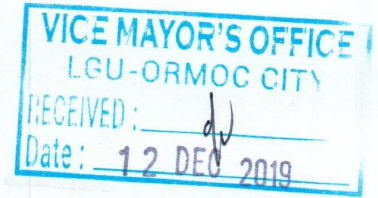




REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL  
ON DECEMBER 10, 2019

PRESENT:

- |                              |   |
|------------------------------|---|
| Leo Carmelo L. Locsin, Jr.   | City Vice Mayor & Presiding Officer   |
| Roiland H. Villasencio,      | SP Member, 1 <sup>st</sup> Asst. Majority Floor Leader  |
| Tomas R. Serafica,           | SP Member, Presiding Officer "Pro-Tempore"  |
| Nolito M. Quilang,           | SP Member, 2 <sup>nd</sup> Asst. Majority Floor Leader  |
| Eusebio Gerardo S. Penserga, | SP Member   |
| Vincent L. Rama,             | SP Member   |
| Gregorio G. Yrastorza III,   | SP Member   |
| Esteban V. Laurente,         | Ex-Officio SP Member, Chapter President,<br>Liga ng mga Barangay ng Ormoc                                 |
| Joan Marbie C. Simbajon,     | Ex-Officio SP Member, Chapter President,<br>Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc |

ON OFFICIAL BUSINESS:

- |                    |                            |
|--------------------|----------------------------|
| Lalaine A. Marcos, | (O.B. - Taiwan), SP Member |
|--------------------|----------------------------|

ON LEAVE:

- |                          |                                  |
|--------------------------|----------------------------------|
| Benjamin S. Pongos, Jr., | SP Member, Majority Floor Leader |
| Jasper M. Lucero,        | SP Member                        |
| Peter M. Rodriguez,      | SP Member                        |

**PREFATORY STATEMENT**

WHEREAS, Section 16 of the Local Government Code of 1991 warrants local government units to exercise powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance and those which are essential to the promotion of the general welfare;

WHEREAS, Section 458 (a) 1(v) of the Code authorizes the Sangguniang Panlungsod to enact ordinances intended to prevent, suppress and impose appropriate penalties for drug addiction, maintenance of drug dens, drug pushing, and such other activities inimical to the welfare and morals of the inhabitants of the city;

WHEREAS, the Dangerous Drugs Board (DDB) Regulation No. 13 Series of 2018 was enacted on August 30, 2018, by the DDB in pursuit of its aim to promote the establishment and institutionalization of drug-free workplace policies in all government agencies and ensure that all public officers, both elective and appointive, remain drug free through the conduct of authorized drug testing pursuant to RA 9165 or the Comprehensive Dangerous Drugs Act of 2002, as amended (the "Act") in order to ensure the public of an effective and efficient service from the government;

WHEREAS, in Resolution No. 1700653 dated March 15, 2017, the CSC stated that drug testing shall remain a requirement for initial entry to government service and those found positive for drug use shall not be hired or appointed;

WHEREAS, it is the City's advocacy to maintain an environment where the general public will be served with utmost respect and competence through the establishment of a drug-free workplace;

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WHEREAS, in order to attain a drug-free workplace in the Local Government Unit of Ormoc it is only proper to require all of its officers, appointive and elective, and employees regardless of rank or designation for a random mandatory drug testing;

NOW, THEREFORE, on motion of SP Member Gregorio G. Yrastorza III, Chairman, Committee on Justice and Peace and Order, severally seconded by SP Members Roiland H. Villasencio, Tomas R. Serafica, Eusebio Gerardo S. Penserga, Vincent L. Rama, Esteban V. Laurente and Joan Marbie C. Simbajon; be it

RESOLVED, to enact:

**ORDINANCE NO. 013  
(Series of 2019)**

**AN ORDINANCE ESTABLISHING A DRUG-FREE WORKPLACE POLICIES IN ALL OFFICES AND AGENCIES OF THE CITY GOVERNMENT INCLUDING BARANGAYS OF ORMOC AND ENSURE THAT ALL PUBLIC OFFICERS, BOTH ELECTIVE AND APPOINTIVE, SHALL REMAIN DRUG FREE, AND PROVIDE PENALTY FOR VIOLATION THEREOF.**

BE IT ORDAINED by the 15<sup>TH</sup> Sangguniang Panlungsod ng Ormoc, in session assembled that:

**ARTICLE 1  
GENERAL PRINCIPLES AND POLICIES**

**SECTION 1. SHORT TITLE.** This Ordinance shall be known as the "Drug-Free Workplace Ordinance in the Local Government Unit of Ormoc City".

**SECTION 2. DECLARATION OF POLICY.** It is hereby declared as a policy of the City Government of Ormoc to establish a drug-free workplace in all its offices and agencies and ensure that all public officers, both elective and appointive, remain drug free through the conduct of authorized drug testing pursuant to RA No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, as amended (the "Act"). This is to ensure the public of an effective and efficient service from the government, free from the ill-effects of drug use in the workplace.

