



Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL NORTE
Municipality of Siayan



OFFICE OF THE SANGGUNIAN BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIAN BAYAN OF
SIAYAN, ZAMBOANGA DEL NORTE HELD AT THE MUNICIPAL SESSION HALL ON THE
7TH DAY OF OCTOBER 2019.

PRESENT:

Hon. Primitivo D. Castillo, Presiding Officer,	Municipal Vice Mayor
Hon. Emelyn P. Tulawe, Presiding Officer Pro-Tempore	Sangguniang Bayan Member
Hon. Estrella S. Zapatos,	-do-
Hon. Rico V. Jamisola,	-do-
Hon. Rey L. Anugon, Assistant Floor Leader	-do-
Hon. Alfred R. Labastido	-do-
Hon. Phil A. Saraga, SK Fed. President,	-do-
Hon. Maribel C. Okay,	-do-
Hon. Johnny C. Anugon, Sr., IPMR,	-do-

ABSENT:

Hon. Vanessa Lyn B. Atuy,	-do-
Hon. Oliver A. Romero, Floor Leader	-do-
Hon. Ma. Roselyn G. Secretario,	-do-

**"MUNICIPAL ORDINANCE NO. 19-17
Series of 2019**

PREFATORY STATEMENT

WHEREAS, as provided under Section 77, Article IX of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Act of 2002, in relation to Section 16, Article II and Section 48, Article V of the same Act, the Dangerous Drugs Board (DDB), prescribes the guidelines for the formulation and implementation of a Drug-Free workplace program and the conduct of authorized drug testing for offices, bureaus and agencies of the national and local governments, government owned and controlled corporations and other institutions of learning including states and universities.

BE IT ORDAINED BY the Sangguniang Bayan in session assembled:

SECTION 1. Title. This ordinance shall be known as an "**ORDINANCE IMPLEMENTING THE DRUG-FREE WORKPLACE PROGRAM, MANDATING THE CONDUCT OF AUTHORIZED DRUG TESTING BY ALL OFFICES OF THE LOCAL GOVERNMENT UNIT OF SIAYAN, ZAMBOANGA DEL NORTE INCLUDING THE OFFICES OF THE 22 BARANGAYS AND ALL ESTABLISHMENTS AND PENALIZING ANY VIOLATORS THEREOF AND PROVIDING FUNDS THEREFOR.**

SECTION 2. Declaration of Policy - The Local Government Unit of Siayan 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 assign task, criminality, and the like and thereby declares the policy of the municipality to absolutely prohibit the use of dangerous drugs in and outside the office by all office by all officials and employees of the Local Government Unit including its 22 Barangays and business establishments.

SECTION 3. Purpose, Scope and Coverage - The primary purpose of this ordinance is to ensure the maintenance of a safe and healthy work environment free from use of dangerous drugs, and free from other related activities as prescribed by Republic Act No. 9165, otherwise known as the Dangerous Drugs of 2002.

This ordinance shall apply to all officials and employees in the offices of the Local Government Unit of Siayan and its 22 Barangays without distinction as to rank, employment status salaries and shall cover all stages of employment to all person or group of person that establish business and secure permits and licenses in this municipality.

SECTION 4. Definition of Terms- As used in this Ordinance the following terms shall defined as follows;

- a. **Administer** – Any act of introducing any dangerous drugs into the body of any person, with or without his/her knowledge, by injection, inhalation, ingestion or other means or of committing any act indispensable assistance to a person in administering a dangerous drug to himself/herself unless administered by a duly licensed practitioner for purpose of medication;
- b. **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 accredited and monitored.
- c. **Center-** Any of the treatment and rehabilitation which undertake treatment, aftercare and follow-up treatment of drug dependents. It includes institution, agencies and the like whose purpose are: the development of skills, arts and technical know-how, counselling and /or inculcating civic, social and moral values to drug dependent patients, with the aim of weaning them away from dangerous drugs and keeping them drug-free, adapted to their families and peers and readjusted into the community as law abiding, useful and productive citizens;
- d. **Confirmatory Drug 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. It refers to the second or further analytical procedure to more accurately determine the presence of dangerous drugs in a specimen, which shall likewise be done by any government laboratory or by privately-owned and operated drug testing laboratories accredited and monitored by the DOH having confirmatory test capabilities;
- e. **Dangerous Drugs-** Include those listed in the schedules annexed to the 1991 Single Convention on Narcotic /Drugs, as amended by the 1972 Protocol and the Schedules annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in RA 9165;
- f. **Drug Dependence** – Refers to a cluster of physiological, behavioural and cognitive phenomena of variable intensity, in which the use of psychoactive drug takes on a high priority thereby involving, among others a strong desire or a sense of compulsion to take the substance and the difficulties in controlling substance-taking behaviour in terms of its onset, termination or level of use;
- g. **Drug Test Certificate-** A declaration/statement of the result of the drug test issued by accredited drug testing centers. It shall be valid for a one-year period from the date of issue and which Section 36, Article III of R.A. No. 9165;

