



REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD
CITY OF MANDALUYONG

ORDINANCE NO. 919, S-2023



**AN ORDINANCE ESTABLISHING AND
INSTITUTIONALIZING THE DRUG-FREE
WORKPLACE POLICY OF THE CITY OF
MANDALUYONG, INCLUDING THE CONDUCT OF
AUTHORIZED DRUG TESTING FOR ELECTIVE
LOCAL OFFICIALS AND APPOINTED PUBLIC
OFFICERS AND EMPLOYEES INCLUDING
CONTRACT OF SERVICE AND JOB ORDER
WORKERS AND FOR OTHER PURPOSES**

SECTION 1. TITLE - This Ordinance shall be known as the "Drug-Free Workplace Ordinance of the City of Mandaluyong";

SECTION 2. OBJECTIVES - To ensure that all public officers, both elective and appointive, remain drug-free through the conduct of authorized drug testing and to assure the public of effective service from the government, free from the ill-effects of drug use in the workplace;

SECTION 3. SCOPE – This Ordinance covers all appointive officers, and elective local officials and employees, including Contract of Service and Job Order Workers of the City Government of Mandaluyong.

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 and employee who tested positive for drug use in a confirmatory test in an authorized drug testing activity.
- c.) **Chain of Custody**- procedures to account for each specimen by tracking its handling and storage from point of collection to final disposal. These procedures require that the applicant's identity is confirmed and that a Custody and Control Form is used from time of collection to receipt by the laboratory. Within the laboratory, appropriate chain of custody records must account for the samples until disposal.
- 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.) **Contract of Service or Job Order Worker** - refers to employment covered by 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.
- f.) **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").
- g.) **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.
- h.) **Employee Assistance Program** - a program that offers assistance to public officers and employees, who have alcohol or drug-related issues and problems that may affect work performance.
- i.) **Mandatory Drug Testing** - compulsory submission of a public officer and employees to drug testing as mandated by the Ordinance or by the drug-free workplace program of the City.
- j.) **Public Officer and Employee** - shall include any person holding any public office in the City of Mandaluyong by virtue of an appointment, election, contract or job order.
- k.) **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.

- l.) 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.**
- m.) 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", "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 regulate 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. DRUG FREE WORKPLACE POLICY - The City Mayor, through the Mandaluyong Anti-Drug Abuse Council (MADAC), shall be responsible in ensuring: the maintenance of a drug-free local government, the conduct of substance abuse awareness and prevention programs, the conduct of mandatory and random drug testing, and adequate funding for the implementation of the drug-free workplace policy.

It shall be the responsibility of the MADAC to 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 Local Government 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 Ordinance; and**
- iv. The availability of the Employee Assistance Program.**

SECTION 6. DRUG-FREE WORKPLACE COMMITTEE - There is hereby created the Drug-Free Workplace Committee which shall assist the City Mayor and the MADAC in drafting and implementing the provisions of the Drug-Free Workplace Policy. The Committee shall be composed of the following:

1. City Administrator's Department City Administrator
2. City Human Resource Management Department Head
3. City Health Department Head
4. City Public Information Department Head
5. Mandaluyong Anti-Drug Abuse Council Executive Director
6. Chairperson, Sangguniang Panlungsod Committee on Health
7. Chairperson, Sangguniang Panlungsod Committee on Peace and Order and Dangerous Drugs

SECTION 7. ASSESSMENT TEAM - There shall be an Assessment Team composed of personnel with educational and training backgrounds in medicine, psychology, social work, and human resources to be designated by the City Mayor, upon recommendation of the MADAC. The team shall assist in the conduct of substance abuse awareness and prevention programs. The City Mayor, through the MADAC, shall ensure that members of the team undergo regular training.

SECTION 8. EMPLOYEE ASSISTANCE PROGRAM - The City Mayor, through the MADAC, shall establish a sustainable Employee Assistance Program, which shall provide resources for and/or referrals to medical interventions for public officers requiring the same as mandated by law. The Assessment Team shall be actively involved in the implementation of the Employee Assistance Program.

SECTION 9. PRE-EMPLOYMENT DRUG TESTING - Mandatory drug testing shall be required for initial entry to the City Government service. Any applicant who has been found positive for drug use shall be denied entry to the government service.

