

Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF MINA
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Office of the Sangguniang Bayan

ORDINANCE NO. 2017 - 317

AN ORDINANCE PROMOTING A DRUG-FREE WORKPLACE IN THE MUNICIPALITY OF MINA AND PROVIDING SANCTIONS THEREOF

WHEREAS, the Civil Service Commission (CSC) Issued Resolution No. 101359 prescribing the conduct of mandatory drug test as a requirement for pre-employment to ensure that only those qualified shall be screened and recruited in the government service;

WHEREAS, CSC Resolution No. 1700657 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 workplaces, consistent with MC No. 13, s. 2017);

WHEREAS, Section 36 (d) of RA 9165, otherwise known as the “Comprehensive Dangerous Act of 2002” provides that offices and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo random drug test at the expense of the employee/employers concerned;

WHEREAS, presence of drug abuse problem among the working personnel in workplaces will reduce efficiency productivity and will lost respect from both the peer and the clients.

NOW, THEREFORE:

BE IT ORDAINED by the Sangguniang Bayan of Mina, Iloilo in session assembled that:

Section 1. This Ordinance shall be called “An Ordinance Promoting a Drug-Free Workplace in the Municipality of Mina and providing sanctions thereof”.

Section 2. Definition of Terms. When use in this Ordinance, the following terms shall be defined:

- a.) *Officials* – refer to elected or appointed working personnel with highest ranking position in both the public and private offices;
- b.) *Employees* – refer to rank-and-file employees, whether in private or in public regardless of their status of employment, it maybe regular, casual, job hired, contractual or temporary;
- c.) *Randum drug test* – shall mean the conduct of drug testing to the concerned personnel without prior notice;
- d.) *For-course drug testing* – shall mean the conduct of drug testing to a personnel who is suspiciously under the influence of illegal drugs;
- e.) *Screening test* – shall mean a rapid test performed to establish potential/presumptive result;

f.) *Confirmatory test* – shall mean an analytical test using a device, tool, or equipment which will validate and confirm the result of the screening test;

g.) *Refusal* – shall mean evading. Escaping, refusing or making self unavailable;

Section 3. General Guidelines in the Conduct of Randum Drug Testing. As a government policy and as part of employees rules and regulations, hereunder are the guidelines for random testing:

a.) Random drug testing shall be:

a.1 applicable to all officials and employees of the Municipal Government of Mina and shall be implemented as a collaborative undertaking of the government its officials and employees, local and national; and

b.) Implemented primarily for a drug free workplace;

Section 4. Creation of a Drug Free Workplace Committee. A Drug Free Workplace Committee shall thereby be created by the Local Chief Executive with him as the Chairman and representatives from the Municipal Health Office, Human Resource Management Office, Municipal Administration Office, and Municipal anti-Drug Abuse Council (MADAC) as members. The Drug-Free Workplace Committee shall formulate Implementing rules and Regulations for purposes of implementing this Ordinance.

Section 5. Procedural Guidelines in the Conduct of Random Testing:

a.) Drug Testing shall be done by the municipal government of Mina drug teasing laboratory or any government forensic laboratories accredited and monitored by the Department of Health (DOH) to safeguard the quality test results;

b.) The drug testing shall employ among others, two (2) testing methods:

b.1 the screening test which will determine the posture result, as well as the type of drug used; and

b.2 the confirmatory test which will confirm a positive screening test.

c.) Random testing shall include, either all or a certain number of employees – the means of selection shall remain confidential.

d.) All information related to drug-testing a identification of person/s as users shall be treated as confidential, unless otherwise when the law so requires, as overriding public health and safety concerns, or authorized in writing by the person concerned.

Section 6. Testing for Probable Cause or Reasonable Ground. Random testing shall be conducted when certain employee/s display/s misconduct, such as

a.) Attendance – frequent unauthorized absences, repeated tardiness, truancy from the job.

b.) Personal appearance – slurred speech, bloodshot eyes, drastic change in appearance, etc.

c.) Mental factor – hot headedness, irritability, increased difficulty in handling assignments, etc.

d.) General performance – missed deadlines, low productivity, increased wastage, public complaints, and other signs;

e.) Peer relation – isolation, frequent quarrels with officemates, heavy borrowings, frequent mood swings, etc.

Section 7. Expenses for drug-testing shall be taken from the MADAC fund of the municipality

Section 8. Sanctions. Official and employees whether permanent/regular, contractual, temporary or job-hired shall be subjected to disciplinary/administrative or criminal proceedings if he or she is:

- a.) Found positive of dangerous drugs
- b.) Refusing to undergo drug testing

Section 9. Separability Clause. If any part of this Ordinance is declared not valid, unconstitutional or unlawful, section or parts thereof which are not affected shall remain or continue to be in full force and effect.

Section 10. Repealing Clause. Previous Ordinances which are inconsistent with this Ordinance are hereby repealed.

Section 11. This Ordinance shall take effect upon the required publication has been accomplished.

ADOPTED this 15th day of June 2017, on motion of **Hon. Arnel C. Matta**, duly seconded by **Hon. Jose G. Salanio Jr.**

APPROVED.

I hereby certify to the correctness of the above-stated Ordinance.

(SGD.) MA. DAISY P. PARREÑO
Secretary to the Sanggunian

ATTESTED:

(SGD.) HON. BERNARDINO P. CHICHIRITA
Presiding Officer

APPROVED:

(SGD.) HON. REY P. GRABATO
Municipal Mayor