undergoing rehabilitation in a treatment and rehabilitation center.

SECTION 9. RANDOM DRUG TESTING WHEN CONDUCTED

Random Drug Test may be done without prior notice of the date and venue of the drug test on selected employees chosen by the Drug-Free Workplace Assessment Committee until all officials and employees have undergone the test. The Drug Free Workplace Assessment Committee shall formulate a random selection process or procedure for this purpose.

All information related to drug testing or the identification of persons as users of drugs shall be treated by the LGU as confidential unless otherwise required by law, overriding public health and safety concerns, or authorized in writing by the person in question.

SECTION 10. RANDOM DRUG TESTING FOR "FOR CAUSE" OR "PROBABLE CAUSE"

Random Drug test may also be conducted when there is a reasonable ground to believe that the official or employee is using illegal drugs based of the following indicators:

- a. Attendance - frequent unauthorized absences, repeated tardiness, truancy from the job
- b. Personal appearance - slurred speech, bloodshot eyes, drastic change in appearance, and other alarming change in physical attributes
- c. Mental Factor - hot headedness, irritability, increased difficulty in handling assignments, etc.
- d. General Performance - missed deadlines, low productivity, increased wastage, public complaints, and other signs
- e. Peer Election - isolation, frequent quarrels with officemates, heavy borrowings, frequent mood swings, etc.

SECTION 11. PROCEDURE IN THE CONDUCT OF RANDOM DRUG TEST IN THE WORKPLACE

The following procedure shall apply in case of random drug testing:

- a. The Drug-Free Workplace Assessment Committee will notify the randomly selected officials or employees to go for a urine test to the Municipal Health Office who in turn, will accompany them to the place where the test will be conducted.
- b. The selected officials/employees must immediately report for the drug test.
- c. The test shall only be conducted by any government Drug Testing Laboratory or by any drug-testing laboratory duly authorized and accredited by the Department of Health for the screening test, which shall be conducted in the following manner.
- d. The selected officials/employees will fill up and sign the consent and chain of custody form issued to them.
- e. 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.
- f. The taking of the urine sample must be done in an area where manipulation (e.g. adding water) is not possible.
- g. The urine specimen/sample which tested positive after the screening test must be properly labeled and must be kept separately from the samples that tested negative for dangerous drugs.
- h. All urine samples tested positive must be submitted for confirmatory testing to a laboratory having the confirmatory capability using the same urine sample.
- i. After the confirmatory test, the same urine sample must be kept for the purpose of challenging the result.
- j. After the test is conducted, a drug test result shall be issued by the drug testing laboratory directly to the Office of the Municipal Mayor or his duly authorized representative and not to the person so tested. The same result must be signed by the authorized signatory of the laboratory, the employee/officials concerned and a witness.

SECTION 12. ACTION ON NEGATIVE RESULTS

Should the drug test yield a negative result for the official or employee tested, no further action is needed other than the issuance of a Drug Test Certificate. The Drug Test Certificate is good for one (1) year and could be used for the purpose.

SECTION 13. PROCEDURE IN HANDLING A POSITIVE RESULT AFTER CONFIRMATORY TEST

Should the drug test yield a positive result for the official or employee tested, the following procedures shall apply:

- a. Upon discovery that a urine sample is tested positive for dangerous drugs after confirmatory test, such result shall immediately be made known to the

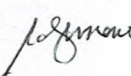
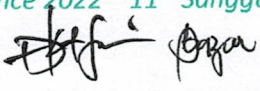
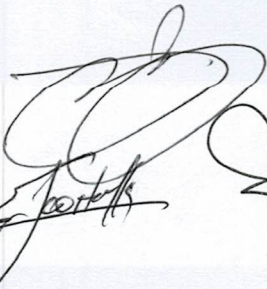
Chairman of the Drug-Free Workplace Assessment Committee and the Office of the Municipal Mayor or his duly authorized representative.

- b. After receipt of such information, the same shall be made known to the employee/official.
- c. The Office of the Municipal Mayor shall then take the appropriate action in accordance with this ordinance.
- d. All records must strictly be held confidential in accordance with RA 9165.