SECTION 10. CONTINUING REQUIREMENT OF EMPLOYMENT DRUG TESTING - Continuous Employment of any public officer and employee shall be subject to the conduct and result of the drug test.

Along with the other requirements set forth in the appointment, contract, or relevant laws governing the employment in government service, public officers and employees must abide by the provisions of the Ordinance as an additional requirement to those already stated in their respective duties and responsibilities.

SECTION 11. CONDUCT OF AUTHORIZED DRUG TESTING –

- a.) **PURPOSE:** The purpose is to prevent the entry of dangerous drugs in the Local Government offices and the use of dangerous drugs among the personnel of the City of Mandaluyong. 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.

b.) GUIDELINES: Random drug test shall be conducted in accordance with the procedure set forth by the Dangerous Drugs Board to include but not limited to the following:

- 1. Public officers and employees of the City Government of Mandaluyong are subject to the conduct of authorized drug testing.**
- 2. The randomly selected public officials and employees will fill out and sign a chain of custody form issued to them.**
- 3. The specimen bottles must be properly labelled and taking of specimen samples for screening test must be done in an area where manipulation (e.g. adding of water) is not possible.**
- 4. Specimen samples found positive in the screening test shall be submitted for confirmatory testing within the same day.**
- 5. All results of authorized drug testing activities shall be strictly confidential. Only the City Mayor and the members of the Assessment Team shall have access for such results.**
- 6. Authorized drug testing shall be conducted only by a government testing laboratory or by a drug testing laboratory accredited by the DOH.**
- 7. In case of negative drug test result, no further action is needed.**
- 8. A positive drug test result from the confirmatory test shall immediately be known to the City Mayor, or to the person designated by him/her, who shall notify the public officer concerned. The public officer or employee shall have fifteen (15) days from receipt of the 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 or employee.**
- 9. A positive drug test result from the challenge test shall be deemed final and the public officer or employee shall be subjected to administrative proceedings.**
- 10. Failure to file a challenge within the prescribed period shall make the positive drug test result from the confirmatory drug test final, and the public officer or employee shall be subjected to administrative proceedings.**
- 11. All drug test results and records shall be held confidential and shall form part of the 201 File of all officials and employees.**

12. The conduct of mandatory, random and suspicion-less drug testing of incumbent public officials and employees shall be a condition for retention in the service.
13. The frequency of subsequent random drug tests shall be prescribed by the MADAC taking into consideration, among others, the number of public officials and employees, nature of work being discharged, funding and other logistics. Subsequent random testing shall be periodically conducted in an interval not to exceed two (2) years.

SECTION 12. EMPLOYEE INTERVENTION 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 by the DOH or by any medical practitioner accredited by the DOH to conduct said examination in order to determine the level of substance use disorder and the applicable intervention as follows:

- a. **Experimenter - Outpatient**, guidance counselling for six (6) months.
 - b. **Occasional User - Outpatient**, guidance counselling and regular monthly drug testing for six (6) months which shall be at the personal expense of the concerned public official or employee.
 - c. **Chronic User/Drug Dependent - Mandatory continuous treatment and rehabilitation** for a minimum period of six (6) months in a government rehabilitation center, or through a community rehabilitation program, sanctioned under the rules of the Dangerous Drugs Board.
1. A public official and employee found to be an Experimenter shall shoulder the expenses of his/her guidance counselling. The same rule shall also apply to a public official and employee found to be an Occasional User, who shall undergo the guidance counselling and regular monthly drug testing. Time spent for counselling and regular monthly drug testing, if done during office hour, shall be charged against public official or Employee's leave credits. For this purpose, the public official and employee's leave credits shall be utilized and when exhausted, vacation leave credits may be utilized for the purpose. If all leave credits are used, absence shall be on leave without pay.
 2. A public official and employee assessed as an Experimenter or Occasional User shall secure a certification of completion issued by his/her attending guidance counsellor as proof of successful completion of the intervention program.

3. Any public official and employee found to be 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 months shall be considered on sick leave for the entire period of his/her rehabilitation. When the concerned public official or employee's sick leave is exhausted, his/her vacation leave credits may be utilized for the purpose. If all leave credits are used, his/her absence shall be on leave without pay.

