



Republic of the Philippines  
PROVINCE OF BATANES  
BASCO

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

U.P. LAW CENTER  
OFFICE of the NATIONAL ADMINISTRATIVE REGISTER  
Administrative Rules and Regulations

REGISTERED  
SEP 28 2023  
ONAR Registration No. 23-0962  
TIME: 2:00 BY: [Signature]

ORDINANCE NO. 403  
Series of 2023

Sponsored by: The Joint Committees on Health and Peace & Order

**AN ORDINANCE INSTITUTIONALIZING A DRUG - FREE WORKPLACE IN THE PROVINCIAL GOVERNMENT OF BATANES AND PROVIDING SANCTIONS FOR VIOLATIONS THEREOF**

**WHEREAS**, Department of the Interior and Local Government (DILG) Memorandum Circular No. 2018-213 mandates the implementation of Dangerous Drugs Board Regulation No. 13-2018 which provides for the Establishment and Institutionalization of Drug-Free Workplace Policies in all Government Offices including the Conduct of Authorized Drug Testing for Elective Local Officials and Appointive Public Officers and for Other Purposes;

**WHEREAS**, Civil Service Commission Memorandum Circular No. 13 series of 2010 provides for the Guidelines for the Drug-Free Workplace in the Bureaucracy, pursuant to the mandates of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002;

**WHEREAS**, Executive Order No. 66 issued by President Rodrigo Roa Duterte mandates the Institutionalization of the Philippine Anti-Illegal Drugs Strategy; and

**WHEREAS**, the Provincial Government of Batanes fully supports the thrust of the President of the Republic of the Philippines, President Rodrigo Roa Duterte in ensuring a drug-free environment and workplace in the government.

**NOW THEREFORE:**

**BE IT ORDAINED**, by the Sangguniang Panlalawigan of Batanes, in regular session assembled, that:

**SECTION 1. SHORT TITLE.** This Ordinance shall be known as "**PGB DRUG-FREE WORKPLACE ORDINANCE OF 2023**".

**SECTION 2. OBJECTIVES.** This Ordinance aims to promote the establishment and institutionalization of drug-free workplace policies in the Provincial Government of Batanes and ensure that all employees both elective and appointive remain drug free to ensure the public of effective and efficient service from the provincial government free from the ill-effects of drug use in the workplace.

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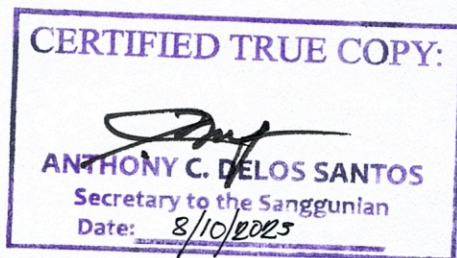
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Secretary to the Sanggunian  
Date: 8/10/2023

Further, it aims to ensure that only those qualified shall be screened and recruited to prevent the detrimental effects (e.g. lower productivity, poor decision making, increased accidents, more compensation claims and reduced team effort) which drug use and abuse may cause in the workplace. The conduct of mandatory drug use shall be required for pre-employment and continuous employment.

**SECTION 3. COVERAGE.** This Ordinance shall cover all employees of the Provincial Government of Batanes including elective officials.


**SECTION 4. DEFINITION OF TERMS.** For purposes of this Ordinance, the following terms shall mean:

1. **Authorized Drug Testing** – is the testing done by drug testing laboratories accredited by the Department of Health (DOH). It 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 confirm positive screening.
2. **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.
3. **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 long period enough to threaten the quality of life or health and safety of the user or others.
4. **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.
5. **Contract of Service/ Job Order** – refers to employment by a contract pertaining to lump sum work or services or consultancy where no employer-employee relationship exists, a piece of work or intermittent job of short duration not exceeding six (6) months on a daily basis, all of which are not covered by Civil Service Law, rules and regulations, but covered by Commission on Audit rules.
6. **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 Act of 2002, as amended (the "Act").