SECTION 14. VIOLATION OF OFFICIALS AND EMPLOYEES

Any officer or employee found to have violated this ordinance may suffer any or combination of the following sanctions:

- a. Failure on the part of the Head of the Office to implement this Ordinance within a reasonable period after its effectivity, shall be dealt with in accordance with RA 9165.
- b. Any government official/employee who, without any valid reason after being tested positive of drug use shall refuse to undergo the recommended rehabilitation program will be administratively dealt with it in accordance with the existing rules and regulations without prejudice to suspension or dismissal from the service as provided for under Section 36 (d) of RA 9165.
- c. Any government official/employee, who refuses, without any valid reason, to submit himself/herself for random/mandatory drug test, whichever is applicable, will be administratively seal with in accordance with the existing rules and regulations without prejudice to Section 32 of R.A. No. 9165.
- d. Any government official/employee who is found to be positive for drug use and after undergoing a Drug Dependency Examination conducted by the Department of Health (DOH) or by any medical practitioner accredited by the said Office to conduct the drug dependency test may undergo the following treatments and rehabilitation programs:
 - Experimenter - outpatient, guidance counseling
 - Occasional User - outpatient, guidance counseling and urine surveillance
 - Chronic Use/ Drug Dependent- mandatory 6-month treatment and rehabilitation in any of the government rehabilitation centers.
- e. Officers or employees who for the second time have been detected to be using dangerous drugs after completion of his/her treatment and/or rehabilitation program or while undergoing treatment and/or rehabilitation may either be suspended or dismissed from the service subject to the Civil Service laws, rules and regulations.
- f. Officers and employees who are found arrested/apprehended or charged in court for commission of any of the unlawful acts provided for under Art. II of the R.A. No. 9165 will either be suspended/dismissed from the service depending on the gravity of the offense committed, subject to existing laws, rules and regulations of the Civil Service, and without prejudice to further criminal prosecution.



SECTION 15. CREATION OF DRUG FREE WORKPLACE ASSESSMENT COMMITTEE

A Drug Free Workplace Assessment Committee is hereby established which shall formulate and put in place the Municipality's Drug Testing Program which shall be in accordance with the pertinent provisions of R.A. No. 9165 and this Ordinance. The programs 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. The program to be implemented must be developed through a process where consensus is achieved regarding its contents. The committee shall be composed of the following:

- a. Municipal Mayor or his representative
- b. Chairperson of the Municipal Anti-Drug Abuse Council (MADAC)
- c. Chairperson, SB Committee on Peace and Order
- d. Chairperson, SB Committee on Health
- e. Head of the Human Resource Management Office or his representative;
- e. Municipal Health Officer or his representative;
- f. President of the Liga ng mga Barangay
- g. Municipal Chief of Police

SECTION 16. DUTIES AND FUNCTIONS OF THE COMMITTEE

The Committee shall undertake the following duties and responsibilities:

- a. To oversee the formulation and implementation of the drug abuse policy in the agency.
- b. Initiate training programs for supervisors.
- c. Initiate continuing education and awareness program for the employees.
- d. Initiate and adopt value formation, family enhancement and such other related and relevant programs;

SECTION 17. RESPONSIBILITIES OF THE HEADS OF OFFICES

In pursuance with the purpose of this ordinance, the Office of the Municipal Mayor in coordination with the Municipal Anti-Drug Abuse Council (MADAC) mandates the following Responsibilities of the Heads of Offices under the Policy, to wit;

- a. Adopt a continuing and sustainable substance abuse awareness program to inform his subordinates about:
 - Its policy of maintaining a drug-free workplace
 - The dangers posed by the abuse of dangerous drugs
 - The availability of employees' assistance program
 - The consequences, penalties and administrative sanctions in violation thereof
- b. Distribute a copy of this Ordinance to all heads of offices and its subordinates.

- c. Display in a posting area that is strategically located or placed in the office with words:

"This is a Drug Free Workplace, Let's Keep it that Way".

SECTION 18. RESPONSIBILITIES OF THE EMPLOYEES AND THE OFFICIALS

The officials and employees shall have the following responsibilities:

- a. All officials or employees must never possess and/or use dangerous drugs and other substances of abuse.
- b. All officials or employees 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 No. 9165.
- c. The officials and employees must faithfully abide by the terms of this Ordinance as a condition for their continued employment.
- d. The officials or employees must voluntarily seek treatment and rehabilitation if they have problems related to dangerous drugs.
- e. The officials and employees must advocate against drug abuse.
- f. The officials and employees must help maintain a drug-free workplace.

