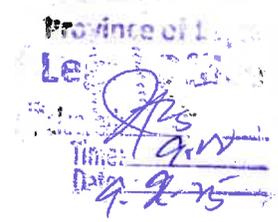




Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-



Sangguniang Panlalawigan
Province of Leyte

PROVINCIAL LEGAL OFFICE

RECEIVED

Date: SEP 03 2025
By: [Signature]

2nd INDORSEMENT
August 20, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 25-21 of the Sangguniang Bayan of Burauen, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 25-21 entitled: **“Drug-free Workplace policy of the municipality Burauen, Leyte.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(a)(1)(v)¹ of the Local Government Code of 1991 (R.A 7160) pursuant to RA 9165². Hence, we recommend for the declaration of its validity.

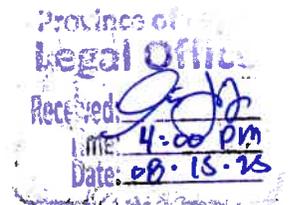
We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer

¹ (v) Enact ordinances intended to prevent, suppress and impose appropriate penalties for habitual drunkenness in public places, vagrancy, mendicancy, prostitution, establishment and maintenance of houses of ill repute, gambling and other prohibited games of chance, fraudulent devices and ways to obtain money or property, drug addiction, maintenance of drug dens, drug pushing, juvenile delinquency, the printing, distribution or exhibition of obscene or pornographic materials or publications, and such other activities inimical to the welfare and morals of the inhabitants of the municipality;

² "Comprehensive Dangerous Drugs Act of 2002".

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-o0o-



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT

15 Aug 2025

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 25-21, series of 2025**, of the **Municipality of Burauen, Leyte**, entitled: **An Ordinance Institutionalizing a Drug-Free Workplace in the Municipal Government of Burauen and Appropriating Funds for the Implementation Thereof**,

A handwritten signature in blue ink, appearing to read "F. Uyvico".

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF BURAUEN



OFFICE OF THE SANGGUNIANG BAYAN

August 8, 2025

THE HONORABLE MEMBERS
Sangguniang Panlalawigan
Province of Leyte

Sangguniang Panlalawigan
Province of Leyte

RECEIVED

Date: AUG 08 2025
By: [Signature]

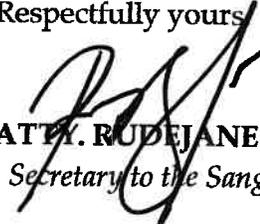
ATTENTION: FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
Province of Leyte
Palo, Leyte

Ladies/Gentlemen:

We transmit herewith 15 copies of **Municipal Ordinance No. 25-21**, Series of 2025 of the Sangguniang Bayan of Burauen, Leyte, entitled "**An Ordinance Institutionalizing a Drug-Free Workplace in the Municipal Government of Burauen and Appropriating Funds for the Implementation Thereof**", for review and approval of the body.

Thank you and please acknowledge receipt hereof.

Respectfully yours


ATTY. RUDEJANE S. TAN
Secretary to the Sanggunian



Republic of the Philippines
 Province of Leyte
 Municipality of Burauen



OFFICE OF THE SANGGUNIANG BAYAN

**MUNICIPAL ORDINANCE NO. 25-21
 Series of 2025**

Sangguniang Panlalawigan
 Province of Leyte

RECEIVED

Date: AUG 08 2025
 By: [Signature]

AN ORDINANCE INSTITUTIONALIZING A DRUG-FREE WORKPLACE IN THE MUNICIPAL GOVERNMENT OF BURAUEN AND APPROPRIATING FUNDS FOR THE IMPLEMENTATION THEREOF

*Authored by Hon. Vincent G. Enerlan
 Chairperson, Committee on Peace and Order*

PREFATORY STATEMENT

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, there is an imperative need to support the call of the President and the Dangerous Drugs Board and inspire active participation in the campaign against illegal trafficking and drug use in the government;

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

Section 1. TITLE. – This Ordinance shall be known as the “**Drug-Free Workplace Policy in the Municipality of Burauen**”.

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 elective and appointive public officers and personnel of the Municipality of Burauen, Leyte, including those at the barangay level. Contract of Service and Job Order workers are also covered by the provisions of this Ordinance.

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

[Signatures]

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. *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 Drugs Act of 2002, as amended (the “Act”).
- 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 criteria 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 employees’ 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 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.

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. Head of the Personnel Department or Representative;
- c. Head of the Medical Department or Representative;
- d. Head of the Employees Union or Representative; and
- e. Focal Person, Municipal Anti-Drug Abuse Council.

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.

