

Item No.: 29

Date: 03 2026 FEB



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

PROVINCE OF LEYTE
LEGAL OFFICE

RELEASED

By: [Signature]
Date: 1.26.26 Time: 9:21

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Sangguniang Panlalawigan
Province of Leyte

RECEIVED

Date: JAN 26 2026
By: [Signature]

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

January 22, 2026

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2025-18 of the Sangguniang Bayan of Javier, Leyte.

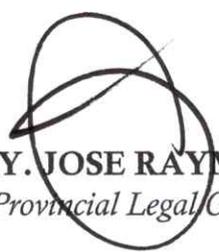
Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 2025-18 entitled: **“An Ordinance Institutionalizing a Drug-Free workplace in the LGU of Javier, 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 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 (a) *The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code,*

² "Comprehensive Dangerous Drugs Act of 2002".

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

PROVINCE OF LEYTE
LEGAL OFFICE

RECEIVED

1ST INDORSEMENT
16 January 2026

By: 
Date: 1.20.26 Time: 10:20

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2025-18** of the **Municipality of Javier, Leyte**, entitled: **An Ordinance institutionalizing a drug-free workplace in the Local Government Unit of Javier, Leyte and providing sanctions for violation thereof.**



FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

original

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF JAVIER
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Sangguniang Bayan

Sangguniang Panlalawigan
Province of Leyte
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Date: JAN 16 2026
By: [Signature]

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF JAVIER, LEYTE HELD AT THE MUNICIPAL SESSION HALL ON DECEMBER 22, 2025.

Present:

- SB Member Romeo C. Malinao, temporary presiding officer
- SB Member Emma M. Abueva
- SB Member Guilbert M. Lanoy
- SB Member Nora G. Maballo
- SB Member Stephen Mark I. Papalid
- SB Member Michelle O. Moreno
- SB Member Marino C. Merilo
- SB Member Schubert A. Riños
- SK Fed. President Ericka T. Cabangunay
- Liga President Andy L. Dingal

Absent: Mun. Vice-Mayor Mark Christopher T. Javier

ORDINANCE No. 2025-18

Authored by : HON. MARINO C. MERILO

AN ORDINANCE INSTITUTIONALIZING A DRUG-FREE WORKPLACE IN THE LOCAL GOVERNMENT UNIT OF JAVIER, LEYTE AND PROVIDING SANCTIONS FOR VIOLATION THEREOF.

WHEREAS, Article III, Section 36 (d) of Republic Act 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 as contained in the company's work rules and regulations, which shall be borne by the employer, for purposes of reducing the risk in the workplace ;

WHEREAS, the Civil Service Commission (CSC)Memorandum Circular No. 13, Series of 2010 prescribes the conduct of mandatory drug test as a pre-requisite for employment to ensure that only those qualified candidates shall be screened and recruited in the government service ;

WHEREAS, it is in the best interest of the government to create a drug-free workplace since drug abuse problem, if there is any, can have adverse and far reaching effects on the government, like reduced productivity, poor decision making, client relationship mishap and physically dangerous situations ;

WHEREAS, under Section 458, paragraph (a),(1) and (V) of RA 7160, the Sangguniang Bayan has the power and authority to enact ordinances to prevent, suppress and impose appropriate penalties on drug addiction, maintenance of drug dens, drug pushing, and such other activities inimical to the welfare and moral of the inhabitants of the Municipality ;

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WHEREAS, in compliance with Article V of the Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and its implementing Rules and Regulations, hereby adopts the following policies and programs to achieve a drug-free workplace ;

NOW THEREFORE, be it ordained by the Sangguniang Bayan of Javier, Leyte, **THAT** :

SECTION 1. Short Title – This Ordinance shall be known as “A Drug-Free Workplace Ordinance in the Local Government Unit of Javier, Leyte”.

SECTION 2. Coverage – This Ordinance shall be applicable to all public officials, elected or appointed, and employees such as Barangay officials and employees and job order personnel.