- h. **Employee Assistance Program or EAP-** program that offers assistance to workers who have problem, primarily alcohol and drug related problems that may affect job performance. It shall be formulated as much as possible, jointly by the employer and the employees' union;
- i. **"For Cause" or "Probable Cause" Drug Test-** Drug testing required when there is a "probable cause" or "reasonable ground" to believe that a person is using or is under the influence of dangerous drugs.
- j. **Mandatory Drug Test-** Compulsory submission of an employee for drug testing as required by Republic Act No. 9165 and by this ordinance;
- k. **Policy-** a definite course or method of action from among alternatives and in the light of given conditions to guide and usually determine decisions to be made.
- l. **Republic Act 9165-** Refers to the Comprehensive Dangerous Drug Acts of 2002.
- m. **Random Drug Test-** To subject personnel for drug testing as selected following no specific pattern and without prior notice/information;
- n. **Rehabilitation-** A dynamic process including aftercare and follow-up treatment directed towards the physical emotional/psychological vocational, social and spiritual change of drug dependent to enable him/her to live compatible with his capabilities and potentials and render him/her able to become a law abiding and productive member of the community.
- o. **Screening Drug 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;
- p. **Treatment-** Medical service rendered to a patient for the effective management of physical and mental conditions arising from his/her drug use;
- q. **Unlawful Acts-** Refer to any of the unlawful acts penalized under Art. II of Republic Act No. 9165;
- r. **Workplace-** a place where work is usually performed. For this purpose, it shall mean all the offices of the Municipality and the 22 Barangays.

SECTION 5. Who May Conduct Drug Testing- Drug testing shall be done 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, the local government unit may enter into agreement with other government drug testing laboratories.

SECTION 6. Drug Test Methods- The following methods, as define above, are adopted as the authorized drug testing methods of the local government unit of Siayan.

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

SECTION 7. Drug Testing when mandatory- Drug Testing is mandatory in the following cases;

- a. Pre-employment
- b. Person 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 charge in court for drug related cases;
- g. As requirement for promotion; and
- h. Employees reporting to work after undergoing rehabilitation in treatment and rehabilitation center.

SECTION 8. 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 random selection process or procedure for this purpose;

SECTION 9. Random Drug Testing for " for Cause" or "probable cause"- Random drug test may also be conducted when there is a reasonable ground to believed that the official or employee is using illegal drugs based of the following indicators;

1. **Attendance-** frequent unauthorized absences repeated tardiness, truancy from the job.
2. **Personal Appearance-** slurred speech, bloodshot eyes, drastic change in appearance and other alarming change in physical attributes.
3. **Mental Factor-** hot-headedness, irritability, increased difficulty in handling assignments, and other drastic change in his dispositions.
4. **General Performance-** missed deadlines, low productivity, increased wastage, public complaints, frequent accident, carelessness, and other drastic decrease in work productivity.
5. **Peer Relations-** isolation, frequent quarrels with officemates, heavy borrowing, frequent mood swings, and other relevant change in social relations.

SECTION 10. Procedure of the conduct of the 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 (DOH) 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 labelled to contain the name, ID number, employment number, position, date and the time 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 labelled 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 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/her duly authorized representative and not to the person so tested. The same result must be signed by the authorised signatory of the laboratory, the employees/officials concerned and a witness.

SECTION 11. Action on Negative Results- Should the Drug test yield a negative result for the officials or employee tested, no further action is needed other than the issuance of a Drug Test Certificate. The Drug Certificate is good for (1) year and should be used for other purposes.

SECTION 12. Procedure in handling a positive result after Confirmatory Test- should the drug test yield a positive result for the official/employee tested, the following procedures shall apply;

- a. Upon discovery that the 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/her duly authorized representative.
- b. After receipt of such information the same shall be made known to the employee/official.
- c. The Office of Municipal Mayor shall then take appropriate action in accordance with this Ordinance.
- d. All records must strictly be held confidential in accordance with Republic Act Number 9165;

SECTION 13- Violation of officials and employees and business operators- Any officer or employee, business operators and its employees found to have violated this ordinance may suffer any or combination of the following sanctions;

- a. Failure on the part of Head of Office to implement this ordinance within a reasonable period after its effectivity shall be dealt with in accordance with Republic Act No. 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 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 Republic Act No. 9165.
- c. Any government officials/employees, business operators and its employees who refuses without any valid reason to submit himself/herself for random/mandatory drug test whichever is applicable, will be administratively dealt with in accordance with the existing rules and regulations without prejudice to section 32 of Republic Act No. 9165.
- d. Subject to the existing Employees Assistance Program, officials/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 following treatment and rehabilitation program
 1. Experimenter- Outpatient guidance counselling;
 2. Occasional User- Outpatient guidance counselling and urine surveillance.
 3. Chronic User/Drug Dependent- Mandatory 6 months treatment and rehabilitation in any of the government rehabilitation centers.
- e. Officers or employees, business operators and its 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 or Employees, business operators and its employees who are found arrested/apprehended or charged in court for commission of any of the unlawful acts provided for under Art. II of Republic Act 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 persecution;