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7. **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.
8. **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.
9. **Experimenter** – a person whose drug use began through exploration with limited exposure and no development of regular use or any related harm.
10. **Mandatory Drug Testing** – compulsory submission of a public officer or prospective employee to drug testing as mandated by this Ordinance.
11. **Occasional User** – a person who indulges in drug use to create or enhance experience in any social setting.
12. **Public Officials and Employees** – include any person holding or performing a public function in the Sanggunian, Executive and Administrative offices in the provincial government, regardless of status of employment or engagement.
13. **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.
14. **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.
15. **Substance Use Disorder (SUD)** – is a term used which combines categories of substance use, abuse and dependence into a single disorder measured on a continuum from mild to severe. Each specific substance is addressed as a separate disorder and is diagnosed based on the same overarching eleven (11) behavioral criteria. Clinicians can also add "in early remission", "in sustained remission", "on maintenance therapy" and "in controlled environment" in describing their diagnosis.


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**SECTION 5. RESPONSIBILITY OF THE PROVINCIAL GOVERNMENT UNDER THE DRUG-FREE WORKPLACE POLICY.** The provincial government shall be primarily responsible in maintaining all its workplace drug-free particularly:

1. The Provincial Governor through the Provincial Health Office and the Human Resource and Management Office (HRMO) shall ensure the adoption and implementation of a continuing and sustainable substance abuse awareness and prevention program and inform all officials and employees about the following:
  - 1.1 The Drug-Free Workplace Policy of the Provincial Government and distribution of copies thereof to each employee;
  - 1.2 The medical and social risks associated with drug use;
  - 1.3 The administrative and criminal sanctions with respect to drug use and violations of RA 9165 and other related laws and issuances; and
  - 1.4 The availability of Employee Assistance Program
2. The Drug-Free Workplace Policy shall provide for the responsibilities of the Provincial Government of Batanes which are as follows:
  - 2.1 Maintain a drug-free workplace;
  - 2.2 Conduct of substance abuse awareness and prevention programs;
  - 2.3 Conduct of mandatory and random drug testing; and
  - 2.4 Ensure adequate funding for the implementation of the Drug-Free Workplace Policy.
3. The Provincial Governor through the appropriate departments shall ensure the creation of a Drug-Free Workplace Committee composed of members of the management, rank and file employees and employees' union. The Committee may also ask assistance from the Philippine National Police (PNP) and the Philippine Drug Enforcement Agency (PDEA). The Committee shall assist the Provincial Governor in implementing the provisions of this Ordinance.
4. The Committee shall create an Assessment Team composed of personnel with education and training backgrounds on medicine, psychology, social work, and human resource and administration. The Team shall assist in the conduct of substance abuse awareness and prevention programs. The Provincial Government of Batanes shall ensure the members of the Team undergo regular training.

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5. The Provincial Governor shall ensure the creation of a sustainable Employee Assistance Program (EAP) which shall provide resources for and /or referrals to medical interventions for public officers requiring the same mandated under existing regulations. The Assessment Team shall be actively involved in the implementation of the Employee Assistance Program.

**SECTION 6. PRE-EMPLOYMENT DRUG TESTING.** Mandatory drug testing shall remain a requirement for initial entry to government service. Any applicant found positive for drug use shall be denied entry to government service.

**SECTION 7. MANDATORY RANDOM DRUG TESTING FOR CONTINUOUS EMPLOYMENT.** Incumbent public officials and employees shall be subjected to a mandatory random drug testing as a condition for retention in service within six months from the effectivity of the guidelines. Subsequently, the provincial government must conduct periodic drug testing in an interval not to exceed two years.

An employee who does not subject himself/herself to mandatory random drug testing during a scheduled drug testing or random drug testing activity should explain in writing why she/he failed to do so.

