



Republic of the Philippines
CITY GOVERNMENT OF ALAMINOS
 San Jose Drive, Poblacion, City of Alaminos, Pangasinan

EXCERPT TAKEN FROM THE JOURNAL OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON MARCH 14, 2023

PRESENT:

- | | |
|---|---------------------------------|
| Vice Mayor Jan Marianne R. Fontelera | - Presiding Officer |
| Councilor Michelle S. Segundera | - Presiding Officer Pro-Tempore |
| Councilor Kelvin Theus O. Humilde | - Minority Floor Leader |
| Councilor Apple Joy B. Tolentino | - Member |
| Councilor Joselito O. Fontelera | - Member |
| Councilor Raul B. Bacay | - Member |
| Councilor Dahlia M. de Leon | - Member |
| Councilor Oscar A. Boling, Sr. | - Member |
| LBP Salvador P. Dona | - Ex-Officio Member |
| PPSKP Lovely V. Bernabe | - Ex-Officio Member |

ABSENT:

- | | |
|----------------------------------|------------------------|
| Councilor Carolyn D. Sison | - On official travel |
| Councilor Verna S. D. Rabago | - On official business |
| Councilor Arthur C. Celeste, Jr. | - On official travel |

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ORDINANCE NO. 2023-12

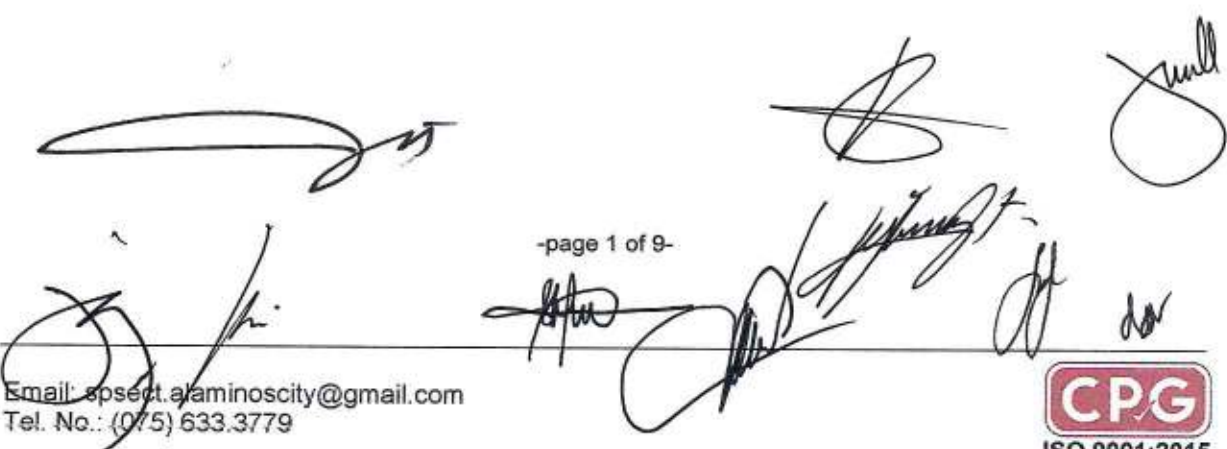
AN ORDINANCE PROVIDING FOR A DRUG-FREE WORKPLACE IN THE LOCAL GOVERNMENT UNIT OF THE CITY OF ALAMINOS, PANGASINAN

Sponsor:
Councilor Verna S. D. Rabago

WHEREAS, Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002", was promulgated to safeguard the integrity of the Philippine territory and the well-being of its citizens to attain a drug-free country that is safe and prosperous, through dynamic and responsive partnership between the government and society, contributing towards global efforts to eradicate drug abuse;

WHEREAS, Dangerous Drugs Board (DDB) Regulation No. 13, Series of 2018, was issued directing the establishment and institutionalization of Drug-free Workplace Policies in all Government Offices, including the conduct of authorized drug-testing for Elective Officials and Appointive Public Officers;

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WHEREAS, Dangerous Drugs Board Regulation No. 2, Series of 2004 provides guidelines for the formulation and implementation of a drug-free workplace program and the conduct of authorized drug testing by all offices, bureaus, and agencies of the national and local governments, government owned and controlled corporations and other institutes of learning, including State Colleges and Universities;

