



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
20th City Council

PO20CC-117

14th Regular Session

ORDINANCE NO. SP- **2539**, S-2016

AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY TO ADHERE TO A "DRUG-FREE QUEZON CITY", PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

Introduced by Councilors GIAN CARLO G. SOTTO and GODOFREDO T. LIBAN II.

Co-Introduced by Councilors Anthony Peter D. Crisologo, Alexis R. Herrera, Ranulfo Z. Ludovica, Allan Benedict S. Reyes, Kate Abigail G. Coseteng, Franz S. Pumaren, Raquel S. Malañgen, Irene R. Belmonte, Ivy Xenia L. Lagman, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Diorella Maria G. Sotto, Donato C. Matias and Ricardo B. Corpuz.

WHEREAS, Section 16 of Republic Act no. 7160, otherwise known as the Local Government Code of 1991, provides that Local Government Units (LGUs) shall pursue undertaking to improve public morals and maintain peace and order among other equally significant concerns;

WHEREAS, under Section 458, paragraph (a) (1) (V) of the same Code, the Sangguniang Panlungsod has the power and authority to enact ordinance to prevent, suppress and impose appropriate penalties for xxx drug addiction, maintenance of drug dens, drug pushing, and such other activities inimical to the welfare and moral of the inhabitants of the city;

WHEREAS, pursuant to Department of the Interior and Local Government (DILG) Memorandum Circular No. 2009-09, an emphasis as to the primary responsibilities of the local authorities in support of overall government efforts to address illegal drugs and other substances was made; ✓

QUEZON CITY PUBLIC LIBRARY

LAW RESEARCH

WHEREAS, pursuant to the declaration of policy under Article 3, Rule 1 of Rules and Regulations Implementing the Comprehensive Anti-Drug Abuse and Rehabilitation Program and under Ordinance No. SP-1264, Series of 2003, it is the policy of the City Government to promote and protect the welfare and well being of the residents of the city against the deleterious effects of dangerous drugs;

WHEREAS, consistent with said policy, the Quezon City Government is also mandated to prepare plans and programs to deter the use of dangerous drugs in the business establishments within the territorial jurisdiction of Quezon City.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE - This Ordinance shall be known as the Quezon City Business Establishment Drug-Free Ordinance of 2016.

SECTION 2. PURPOSE and SCOPE - The primary purpose of this Ordinance is to ensure the maintenance of a safe and healthy environment free from the use of dangerous drugs and free from other related activities as proscribed by Republic No. 9165, otherwise known as the Dangerous Drugs Act of 2002.

SECTION 3. COVERAGE

3.A. Covered Establishments. This Ordinance shall cover KTV Bars, Night Clubs, Super Clubs, Spa, Massage Parlors, Disco House, Bars and Restaurants.

3.B. Other Covered Establishments. This Ordinance shall cover also business establishments within the territorial jurisdiction of Quezon City employing ten (10) or more employees or workers.

SECTION 4. ADVOCACY, EDUCATION and TRAINING - Employers shall be responsible for increasing awareness and education of their employees and clientele on the adverse effects of dangerous drugs as well as the monitoring of employees and clientele susceptible to drug use.

[Handwritten signatures and initials]

4.A. Employers are enjoined to display a billboard or streamer in conspicuous places in the workplace with standard message "THIS IS A DRUG-FREE ESTABLISHMENT" or such other message of similar import.

4.B. In the context of their Corporate Social Responsibility Programs, employers are encouraged to extend drug abuse prevention advocacy and training to their workers' families and their respective communities.

SECTION 5. DRUG TESTING PROGRAM FOR OFFICERS AND EMPLOYEES – Employers shall require their officers and employees to undergo a random drug test in accordance with the company's work rules and regulations for purposes of reducing the risk in the workplace. Strict confidentiality shall be observed with regard to screening and the screening results.

5.A. Drug testing shall conform with the procedures as prescribed by the Department of Health (DOH). Only drug testing centers accredited by the DOH shall be utilized.

5. B. Drug testing shall consist of the screening test and the confirmatory test, the latter to be carried out should the screening test turn positive. The employee concerned must be informed of the test results whether positive or negative.

5.C. Where the confirmatory test turns positive, the business establishment concerned shall refer the said confirmatory test result to the DOH accredited center for evaluation and determination of the level of care and administrative interventions that can be extended to the concerned officer/s or employee/s.

5.D. A drug test shall be valid for one (1) year. However, additional drug testing may be required as may deem necessary. All cost shall be borne by the employer. X

QUEZON CITY PUBLIC LIBRARY

LAW RESEARCH

SECTION 6. TREATMENT, REHABILITATION AND REFERRAL -
The drug prevention and control program shall include treatment, rehabilitation and referral procedure to be provided by the business establishment. It shall also include a provision for employee assistance and counseling programs for emotionally-stressed employees.

6.A. The business establishment shall determine whether or not an officer or employee found positive for drugs would need referral for treatment and/or rehabilitation in a DOH accredited center.

