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EXCERPT FROM THE MINUTES OF THE 3rd REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN OF MONCADA, TARLAC HELD ON THE 18th DAY OF JULY 2022 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

PRESENT:

HON. JAIME O. DUQUE

.. VICE MAYOR/PRESIDING OFFICER

HON. JANIUS M. YASAY
HON. ALBERTO C. MARZAN, JR., MD
HON. THELMAFLOR A. ESPEJO
HON. CELESTE A. AYSON
HON. GEORGE MICHAEL P. AGUILAR
HON. CONSTANTE NESTOR A. FAVIS
HON. GEORGE R. CUCHAPIN, MD
HON. EZEKIEL C. RIVERA

.. MEMBER
.. MEMBER
.. MEMBER
.. MEMBER
.. MEMBER
.. MEMBER
.. LnB PRESIDENT
.. SKF PRESIDENT

ABSENT:

HON. RAMON BENITO M. AQUINO
HON. RODOLFO C. ESPEJO, JR.

.. MEMBER (SICK LEAVE)
.. MEMBER (ON LEAVE)

MUNICIPAL ORDINANCE NO. 09
Series of 2022

AN ORDINANCE INSTITUTIONALIZING A DRUG – FREE WORKPLACE IN THE MUNICIPALITY OF MONCADA AND APPROPRIATING FUNDS FOR THE IMPLEMENTATION THEREOF

Principal Author/Proponent: Coun. Rodolfo C. Espejo, Jr.
Sponsor: Coun. Constante Nestor A. Favis

WHEREAS, Executive Order No. 66, Series of 2018, issued by President Rodrigo Roa Duterte, calls for the institutionalization of the Philippine Anti – Illegal Drugs Strategy, which outlines the balanced efforts of the government to strengthen the campaign against illegal drugs and contribute to international efforts to counter the worldwide illegal drug problem;

WHEREAS, Section 4 of the Executive Order provides that all local government units shall adopt their respective Drug – Free Workplace Programs and conduct authorized drug testing among their respective officials and personnel in accordance with the provisions of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, as amended;

WHEREAS, Regulation No. 13, Series of 2018 issued by the Dangerous Drugs Board mandates the creation of drug – free workplace policies in all government offices, especially local government units, including the conduct of authorized drug testing, to ensure that all public officers remain drug-free and that the general public be assured of effective and efficient service from the government;





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WHEREAS, there is an imperative need to support the call of the President and the Dangerous Drugs Board and inspire active participation in the campaign against illegal trafficking and drug use in the government.

NOW THEREFORE, on motion by Coun. Constante Nestor A. Favis, duly seconded;

BE IT ENACTED by the Sangguniang Bayan of Moncada in session assembled, that:

SECTION 1. SHORT TITLE – This Ordinance shall be known as the **“Drug – Free Workplace Policy in the Municipality of Moncada.”**

SEC. 2. OBJECTIVE – This Ordinance aims to ensure that all public officers and personnel of the municipality, both elective and appointive, remain drug free in order to continuously provide effective and efficient service to the people.

SEC. 3. SCOPE – This Ordinance covers all elective and appointive public officers and personnel of the Municipal Government of Moncada including barangay officials and personnel. Contract of Service and Job Order workers are also covered by the provisions of this Ordinance.

SEC. 4. DEFINITION OF TERMS – The following terms are defined:

- a. Authorized Drug Testing – the testing done by any government forensic laboratory or a drug testing laboratory accredited by the Department of Health. It shall employ, among others, two (2) testing methods, the screening test, which will determine the positive test result as well as the type of drug used, and the confirmatory test, which shall 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.
- d. 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”).
- e. 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





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dependency, mental and physical status, and the detection of dangerous drugs in body specimens through laboratory procedures.

- f. 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, the employees, and employees' union.
- g. Mandatory Drug Testing – compulsory submission of a public officer or prospective employee to drug testing as mandated by this Ordinance.
- h. 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.
- i. 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 presumptively positive specimen that requires confirmatory test.

SEC. 5. ESTABLISHMENT OF THE DRUG - FREE WORKPLACE COMMITTEE –

There shall be a Drug – Free Workplace Committee which shall ensure the proper implementation and dissemination of this Ordinance. The Committee shall be composed of the following:

- a. Municipal Mayor;
- b. Municipal Human Resource Management Officer (MHRMO);
- c. Municipal Health Officer;
- d. Representative of LGU's Regular Employees; and
- e. Focal Person, Municipal Anti – Drug Abuse Council (MADAC).