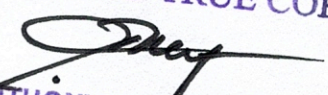
**SECTION 8. GUIDELINES IN THE CONDUCT OF AUTHORIZED DRUG TESTING IN THE DIFFERENT OFFICES OF THE PROVINCIAL GOVERNMENT OF BATANES**

1. The Drug-Free Workplace Policy of the Provincial Government of Batanes shall include the conduct of authorized drug testing, the purpose of which is to prevent the entry of dangerous drugs in government offices and use of dangerous drugs among personnel thereof. The frequency of such testing which shall be mandatory shall take into consideration, among others, the number of public officers, nature or work being discharged, funding and other logistics.

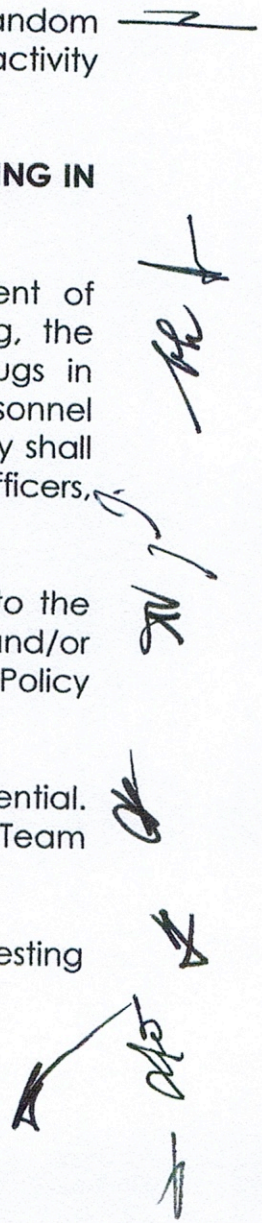
Contract of Service or Job Order employees shall be subject to the conduct of mandatory drug testing for continuous employment and/or renewal, which shall also be reflected in the Drug-Free Workplace Policy of the Provincial Government of Batanes.

All results of authorized drug testing activities shall be strictly confidential. Only the Provincial Governor and the members of the Assessment Team shall have access to such results.

2. Authorized drug testing shall be conducted only by a drug testing laboratory accredited by the Department of Health (DOH).
3. In case of a negative drug test result, no further action is needed.

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4. A positive drug test result from a confirmatory test shall immediately be known to the Provincial Governor who shall notify the public officer/employee concerned. The public officer/employee shall have sixty (60) 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/employee.

**SECTION 9. EMPLOYEE ASSISTANCE PROGRAM.** A public officer, prior to the conduct of the authorized drug testing may seek proper intervention in coordination with the Employee Assistance Program, which shall provide referrals and additional services to the public officer/employee concerned. A drug dependency examination shall be conducted in order to determine the level of Substance Use Disorder (SUD) and the allocable intervention.

**SECTION 10. INTERVENTIONS.**

1. Public Officials and employees who are found positive of dangerous drugs at the first instance after the challenge test, or after positive drug test result a confirmatory test should the concerned public official or employee fail to challenge said result, shall undergo a Drug Dependency Examination conducted by the DOH or by any medical practitioner accredited by the DOH to conduct said examination and shall be subjected to the following treatment and rehabilitation program:
  - a. Experimenter – Outpatient, guidance counselling for six (6) months;
  - b. Occasional User – Outpatient, guidance counselling and regular monthly drug testing for six (6) months which shall be at the personal expense of public official or employee concerned; and
  - c. Chronic User/Drug Dependent – Mandatory continuous treatment and rehabilitation for a minimum period of six (6) months in a government rehabilitation center, or through a community rehabilitation program sanctioned under the rules of the Dangerous Drugs Board.
2. A public official or employee found to be an Experimenter shall shoulder the expense of his/her 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 counseling and regular monthly drug testing, if done during office hour, shall be charged against public official or employee's leave credits. For this purpose, the public official or employee's leave credits shall be utilized and when exhausted, vacation leave credits may be utilized for the purpose. If all leave credits are used, absence shall be leave without pay.

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

3. Any public official or employee found to be a 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 months shall be considered on 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 credits may be utilized for the purpose. If all leave credits are used, his/her absence shall be on leave without pay.

