



Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF BULALACAO

OFFICE OF THE SANGGUNIANG BAYAN

Municipal Building, Poblacion, Bulalacao, 5214, Oriental Mindoro

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BULALACAO, ORIENTAL MINDORO HELD ON MARCH 15, 2019 AT THE SANGGUNIANG BAYAN SESSION HALL

PRESENT:

Hon. Ramon G. Magbanua	Municipal Vice Mayor/Presiding Officer
Hon. Dexter R. Gonzales	Sangguniang Bayan Member
Hon. Dennes M. Faner	Sangguniang Bayan Member
Hon. German S. Acosta	Sangguniang Bayan Member
Hon. Edezer F. Aceron	Sangguniang Bayan Member
Hon. Elpidio N. Contreras, Jr	Sangguniang Bayan Member
Hon. Edwin C. Aceron	Sangguniang Bayan Member
Hon. Enrico C. Villas	Pangulo, Liga ng mga Barangay
Hon. Kim Jonh Elco E. Cantos	SK Federation President
Hon. Tulay M. Caring	IPM Representative

ABSENT:

Hon. Guillermo G. Salas, Jr.	Sangguniang Bayan Member-Leave
Hon. Teresita S. Bantugan	Sangguniang Bayan Member

x----- x

MUNICIPAL ORDINANCE NO. 19-03-225

AN ORDINANCE PROMOTING A DRUG-FREE WORKPLACE IN THE LOCAL GOVERNMENT UNIT OF BULALACAO AND PROVIDING SANCTIONS THEREOF

Sponsors: SB Member Edezer F. Aceron
Chairman: Committee on Ordinances and Legal Matters
 SB Member Edwin C. Aceron
Chairman: Committee on Good Government
 SB Member German S. Acosta
Chairman: Committee on Public Order and Public Safety

"WHEREAS, Section 36 (d) of RA 9165 otherwise known as the "Comprehensive Dangerous Drugs Act of 2002 provides that officers and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo a random drug test reducing risk in the workplace;

"WHEREAS, the CIVIL SERVICE COMMISSION (CSC) issued Resolution No. 101359 which prescribes the conduct of mandatory drug test as a requirement for pre-employment to ensure only those qualified and duly screened are recruited in the government service;

(Handwritten signatures and initials)

"WHEREAS, in the same resolution the heads of agencies are mandated to ensure that the drug-free workplace program on the prevention and control of dangerous drugs, including the drug-testing shall be disseminated to all officials and employees;

"WHEREAS, public office is a public trust, thus, public officers must be at all times be accountable to the people, serve them with utmost degree of responsibility, integrity, loyalty, and efficiency;

"WHEREAS, it is in the best interest of the government to create a drug-free workplace, since the presence of drug abuse problem may have adverse effects on productivity, poor decision making, client relationship mishap, and physically dangerous situations that may interfere with the value of good governance and value-formation within the Local Government Unit of Bulalacao.

"WHEREAS, the Dangerous Drug Board issued Board Regulation No. 13 series of 2018 item IX. (d) which states that all local sanggunians shall enact their respective Ordinances mandating the establishment of drug-free workplace policies.

"WHEREAS, the same board regulation instructs the Sangguniang Bayan to enact their respective ordinances mandating the establishment of drug-free workplace policies in barangays. Failure to enact such Ordinance shall be cause for sanctions against responsible officials pursuant to Section 60 of the Local Government Code without prejudice to the filing of a case for violation of section 32, Article II of the Act.

"WHEREAS, the responsibility of the Sangguniang Bayan to ensure that the proliferation of dangerous drugs is prevented in the government offices within the jurisdiction of the Municipality of Bulalacao will institutionalize the Philippine Anti-Drugs Strategy (PADS) through the enactment of this local ordinance in pursuance to Executive Order 66 series of 2018.

"WHEREAS, the institutionalization of Executive Order 66 series of 2018 in the Municipality of Bulalacao ensures the successful implementation of PADS and to demonstrate our commitment in confronting the issue of illegal drugs.

NOW, THEREFORE,

BE IT ORDAINED by the Sangguniang Bayan of the Municipality of Bulalacao, in regular session assembled that:

SECTION 1. TITLE -This ordinance shall be known as "A DRUG-FREE WORKPLACE ORDINANCE IN THE LOCAL GOVERNMENT UNIT OF BULALACAO OF 2019."

SECTION 2. GENERAL GUIDELINES IN THE CONDUCT OF MANDATORY DRUG TESTING

This ordinance shall be applicable to the mandatory drug testing of all officials, employees and workers of the Local Government Unit of Bulalacao, Oriental Mindoro. The following guidelines outline the purpose of the mandatory drug testing program:

(Handwritten signatures and initials)

- a. The mandatory drug testing shall be implemented as a collaborative undertaking of the government, its officials and employees, local and national;
- b. Mandatory drug testing shall be implemented primarily for a drug-free workplace;
- c. The drug testing program shall guarantee and respect the personal privacy and dignity of the officials and employees; and,
- d. The mandatory drug testing may be set as a condition for continuous financial assistance of the local government to other office and agencies; same condition may be set for approval of business permit/franchise to local entrepreneurs/merchants/operators or others that may require such permit.

