Item No._____
For 2nd Reading
35th Regular Session
MARCH 31, 2025
Tandag City

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ORDINANCE NO. _____

AN ORDINANCE INSTITUTIONALIZING A DRUG-FREE WORKPLACE POLICY IN THE PROVINCE OF SURIGAO DEL SUR AND APPROPRIATING FUNDS FOR THE IMPLEMENTATION THEREOF

SPONSORS:

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MOVANT:

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SECONDERS:

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WHEREAS, Section 16, Article II of the 1987 Philippine Constitution mandates that "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature";

WHEREAS, Republic Act No. 9165, otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*, mandates the adoption of measures to prevent and control drug abuse in both public and private sectors;

WHEREAS, the Civil Service Commission (CSC) promotes a drug-free workplace as part of maintaining integrity, efficiency and professionalism in public service;

WHEREAS, the Dangerous Drug Board (DDB) issued Board Regulation No. 13, Series of 2018, mandating the establishment and institutionalization of Drug-Free Workplace Policies in all government offices including the conduct of authorized drug testing for elective and appointive public officials;

WHEREAS, the Provincial Government of Surigao del Sur recognizes its vital role in promoting public accountability, employees wellness and organizational integrity through preventive and corrective anti-drug interventions;

WHEREAS, the use of dangerous drugs adversely affects the performance, productivity, and well-being of government officials and employees and compromises public trust in government institutions;

3/23/25

WHEREAS, district offices and facilities in the component cities and municipalities of the Province require a safe, secure and drug-free environment to ensure effective delivery of public services;

WHEREAS, the Provincial Anti-Drug Abuse Council, as the policy-making and coordinating body on anti-illegal drugs level is mandated to initiate and support programs that institutionalize drug prevention mechanism within government institutions;

WHEREAS, there is a need to institutionalize policies and programs that will prevent drug abuse, provide mechanisms for detection, and ensure appropriate intervention and rehabilitation consistent with law;

WHEREAS, in view of the foregoing;

NOW THEREFORE

BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF SURIGAO DEL SUR IN A SESSION ASSEMBLED:

SECTION 1. TITLE. This Ordinance shall be known as the **"Drug-Free Workplace Ordinance of Surigao del Sur."**

SECTION 2. DECLARATION OF POLICY. It is hereby declared the policy of the Provincial Government of Surigao del Sur to maintain a drug-free workplace and promote the health, safety, and well-being of its officials and employees and to all Local Government Unit (LGUs) within the province. The Province shall adopt a comprehensive and integrated approach consistent with RA 9165, CSC MC No. 13, s. 2017, and related issuances.

~~Directs~~All LGUs ~~to~~ shall adopt and implement ~~the~~ a Drug-Free Workplace Policy, which shall include, but not limited to, the conduct of continuous substance abuse awareness, education and prevention programs.

SECTION 3. OBJECTIVES. This Ordinance aims to:

a. ensure a drug-free workplace in all Provincial and LGUs offices;

b. promote awareness and prevention of drug abuse;

c. establish a system for drug testing and compliance;

d. provide intervention, treatment, and rehabilitation mechanisms; and

e. uphold professionalism and efficiency in public service.

SECTION 4. COVERAGE. This Ordinance shall apply to all elective and appointive officials, employees (permanent, temporary, casual, contractual), job order personnel, consultants, volunteers, and applicants for employment within the Provincial Government and to its component cities and municipalities under its jurisdictions in accordance with RA 9165, CSC MC No. 13, s. 2017 and DDB Board Regulation No. 13, Series of 2018.

The Provincial, City/Municipal Human Resource Management Office in coordination with relevant agencies such as Department of Health (DOH), Department of the Interior and Local Government (DILG), Dangerous Drugs Board (DDB) and other concerned agencies ~~to~~ shall provide technical assistance, policy guidelines and capacity – building support in the effective implementation of the Drug-Free Workplace policy.

The Local Chief Executives of Local Government Units shall ensure that this Ordinance shall be properly disseminated to all offices of the ~~local government unit~~. respective areas of jurisdiction.

SECTION 5. DEFINITION OF TERMS

a. **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");

b. **Drug-Free Workplace** – an environment free from drug use, possession, or influence;

c. **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;

d. **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;

e. **Confirmatory Drug 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;

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;

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 Drug Testing** – compulsory submission of a public officer or prospective employee to drug testing as mandated by this Ordinance.

i. **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; and

j. **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.

k. Substance Use Disorder –

SECTION 6. PROHIBITED ACTS. The following are prohibited:

a. Use of dangerous drugs;
b. Possession of dangerous drugs or paraphernalia;
c. Reporting for work under the influence of drugs; and
d. Any act encouraging or tolerating drug use within the workplace.

SECTION 7. 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:

Provincial/City/Municipal

a. Local Chief Executive or Representative;

HR?

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. Action/Focal Person, Provincial/City/Municipal Anti – Drug Abuse Council.

SECTION 8. 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 9. DRUG TESTING PROGRAM. The Provincial Government and all LGUs in the Province shall implement a drug testing program consistent with RA 9165, DOH, and CSC rules, including:

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; and

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 10. 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 activity. Information relating to frequency and dates relating to drug testing shall be treated with utmost confidentiality.

b. The city or municipality ~~and~~ shall shoulder the conduct of drug testing for barangay personnel and/or the barangay shall allocate funds for the conduct of its drug testing;

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; and

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 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. PREVENTION AND EDUCATION. The Provincial Government and its component LGUs shall conduct continuing education and advocacy programs on drug prevention and promote a culture of wellness and integrity in the workplace.

SECTION 13. INTERVENTION AND REHABILITATION. Employees who test positive shall undergo confirmatory testing and/if confirmed, shall be referred to appropriate treatment and rehabilitation programs, without prejudice to administrative and criminal liabilities.

SECTION 14. ADMINISTRATIVE SANCTIONS. Violations of this Ordinance shall be dealt with in accordance with CSC rules and applicable laws, ensuring due process, as follows:

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 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; and

d. 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 15. CONFIDENTIALITY. All drug testing records shall be strictly confidential and handled in accordance with applicable laws, including data privacy regulations.

SECTION 16. FUNDING. Funds necessary for the implementation of this Ordinance shall be included in their respective Annual Budget.

SECTION 17. IMPLEMENTING RULES AND REGULATIONS. Within sixty (60) days from effectivity, the Drug-Free Workplace Committee shall formulate the IRR consistent with national laws and policies.

SECTION 18. Separability Clause. If any provision or part of this act is declared invalid or unconstitutional, the remaining parts or provisions no affected thereby shall remain in full force effect.

SECTION 19. Applicability Clause. All matters relating to this Ordinance not otherwise provided herein shall be governed by pertinent provisions, existing laws, rules and regulations ordinances, and resolutions.

SECTION 20. Repealing Clause. All provincial ordinances, implementing rules and regulations, and executive orders, or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed and/or modified accordingly.

SECTION 21. Effectivity Clause. This Ordinance shall take effect upon compliance of the mandatory posting and publication requirements prescribed under Republic Act No. 7160, otherwise known as the "Local Government Code of 1991" and shall take effect fifteen (15) days after completion of its publication in at least two (2) newspapers of local circulation with its jurisdiction and posting in a least three conspicuous places in the Province of Surigao del Sur.

ENACTED by the 21st Sangguniang Panlalawigan of Surigao del Sur on this 31st day of March, 2026 at the City of Tandag, Province of Surigao del Sur by unanimous votes of all Sangguniang Panlalawigan Members present.