



Republic of the Philippines
Province of Ilocos Sur
Municipality of Narvacan



OFFICE OF THE SANGGUNIANG BAYAN 2019-2022

Vice Mayor/Presiding Officer:


HON. RABILITO V. SANIDAD, SR.

Sangguniang Bayan Members:


HON. EDNA C. SANIDAD


HON. JOSEPH A. TEJADA



HON. JOVENIANO B. AMPO, JR.


HON. CHARITO C. VILORIA


HON. BERNADETTE C. LIM


HON. LORETO C. CABALLES


HON. EMILIANO C. CLARIN


HON. REINA ALEXA V. ANTOLIN
ABC President:


HON. ROMULO C. REA

SK Federated President:


HON. JOEMAR GREY A. CABICO

Attested:


MARIBEL C. CORRALES
SB Secretary

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HON. LUIS "CHAVIT" C. SINGSON
Municipal Mayor

EXCERPTS FROM THE MINUTES OF THE 9TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF NARVACAN, ILOCOS SUR HELD ON MARCH 16, 2020 AT THE MUNICIPAL SESSION HALL

ORDINANCE NO. 17
Series of 2020

ORDINANCE MANDATING THE ESTABLISHMENT AND INSTITUTIONALIZATION OF DRUG-FREE WORKPLACE POLICIES IN ALL GOVERNMENT OFFICES WITHIN THE MUNICIPALITY OF NARVACAN, ILOCOS SUR, INCLUDING THE CONDUCT OF AUTHORIZED DRUG-TESTING FOR ELECTIVE LOCAL OFFICIAL AND APPOINTIVE PUBLIC OFFICERS AND FOR OTHER PURPOSES

WHEREAS, Section 5, Article II of the 1987 Philippine Constitution provides that one of the prime duties of the Government is the maintenance of peace and order, the protection of life, liberty and property, and the promotion of general welfare which are essential for the enjoyment by all the people of the blessings of democracy;

WHEREAS, Dangerous Drugs Board Regulation No. 13, Series of 2018 was issued to ensure the effective and efficient delivery of public services, free from the ill-effects of drug use in the workplace, and promote the establishment and institutionalization of drug-free workplace policies in all government offices, including the conduct of authorized drug-testing for local elective local and appointive public officers and for other purposes;

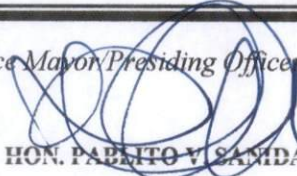
WHEREAS, CSC Resolution No. 1700653 mandates the heads of agencies to ensure that drug-free workplace policy and program be disseminated to all officials and employees as a condition for retention in government service and be implemented by means of random drug testing to prevent and control the risk of dangerous drugs incidence within the workplace, consistent with CSC Memorandum Circular No. 13, S. 2017;

WHEREAS, the Municipality of Narvacan, Ilocos Sur recognizes the policy of the State to safeguard the integrity of its territory and the well-being of its citizenry especially the youth from the harmful effects of dangerous drugs on their physical and mental well-being, and to



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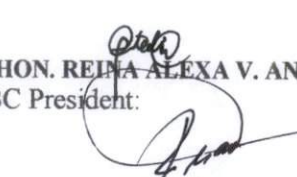

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defend the same against acts or omissions detrimental to their development and preservation and to provide effective mechanism or measure to re-integrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence through sustainable programs of treatment and rehabilitation;

WHEREAS, pursuant to Section 465 (1) (v) of Republic Act 9160, otherwise known as the Local Government Code of 1991, the Sangguniang Bayan shall enact Ordinances intended to prevent, suppress and impose appropriate penalties for habitual drunkenness in public places, vagrancy, mendicancy, prostitution, establishment and maintenance of houses of ill repute, gambling and other prohibited games of chance, fraudulent devices and ways to obtain money or property, drug addiction, maintenance of drug dens, drug pushing, juvenile delinquency, the printing, distribution or exhibition of obscene or pornographic materials or publications, and other activities inimical to the welfare and morals of the inhabitants of the Municipality;

WHEREAS, in order to provide a more effective and efficient measure towards the prevention and eradication of illegal drug abuse and proliferation, thus, this enactment;

WHEREFORE, premises considered, and on motion duly seconded;

BE IT ORDAINED by the Sangguniang Bayan of Narvacan, Ilocos Sur in session assembled that:

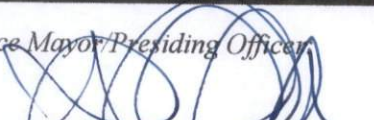
Section 1. Title

This Ordinance shall be known as "Establishment and Institutionalization of Drug-Free Workplace Policies in All Government Offices Within the Municipality of Narvacan, Ilocos Sur, Including the Conduct of Authorized Drug Testing for Elective Local Officials and Appointive Public Officers and for Other Purposes."