SECTION 3. DEFINITION OF TERMS – For the purpose of this ordinance the following terms are defined:

1. **Employees**- shall include all regular, casual, elected officials, Co-terminous, contractual and temporary employees in the Local Government Unit of Bulalacao.
2. **WORKERS** – shall include all Job Order Workers and personnel under contract of service.
3. **Mandatory Drug Test**- subjection of personnel for drug testing following no specific pattern and without prior notice/ information which cover all employees in the Local Government Unit of Bulalacao.
4. **“For Cause” or “Probable Cause”**- drug testing required when there is reasonable ground to believe that a person is using or is under the influence of dangerous drugs.
5. **Screening Test**- shall mean a test performed to establish potential/presumptive positive result.
6. **Confirmatory Test** – shall mean an analytical test using a device, tool, or equipment with a different test; it is the further analytical procedure to more accurately determine the presence of dangerous drugs in a specimen.

SECTION 4. CREATION OF A DRUG-FREE WORKPLACE COMMITTEE

- a. A drug-free workplace committee shall be created by the Municipal Mayor composed of himself as a chairperson, the Municipal Health Officer as Vice-Chairperson, and the Human Resource Management Officer, the Municipal Administrator, Sangguniang Bayan Committee Chairman on Public Safety and the Bulalacao Municipal Anti-Drug Abuse Council as members.

Handwritten signatures and initials are present at the bottom of the page, including a large signature on the left, several smaller initials in the center, and a signature on the right.

- b. The drug-free workplace committee shall formulate the rules and regulations of this ordinance.

SECTION 5. PROCEDURES IN THE CONDUCT OF DRUG TESTING- The procedures in the conduct of mandatory drug testing are as follows:

1. Drug testing shall be done by any government forensic laboratory or any of the local drug testing laboratories accredited and monitored by the DOH to safeguard the quality of the result.
2. The drug testing shall employ among others the following testing methods:
 - a. The screening test which will determine the positive result as well as the type of drugs used and;
 - b. The confirmatory test which will confirm a positive screening test.
3. Mandatory drug testing shall include all current officials, employees and workers whose results shall remain confidential.
4. All information related to drug testing or the identification of persons as users of drugs shall be treated by the Municipality as confidential unless otherwise required by Law, overriding public health and safety concerns or authorized in writing by the person in question.

SECTION 6. TESTING FOR "PROBABLE CAUSE" OR "REASONABLE CAUSE"- Mandatory drug testing shall be conducted when certain employee, officer or worker displays the following behaviors, like:

- a. **Attendance-** frequent unauthorized absences, repeated tardiness, among others.
- b. **Personal Appearance** – slurred speech, bloodshot eyes, drastic change in appearance, among others.
- c. **Mental Factor-** hot-headedness, irritability, increased difficulty in handling assignments, among others.
- d. **General Performance-** missed deadlines, low productivity, increased wastage, public complaints, frequent accidents, carelessness, among others.
- e. **Peer Relation-** isolation, frequent quarrels with officemates, heavy borrowing, frequent mood swings, among others.

SECTION 7. FUNDING REQUIREMENTS

The Dangerous Drugs Board through Executive Order No. 66 may provide funding for the implementation of this Ordinance while the fund allocated to Bulalacao Municipal Anti-Drug Abuse Council may be used for drug testing.

(Handwritten signatures and initials)

9. SANCTIONS

1. Any official, permanent or regular employee, and any worker found positive of dangerous drugs shall be subjected to disciplinary/administrative and criminal proceedings, immediately after release of confirmatory result.
2. The refusal to undergo drug testing shall be ground for disciplinary and administrative sanctions.
3. Those officials, employees and workers who shall surrender and admit to drug use in good faith, shall be referred to a community-based rehabilitation facility depending upon the severity of the drug abuse according to their assessment. The concerned official, employee or worker shall not be suspended or terminated, instead he/she will be treated accordingly.

SECTION 9. SEPARABILITY CLAUSE. If any part of this ordinance is declared not valid, unconstitutional or unlawful, such declaration shall not effect or impair the remaining provisions, sections or parts thereof shall remain or continue to be in full force and effect.

SECTION 10. REPEALING CLAUSE. All previous ordinances and provisions inconsistent with this ordinance shall be deemed repealed or modified accordingly.

SECTION 11. EFFECTIVITY. This ordinance shall take effect after copies of this Ordinance shall have been posted for ten (10) days in the bulletin board, at the entrance of the Municipal Hall Building, and in at least two (2) conspicuous places in the Municipality of Bulalacao, not later than five (5) days after the approval hereof.

ENACTED this 15th day of March, 2019. Bulalacao, Oriental Mindoro.

HON. DEXTER R. GONZALES
SB Member

HON. DENNIS M. FANER
SB Member

~~HON. GERMAN S. ACOSTA
SB Member~~

HON. EDEZER F. ACERON
SB Member

~~HON. ELPIDIO N. CONTRERAS, JR.
SB Member~~

HON. EDWIN C. ACERON
SB Member

HON. ENRICO C. VILLAS
Pangulo, Liga ng mga Brgy.

HON. KIM JOHN ELCO E. CANTOS
SK Federation President

HON. TULAY M. CARING
IPM-Representative

CERTIFIED TRUE AND CORRECT:

PERLITA L. PAZ
Secretary to the Sanggunian

ATTESTED:

HON. RAMON G. MAGBANUA
Municipal Vice Mayor/Presiding Officer

APPROVED:

HON. ERNILO C. VILLAS
Municipal Mayor
Date Signed: 04-12-2019