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Item No.: 03
Date: 21 MAR 2023

Republic of the Philippines
PROVINCE OF LEYTE

SP Records

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PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN

MAR 08 2023
PROVINCE OF LEYTE

2RD INDORSEMENT
March 1, 2023

Province of Leyte
Legal Office
Released: [Signature]
Date: 9.8.23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance Nos. 2022-10 and No. 2022-11 of the SB of Palo, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c), of R.A 7160, the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the power essential to the promotion of the General Welfare, Health and Safety, authorized under Section 16 of the Code.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer


Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
27 February 2023



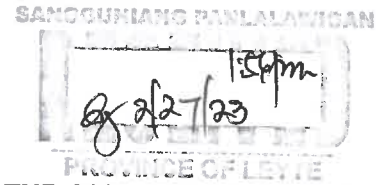
The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 2022-10** of the **MUNICIPALITY OF PALO, LEYTE, ENTITLED: AN ORDINANCE INSTITUTIONALIZING A DRUG-FREE WORKPLACE IN THE MUNICIPALITY OF PALO AND APPROPRIATING FUNDS FOR THE IMPLEMENTATION THEREOF.**


FLORINDA JILL S. DYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Palo

SANGGUNIANG BAYAN



EXCERPTS FROM THE MINUTES OF THE 22nd REGULAR SESSION OF THE 2022 SANGGUNIANG BAYAN OF THE MUNICIPALITY OF PALO, PROVINCE OF LEYTE, HELD ON DECEMBER 13, 2022, AT THE SANGGUNIANG BAYAN SESSION HALL.

Present:

Vice-Mayor Jonathan P. Chiquillo – Presiding Officer
SB Member Andres Ian R. Sevilla
SB Member Casimero P. Villas, Jr.
SB Member Aaron H. Roca
SB Member Felipe T. Ygrubay, Jr.
SB Member Antonino C. Hernit
SB Member Jan Michelle L. Dolina
SB Member Casimero B. Parado II
SB Member Oriell D. Chiquillo – SK Federation President

Absent:

SB Member Chiqui Ruth C. Uy
SB Member Roel D. Baldevia – LIGA President

MUNICIPAL ORDINANCE NO. 2022-10

AN ORDINANCE INSTITUTIONALIZING A DRUG – FREE WORKPLACE IN THE MUNICIPALITY OF PALO AND APPROPRIATING FUNDS FOR THE IMPLEMENTATION THEREOF.

Whereas, Executive Order No. 66, Series of 2018, issued by President Rodrigo Roa Duterte, calls for the institutionalization of the Philippine Anti – Illegal Drugs Strategy, which outlines the balanced efforts of the government to strengthen the campaign against illegal drugs and contribute to international efforts to counter the worldwide illegal drug problem;

Whereas, Section 4 of the Executive Order provides that all local government units shall adopt their respective Drug – Free Workplace Programs and conduct authorized drug testing among their respective officials and personnel in accordance with the provisions of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, as amended;

Whereas, Regulation No. 13, Series of 2018 issued by the Dangerous Drugs Board mandates the creation of drug – free workplace policies in all government offices, especially local government units, including the conduct of authorized drug testing, to ensure that all public officers remain drug free and that the general public be assured of effective and efficient service from the government.

Whereas, the Civil Service Commission issued a Memorandum Circular No. 13, Series of 2017, the Guidelines in the Mandatory Random Drug Testing for Public Official and Employees and for other Purposes.

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Bayan in regular session assembled that:

SECTION 1. SHORT TITLE – This Ordinance shall be known as the “Drug – Free Workplace Policy in the Municipality of Palo.”



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SECTION 2. OBJECTIVE – This Ordinance aims to ensure that all public officers and personnel of the municipality both elective and appointive, remain drug free in order to continuously provide effective and efficient service to the people.

SECTION 3. SCOPE – This Ordinance covers all appointive public officers and personnel of the Municipality of Palo. Contract of Service and Job Orders employees are also covered by the provisions of this ordinance.

The Committee shall ensure that this Ordinance shall be properly disseminated to all offices of the local government unit.