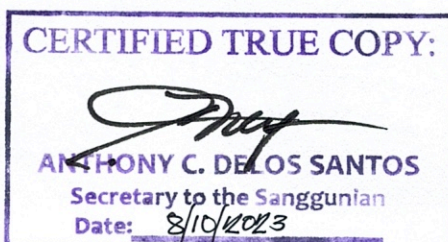
The public official or employee shall undertake the processing of his admission to a rehabilitation center in accordance with the provisions of R.A. No. 9165 and existing rules of the Dangerous Drugs Board.

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

The public official or employee shall secure a certificate of completion of his/her rehabilitation program and clearance from his/her attending physician that he/she has been successfully rehabilitated and is now fit to return to work. Said public official or employee shall not be allowed to report back to work without first submitting said certification and clearance to the Provincial Human Resource Management Office.

#### SECTION 11. ADMINISTRATIVE LIABILITY

1. Public officials 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 chronic/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.



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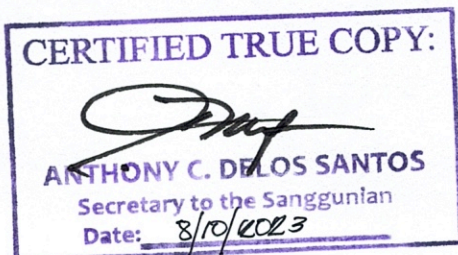
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The charge of Grave Misconduct shall be grounded on the fact that said public official or employee was tested positive of drug use and not his/her refusal to undergo or failure to complete his/her treatment.

4. Any public official or employee, who refuses, without any valid reason, to submit himself/herself for drug testing, shall be charged with the administrative offense of Gross Insubordination.
5. Public officials and employees who for the second time have tested positive in a random drug test after completion of his/her treatment and/or rehabilitation program shall be found to have use dangerous drugs during the prescribed period of intervention or rehabilitation, shall be charged with the administrative offense of Grave Misconduct.
6. Any public official or employee found to have tampered the result of a drug test or interfered in the conduct of the drug test or in the release of the drug results shall be charged with the administrative offense of Grave Misconduct.
7. Officials and employees caught using or peddling drugs shall be charged with the administrative offense of Grave Misconduct, without prejudice to the filing of appropriate criminal charge/s under R.A. No. 9165 and other pertinent laws.

**SECTION 12. SUBMISSION OF DRUG-FREE WORKPLACE PROGRAMS AND REPORTS.**

1. The Assessment Team through the Provincial Governor shall submit their respective drug-free workplace programs and reports to the Dangerous Drugs Board (DDB) and the Department of the Interior and Local Government (DILG) which shall include but are not limited to, the following:
  - 1.1 Number of officials and employees subjected to drug testing;
  - 1.2 Officials and/or employees found positive for drug use;
  - 1.3 Action undertaken by the Committee on those found positive for drug use; and
  - 1.4 Reports under the Employee Assistance Program (EAP).
2. The Provincial Health Office (PHO) in coordination with the Department of Health (DOH) shall conduct trainings leading to the accreditation of government physicians, which shall authorize them to conduct drug dependency examination.
3. The Provincial Governor through the HRMO shall cause the widest dissemination of this Ordinance and other related laws and issuances to the different departments of the Provincial Government of Batanes.



**SECTION 13. CONFIDENTIALITY.** Any person who, having official custody or access to all data and information relative to the conduct of the authorized drug testing, or anyone who, having gained possession of such data and information reveals their content to any person not authorized to have access thereto, shall be prosecuted for violation of Section 32. Article II of the RA 9165.

**SECTION 14. ADVOCACY, EDUCATION AND TRAINING**

1. To increase awareness on the harmful effects and dangers of drug use and abuse in the workplace agencies shall be responsible for conducting advocacy, education and training programs activities to all the officials and employees.