WHEREAS, CSC Memorandum Circulars No. 33, series of 1997 and No. 13, series of 2017, respectively provide a policy of working conditions at the workplace and guidelines on the Mandatory Random Drug Test for Public Officials and Employees and for other purposes;

WHEREAS, to support the vision of having a drug-free community and safe workplace, the City Government shall implement a comprehensive policy and program to realize a drug-free workplace for the Local Government Unit of the City of Alaminos, Pangasinan;

NOW THEREFORE, on motion of City Councilor Raul B. Bacay, duly seconded by all members present,

BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD IN SESSION DULY CONVENED AND ASSEMBLED:

SECTION 1. TITLE. —

This ordinance shall be known and cited as *“An Ordinance Providing for a Drug-free Workplace in the Local Government Unit of the City of Alaminos, Pangasinan.”*

SECTION 2. SCOPE. —

This ordinance shall cover all elective local officials and appointive public officers and employees of the Local Government Unit of Alaminos City, Pangasinan, regardless of whether the latter’s employment status is permanent, co-terminus or Casual.

SECTION 3. 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 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/employee who tested positive for drug use on a confirmatory test in an authorized drug testing activity.
- c. **Chronic User/Drug Dependent** - a person identified for using drugs/other substances (mid-alerting or not) without medical need in an amount large enough or over a period long enough to threaten the quality of life or health and safety of the user or others.

(Handwritten signatures and initials)





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- d. **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.
- 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 Substances as enumerated in the attached annex which is an integral part of the Republic Act. No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, as amended (the "Act").
- f. **Drug Dependency Examination (DDE)** - 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 detection of dangerous drugs in the body specimen through laboratory procedures.
- g. **Drug Test** - the process undertaken to determine the presence of dangerous drugs in a person's system, to include both screening test and confirmatory test.
- h. **Employee Assistance Program** - a program that offers assistance to government officials or employees who have drug-related issues and problems that may affect work performance. It shall be jointly implemented by the agency, the employees, and employees' union.
- i. **Experimenter** - a person whose drug use began through exploration with limited exposure and no development of regular use or any related harm.
- j. **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.
- k. **Occasional User** - a person who indulges in drug use to create or enhance experience in any social setting.
- l. **Random Testing** - a method of 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.
- m. **Rehabilitation** - a dynamic process, including aftercare and follow-up treatment, directed towards the physical, emotional/psychological, vocational, social and spiritual change of a drug dependent to enable him/her to live without dangerous drugs, enjoy the fullest life compatible to his/her capabilities and potentials, and become a law abiding and productive member of the community.

SECTION 4. DRUG-FREE POLICIES AND PROGRAMS OF THE CITY. —

1. Pre-employment Mandatory Drug Testing

Drug testing shall remain a requirement for initial entry to the City Government of Alaminos for public officials and employees with permanent, co-terminus and casual employment status. Drug testing shall be conducted by a drug testing laboratory accredited by the Department of Health. Any applicant found positive for drug use shall be denied entry to the Local Government Unit of the City of Alaminos, Pangasinan.



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2. **Mandatory Random Drug Testing**

The Local Government Unit of the City of Alaminos shall conduct a mandatory, random and suspicion-less drug testing of all officials and employees as a condition for retention of employment in the Local Government Unit of the City of Alaminos.

a. **Frequency**

Drug testing shall be in a random manner without prior notice of the date and venue of the drug testing through;

- i. **Per Office** - All employees of the Local Government Unit of the City of Alaminos, Pangasinan shall have at least one (1) mandatory random Drug Testing in a year. The City Human Resource Management Office (CHRMO) shall select a specific office which will undergo testing by draw-lots. All employees of the selected office shall report immediately (within the day) to the City Health Office (CHO) for drug testing; and/or
- ii. **Individual (for cause or probable cause)** – when there is a reasonable ground to believe that a random drug test is necessary, e.g.:
 - ii.1. **Attendance** - frequent unauthorized absences, repeated tardiness, truancy from the job
 - ii.2. **Personal Appearance** - slurred speech, bloodshot eyes, drastic change in appearance, etc.
 - ii.3. **Mental Factor** - hot-headedness, irritability, increased difficulty in handling tasks and responsibilities, etc.
 - ii.4. **General Performance** - missed deadlines, low productivity, increased wastage of office resources, public complaints, frequent accidents in the work place, carelessness, etc.
 - ii.5. **Peer Relations** - isolation, frequent quarrels with officemates, heavy borrowing, frequent mood swings, etc.

b. **Drug Testing Procedure**

The test shall only be conducted by the Assessment Team at the City Health Office Drug Testing Laboratory, which shall be conducted in the following manner:

1. The selected officials/employees will fill up and sign the consent and chain of custody form issued to them.
2. 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.
3. The taking of the urine sample must be done in an area where manipulation (e.g. adding water) is not possible.