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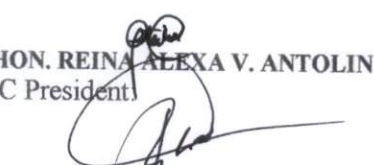

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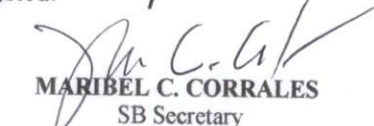

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Section 2. Objectives

This Ordinance aims to promote the establishment and institutionalization of drug-free workplace policies in all government agencies/offices and ensure that all public officers, both elective and appointive, remain drug-free through the conduct of authorized drug-testing.

Section 3. Scope and Coverage

This Ordinance shall cover all appointive public officers in all offices and elective local officials in the Municipality of Narvacan, Ilocos Sur.

Any personnel found positive for dangerous drugs after the conduct of confirmatory test shall be subjected to disciplinary/administrative proceedings pursuant to Section 60 of the Local Government Code of 1991.

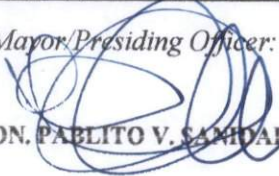
Section 4. Definition of Terms

- 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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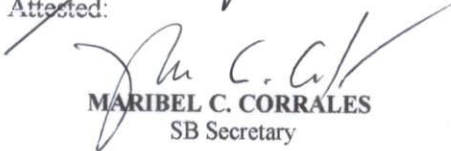

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- d. Contract of Service/Job Order – refers to employment covered by a contract pertaining to lump sum work or service such as janitorial, security, or consultancy services where no employer-employee relationship exists; piece of work or intermittent 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 benefit 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 – includes 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 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, employees, and employees' union.



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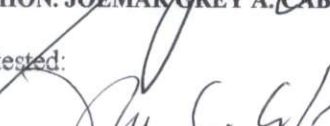

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h. Mandatory Drug Testing – compulsory submission of a public officer or prospective employee to drug testing as mandated by the Act or by the drug-free work place program of the agency.

i. 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.

j. Random Drug Testing – drug testing where the selection process result in equal probability that any employee from a group of employees will be tested, and without any prior notice of the date and venue.

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 the dangerous drugs, from further consideration and to identify the presumptively positive specimen that requires confirmatory test.

i. 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) behavioral 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:



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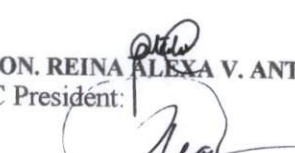

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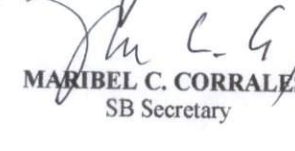

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- i. Mild SUD – a minimum of two (2) to three (3) criteria has been met; similar to experimental and occasional users;
- ii. Moderated SUD – four (4) or five (5) criteria met which would be similar to regular and habitual users; and
- iii. Severe SUD – if six (6) or more symptoms/criteria have been met which is about the equivalent to an abuser and substance-dependent individual.

Section 5. Responsibility of the Municipal Government of Narvacan, Ilocos Sur under the Drug-Free Workplace Policy

a. The Municipal Government of Narvacan shall implement a continuing and sustainable substance abuse awareness and prevention program and inform all officials and employees about the following:

- i. The Drug-Free Workplace Policy of the Agency and distribution of copies thereof to each employee;
- ii. The medical and social risk associated with drug use;
- iii. The administrative and criminal sanctions with respect to drug use and violations of the Act; and
- iv. The availability of the Employee Assistance Program.

b. The Municipal Government of Narvacan shall implement the following activities:



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- i. Maintain a drug-free workplace
- ii. Conduct a substance abuse awareness and prevention programs;
- iii. Conduct of mandatory and random drug testing; and
- iv. Ensure adequate funding for the implementation of the Drug-Free Workplace Policy

c. A Drug-Free Workplace Committee shall be created to assist the Local Chief Executive in drafting and implementing the provisions of the Drug-Free Workplace Policy composed of the members of the management, rank and file employees' union

d. The drug-free workplace committee shall create an assessment team composed of personnel with educational and training backgrounds on medicine, psychology, social work, and human resources administration.