SECTION 4. DEFINITION OF TERMS – The following terms are defined:

- a. **Authorized Drug Testing** – the testing done by any government forensic laboratory or a drug testing laboratory accredited by the Department of Health. It shall employ, among others, two (2) testing methods, the screening test, which will determine the positive test result as well as the type of drug used, and the confirmatory test, which shall 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. **Chronic User/Drug Dependent** – a person identified for using drugs/other substances (mind altering or not) without medical need, in an amount large enough or over a period long enough to threaten the quality of life and safety of the user and others.
- 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. **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.



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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 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.

i. 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.

j. Experimenter – A person whose drug use began through exploration with limited exposure and no development of regular use or any related harm.

k. Occasional User – A person who indulges in drug use to create or enhance experience in any social settings.

l. Public Official and Employees- Include any person holding or performing a public function in the legislative, executive, administrative or judicial office in the government, regardless of status of employment or engagement. Elective Officials and officials appointed by the President are exempt from this coverage per CSC Memorandum Circular No. 05, Series of 2019.

SECTION 5. ESTABLISHMENT OF THE DRUG – FREE WORKPLACE COMMITTEE – There shall be a Drug – Free Workplace Committee which shall ensure the proper implementation and dissemination of this Ordinance. The Committee shall be composed of the following:

- a. Local Chief Executive or Representative;
- b. Human Resource Management Officer
- c. Municipal Health Officer
- d. Head of the Employees Union
- e. Municipal Police Chief;
- f. Barangay Affairs (ABC President); and
- g. SB Chairman, Committee on Public Safety and Peace

SECTION 6. ESTABLISHMENT OF AN ASSESSMENT TEAM

There shall be an Assessment Team to be created by the Local Chief Executive which shall assist in the conduct of substance abuse awareness and prevention programs and implement the Employee Assistance Program for personnel who wish to undergo drug use intervention. It shall be composed of personnel with educational and training background on medicine, psychology, social work, and human resources administration.



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SECTION 7. ASPECTS OF THE DRUG – FREE WORKPLACE POLICY

- a. **Pre – Employment Drug Testing** – Drug Testing shall remain a requirement for initial entry to government public officials and employees. Any Applicant found Positive for drug use shall be denied entry to government service.
- b. **Substance Abuse Awareness and Prevention Programs** – The Assessment Team shall initiate and implement these programs to ensure that personnel are properly informed on the evils of drug use, including its physical, mental, social, and legal implications.
- c. **Authorized Drug Testing** – The Drug Free Workplace Committee and / or the Assessment Team shall implement a random selection procedure in order to determine personnel who shall undergo drug testing.
- d. **Employee Assistance Program** – Any personnel, prior to the conduct of Authorized Drug Testing, may seek intervention through the Employee Assistance Program, which shall provide referrals and additional services to the personnel concerned. A drug dependency examination shall be conducted in order to determine the level of Substance Use Disorder and the applicable intervention. This Program shall not apply to personnel who are found to be positive for drug use after the conduct of confirmatory drug test in an Authorized Drug Testing activity.

SECTION 8. GUIDELINES IN THE CONDUCT OF AUTHORIZED MANDATORY RANDOM DRUG TESTING

- a. The Local Chief Executive, in consultation with the Drug Free Workplace Committee, shall determine the frequency and dates for the conduct of an authorized drug testing activity. Information relating to frequency and dates relating to drug testing shall be treated with utmost confidentiality.
- b. The Local Government Shall conduct the drug test in accordance with the procedures set forth by the Dangerous Drug Board, which shall be disseminated to their personnel, to include but not limited to the following:
 - I. The Drug test shall only be conducted by a government drug testing laboratory or a drug testing laboratory duly authorized and accredited by the DOH
 - II. The randomly selected public Official and Employees will fill up and sign a chain of custody form issued to them.
 - III. 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
 - IV. Specimen samples found positive in the screening test shall be submitted for confirmatory testing within the same day.



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c. Personnel selected to undergo mandatory Random drug testing shall immediately report to the Local Chief Executive, the Drug Free Workplace Committee, and / or the Assessment Team. Personnel who, without any justifiable reason, fail to report for drug testing shall be sanctioned.

d. Upon discovery that a urine sample tested positive for use of dangerous drugs after confirmatory testing, the result shall immediately be made known to the Local Chief Executive, who shall notify the public officer and employee concerned. The public officer and employee 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 and employee.

e. A positive drug test result from the challenge test is deemed final and the public officer and employee 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.

f. All drug test results and records shall strictly be held confidential, and shall be attached to the 201 File of all Official and Employees.