**SECTION 3. SCOPE.** This Ordinance shall cover all appointive and elective public officers in all offices, job order employees and personnel of Ormoc City and its 110 Barangays without distinction as to rank, employment status or salaries and shall cover all stages of employment.

**SECTION 4. DEFINITION OF TERMS.** For the purpose of this Ordinance the following terms shall apply:

- 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;
- d. **Contract of Service/ 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 (the "Act");
- f. **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 dependency, mental and physical status, and the detection of dangerous drugs in the 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 agency, the employees and the employees union;
- h. **"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;
- i. **Mandatory Drug Testing** – compulsory submission of a public officer or prospective employee to drug testing as mandated by the Act or by the drug-free workplace program of the agency;
- j. **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;

- k. **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;
- l. **Screening Test** – a rapid drug test performed to establish potential or presumptive positive result or will determine the positive result as well as the type of the drug used. 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;
- m. **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 are diagnosed based on the same overarching eleven (11) behavioural criteria. Clinicians can also add “in early remission,” “in sustained remission,” “on maintenance therapy,” and “in controlled environment” in describing their diagnosis which could either be the following:
  - i. **Mild SUD** – a minimum of two (2) to three (3) criteria has been met. Similar to experimental and occasional users;
  - ii. **Moderate SUD** – four (4) or five (5) criteria met which would be similar to regular and habitual users; and
  - iii. **Severe SUD** – if six (6) or more symptoms / criteria have been met which is about the equivalent to an abuser and substance dependent individual

## **ARTICLE II**

### **GUIDELINES IN THE CONDUCT OF THE AUTHORIZED DRUG TEST**

**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).

**SECTION 6. DRUG TESTS METHODS** – The following methods, as defined above, are adopted as the authorized drug testing methods of the City:

- 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. 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;

**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 or offices chosen by the Ormoc City Drug-Free Workplace Assessment Team until all officials and employees have undergone the test. The Ormoc City Drug-Free Workplace Assessment Team shall formulate a 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 believe that the official, either elective or appointive, or employee, including a job order employee, is using illegal drugs based on the investigations conducted by the assessment team.

**SECTION 10. PROCEDURES IN THE CONDUCT OF AUTHORIZED DRUG TESTING.** The following shall be strictly implemented in the conduct of the random drug testing:

- a) All employees of the LGU, whether appointive or elective, and Barangay Officials without distinction as to rank, employment status or salaries shall undergo unannounced random drug testing, also known as the screening test, every quarter of the year which shall be done per office or barangay. Employees and Barangay Officials shall submit themselves for drug testing within 24 hours from receipt of the Notice of Drug Testing from the Assessment Team.
- b) All Contract of Service or Job Order Employees shall be included during the random drug test of the office where they are assigned.
- c) All results of authorized drug testing activities shall be strictly confidential. Only the Local Chief Executive and the members of the Assessment Team shall have access to such results.
- d) Authorized drug testing shall be conducted only by a drug testing laboratory accredited by the DOH.
- e) The urine specimen bottles must be properly labeled to contain the name, employment number, date and the time when the urine sample was taken.
- f) In case of negative drug test result, the public officer or employee concerned shall be notified but no further action is needed upon receipt of the said result.
- g) A positive drug test result from the screening test will immediately subject the public officer or employee concerned to undergo a confirmatory test to validate and confirm the screening test result. The urine specimen shall be submitted by the laboratory who conducted the screening drug test, with the supervision of the Assessment Team, to a laboratory having the confirmatory capability using the same urine sample.
- h) After the confirmatory test, the same urine sample must be kept for the purpose of challenging the result, if so desired by the public officer or employee concerned.
- i) A positive drug test result from the confirmatory test conducted shall immediately be made known to the Local Chief Executive, 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 with and monitored by the Department of Health (DOH). All expenses incurred in the conduct of the challenge test shall be borne by the concerned public officer.

- j) 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 test final. The Local Government Unit concerned shall then take the appropriate action.
- k) All drug test results and records shall strictly be held confidential, and shall be attached to the 201 File of all officials and employees.

**SECTION 11. DRUG TESTING WHEN MANDATORY** – Drug testing is mandatory in the following cases:

- 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;
- i. As a requirement for promotion;

**SECTION 12. EMPLOYEE ASSISTANCE PROGRAM.** A public officer, prior to the conduct of authorized drug testing, may seek proper intervention in coordination with the Employee Assistance Program, which shall provide referrals and additional services to the public officer concerned. A drug dependency examination shall be conducted in order to determine the level of Substance Use Disorder and the applicable intervention. However, 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 in an authorized drug testing activity.

