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Item No.: 03  
Date: 23 2024 APR

Republic of the Philippines  
PROVINCE OF LEYTE  
Palo, Leyte

SANGGUNIANG PANLALAWIGAN  
**RECEIVED**  
APR 16 2024  
Province of Leyte

**PROVINCIAL LEGAL OFFICE**

2<sup>nd</sup> INDORSEMENT  
April 15, 2024

Province of Leyte  
Legal Office  
Released Time: 4:16 PM  
Date: 4-16-24

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. ~~2~~ series of 2024 of the Sangguniang of Bayan of Tunga, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, to the opinion of the Provincial Legal Office (PLO), an exercise of the power under Section 447 (1)(v)<sup>i</sup> of the Local Government Code, in relation to CSC Resolution No. 1700653<sup>ii</sup>.

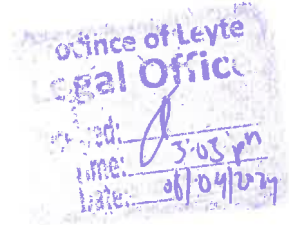
Furthermore, the opinions rendered herein are without prejudice to opinions rendered by higher authorities.

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

<sup>i</sup> (v) Enact ordinances intended to prevent, suppress and impose appropriate penalties for drug addiction, maintenance of drug dens, drug pushing;

<sup>ii</sup> "Guidelines in the Mandatory Random Drug Test For Public Officials and Employees and for Other Purposes"

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Republic of the Philippines  
**PROVINCE OF LEYTE**  
Palo, Leyte  
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**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**

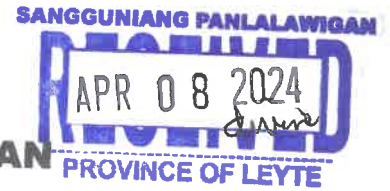
**1<sup>ST</sup> INDORSEMENT**  
08 April 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 02 series of 2024** of **TUNGA, LEYTE**, entitled: **An Ordinance Institutionalizing A Drug-Free Workplace Policy In The Local Government Unit Of Tunga And Appropriating Funds For The Implementation Thereof.**

  
**FLORINDA JILI SUYVICO**  
Secretary to the Sanggunian



REPUBLIC OF THE PHILIPPINES  
 Province of Leyte  
 MUNICIPALITY OF TUNGA  
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**OFFICE OF THE SANGGUNIANG BAYAN**

**EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN, TUNGA, LEYTE HELD ON MARCH 25, 2024 AT THE SB SESSION HALL.**

**PRESENT:**

- |                             |   |
|-----------------------------|---|
| Hon. Egidio G. Baac         | - Municipal Vice-Mayor/Presiding Officer    |
| Hon. Martiniano F. Requez   | - SB Member                                 |
| Hon. Edmundo O. Labarda     | - SB Member                                 |
| Hon. Joselito L. Arintoc    | - SB Member                                 |
| Hon. Lemuel G. Ponferrada   | - SB Member                                 |
| Hon. Marietta A. Catalo     | - SB Member                                 |
| Hon. Rex S. Ergina          | - SB Member                                 |
| Hon. Jose Capoporo A. Uribe | - SB Member                                 |
| Hon. Severino B. Sari       | - SB Member                                 |
| Hon. Florentina A. Obsequio | - Ex-Officio Member/ABC President           |
| Hon. Leo Van C. Delgado     | - Ex-Officio Member/SK Federation President |

**ABSENT:**

None

**MUNICIPAL ORDINANCE NO. 02**  
 Series of 2024

**AN ORDINANCE INSTITUTIONALIZING A DRUG-FREE WORKPLACE POLICY IN THE LOCAL GOVERNMENT UNIT OF TUNGA AND APPROPRIATING FUNDS FOR THE IMPLEMENTATION THEREOF.**

Sponsored by: Hon. Martiniano F. Requez  
 Hon. Lemuel G. Ponferrada

Co-Sponsored by: Hon. Edmundo O. Labarda  
 Hon. Joselito L. Arintoc  
 Hon. Marietta A. Catalo  
 Hon. Rex S. Ergina  
 Hon. Jose Capoporo A. Uribe  
 Hon. Severino B. Sari  
 Hon. Florentina A. Obsequio  
 Hon. Leo Van C. Delgado

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

**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 head of agencies to ensure that drug-free workplace policy and programs be disseminated to all officials and employees as a condition for retention in the 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**, Executive Order No.66, Series of 2018, issued by Former 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 officials and personnel in accordance with the provisions of Republic Act No.9164 or the Comprehensive Drugs Act of 2002, as amended.

**WHEREAS**, Regulation No.13, Series of 2018 issued by the Dangerous Drug 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**, there is an imperative need to support, the call of the Former President and the Dangerous Drugs Board and inspire active participation in the campaign against illegal trafficking and drug use in the government.

**WHEREFORE**, on motion of Hon. Martiniano F. Requeiz, unanimously seconded, be it;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED BY THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF TUNGA IN SESSION DULY ASSEMBLED, THAT:

**SECTION 1. TITLE** – This Ordinance shall be known as the “Drug Free Workplace Policy in the Municipality of Tunga, Leyte.”

**SECTION 2. OBJECTIVE** - This Ordinance aims to ensure that all public officers and personnel of the Municipality of Tunga, 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 elective and appointive public officers and personnel of the Municipality of Tunga, Leyte. Contract of Service and Job Order Workers are also covered by the provisions of this Ordinance. This also includes barangay officials and its personnel.