SECTION 3. Definition of Terms – For the purpose of this Ordinance, the following terms are defined :

- a) **Confirmatory Test** - shall mean an analytical test using a device, tool or equipment with different chemical or physical principle that is more specific which will validate and confirm the result of the screening test; it refers to the second or further analytical procedure to more accurately determine the presence of dangerous drugs in a specimen.-
- b) **Drug Test** - A technical analysis of a biological specimen, i.e. urine, blood, sweat or oral fluid /saliva, to determine the presence or absence of illegal drugs taken by a person.
- c) **Drug Use** – any act of consuming either by smoking, sniffing, eating, swallowing, or injecting any illegal drugs or substance .
- d) **Employees** – shall include all Municipal and Barangay officials and employees, to include job order personnel.
- e.) **Random Drug Test**- subsection of personnel for drug testing as selected following no specific pattern and without prior notice/information.
- f.) **Refusal** – Physically evading , escaping, refusing or making self unavailable.
- g.) **Screening Test**- shall mean a rapid test performed to establish potential/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.
- h.) **Urine Drug Test** – a kind of drug test using the human urine to examine the presence or absence of certain illegal drugs.

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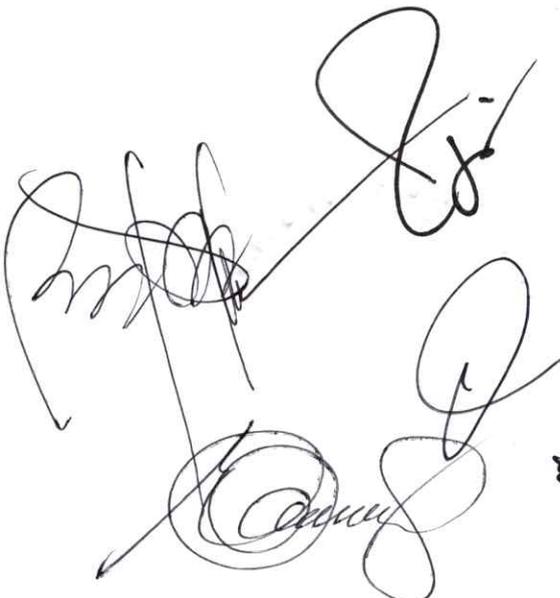
SECTION 4. LGU Policy on drug-free workplace explicitly prohibits the following, to wit :

1. The use, possession, solicitation for, or sale of dangerous drugs on the premises while office hours;
2. Being impaired or under the influence of dangerous drugs away from the office, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the office's reputation ;
3. Possession, use, solicitation for, or sale of dangerous drugs away from the office's premises, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the office's reputation;
4. The presence of any detectable amount of dangerous drugs in the employee's system while at work, while on the premises of the office, or while on official business. "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 of RA 9165.

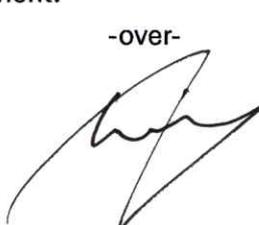
SECTION 5. LGU Policy on program on drug-free workplace, to wit :