SECTION 19. ROLE OF THE BARANGAYS

The barangays through their respective Sanggunians shall likewise promulgate a policy or the adoption of this Ordinance in their respective barangays to implement a Drug-free Workplace.

SECTION 20. CONFIRMATION / AFFIRMATION AND COMMITMENT TO THIS ORDINANCE

In pursuance with the purpose of this Ordinance, all officials and employees of LGU Dumingag, including the officials, workers and volunteers of the forty four (44) barangays, shall personally sign the following:

CONFIRMATION/ AFFIRMATION AND COMMITMENT TO A DRUG FREE WORKPLACE

As an official/employee/volunteer of the Municipality of Dumingag/Barangay_____, I hereby certify that I have read the provisions of this Ordinance, entitled, "AN ORDINANCE ESTABLISHING AND IMPLEMENTING THE DRUG FREE WORKPLACE PROGRAM, MANDATING THE CONDUCT OF AUTHORIZED DRUG TESTING FOR ALL ELECTIVE, APPOINTIVE PUBLIC OFFICIALS AND EMPLOYEES IN ALL OFFICES OF THE LOCAL GOVERNMENT UNIT OF DUMINGAG, ZAMBOANGA DEL SUR, INCLUDING THE OFFICES OF ITS FORTY FOUR (44) BARANGAYS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES." and affirm and confirm my commitment to unconditionally abide to all that is provided therein and I shall be answerable to the Municipality of Dumingag for whatever violation that I may commit.

Name and Signature of Official/Employee

Date: _____

Attested by:

Name

Designation

Date

SECTION 21. BUDGETARY REQUIREMENTS

The budgetary requirements for the implementation of this Ordinance shall be taken from the Annual Municipal Peace and Order and Public Safety (MPOPS) Plan. Barangays shall also allocate a counterpart budget through their Annual POPS Plan and the Sangguniang Kabataan (SK) Fund.

SECTION 22. APPLICABILITY CLAUSE

Comprehensive Dangerous Drugs Act of 2002 and its Implementing Rules and Regulations (IRR), Civil Service Commission (CSC) Memorandum Circular No. 13, s. 2017 and the Department of Interior and Local Government (DILG) Memorandum Circular No. 2018 - 213 shall apply to all matters not provided in this ordinance.

SECTION 23. REPEALING CLAUSE

Any provision of ordinance, rules and regulations and/or parts thereof inconsistent with the provisions of this ordinance are hereby repealed and/or modified accordingly.

SECTION 24. SEPARABILITY CLAUSE

Should any portion or provisions of this ordinance be declared unconstitutional or invalid, the other parts or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 25. EFFECTIVITY CLAUSE

This Ordinance shall take effect after posting certified true copies of the same duly approved by the Municipal Mayor in three conspicuous places of the municipality for a period of three consecutive weeks and distribution of certified true copies to all punong barangays, LGU heads of offices, this municipality.

Enacted: August 9, 2022

SANGGUNIAN BAYAN MEMBERS:

Hon. Julius G. Jamero

Hon. Dean Kaiser C. Tangalin

Hon. Jerson L. Cabahug

Hon. Percalixia Y. Bazar

Hon. Ronie C. Gimeno

Hon. Jo Vincent J. Morpos

Hon. Francis Joeray T. Gumban

Hon. Julito C. Mandac

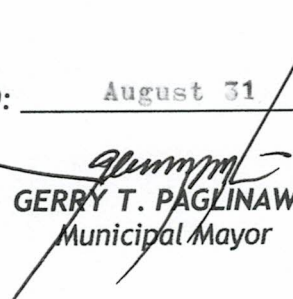
Hon. Efren A. Costanilla

Hon. Leonel C. Dinawanao

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED


EDGARDO G. JAMERO
Presiding Officer / Municipal Vice Mayor

APPROVED: August 31, 2022


GERRY T. PAGLINAWAN
Municipal Mayor

I hereby certify that the foregoing ordinance is true and correct.


JESSYL B. PALON
Secretary to the Sanggunian