SECTION 9. INTERVENTION

1. Public Officials and employees who are found positive of dangerous drugs at the first instance after the challenge test or after positive test result from a confirmatory public official or employee fail to challenge said result, shall undergo a Drug Dependency Examination conducted by DOH or by any medical practitioner accredited by DOH to conduct said examination and shall be subjected to the following treatment and rehabilitation program:

- a. Experimenter – Outpatient, guidance counseling for six (6) months,
- b. Occasional User – Outpatient, guidance counseling and regular monthly drug testing for six (6) months which shall be at the personal expense of the public official or employee concerned,

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c. Chronic User/Drug Dependent – Mandatory Continuous treatment and rehabilitation for a minimum period of six (6) months in a government rehabilitation center, a DOH- Accredited private rehabilitation center, or through a community rehabilitation program sanctioned under the rules of the Dangerous Drug Board.

2. A public official or employee found to be an Experimenter shall shoulder the expenses of his/his guidance counseling. The same rule shall also apply to a public official or employee found to be an Occasional User, who shall undergo the guidance counseling and regular monthly drug testing.

Time spent for guidance counseling and regular monthly testing. If done during office hours, shall be charged against the public official's or employee's leave credits. For this purpose, the public official's or employee's leave credits shall be utilized and when exhausted, vacation leave may be utilized for the purpose. If all leave credit are used, absence shall be on leave without pay.

As proof of successful completion of the intervention program, a public official or employee assessed as experimenter or occasional User shall secure a certification of completion issued by his/her attending guidance counselor.

3. Any Public Official or 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 (6) months shall be considered 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 may be utilized for the purpose. If all leave credits are used, his/her absence shall be on leave without pay.

The public official or employee concerned shall shoulder the expenses of his/her rehabilitation, which shall commence within fifteen (15) days from receipts of Drug Dependency Examination results to give way to the processing of the necessary clearance.

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The public official or employee shall not be allowed to report back to work without first submitting to his/her agency the certification and clearance form his/her attending physician that he/she has been successfully rehabilitated and fit to return to work.

SECTION 10. ADMINISTRATIVE LIABILITY

1. Public Official 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.
2. 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.
3. Any public official or employee who, after being tested positive of drug use, shall refuse to undergo treatment or rehabilitation, or fails to complete his/her treatment or rehabilitation program, shall be charged with the administrative offense of Grave Misconduct.

The Charge of Grave Misconduct shall be grounded on the fact that the said public official or employee was tested positive of drug use and not on his refusal to undergo or failure to complete his/her treatment.

4. 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.
5. 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.
6. 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, Article II of the Act.

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7. 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.

8. Public Officials and employee caught using or peddling drugs shall be charged with the administrative offenses of Grave Misconduct, without prejudice to the filing of appropriate criminal charge/s under R.A No. 9165 and other pertinent laws.

SECTION 11. FUNDING – The Local Government Unit of Palo shall appropriate funds necessary for the implementation of this ordinance.

SECTION 12. REPORTING – The Committee shall ensure that a copy of this Ordinance shall be communicated to the Dangerous Drugs Board and the Department of the Interior and Local Government for information. Thereafter, the Local Chief Executive shall also report to said agencies the conduct of authorized drug testing and provide data as to the number of persons who were subjected to drug testing, the number of persons found positive for drug use, and the action undertaken by the Local Chief Executive on persons found positive for drug use.

SECTION 13. SEPARABILITY CLAUSE– If any part or provision of this Ordinance is held invalid or unconstitutional, the same shall not affect the validity and effectivity of other provisions hereof.

SECTION 14. REPEALING CLAUSE – Pertinent provisions of all other laws, ordinances, executive order and rules and regulations contrary to or inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

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SECTION 15. EFFECTIVITY CLAUSE – This Ordinance shall take effect upon its approval and after due compliance with the posting and publication requirements as provided under R.A. 7160, otherwise known as the Local Government Code of 1991.