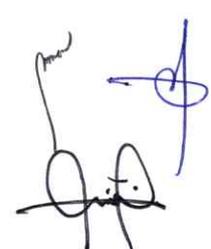
A. MANDATORY DRUG TEST

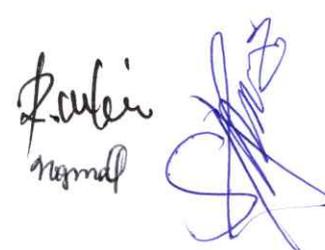
1. To ensure the conduct of mandatory random drug testing shall be required to all municipal officials and employees ;
2. Designates an authorized Drug Testing Center accredited by the Department of Health
3. The LGU may also conduct drug testing under any of the following circumstances :
 - **Random Testing:** Officer/employees may be selected at random for drug testing at any interval determined by the LGU.
 - **For- Cause Testing:** The LGU may ask an officer/employee to submit to a drug test at any time it feels that the employee may be under the influence of drugs, including, but not limited to, the following circumstances: evidence of drugs on or about the employee's person or in the employee's vicinity, unusual conduct on the employee's part that suggests impairment or influence of drugs, negative performance patterns, or excessive and unexplained absenteeism or tardiness.
 - **Post-Accident Testing :** Any officer/employee involved in a "Near-Miss" incident or "Work Accident" under circumstances that suggest possible use or influence of drugs may be asked to submit a drug test. As defined herein, " Near Miss" means an incident arising from or in the course of work which could have led to injuries or fatalities of the workers and/or considerable damage to the employer had it not been curtailed. "Work Accident" refers to unplanned or unexpected occurrence that may or may not result in personal injury, property damage, work stoppage or interference or any combination thereof of which arises out of and in the course of employment.



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4. All drug tests 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. Where the confirmatory test turn positive, the LGU Assessment Team shall evaluate the results and determine the level of care and administrative Team shall evaluate the results and determine the level of care and administrative interventions that can be extended to the concerned employee.
5. The LGU shall inform officer/employee who has subjected to a drug test of the Test-results whether positive or negative.
6. All cost of drug testing shall be borne by the LGU.

B. TREATMENT, REHABILITATION AND REFERRAL

1. An officer/employee who, for the first time, is found positive of drug use, shall be referred for treatment and/or rehabilitation in a DOH accredited center.
2. Following rehabilitation, the LGU's Assessment Team, in consultation with the head of the rehabilitation center, shall evaluate the status of the drug dependent employee and recommend to the employer the resumption of the employee's job if he/she poses no serious danger to his/her co-employees and/or the workplace.
3. All costs for the treatment and rehabilitation of the drug dependent employee shall be charged to is/her account. The period during which the employee is under treatment or rehabilitation shall be considered as authorized leaves.
4. Repeated drug use even after ample opportunity for treatment and rehabilitation shall be dealt with the corresponding penalties under RA 9165 and is ground for dismissal.

C. ADVOCACY, EDUCATION AND TRAINING

1. The LGU undertakes to increase the awareness and education of its officers and employees on the adverse affects of dangerous drugs through continuous advocacy, education and training programs/activities to all its officers and employees.
2. All officers/employees are required to undergo an orientation/education program before assumption of their respective duties. The program, shall include the following topics :
 - Salient features of RA 9165;
 - Adverse affects of abuse and/or misuse of dangerous drugs on the person, workplace, family and the community ;
 - Preventive measures against drug abuse; and
 - Steps to take when intervention is needed, as well as available services for treatment and rehabilitation.

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3. To encourage officers and employees to lead a healthy lifestyle while at work and at home, the LGU undertakes to conduct the following activities as often as possible;

- Lifestyle assessment programs on health nutrition, weight management, stress management, alcohol abuse, smoking cessation, and other indicators of risk diseases;
- Health wellness screenings (e.g. blood pressure and heart rate, cholesterol test, blood glucose, etc.)
- Sports, recreational and fun-game activities; and
- Other activities promoting health and wellness.

D. ROLES, RIGHTS AND RESPONSIBILITIES OF EMPLOYER AND EMPLOYEES

1. The LGU shall ensure that the workplace policies and programs on the prevention and control of dangerous drugs, including drug testing, shall be disseminated to all officers and employees. The employer shall obtain a written acknowledgement from the employees that the policy has been read and understood by them.
2. The LGU shall maintain the confidentiality of all information relating to drug tests or to the identification of drug users in the workplace; exceptions will be made only where required by law, in case of overriding public health and safety concerns; or where such exceptions have been authorized in writing by the person concerned.
3. All officers and employees shall enjoy the right to due process, absence of which will render the referral procedure ineffective.