6.B. This option is given only to officers and employees who are diagnosed with drug dependence for the first time, or who turn to the business establishment concerned for assistance, or who would benefit from the treatment and rehabilitation.

SECTION 7. RESPONSIBILITIES - *The following are the responsibilities of the Business Establishments Owners, Quezon City Police District (QCPD) and Quezon City Anti-Drug Abuse Advisory Council (QCADAAC), to wit:*

7.A. Business Establishment Owners

- i. The employer shall ensure that the workplace policies and programs, on the prevention and control of dangerous drugs, including drugs testing, shall be disseminated to all officers and employees. The employer shall obtain in written acknowledgment from the employees that the policy has been read and understood by them;*
- ii. The employer shall maintain the confidentiality of all information relating to drug test or to the identification of drug users in the workplace. Exceptions may 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;*

- iii. *The business establishment shall provide preventive mechanisms to its clientele to ensure that no prohibited dangerous drugs shall be brought and/or use in their place of business. Preventive mechanisms shall include but not be limited to frisking, body search and bag inspection;*
- iv. *The business establishment owners in confidence shall inform the Quezon City Anti-Drug Advisory Council (QCADAAC) should any of its officer/s or employee/s be found positive with the confirmatory test;*
- v. *All business establishment are hereby mandated to formulate policies in accordance with the provisions of R.A. No. 9165, otherwise known as the Comprehensive Dangerous Drug Act of 2002, in the event that its officer/s or employee/s are found positive after confirmatory test;*
- vi. *To attain the objectives of this Ordinance, the business establishment concerned shall allow the Quezon City Police District (QCPD) to enter their respective business workplaces for surveillance purpose and intervention operations; and*
- vii. *Shall immediately report to the Quezon City Police District (QCPD) and Quezon City Anti-Drug Abuse Advisory Council (QCADAAC) the illegal drug trade and/or of prohibited drug in their place of business for appropriate action.*

7.B. Quezon City Police District (QCDP)

- i. *In the event of intervention operations, the QCPD is hereby tasked to inform the Quezon City Anti-Drug Advisory Council (QCADAAC) immediately after the said operations; and*

QUEZON CITY PUBLIC LINKAGE
LAW RESEARCH

[Handwritten signatures and initials]

- ii. Shall submit to the Quezon City Anti-Drug and Advisory Council (QCADAAC) post intervention operations report.

7.C. Quezon City Anti-Drug Abuse Advisory Council (QCADAAC):

- i. Subject to its existing rules and regulations, shall facilitate intervention and rehabilitation program for those who found positive for illegal drug use;
- ii. Shall coordinate with the Business Establishment Owners for the formulation of policies in the event that its officer/s or employee/s are found positive after confirmatory tests; and
- iii. Shall coordinate with Quezon City Police District (QCPD) in its intervention operations.

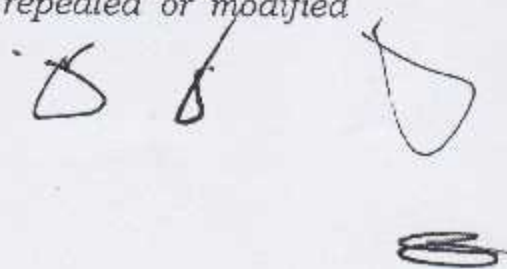
SECTION 8. PENALTIES – A fine not exceeding Five Thousand Pesos (P5,000.00) and revocation or cancellation of the establishment's business permit shall be imposed on any establishment found in violation of this Ordinance.

SECTION 9. IMPLEMENTING RULES AND REGULATIONS – The Quezon City Anti-Drug Advisory Council (QCADAAC) and the Business Permit and Licensing Office (BPLO), in coordination with the Quezon City Police District (QCPD), within sixty (60) days after the effectivity of this Ordinance, formulate the necessary rules and regulations for its effective implementation.

SECTION 10. SEPARABILITY CLAUSE – If, for any reasons, any part or provisions of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall be in full force and effect.

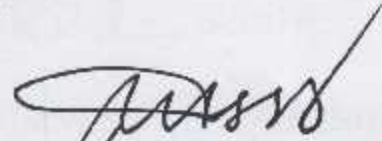
SECTION 11. REPEALING CLAUSE – All Ordinances, Resolutions, Executive Orders, Memorandum Circulars and Administrative Orders or parts thereof which are inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly. y

QUEZON CITY PUBLIC LIBRARY
LAW RESEARCH



SECTION 12. EFFECTIVITY - This Ordinance shall take effect immediately upon its approval.

ENACTED: November 14, 2016.



RODERICK M. PAULATE
President Pro-Tempore
Acting Presiding Officer

ATTESTED:


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 21 DEC 2016



HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on November 14, 2016 and was PASSED on Third/Final Reading November 28, 2016.

WELZUN CITY PUBLIC LIBRARY
LAW RESEARCH


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III