*Municipal Ordinance No. 25-21, Series of 2025; May 26, 2025
“Drug-Free Workplace Policy in the Municipality of Burauen”*

- a. *Pre-Employment Drug Testing* – Mandatory drug testing shall remain an essential requirement for entry into government service. 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 DRUG TESTING. –

- a. *General Guidelines:* 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. *Barangay Level Drug Testing:*
 - 1. *Implementation:* The Punong Barangay, in coordination with the Municipal Drug Free Workplace Committee, shall be responsible for the implementation of drug testing for all elective and appointive barangay officials and personnel, as well as Contract of Service and Job Order workers within their respective barangays.
 - 2. *Funding:* Each barangay is hereby directed to allocate necessary funds from their annual budget to cover the costs associated with the conduct of drug testing for their personnel.
 - 3. *Scheduling and Notification:* The schedule and manner of conducting drug testing at the barangay level shall be determined by the Punong Barangay in consultation with the Municipal Drug Free Workplace Committee, ensuring compliance with the general guidelines set forth in this Section. Barangay personnel selected for drug testing shall be notified by the Punong Barangay or their designated representative and shall immediately report as directed.
 - 4. *Reporting and Coordination:* The Punong Barangay shall be responsible for submitting a list of barangay personnel who underwent drug testing and the corresponding results to the Municipal Drug Free Workplace Committee for record-keeping and appropriate action, when necessary.
- 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.
- 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 concerned. The public officer 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 result 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.

Section 9. SANCTIONS. –

- a. 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.
- b. 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.
- c. Any contract of service or job order personnel who, without valid reason, refuses to undergo authorized drug testing, or is found positive for drug use after a confirmatory test conducted during an authorized drug testing activity, shall be immediately terminated from service and disqualified from future engagement with the Municipal Government, subject to applicable civil service and labor laws, rules, and regulations.
- d. 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.
- e. 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.

Section 10. FUNDING. – The initial amount for the establishment, operation, and management of the SDEC shall be allocated from available funds in the Municipal Treasury, subject to the usual government accounting rules and regulations. In addition, all Barangays within the Municipality are enjoined to allocate a portion of their respective annual budgets to support and implement the provisions of this Ordinance at the barangay level, subject to existing budgeting, accounting, and auditing rules and regulations.

Section 11. 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 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 12. SEPARABILITY CLAUSE. – If, for any reason, any part(s) or provision(s) of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 13. REPEALING CLAUSE. – All ordinances or portion thereof which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 14. EFFECTIVITY. – This Ordinance shall take effect immediately upon its approval, subject to the compliance with the posting and publication requirements stipulated in the Local Government Code of 1991.

ENACTED AND APPROVED, May 26, 2025.

CERTIFIED CORRECT:


ATTY. RUDEJANE S. TAN
Secretary to the Sanggunian

ATTESTED:

(absent)
HON. VINCENT G. ENERLAN
Sangguniang Bayan Member


HON. CIPRIANO R. RELATORRES, JR.
Sangguniang Bayan Member


HON. HERMENIA C. CAMASIN
Sangguniang Bayan Member


HON. BRYAN R. CINCO
Sangguniang Bayan Member

HON. DEXTER R. SENO
*Sangguniang Bayan Member/
Presiding Officer*

(absent)
HON. ROBERT G. DEL PILAR
Sangguniang Bayan Member

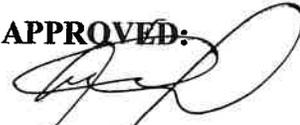

HON. EVAFE A. CORAL
Sangguniang Bayan Member


HON. OSCAR A. CAGARA
Sangguniang Bayan Member

(on leave)
HON. FE S. RENOMERON
LnB President/ Ex-Officio SB Member

(absent)
HON. JUSTINE MERP G. ANDRADE
SK Federation President/ Ex-Officio Member

APPROVED:


HON. NOEL P. ALPINO
Acting Municipal Mayor



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF BURAUEN



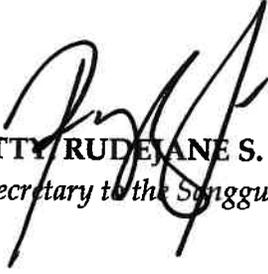
OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Municipal Ordinance No. 25-21, Series of 2025 of the Sangguniang Bayan of Burauen, Leyte, entitled, *"An Ordinance Institutionalizing a Drug-Free Workplace in the Municipal Government of Burauen and Appropriating Funds for the Implementation Thereof"*, was enacted on May 26, 2025, approved on even date, and has been posted in two (2) conspicuous and publicly accessible places of the municipality from *May 28, 2025 to June 17, 2025*, in compliance with Section 59, paragraph (b) of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

Burauen, Leyte, June 25, 2025.


ATTY. RUDEJANE S. TAN
Secretary to the Sanggunian