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4. 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.
5. All urine samples tested positive must be submitted for confirmatory testing within one (1) week to the National Reference Laboratory using the same urine sample.
6. After the confirmatory test, the same urine sample must be kept for the purpose of challenging the result.
7. After the test is conducted, a drug test result shall be issued by the drug testing laboratory directly to the head of the office or agency 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.

c. Results

If the result is **NEGATIVE**, no further action is needed.

If the result is **POSITIVE**, the public officer or employee shall be notified with Notice of Positive Drug Test Result from the City Mayor. The public officer or employee shall be given fifteen (15) days upon 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.

Failure to file a challenge test within the prescribed period shall make the positive drug test result from the National Reference Laboratory final. The concerned office shall then take the appropriate action.

All expenses incurred in the conduct of the challenge test shall be done by the concerned public officer or employee.

d. Result of Challenge Test

NEGATIVE TEST RESULT from the challenge test shall not exempt the Public Officer or Employee from undergoing subsequent mandatory random drug testing.

POSITIVE TEST RESULT from the challenge test shall be final and the public official or employee shall be subject to administrative proceedings.

SECTION 5. CONFIDENTIALITY OF RESULTS. —

The result of any of the drug testing procedures shall be **strictly confidential**. Only the Local Chief Executive and the Members of the Drug-Free Workplace Committee shall have the access to such result.



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SECTION 6. AWARENESS TRAINING PROGRAM. —

The City Government of Alaminos shall conduct at least one (1) Drug Awareness Program per year for all employees, regardless of position, rank, and employment status. The CHRMO, CHO, City Information Office (CIO) and the City Social Welfare and Development Office (CSWDO) shall spearhead the said program.

All employees, including elective, permanent, and casual employees, are directed to attend to at least one (1) Drug Awareness Program per year. All employees who refuse, without valid reason, to attend to at least one (1) Drug Awareness Program shall be charged with administrative offense of gross insubordination.

SECTION 7. EMPLOYEE ASSISTANCE PROGRAM. —

The City Government of Alaminos shall provide Employee Assistance Program to all drug dependent employees, which shall only be applicable if the employees seeks help before their mandatory random drug testing. This assistance shall not apply to employees who are found to be positive for drug use by the City Health Office after the conduct of a Mandatory Random Drug Testing.

a. Request for Employee Assistance Program

The employee shall voluntarily submit a request letter for Employee Assistance Program to acknowledge their intention to undergo the Drug Assistance Procedure addressed to the City Mayor through the CHRMO. The employee may seek assistance in preparing the letter from the Drug-Free Workplace Committee.

b. Employee Assistance Intervention

City officials and employees who are found positive of dangerous drugs at the first instance after the challenge test, or after positive drug test result from a confirmatory test, should the concerned public official or employee fail to challenge said result, shall undergo the Drug Dependency Examination (DDE) conducted by the City Health Office, or by any medical practitioner accredited by DOH to conduct the said examination, to determine the severity of use, abuse and/or dependence to such substance. Employees shall be categorized according to the following type of user who shall be subjected, but not limited, to the following intervention:

- 1. Mild Substance Use Disorder (Experimenter) -** Community-based Rehabilitation Program of the City Social Welfare and Development Office for six months.
- 2. Moderate Substance Use Disorder (Occasional User) -** Guidance counseling and regular monthly drug testing for six months and Community-based Rehabilitation Program of the City Social Welfare and Development Office.



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3. Severe Substance Use Disorder (Chronic User/Drug Dependent)
- Mandatory continuous treatment and rehabilitation for a minimum period of six (6) months in a government rehabilitation center, a DOH-accredited private rehabilitation center, or through a community rehabilitation program sanctioned under the rules of the Dangerous Drugs Board.