SEC. 6. ESTABLISHMENT OF AN ASSESSMENT TEAM – There shall be an Assessment Team to be created by the Municipal Mayor which shall assist in the conduct of substance abuse awareness and prevention programs and implement the Employee Assistance Program for personnel who wish to undergo drug use intervention. It shall be composed of personnel with educational and training background on medicine, psychology, social work, and human resources administration.

SEC. 7. ASPECTS OF THE DRUG- FREE WORKPLACE POLICY.

- a. **Pre - Employment Drug Testing** - Mandatory drug testing shall remain an essential requirement for entry into government service. Any applicant found positive for drug use shall be denied entry to government service.
- b. **Substance Abuse Awareness and Prevention Programs** - The Assessment Team shall initiate and implement these programs to ensure that personnel



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are properly informed on the evils of drug use, including its physical, mental, social, and legal implications.

- c. **Authorized Drug Testing** - The Drug Free Workplace Committee and/or the Assessment Team shall implement a random selection procedure in order to determine personnel who shall undergo drug testing.
- d. **Employee Assistance Program** - Any personnel, prior to the conduct of Authorized Drug Testing, may seek intervention through the Employee Assistance Program, which shall provide referrals and additional services to the personnel concerned. A drug dependency examination shall be conducted in order to determine the level of Substance Use Disorder and the applicable intervention. This Program shall not apply to personnel who are found to be positive for drug use after the conduct of confirmatory drug test in an Authorized Drug Testing activity.

SEC. 8. GUIDELINES IN THE CONDUCT OF AUTHORIZED DRUG TESTING

- a. The Municipal Mayor, in consultation with the Drug Free Workplace Committee, shall determine the frequency and dates for the conduct of an authorized drug testing activity. Information relating to frequency and dates relating to drug testing shall be treated with utmost confidentiality.
- b. Within thirty (30) days from the effectivity of this Ordinance, the Drug Free Workplace Committee shall formulate such additional rules, regulations and guidelines as may be necessary to the implementation of this Ordinance, including the manner of conduct of drug testing in the barangay level.
- c. The Punong Barangay shall determine the manner of conduct of drug testing activity in the barangay level and shall allocate funds for the purpose.
- d. Personnel selected to undergo drug testing shall immediately report to the Municipal Mayor or Punong Barangay, as the case may be, the Drug Free Workplace Committee, and / or the Assessment Team. Personnel who, without any justifiable reason, fail to report for drug testing shall be sanctioned accordingly.
- e. Upon discovery that a urine sample tested positive for use of dangerous drugs after confirmatory testing, the result shall immediately be made known to the Municipal Mayor or Punong Barangay, who shall notify the public officer concerned. The public officer shall have fifteen (15) days from 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 Department of Health (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 LGU shall then take the appropriate action.

SEC. 9. 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 of 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 (RA 9165).
- d. Any public officer who violated the provisions of Article II of RA 9165 shall be charged with the administrative offense of Grave Misconduct 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.

SEC. 10. FUNDING – The Municipal Government of Moncada shall appropriate the necessary funds for the effective implementation of this Ordinance. The barangay councils of this municipality shall likewise allocate funds for the conduct of their own drug testing activities.

SEC. 11. REPORTING – The Municipal Mayor shall ensure that a copy of this Ordinance shall be communicated to the Dangerous Drugs Board and the Department of the Interior and Local Government for information. Thereafter, the Local Chief Executive shall also report to said agencies the conduct of authorized drug testing and provide data as to the number of persons who were subjected to drug testing, the number of persons found positive for drug use, and the action undertaken by the Local Chief Executive on persons found positive for drug use.





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SEC. 12. SEPARABILITY CLAUSE – If any part or provision of this Ordinance is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SEC. 13. EFFECTIVITY CLAUSE – This Ordinance shall take effect fifteen (15) days following its posting in at least three (3) conspicuous places in the municipality and likewise in the official social media accounts of the SB / LGU.

X-----X
I HEREBY CERTIFY to the correctness of the foregoing Ordinance which was enacted on Third and Final Reading by the 11th Sangguniang Bayan of Moncada during its Regular Session held on the aforementioned date and place.


VICTOR SANDINO S. MOLINA
Secretary, Sangguniang Bayan

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


JAIME O. DUQUE
Vice Mayor & Presiding Officer

APPROVED by HER HONOR, this 19th day of July, 2022.


ESTELITA M. AQUINO
Municipal Mayor

