



Republic of the Philippines
Province of Zamboanga del Norte
Municipality of Polanco

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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 23rd REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN OF POLANCO, ZAMBOANGA DEL NORTE, HELD AT THE SANGGUNIANG BAYAN SESSION HALL, THIS MUNICIPALITY, ON DECEMBER 21, 2022.

PRESENT:

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| Hon. Alfredo S. Bait-it | Municipal Vice Mayor |
| Hon. Ivo M. Mandantes | Sangguniang Bayan Member |
| Hon. Romer B. Ladera | Sangguniang Bayan Member |
| Hon. Venson O. Opulentisima | Sangguniang Bayan Member |
| Hon. Cristoven E. Insoy | Sangguniang Bayan Member |
| Hon. Jennifer O. Rodrigo | Sangguniang Bayan Member |
| Hon. Conceso R. Regencia, Jr. | Sangguniang Bayan Member |
| Hon. Gerard Vicson S. Opulentisima | Sangguniang Bayan Member |
| Hon. Charito C. Ombalino | Liga President/SB Member |
| Hon. Aldrin Gwin C. Baluntang | SK Federation President/SB Member |

ABSENT:

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| Hon. Shaia Ruth R. Uy | Sangguniang Bayan Member |
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MUNICIPAL ORDINANCE NO. 22-62

INSTITUTIONALIZING A DRUG-FREE WORKPLACE IN THE LOCAL GOVERNMENT UNIT OF POLANCO, ZAMBOANGA DEL NORTE, AND PROVIDING MECHANISMS IN THE IMPLEMENTATION THEREOF AND FOR OTHER PURPOSES.

Be it ordained by the Sangguniang Bayan of Polanco, Zamboanga del Norte, in a session assembled, that:

SECTION 1. Short Title – This ordinance shall be known as “A Drug-Free Workplace Ordinance in the Local Government Unit of Polanco, Zamboanga del Norte”.

SECTION 2. Coverage. – This ordinance shall be applicable to all elective local officials and appointive public officers, local college faculty, administration and staff of the Local Government Unit of Polanco, Zamboanga del Norte.

SECTION 3. Definition of Terms. As used in this Ordinance, the following terms are defined:

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 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 employees’ union;

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 workplace 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 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.

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

l. 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 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:

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

SECTION 4. Responsibility of the Municipal Government Under the Drug-Free Workplace Policy.

a. The Head of Agency shall ensure the adoption and implementation of 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 risks 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 Drug-Free Workplace Policy shall provide for the responsibilities of the Agency which are as follows:

- i. Maintain a drug-free workplace;
- ii. Conduct of 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. The Office of the Municipal Mayor shall ensure the creation of a Drug-Free Workplace Committee through an Executive Order composed of members of the management, rank and file employees, and the employees' union. The Committee shall assist the Municipal Mayor in drafting and implementing the provisions of the Drug-Free Workplace Policy.

d. The Office of the Municipal Mayor shall likewise create an Assessment Team ("Team") composed of personnel with educational and training backgrounds on medicine, psychology, social work, and human resources administration. The Team shall assist in the conduct of substance abuse awareness and prevention programs.

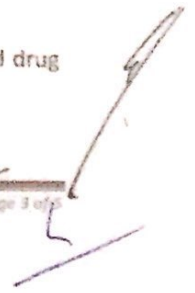
The agency or local government unit shall ensure that members of the Team undergo regular training.

e. The Office of the Municipal Mayor shall issue an order that will ensure the creation of a sustainable Employee Assistance Program which shall provide resources for and/or referrals to medical interventions for public officers requiring the same as mandated under this Regulation. The Assessment Team shall be actively involved in the implementation of the Employee Assistance Program.

SECTION 5. Guidelines in the Conduct of Authorized Drug Testing. - The following guidelines outline the purposes of the authorized drug testing program:

a. The Drug-Free Workplace Policy of the Agency shall include the conduct of authorized drug testing, the purpose of which is to prevent the entry of dangerous drugs in government offices and use of dangerous drugs among personnel thereof. The frequency of such testing, which shall be conducted in a random manner, shall take into consideration, among others, the number of public officers, nature of work being discharged, funding, and other logistics.

Contract of Service or Job Order employees shall be subject to the conduct of authorized drug testing, which shall also be reflected in the Drug-Free Workplace Policy of the government office.



All results of authorized drug testing activities shall be strictly confidential. Only the Head of Agency or the Local Chief Executive, as the case may be, and the members of the Assessment Team shall have access to such results.

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

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

c. A positive drug test result from the confirmatory test shall immediately be known to the Head of Agency, 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 DOH. All expenses incurred in the conduct of the challenge test shall be borne by the concerned public officer.

d. 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 Agency 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 6. Pre-Employment Drug Testing. Mandatory drug testing shall be required for initial entry to government service. Any applicant found positive for drug use shall be denied entry to government service.

SECTION 7. 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.

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.

SECTION 8. ROLE OF THE BARANGAY. The Barangays through their respective Sanggunians shall likewise promulgate a policy or an ordinance to implement a Drug-Free Workplace.

SECTION 9. SANCTIONS. The following are the sanctions to be imposed upon an appointive public officer for violation of the following:

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, of Republic Act No. 10173;



d) Any public officer who 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.

e). The Department of the Interior and Local Government shall cause the filing of cases for the local government units concerned.

SECTION 10. 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, of the Act.

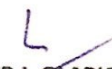
SECTION 11. Appropriation. Funds for effective implementation of this Ordinance shall be incorporated/provided in the annual/supplemental budget of the Local Government Unit of Polanco, Zamboanga del Norte. Funds may also be sourced from allocated budget for employee health and wellness.

SECTION 12. Repealing Clause. Any resolution or ordinance whose provision are in conflict herewith are hereby modified or repealed accordingly

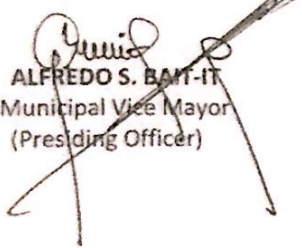
SECTION 13. Effectivity. This Ordinance shall take effect upon its approval.

Carried unanimously.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance to the best of my knowledge and belief.

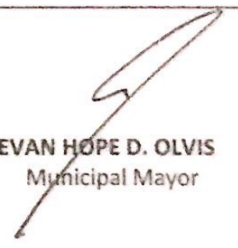

LORIMER J. OLARIO, MPA, REA, REB
Secretary to the Sangguniang Bayan

CERTIFIED CORRECT AS TO ITS PASSAGE:


ALFREDO S. BANTIT
Municipal Vice Mayor
(Presiding Officer)

APPROVED: _____

FEB 16 2023


EVAN HOPE D. OLVIS
Municipal Mayor