1. A city official or employee found to be an Experimenter shall shoulder the expenses of his/her guidance counselling. The same rule shall also apply to a city official or employee found to be an Occasional User, who shall undergo guidance counselling and regular monthly drug testing. Time spent for counselling and regular monthly drug testing, if done during office hours, shall be charged against the public official or employee's leave credits. For this purpose, the city official or employee's leave credits shall be utilized and, when exhausted, vacation leave credits may be utilized for the purpose. If all leave credits have been used up, absence shall be on leave without pay.

As proof of successful completion of the intervention program, a city official or employee assessed as an Experimenter or Occasional User shall secure a certification of completion issued by his/her attending guidance counsellor.

2. Any city official or employee found to be a Chronic User/Drug Dependent, based on the results of the Drug Dependency Examination, and who will undergo a mandatory rehabilitation program for a minimum period of six (6) months shall be considered on sick leave for the entire period of his/her rehabilitation. When the concerned city official or employee's sick leave is exhausted, his/her vacation leave credits may be utilized for the purpose. If all leave credits have been used up, his/her absence shall be on leave without pay.

The city official or employee shall undertake the processing of his admission to a rehabilitation center in accordance with the provisions of R.A. No. 9165 and existing rules of the Dangerous Drugs Board.

The city official or employee concerned shall shoulder the expenses of his/her rehabilitation, which shall commence within fifteen (15) days from receipt of Drug Dependency Examination results, to give way to the processing of the necessary clearances. The city official or employee concerned shall secure a certificate of completion of his/her rehabilitation program and clearance from his/her attending physician that he/she has been successfully



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rehabilitated and is now fit to return to work. Said city official or employee shall not be allowed to report back to work without first submitting said certification and clearance to the Local Government Unit of the City of Alaminos, Pangasinan.

SECTION 8. SANCTIONS. —

- a. An appointive city official/employee 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 charged with the administrative offense of Grave Misconduct.
- b. Any elective city official 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 Republic Act No. 7160 or the Local Government Code and Article 124 (3) of the Implementing Rules and Regulations of the Local Government Code.
- c. Any city official/employee found to have tampered with 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 or 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 R.A. 9165.
- d. Any city official/employee who violated the provisions of Article II of R.A. 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 R.A. 9165 and other relevant laws.
- e. The Department of the Interior and Local Government (DILG) shall cause the filing of cases for elective city officials.

SECTION 9. DRUG-FREE WORKPLACE COMMITTEE. —

To ensure the strict enforcement of the provisions of this ordinance, a Drug-free Workplace Committee is hereby created composed of:

City Government Department Head I (CHRMO)	—	Chairman
City Health Officer	—	Co-Chairman
City Administrator	—	Member
City Social Welfare & Development Officer	—	Member
City Government Assistant Department Head (CIO)	—	Member
Administrative Officer IV-HRMO	—	Member
Medical Technologist II (CHO)	—	Member

SECTION 10. FUNDING. —

The amount of One Hundred Thousand Pesos (PhP 100,000.00) is hereby appropriated from the Public Order and Safety Fund of the Local Government Unit of the City of Alaminos implement the provisions of this ordinance.



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SECTION 11. SEPARABILITY CLAUSE. —

Should any provision herein be declared unconstitutional or invalid, the same shall not affect the validity of other provisions of this ordinance which shall continue to be in full force and effect.

SECTION 12. REPEALING CLAUSE. —

All ordinances and other issuances inconsistent with this ordinance are hereby repealed or modified accordingly.

SECTION 13. EFFECTIVITY. —


This ordinance shall take effect upon its approval and compliance to posting and publication requirements.

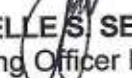
SO ORDAINED/ENACTED

I HEREBY CERTIFY to the correctness of the foregoing ordinance consisting of nine (9) pages including this page.


LUZ B. VALE
 Secretary


ATTESTED:



JAN MARIONNE R. FONTELERA
 City Vice Mayor/Presiding Officer



MICHELLE S. SEGUNDERA
 Presiding Officer Pro-Tempore



KELVIN THEUS O. HUMILDE
 Minority Floor Leader


APPLE JOY B. TOLENTINO
 Member



JOSELITO O. FONTELERA
 Member


RAUL B. BACAY
 Member


DAHLIA M. DE LEON
 Member


OSCAR A. BOLING, SR.
 Member


SALVADOR P. DONA, LBP
 Ex-Officio Member


LOVERLY V. BERNABE, PPSKP
 Ex-Officio Member

APPROVED BY:


ARTH BRYAN C. CELESTE
 City Mayor

04/13/2023
 Date