CONTINUING COMMITMENT TO A DRUG-FREE WORKPLACE

SECTION 14. Responsibilities of the Municipality – In pursuance with the purpose of this ordinance the municipality through the office of the Municipal Mayor in accordance with the Anti-Drug Abuse Advisory Council mandates the following Responsibilities of the office/agency under the policy, to wit;

1. Adopt a continuing and sustainable substance abuse awareness program to inform its employees about;
 - a. Its policy of maintaining a drug-free workplace
 - b. The Dangers posed by the abuse of dangerous drugs.
 - c. The availability of employees assistance program;
 - d. The consequences, penalties and administrative sanctions in violation thereof;
2. Distribute a copy of this ordinance to each employees and business establishments;
3. Create Committee that implement, to the fullest, the contents of this ordinance.
4. To display a Billboard message a a strategic place/s in the office with the words;

" This Is a Drug- Free Workplace. Let's keep It That Way"

SECTION 15. Responsibilities of the Employees, Officials and Business Operators- The officials and employees shall have the following responsibilities;

1. Never possess and/or use dangerous drugs and other substances of abuse.
2. 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 R.A. No. 9165
3. Must faithfully abide by the terms of this ordinance as condition for their continued employment.
4. Shall voluntarily seek treatment and rehabilitation if they have problems related to dangerous drugs.
5. The Officials and employees must advocate against drug abuse.
6. The officials and employees must help maintain a drug-free workplace.

SECTION 16. Confirmation Affirmation and commitment to this ordinance- In pursuance with the purpose of this ordinance all officials and employees and business operators and its employees of Siayan, Zamboanga del Norte shall personally sign the following:

CONFIRMATION/AFFIRMATION AND COMMITMENT TO A DRUG-FREE WORKPLACE

As an Officials/Employee of Siayan, Zamboanga del Norte, I hereby certify that I have read the provisions of this Ordinance No. 19-14 series of 2019 entitled "AN ORDINANCE IMPLEMENTING THE DRUG-FREE WORKPLACE PROGRAM, MANDATING THE CONDUCT OF AUTHORIZED DRUG TESTING BY ALL OFFICES OF THE LOCAL GOVERNMENT UNIT OF SIAYAN, ZAMBOANGA DEL NORTE INCLUDING THE OFFICES OF THE 22 BARANGAYS AND ALL ESTABLISHMENTS PROVIDING FUNDS THEREFOR AND PROVIDING PENALTIES FOR VIOLATORS THEREOF; and I affirm and confirm my commitment to unconditionally abide to all what is provided therein and I shall be answerable to the Local Government of Siayan for whatever violation that I may commit.

Name and Signature of Official/Employee

Date: _____

Attested by:

Name
Designation
Date:

SECTION 17. Creation of the Drug-Free Workplace Assessment Committee- The Drug Free Workplace Assessment Committee is hereby established which shall formulate and put in place the municipal Drug Testing Program which shall be in accordance with the pertinent provisions of R. A. No. 9165 and this ordinance. The Program must be made known to all employees and officers stressing the fact that the 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 duly authorized Representative
- b. The chairperson of the Municipal Anti-Drug Abuse Advisory Council.
- c. Head of the Municipal Health Unit and the Department of Health(DOH), Dangerous Drugs Board (DDB) accredited physician and
- d. The president of the Liga ng mga Barangay;

SECTION 18. Duties and Functions of the Committee- The committee shall undertake the following duties and responsibilities;

1. To oversee the formulation and implementation of the drug abuse policy in the agency.
2. Initiate training programs for supervisions
3. Initiate continuing education and awareness program for the employees.
4. Initiate and adopt value formation, family enhancement and such other related and relevant programs.

SECTION 19. Employees Assistance Program- *The committee is likewise mandated to establish and an Employee Assistance Program within thirty (30) days from the effectivity of this ordinance which shall address the needs of officials or employees untracking guidance counselling or rehabilitations mandated by the provision of this ordinance. The Employees Assistance Program to be implemented must be developed through a process where consensus is achieved regarding its contents.*

MISCELLANEOUS PROVISIONS

SECTION 20. FUNDING ALLOCATION- The sum of FIVE HUNDRED THOUSAND pesos for the initial implementation of this ordinance shall be charged against the Budget of the SMADAC. Thereafter, such sums as may be necessary shall be included in the subsequent annual Budget of the municipality which shall likewise under the administration of SMADAC of the funds allocated the municipality shall undertake to establish a permanent drug testing facility. Funds for this purpose shall be sourced from General Fund.

SECTION 21. Separability Clause- If, for reason, any section or provision of this ordinance is declared unconstitutional or invalid, the other sections or provisions not affected thereby, shall remain in full and effect.

SECTION 22. Effectivity- This Ordinance shall take effect 15 days upon approval of the Sangguniang Panlalawigan and Publication of copies in official gazette.

ENACTED this 7th day of October 2019.

I HEREBY CERTIFY to the correctness of the above-quoted ordinance.



WILFREDO Q. DOMPALES
Sangguniang Bayan Secretary

**CERTIFIED CORRECT
AS TO ITS PASSAGE:**



PRIMITIVO D. CASTILLO
Municipal Vice Mayor
(Presiding Officer)

APPROVED:



JOSECOR S. GEPOLONGCA
Municipal Mayor