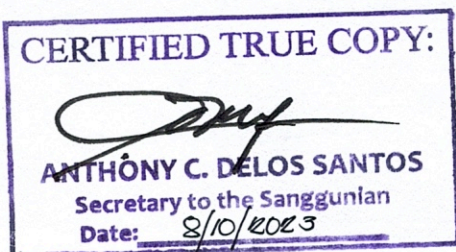
The orientation-education program may include among others the following topics

- 1.1 Salient features of RA 9165 and its implementing Rules and Regulations (IRR).
  - 1.2 Adverse effects of abuse and/or misuse of dangerous drugs on the person, workplace, family and the community.
  - 1.3 Preventive measure against drug abuse, and
  - 1.4 Steps to take when intervention is needed as well as its available services for treatment and rehabilitation.
2. Offices are also enjoined to display or post positive messages about the importance of being drug-free such as "THIS IS A DRUG-FREE WORKPLACE: LET'S KEEP IT THIS WAY".
  3. The HRMO in coordination with the Philippine Drug Enforcement Agency (PDEA) shall spearhead the annual conduct of information, education and campaign against illegal drugs through distribution of informative materials, seminars and training.

**SECTION 15. FUNDING.** The implementation and maintenance of the regulations and provisions of this Ordinance shall be charged to the Local Peace and Order fund of the Provincial Government of Batanes and/or from the allocated budget for employee health and wellness.

**SECTION 16. REPEALING CLAUSE.** Ordinances and other local legislations inconsistent with this Ordinance or parts thereof are hereby modified or repealed accordingly.

**SECTION 17. EFFECTIVITY CLAUSE.** This Ordinance shall take effect after three (3) consecutive weeks of continuous posting in the bulletin board at the provincial capitol and in all the municipal halls in the province.



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**ENACTED** this 7<sup>th</sup> day of August 2023 on motion of Honorable Roel E. Nicolas duly seconded by Honorable Juliet P. Cataluña, Honorable Norman James E. Enego, and Honorable Francisco Castillo.

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**Voting on the foregoing Ordinance are as follows:**

**Ayes:** SP Members Nicolas, Viola, Redondo, Cataluña, Cabitac, Hidalgo, Castillo, Cobico, and Enego


**Nays:** None

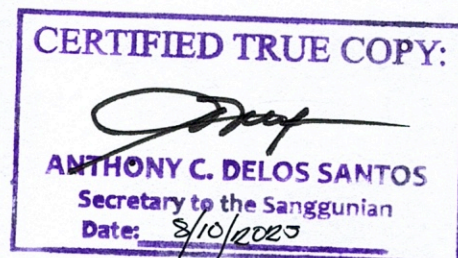
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I hereby certify that the foregoing is a true and accurate copy of the Ordinance which was duly enacted by the 11<sup>th</sup> Sangguniang Panlalawigan of Batanes during their 57<sup>th</sup> Regular Session held on August 07, 2023.


  
**ANTHONY C. DE LOS SANTOS**  
Secretary to the SP


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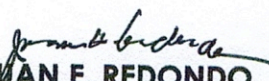
  
**FRANCIS BYRON D. PERALTA**  
SP Member  
Temporary Presiding Officer



CONCURRED IN:

  
**ROEL E. NICOLAS**  
SP Member

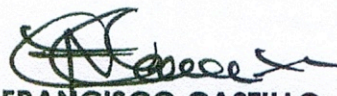
  
**ANASTACIA B. VIOLA**  
SP Member

  
**JUAN E. REDONDO**  
SP Member


  
**JULIET P. CATALUÑA**  
SP Member

  
**WILFREDO B. CABITAC**  
SP Member

  
**VICENTA V. HIDALGO**  
IPM Representative

  
**FRANCISCO CASTILLO**  
PCL Provincial Fed.  
President

  
**BENIGNO B. COBICO**  
Provincial InB President

  
**NORMAN JAMES E. ENEGO**  
SKP Federation President

APPROVED:

  
**IGNACIO C. VILLA**  
Acting Provincial Governor

Date: 8-9-23