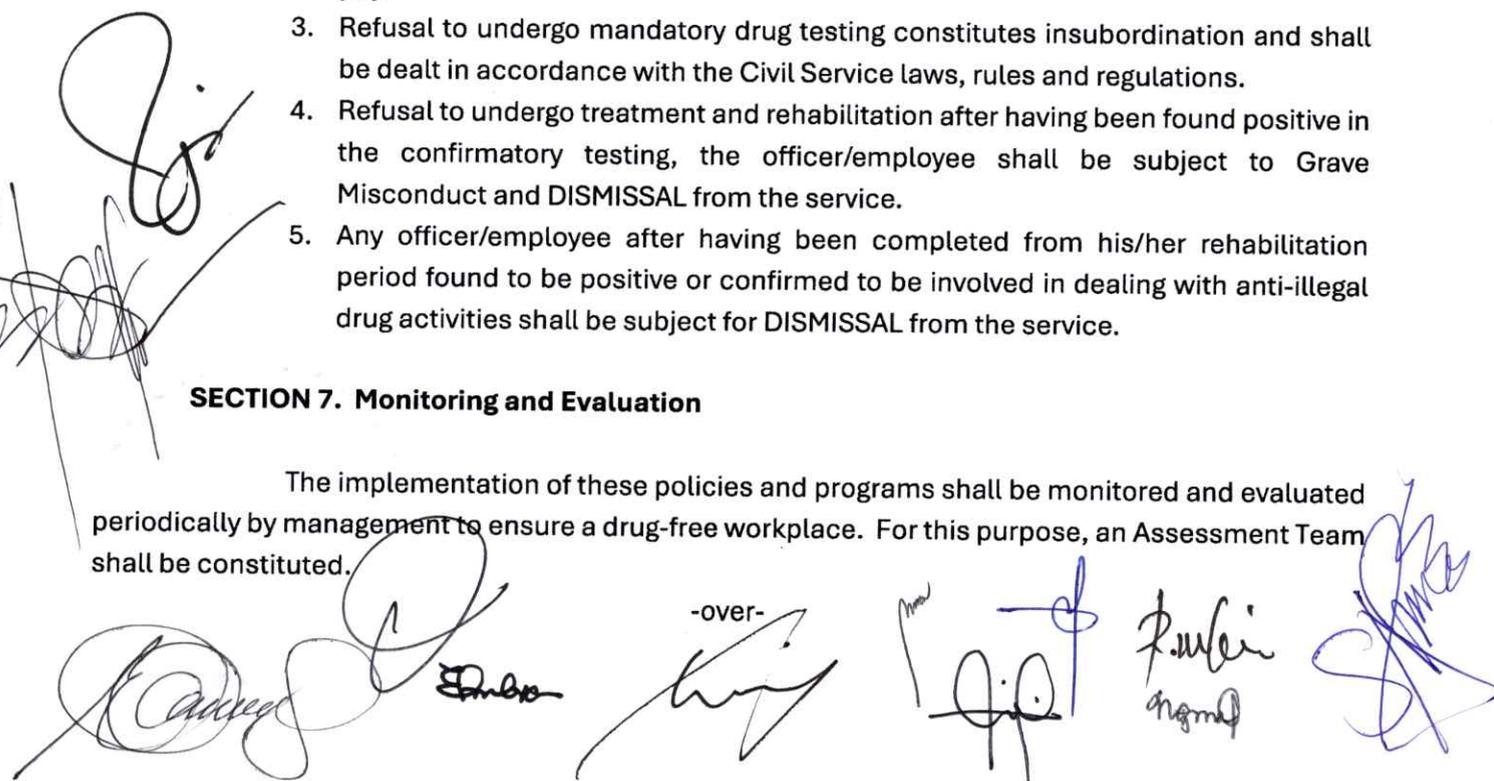
SECTION 6. Consequences and Sanctions for Violations