CERTIFIED CORRECT:


BRIAN VALENTE P. ELORCHA
Acting Municipal Sanggunian Secretary

ATTESTED:


JONATHAN P. CHIQUILLO
Vice-Mayor
Presiding Officer


ANDRES IAN R. SEVILLA
SB Member


CASIMERO P. VILLAS, JR.
SB Member



AARON H. ROCA
SB Member


FELIPE T. YGRUBAY, JR.
SB Member


ANTONINO C. HERNIT
SB Member


JAN MICHELLE L. DOLINA
SB Member


CASIMERO B. PARADO II
SB Member


ORIELL D. CHIQUILLO
SB Member
SK Federation President

APPROVED January 18, 2023.


REMEDIOS L. PETILLA
Municipal Mayor



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Palo

SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that pursuant to Section 59, Chapter 3, Title Two, Book I, of the Local Government Code of 1991, the undersigned had caused the posting of copies of Municipal Ordinance No. 2022-10 entitled An Ordinance Institutionalizing a Drug-Free Workplace in the Municipality of Palo and Appropriating Funds for the Implementation thereof, which was enacted by the Sangguniang Bayan on December 13, 2022, and the copies of the said ordinances were actually posted on January 18, 2023, for a period of not less than three (3) weeks therefrom, in the following conspicuous places in the Municipality of Palo.

- 1) One copy in the bulletin board at the entrance of the Palo Municipal Hall
- 2) One copy in the bulletin board at the Office of the Market Supervisor.

ISSUED this 23rd day of February 2023 at Palo, Leyte.


BRIAN VALENTE P. ELORCHA
Acting Sanggunian Secretary

amp/

6. From Hon. Marcelo Nelson P. Mendiola, Punong Barangay, Brgy. Baras, Palo, Leyte, addressed to the Sangguniang Bayan of Palo, transmitting and furnishing a copy of a letter forwarded and delivered to Regional Director Wilma A. Perante, Philippine Statistics Authority, RO8, Tacloban City, Re: commentaries and observations of BLGU of Baras on the Consultative Meeting with PSA-RO8 and Barangay Baras Officials held on December 2, 2022 at Brgy. Baras Multi-Purpose Hall.

- Noted.

7. Draft Ordinance Establishing Senior Citizens and Persons with Disabilities (PWDs) Helpdesk at the Office of the Senior Citizens Affairs and Barangay Level in Palo, Leyte, Sponsor: Hon. Casimero P. Villas, Jr., Co-Sponsors: Hon. Antonino C. Hernit and Hon. Aaron H. Roca.

- Hon. Villas, Jr. gave the background of the proposed legislative measure. Thereafter, he moved for the Approval of the Title on First Reading, duly seconded by all Sangguniang Bayan Members present. Having been approved, the subject was referred to the Committees on Rules and Senior Citizens. The draft was then titled as Municipal Bill No. D-2022-05.

II. Business for Third and Final Reading.

1. Draft Ordinance Institutionalizing a Drug-Free Workplace in the Municipality of Palo and Appropriating Funds for the Implementation Thereof, Sponsor: Hon. Oriell D. Chiquillo.

- Copies of the final draft were furnished each Sangguniang Bayan Members for their perusal. Thereafter, Hon. Oriell D. Chiquillo moved for the approval of the final draft on third and final reading. The motion was duly seconded by all Sangguniang Bayan Members present. Since there was no objection, the final draft was declared Approved on Third and Final Reading, thus:

MUNICIPAL ORDINANCE NO. 2022-10

(see Annex "A" for the text)

2. Draft Ordinance Institutionalizing the "Kabataan Kontra Krimen Droga't Terorismo (KK2DAT)" of the Sangguniang Kabataan of Palo, Leyte and for Such Other Purposes, Sponsor: Hon. Oriell D. Chiquillo.

- Copies of the final draft were furnished each Sangguniang Bayan Members for their perusal. Likewise, Hon. Oriell D. Chiquillo moved for the approval of the final draft on third and final reading. The motion was duly seconded by all Sangguniang Bayan Members present. Since there was no objection, the final draft was declared Approved on Third and Final Reading, thus:

MUNICIPAL ORDINANCE NO. 2022-11

(see Annex "B" for the text)