### **ARTICLE III DRUG-FREE WORKPLACE ASSESSMENT TEAM**

**SECTION 13. THE ORMOC CITY DRUG-FREE WORKPLACE ASSESSMENT TEAM.** There shall be an Ormoc City Drug-Free Workplace Assessment Team which shall be created by virtue of this Ordinance, which shall be composed of the following:

- a. Chairperson – City Administrator or his representative
  - b. Vice Chairperson – Manager, Drug Rehabilitation Center
  - c. Secretariat – City Director, Philippine National Police, OCPO
- Members:
- PNP,OCPO – Drug Enforcement Unit
  - City Health Dept. – Drug Rehabilitation Manager
  - City Health Dept. – Drug Rehabilitation Coordinator
  - Human Resource Officer
  - DepEd Representative
  - City Legal Representative
  - CSWD Representative
  - Liga ng mga Barangay Representative
  - DILG Representative

**SECTION 14. FUNCTIONS AND RESPONSIBILITIES OF THE ORMOC CITY DRUG-FREE WORKPLACE ASSESSMENT TEAM.** The Ormoc City Drug-Free Workplace Assessment Team shall have the following functions and responsibilities:

- 14.1. Ensure the adoption and implementation of a continuing and sustainable substance abuse awareness and prevention program and inform all officials and employees of the following:
  - i. the Drug-Free Workplace Ordinance of the Ormoc City and distribution of copies thereof to each employee;
  - ii. the medical and social risks associated with drug use;
  - iii. the administrative and criminal sanctions with respect to drug use and violation of the Act; and
  - iv. the availability of the Employee Assistance Program.
- 14.2. Supervise the maintenance of a drug - free workplace;
- 14.3. Conduct of substance abuse awareness and prevention programs;
- 14.4. Formulate a random selection process or procedure in conducting mandatory and random drug testing; and
- 14.5. Ensure adequate funding for the implementation of the Drug-Free Workplace Policy;
- 14.6. Within six (6) months from effectivity hereof, draft the implementing rules and regulations of this Ordinance and to enforce the provisions of the Drug-Free Workplace Policy.

**ARTICLE IV  
SANCTIONS**

**SECTION 15. VIOLATION OF OFFICIALS AND EMPLOYEES** – Any officer or employee found to have violated this Ordinance may suffer any or a combination of the following sanctions:

- a. Failure on the part of any official or employee charged with the execution of any of the provisions of ordinance, to implement this Ordinance within a reasonable period after this effectivity shall be dealt with in accordance with existing laws.
- b. An appointive public officer who refuses, without any valid reason, to submit himself/herself to authorized drug testing, or is found positive of 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 punishable by dismissal, without prejudice to the filing of criminal complaint before any competent court.
- c. Any elective official who refuses, without any valid reason, to submit himself/herself to authorized drug testing, or is found positive of 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.

- d. 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 the drug test results, or violated rules of confidentiality of records shall be charged with administrative offense of Grave Misconduct without prejudice to the filing of a case for violation of Section 32, Article II of the Act.
- e. Any public officer who violated the provisions of the Article II of the Act 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.
- f. The City Mayor shall cause the filing of administrative cases for all the appointed employees under the Executive Offices of the City, elected officials of the component barangays, and elected official of the Sangguniang Panlungsod. While the City Vice Mayor shall cause the filing of administrative cases for all the appointed employees under the Legislative Offices. The Punong Barangay shall be responsible in the filing of administrative cases against any appointed employee of the barangay who refuses to undergo drug testing or who is found positive of drug use.

**SECTION 16. CONFIDENTIALITY.** Any person who, having official custody or access to all data and information relative to the conduct of the authorized drug testing, or anyone who, having gained possession of such data and information, reveals their content to any person not authorized to have access thereto, shall be prosecuted for violation of Section 32, Article II of the Act (RA 9165).

**ARTICLE V  
FINAL PROVISIONS**

**SECTION 17. APPROPRIATION.** The Cost of the drug testing for the city officials and employees, including project based and job order personnel, shall be funded by the City Government of Ormoc and shall form part of the annual budgetary appropriation. The barangay drug testing for the barangay officials, employees and its job order personnel shall be shouldered solely by the LGU-Barangay and must be part also of their budgetary appropriation.

**SECTION 18. REPEALING CLAUSE OR AMENDATORY CLAUSE.** All ordinances rules and regulations or part or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed, amended and or modified accordingly.

**SECTION 19. SEPARABILITY CLAUSE.** If for any reason, any provision, portion or part of this ordinance is found to be inconsistent with any law, other provisions or part or parts thereof not so affected shall remain in full force and effect.

**SECTION 20. EFFECTIVITY.** This Ordinance shall take effect upon its approval and publication in the local newspaper of general circulation, and posting in conspicuous places in the City of Ormoc as required under the Local Government Code.

ENACTED, December 10, 2019.



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RESOLVED, FURTHER, to furnish copies of this ordinance one each to the City Mayor Richard I. Gomez, the City Administrator; the City Legal Officer; the Manager, Drug Rehabilitation Center; City Director, PNP; the OCPO-Drug Enforcement Unit; the City Health Department; the Human Resource Management Officer; the DepEd; the CSWDO; the Liga President; the Department of Health; the City Local Government Operations Officer-DILG; and other offices concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above ordinance.

  
MARIA ANTONIETA G. CO HAT  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

  
LEO CARMELO L. LOCSIN, JR.  
City Vice Mayor & Presiding Officer

APPROVED:

  
RICHARD I. GOMEZ  
City Mayor

(Date)

13 DEC 2019