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

- a. Authorized Drug Testing – the testing done by any government forensic 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 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. 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.
- d. 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 Drug Act of 2002, as amended.
- e. 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 interior for drug dependency, mental and physical status, and the detection of dangerous drugs in body specimens through laboratory procedures.
- f. 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 the employee's union.
- g. Mandatory Drug Testing- compulsory submission of a public officer or prospective employee to drug testing as mandated by this ordinance.
- h. Random Drug Testing – drug testing where the selection process results in equal probability that any employee from the 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 results. 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.

**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
- b. Head of the Human Resource Management Office (HRMO)
- c. Head of the Municipal Health Office
- d. Head of the Employee's Union
- e. Representative of the Municipal Anti-Drug Abuse Council (MADAC)

f. ABC Federation President.

## 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.

## SECTION 7. ASPECTS OF THE DRUG-FREE WORKPLACE POLICY

- a. Pre- Employment Drug Testing- Mandatory drug testing shall remain an essential requirement for entry into 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 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 the 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 a confirmatory drug test in an Authorized Drug Testing activity.

## SECTION 8. GUIDELINES IN THE CONDUCT OF AUTHORIZED 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, the purpose of which is to prevent the entry of dangerous drugs in government office and use of dangerous drugs among its personnel. The frequency of such testing shall be conducted in random manner. Information relating to the frequency of such testing shall be treated with utmost confidentiality.
- b. Drug Testing shall be done by any government forensic laboratory or any of the local Drug Testing laboratories accredited and monitored by the Department of Health (DOH).
- c. Personnel selected to undergo drug testing shall immediately report to the Local Chief Executive, the Drug-Free Workplace Committee, and/ or the Assessment Team (to be determined by the LGU). Personnel who without any justifiable reason, fail to report for drug testing shall be sanctioned in accordance with section hereof.
- d. Upon discovery that a urine sample tested positive for use of dangerous drugs after confirmatory testing, the result shall notify the public officer/employee/personnel concerned. The latter 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.

- e. A positive drug test from the challenge test is deemed final and the public officer 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 files of all officials and employees. Only the Local Chief Executive, as the case may be, and the members of the Assessment Team shall have access to such results.

### SECTION 9. SANCTIONS

- a. Any appointive public officer/employee/personnel who refuses or fails to report without any valid reason to submit himself/herself to authorized drug testing or is found positive for drug use after the conduct of confirmatory test in an authorized drug testing activity shall be subject to administrative accused of grave misconduct.
- b. Any elective public officer who refuses or fails to report 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.
- c. Any public officer/employee/personnel 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 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 RA 9165 or the Comprehensive Dangerous Act of 2002.
- d. Any public officer/employee/ personnel who violated the provisions of Article II of RA 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 maybe, without prejudice to filing of criminal charges under R.A. 9165 and other relevant laws.

**SECTION 10. CONFIDENTIALITY** - Any person who has official custody or access to all data and information relative to the conduct of the authorized drug testing or anyone who, having gained position of such data an information, reveals their content to any person not authorized to have access thereto, shall be prosecuted for violation of Section 32, Article 11 of R.A. 9165.

**SECTION 11. FUNDING** - The cost of the drug testing for all the officers/employees/personnel of the Municipal Government of Tunga shall be charged to the MADAC Fund of the MLGU, while the Barangay Officials shall be charged from their respective BADAC Fund and shall form part of its annual budgetary appropriation.

**SECTION 12. REPORTING** - The Local Chief Executive 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 found positive for drug use.


**SECTION 13. SEPARABILITY CLAUSE** - If any part or provision of this Ordinance is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

**SECTION 14. REPEALING CLAUSE** - All previous ordinances and provisions inconsistent with this ordinance shall be deemed repealed or modified accordingly.

**SECTION 15. EFFECTIVITY CLAUSE** - This Ordinance shall take effect immediately upon approval.

**ENACTED** by the Sangguniang Bayan, in session assembled this 25<sup>th</sup> day of March 2024 at Tunga, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance.

  
**NAOMI C. ARCALLANA**  
Secretary to the Sanggunian

**ATTESTED:**

  
**EGIDIO G. BAAC**  
Municipal Vice Mayor/Presiding Officer

  
**MARTINIANO F. REQUIEZ**  
SB Member

  
**EDMUNDO O. LABARDA**  
SB Member

  
**JOSELITO L. ARINTOC**  
SB Member

  
**LEMUEL G. PONFERRADA**  
SB Member

  
**MARIETTA A. CATALO**  
SB Member

  
**REX S. ERGINA**  
SB Member


  
**JOSE CAPOPORO A. URIBE**  
SB Member

  
**SEVERINO B. SARI**  
SB Member

  
**FLORENTINA A. OBSEQUIO**  
Ex-Officio/ABC President

  
**LEO VAN C. DELGADO**  
Ex-Officio/SK Fed. President

**APPROVED:**

  
**REINBERT C. COSTELO**  
Municipal Mayor  
Date: 04-05-2024





REPUBLIC OF THE PHILIPPINES  
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MUNICIPALITY OF TUNGA  
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**OFFICE OF THE SANGGUNIANG BAYAN**

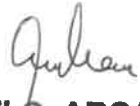
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**CERTIFICATE OF POSTING**

TO WHOM THIS MAY CONCERN:

**THIS IS TO CERTIFY** that *Municipal Ordinance No. 02, S. 2024* entitled: **"AN ORDINANCE INSTITUTIONALIZING A DRUG-FREE WORKPLACE POLICY IN THE LOCAL GOVERNMENT UNIT OF TUNGA AND APPROPRIATING FUNDS FOR THE IMPLEMENTATION THEREOF"**, has been posted in three (3) conspicuous places within the municipality and shall remain posted for three (3) consecutive weeks.

Issued this 8<sup>th</sup> day of April, 2024 at Tunga, Leyte.

  
**NAOMI C. ARCALLANA**  
Secretary to the Sanggunian