The public official and 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 public official and 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 public official and 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 rehabilitated and is now fit to return to work. Said public official and employee shall not be allowed to report back to work without first submitting said certification and clearance to his/her agency. This type of assistance shall not apply to public officers who were found to be positive for drug use after the conduct of a confirmatory test in an authorized drug testing activity.

SECTION 13. SANCTIONS –

- a.) Any appointive public officer who refuses, without any valid reason, to submit himself/herself to authorized drug testing shall be charged with the administrative offense of GROSS INSUBORDINATION.
- b.) Any elective public officer who 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 appointive public officer whose positive drug test have become final, as stated in Section 11, b.9 and b.10 of this Ordinance shall be charged with the administrative offense of GRAVE MISCONDUCT.
- d.) Public officials and employees who are not issued a Certificate of Completion (in the case of experimenter and occasional user) or a Certificate of Completion with clearance (in the case of a chronic user/drug dependent), shall be charged with the administrative offense of GRAVE MISCONDUCT.
- e.) Public officials and employees found to have used dangerous drugs during the prescribed period of their intervention or rehabilitation shall be charged with the administrative offense of GRAVE MISCONDUCT.

- f.) Any public officer or employee who 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, Art. II of the R.A. 9165 or the Comprehensive Dangerous Drugs Act of 2002.
- g.) Any public officer or employee who violated the provisions of Art. II of the 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.
- h.) Any public officer or employee who were caught using or peddling dangerous drugs shall be charged with the administrative offense of GRAVE MISCONDUCT without prejudice to the filing of appropriate criminal charge/s under R.A. No. 9165 and other pertinent laws.
- i.) Public officials and employees, who for the second time have tested positive in a random drug test after completion of his/her treatment and/or rehabilitation program shall be charged with the administrative offense of GRAVE MISCONDUCT.
- j.) Contract of Service or Job Order Workers found positive for the use of dangerous drugs will be terminated from their contract, without prejudice to the criminal liabilities applicable under the Republic Act No. 9165 and other pertinent laws.

SECTION 14. RESPONSIBILITIES OF AGENCIES - As mandated in Board Regulation No. 13, Series of 2018 of the Dangerous Drugs Board:

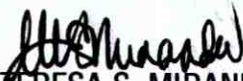
- a.) The City of Mandaluyong, through the Mandaluyong Anti-Drug Abuse Council (MADAC) shall submit their drug-free workplace program, and report to the Dangerous Drug Board and the Department of the Interior and Local Government, such as but not limited to:
 - 1. Number of officials and employees subject to drug testing;
 - 2. Those found positive for drug abuse; and
 - 3. Action undertaken by the Committee on those found positive for drug use.
- b.) All the barangays comprising the City of Mandaluyong shall also establish their own drug-free workplace policy and programs.

SECTION 15. CONFIDENTIALITY - Any person 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 R.A. 9165.

SECTION 16 EFFECTIVITY - This Ordinance shall take effect upon approval and upon publication in a newspaper of general circulation in Metro Manila.

ENACTED on this 14th day of April 2023, in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED AND APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN A SPECIAL SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:

APPROVED BY:


ANTONIO DLS. SUVA, JR.
Acting City Vice Mayor &
Presiding Officer


CARMELITA A. ABALOS
Acting City Mayor

Date: APR 14 2023

DISTRICT I

ACTING VICE MAYOR & PRESIDING OFFICER

ANTONIO DLS. SUVA, JR.

Councilor


ANJELELTON P. YAP
Councilor


DANILO L. DE GUZMAN
Councilor

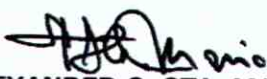

RODOLFO M. POSADAS
Councilor

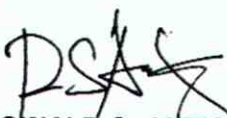

CARISSA MARIZ S. MANALO
Councilor


ESTANISLAO V. ALIM III
Councilor

DISTRICT II


BENJAMIN A. ABALOS III
Councilor


ALEXANDER C. STA. MARIA
Councilor


REGINALD S. ANTIOJO
Councilor


LESLIE F. CRUZ
Councilor


MICHAEL R. OCAMPO
Councilor


MICHAEL ERIC G. CUEJILO
Councilor


DARWIN A. FERNANDEZ
LnB President


AEROL SEDRICK A. MANGALIAG
SK Federation President