1. Any officer or employee who uses, possesses, distributes, sells or attempts to sell, tolerates, or transfers dangerous drugs or otherwise commits other unlawful acts as defines under Article II of RA 9165 and its implementing Rules and Regulations shall be subject to the pertinent provisions of the said Act.
2. Any officer or employee found positive for use of dangerous drugs shall be dealt with administratively in accordance with the provisions of Article 282 of BOOK VI of the Labor Code and under RA 9165 and shall be required to undergo mandatory six (6) months treatment and rehabilitation in any of the accredited government rehabilitation center at his/her own expenses and **SUSPENDED** from work without pay.
3. Refusal to undergo mandatory drug testing constitutes insubordination and shall be dealt in accordance with the Civil Service laws, rules and regulations.
4. Refusal to undergo treatment and rehabilitation after having been found positive in the confirmatory testing, the officer/employee shall be subject to Grave Misconduct and **DISMISSAL** from the service.
5. Any officer/employee after having been completed from his/her rehabilitation period found to be positive or confirmed to be involved in dealing with anti-illegal drug activities shall be subject for **DISMISSAL** from the service.

SECTION 7. Monitoring and Evaluation

The implementation of these policies and programs shall be monitored and evaluated periodically by management to ensure a drug-free workplace. For this purpose, an Assessment Team shall be constituted.

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SECTION 8. Funding – The cost of the drug testing for the Municipal Officials and employees shall be funded by the Municipal Government of Javier, Leyte and shall form part of the annual budgetary appropriation. The barangay drug testing for the Barangay officials, employees and job order personnel shall be shouldered solely by the LGU-Barangay and must be part also of their budgetary appropriation.

SECTION 9. Separability Clause- If any part of this Ordinance is declared not valid, unconstitutional or unlawful, such declaration shall not affect or impair the remaining provisions, sections or parts thereof, which 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 its publication in a newspaper of general circulation and 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) conspicuously places in the Municipality of Javier, Leyte, not later than five (5) days after approval hereof.

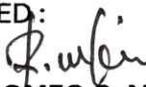
APPROVED UNANIMOUSLY :

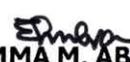
DECEMBER 22, 2025

CERTIFIED CORRECT:

ERVON DANIEL B. LAJARA
SB Secretary

ATTESTED :


HON. ROMEO C. MALINAO
SB Member
Temporary Presiding Officer

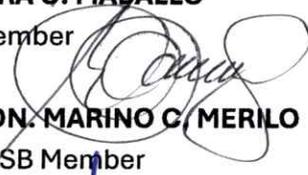

HON. EMMA M. ABUEVA
SB Member

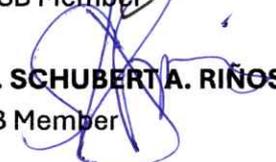

HON. GUILBERT M. LANOY
SB Member


HON. NORA G. MABALLOS
SB Member


HON. STEPHEN MARK I. PAPALID
SB Member


HON. MICHELLE O. MORENO
SB Member


HON. MARINO C. MERILO
SB Member


HON. SCHUBERT A. RINOS
SB Member


HON. ERICKA T. CABANGUNAY
SK Fed. President


HON. ANDY L. DINGAL
Liga President

APPROVED :


HON. MICHAEL DRAGON T. JAVIER
Municipal Mayor

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF JAVIER

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Sangguniang Bayan

January 14, 2026

CERTIFICATION

TO WHOM IT MAY CONCERN :

THIS IS TO CERTIFY that **ORDINANCE NO. 2025-18, "AN ORDINANCE INSTITUTIONALIZING A DRUG-FREE WORKPLACE IN THE LOCAL GOVERNMENT UNIT OF JAVIER, LEYTE AND PROVIDING SANCTIONS FOR VIOLATION THEREOF"** is posted in the entrance of the Municipal Hall and two (2) conspicuous places in the Municipality since January 14, 2026 and shall remain posted for three (3) consecutive weeks,

By the authority of the Sangguniang Bayan :

ERVON DANIEL B. LAJARA
SB Secretary