The members of the assessment team shall undergo regular training.

e. A sustainable Employee Assistance Program shall be implemented by the PGIS, cities and municipalities to provide resources for and/or referrals to medical interventions for public officers requiring the same as mandated under this Ordinance. The assessment team shall be actively involved in the implementation of the employee assistance program.



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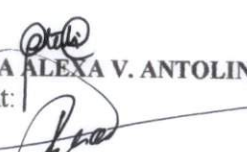

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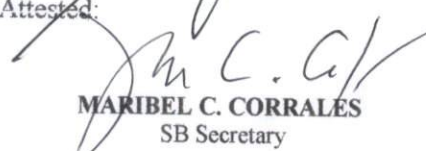

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Section 6. Pre-employment Drug Testing

Mandatory drug testing shall remain a requirement for initial entry to government service per Civil Service Commission (CSC) Resolution No. 101359. Any applicant found positive for drug use shall be denied entry to government service.

Section 7. Guidelines in the Conduct of Authorized Drug Testing

a. To prevent the entry of dangerous drugs in government offices a dangerous drugs among personnel thereof, authorized drug testing shall be conducted in a random manner, taking into consideration, among others, the number of public officers, nature of work being discharged, funding and other logistics.

It shall be reflected in the drug-free workplace policy that contract of service or job order employees shall be subject to the conduct of authorized drug testing. 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 result.

b. Authorized drug testing shall be conducted only by a drug testing laboratory accredited by DOH.

c. In case of negative drug test result, no further action is needed.

d. A positive drug test result from the confirmatory test shall immediately be known to the head of agency, who shall notify the public officer confined. 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 DOH. All expenses incurred in the conduct of the challenge test shall be borne by the concerned public officer.



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e. A positive drug test result from the challenge test is the 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 Municipal Government shall then take the appropriate action.

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 8. 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 used and the applicable intervention.

This type of assistance shall not apply to the public officers who are found to be positive for drug use after the conduct of a confirmatory test in an authorized drug testing activity.

Section 9. Sanctions

a. The head of agency or Local Chief Executive who fails to formulate or implement a Drug Free Workplace Policy shall be penalized under Section 32, Article II of the Act. The concerned LGU shall coordinate with the Philippine Drug Enforcement Agency (PDEA) to cause the filing of cases and coordinate with the government agency or local government unit concerned for the proper and effective prosecution of the same.

b. 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.



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c. 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 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 tempered 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.

e. Any public officer who have violated the provisions of 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.

Section 10. Collaborative Work of Concerned Agencies

a. The drug-free workplace programs and reports shall be submitted to the Dangerous Drugs Board (DDB), such as but not limited to:

- i. Number of officials and employees subject to drug testing;
- ii. Those found positive for drug use; and
- iii. Action undertaken by Committee on those found positive for drug use. Local government units shall submit such reports to the DDB and Department of Interior and Local Government (DILG)



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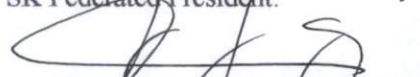

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b. Proper coordination with the DOH shall be done to conduct trainings leading to the accreditation of government physicians which shall authorize them to conduct drug dependency examination;

c. Proper coordination with the DILG and PDEA shall be conducted to cause the widest dissemination of this Ordinance among local government units, from the municipality down to the barangay levels, and their respective anti-drug abuse council;

d. All Sangguniang Barangay of Narvacan, Ilocos Sur shall enact their respective Ordinance for the establishment of drug-free workplace policies within two (2) months from the effectivity of this Ordinance. Failure to enact such Ordinance shall be caused for sanctions against responsible officials pursuant to Section 60 of the Local Government Code without prejudice to the filing of a case for violation of Section 32, Article II of the Act.

Section 11. 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.

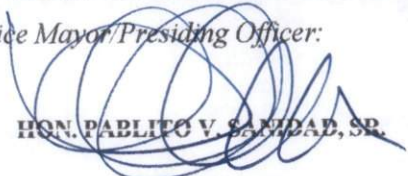
Section 12. Funding

The Municipality of Narvacan, Ilocos Sur shall ensure annual funding for the implementation of Drug Free Workplace Policy in their respective Local Expenditures Program.



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Section 13. Repealing Clause

All memoranda, orders, instructions, and circulars inconsistent with this Ordinance shall be deemed accordingly repealed and/or modified.

Section 14. Separability Clause

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

Section 15. This Ordinance shall take effect with the applicable provisions of the Local Government Code of 1991.

APPROVED AND ENACTED UNANIMOUSLY.