



Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE JOURNAL OF THE 144TH REGULAR SESSION OF THE 8th SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 29 JUNE 2016, 7:00 P. M. AT BULALACAO, ORIENTAL MINDORO.

Present:

Vice Mayor Violeta L. Dimapilis	- Presiding Officer
Councilor Johnell C. Sifiel	- Member
Councilor Gualberto V. Magno	- Member
Councilor David D. De La Cruz	- Member
Councilor Ramil O. Dimapilis	- Member
Councilor Juan S. Advincula	- Member
Councilor Elsie F. Galaran	- Member
Councilor Juanito A. Bacay, Jr.	- Member

Absent:

Councilor Eduardo K. Soriano	- Member
Councilor Joseph M. Galicia	- Member

MUNICIPAL ORDINANCE NO. 02
Series of 2016

AN ORDINANCE IMPLEMENTING THE DRUG-FREE WORKPLACE PROGRAM, MANDATING THE CONDUCT OF AUTHORIZED DRUG TESTING BY ALL OFFICES OF THE LOCAL GOVERNMENT OF ROXAS, ORIENTAL MINDORO INCLUDING THE OFFICES OF ITS TWENTY (20) BARANGAYS, PROVIDING FUNDS THEREFOR AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Author:

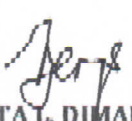
Hon. GUALBERTO V. MAGNO

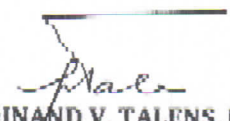
WHEREAS, it is the policy of the municipal government to promote and protect the welfare and well-being of the residents of the municipality against the deleterious effects of dangerous drugs;

WHEREAS, consistent with the said policy, the local government of Roxas is also mandated to prepare plans and programs to deter the use of dangerous drugs by the officers and employees and the offices of the twenty (20) barangays and institute preventive measures against drug abuse for purposes of eliminating its hazards in the workplace; and to provide an effective and professionalized system of implementing the program against drug abuse that would safeguard the honor, dignity and integrity of the local government of Roxas and effectiveness and efficiency of their officials and employees;

WHEREAS, pursuant to the powers vested in it under Section 77, Article IX of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, in relation to Section 16, Article II and Section 48, Article V of


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VIOLETA L. DIMAPILIS


FERDINAND V. TALENS, MPA

the same Act, the Dangerous Drugs Board (DBB), 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 institutes of learning including state colleges and universities

NOW, THEREFORE, BE IT ORDAINED BY THE THE SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO IN THE REGULAR SESSION ASSEMBLED:

ARTICLE I GENERAL PRINCIPLES AND POLICIES

SECTION 1. Title. This Ordinance shall be known as the Roxas Drug-free Workplace Ordinance of 2016.

SECTION 2. Declaration of Policy. The Municipal Government of Roxas, Oriental Mindoro 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 assigned tasks, criminality and the like and thereby declared the policy of the municipality to absolutely prohibit the use of dangerous drugs in and outside the office by all all officials and employees of the municipal government including the twenty (20) barangays.

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 Act of 2002.

This Ordinance shall apply to all officials and employees of the municipal government including the twenty (20) barangays of Roxas without distinction as to rank, employment status or salaries and shall cover all stages of employment.

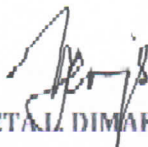
SECTION 4. Definition of Terms. As used in this Ordinance, the following terms shall be defined as follows:

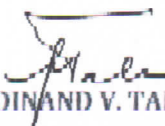
- a) Administer – any act of introducing any dangerous drugs into the body of any person, with or without his/her knowledge, by injection, inhalation, ingestion or other means or of committing any act of indispensable assistance to a person in administering a dangerous drug to himself/herself unless administered by a duly licensed practitioner for purposes 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 or by any of the drug testing laboratories accredited and monitored by the DOH,

- c) Center – any of the treatment and rehabilitation centers which undertake treatment, aftercare and follow up treatment of drug dependents. It includes institutions, agencies and the like whose purposes are: the development of skills, arts and technical know-how, counseling 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 in the Schedules annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in the attached annex, which was an integral part of RA No. 9165;
- f) Drug Dependence – refers to a cluster of physiological, behavioral 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 behavior 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 may be used for other purposes, as referred to in Section 36, Article III of R.A. No. 9165;
- h) Employee Assistance Program or EAP – a program that offers assistance to workers who have problems, primarily alcohol and related problems that may affect job performance. It shall be formulated as much as possible, jointly by the employer and the employees or 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 drugs;
- j) Mandatory Drug Test – compulsory submission of an employee for drug testing as required by Republic Act No. 9165 and by this Ordinance;


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- 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 No. 9165 – refers to the Comprehensive Dangerous Drugs Act 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 a drug dependent to enable him/her to live without dangerous drugs, enjoy the fullest life 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 abuse;
- q) Unlawful Acts – refer to any of the unlawful acts penalized under Article 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 twenty (20) barangays.

Article II

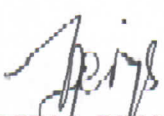
GUIDELINES IN THE CONDUCT OF THE AUTHORIZED DRUG TEST

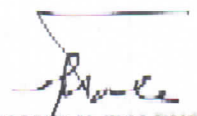
SECTION 5. Who May Conduct Drug Testing. Drug testing shall be done by any government forensic laboratory or by any of the drug testing laboratories accredited and monitored by the Department of Health (DOH). For this purpose, the local government may enter into an agreement with government drug testing laboratories. Likewise, the municipality shall develop a program to capacitate the Roxas District Hospital/Rural Health Unit for drug testing.

SECTION 6. Drug Test Methods. The following methods, as defined above, are adopted as the authorized drug testing methods:

- a) Screening Drug Test
- b) Confirmatory Drug Test


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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 abuse;
- 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; and
- h) Employees reporting to work after undergoing rehabilitation in a treatment and rehabilitation centers

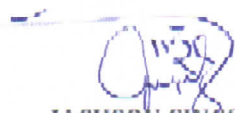
SECTION 8. Random Drug Testing When Conducted. Random drug test may be done without prior notice of the date and venue of the drug test on selected employees chosen by the Drug-Free Workplace Assessment Committee until all officials and employees have undergone the test. The Drug-Free Workplace Assessment Committee shall formulate a random selection process or procedure for this purpose.

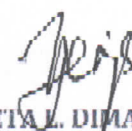
SECTION 9. Random Drug Testing for "for cause" or "probable cause". Random drug test may also be conducted when there is a reasonable ground to believe that the official or employee is using illegal drugs based on the following indicators:

- a) Attendance – frequent unauthorized absences, repeated tardiness, truancy from the job.
- b) Personal Appearance – slurred speech, bloodshot eyes, drastic change in appearance, and other alarming change in physical attributes.
- c) Mental Factor – hot-headedness, irritability, increased difficulty in handling assignments, and other drastic change in his dispositions.
- d) General Performance – missed deadlines, low productivity, increased wastage, public complaints, frequent accidents, carelessness, and other drastic decrease in work productivity.
- e) 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


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