Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
19th City Council

PO19CC-492

81st Regular Session

ORDINANCE NO. SP-2460, S-2015

AN ORDINANCE IMPLEMENTING THE DRUG-FREE WORKPLACE PROGRAM, MANDATING THE CONDUCT OF AUTHORIZED DRUG TESTING BY ALL OFFICES OF THE LOCAL GOVERNMENT OF QUEZON CITY, INCLUDING THE OFFICES OF ITS ONE HUNDRED FORTY TWO (142) BARANGAYS, PROVIDING FUNDS THEREFOR AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Introduced by Councilor RICARDO B. CORPUZ.
Co-Introduced by Councilors Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Dorothy A. Delarmente, Lena Marie P. Juico, Victor V. Ferrer, Jr., Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Ramon P. Medalla, Estrella C. Valmocina, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Franz S. Pumaren, Eufemio C. Lagumbay, Jose Mario Don S. De Leon, Jaime F. Borres, Jesus Manuel C. Suntay, Vincent DG. Belmonte, Raquel S. Malañgen, Jessica Castelo Daza, Bayani V. Hipol, Jose A. Visaya, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Allan Butch T. Francisco, Karl Edgar C. Castelo, Candy A. Medina, Diorella Maria G. Sotto, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr. and Donato C. Matias.

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 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;

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WHEREAS, consistent with the said policy, the Quezon City Government is also mandated to prepare plans and programs to deter the use of dangerous drugs by the officers and employees in the offices of Local Government and the offices of 142 Barangays of Quezon City and institute preventive measures against drug abuse for purposes of eliminating its hazards in the workplace; and to provide an effective and professionalized system of implementing the program against drug abuse that would safeguard the honor, dignity and integrity of the Local Government of Quezon City and effectiveness and efficiency of their officials and employees.

WHEREAS, pursuant to the powers vested in it under Section 77, Article IX of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, in relation to Section 16, Article II and Section 48, Article V of the same Act, the Dangerous Drugs Board (DDB), prescribes the guidelines for the formulation and implementation of a drug-free workplace program and the conduct of authorized drug testing for offices, bureaus and agencies of the national and local governments, government owned and controlled corporations and other institutes of learning including state colleges and universities.

NOW, THEREFORE,

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

Article I
GENERAL PRINCIPLES AND POLICIES

Section 1. Title – This Ordinance shall be known as the Quezon City Drug-Free Work Place Ordinance of 2015.

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Section 2. Declaration of Policy – The Quezon City Government recognizes the threat posed by drug abuse in the community and its specific effects in the workplace including, among others, decreased productivity, increased accidents, absenteeism, lapses in the performance of assigned task, criminality, and the like and thereby declares the policy of the City to absolutely prohibit the use of dangerous drugs in and outside the office by all officials and employees of the Quezon City Government including its 142 Barangays.

Section 3. Purpose, Scope and Coverage – The primary purpose of this Ordinance is to ensure the maintenance of a safe and healthy work environment free from use of dangerous drugs, and free from other related activities as proscribed by Republic Act No. 9165, otherwise known as the Dangerous Drugs Act of 2002.

This Ordinance shall apply to all officials and employees in the offices of the Quezon City Government and its 142 Barangays without distinction as to rank, employment status or salaries and shall cover all stages of employment.

Section 4. Definition of Terms – As used in this Ordinance the following terms shall be defined as follows:

a. Administer - Any act of introducing any dangerous drugs into the body of any person, with or without his/her knowledge, by injection, inhalation, ingestion or other means or of committing any act of indispensable assistance to a person in administering a dangerous drug to himself/herself unless administered by a duly licensed practitioner for purposes of medication;

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b. *Authorized Drug Test - The testing done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. It shall employ, among others, two (2) testing methods, the screening and confirmatory tests. The examination of a person's urine specimen to determine the presence of dangerous drugs shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH;*

c. *Center – Any of the treatment and rehabilitation centers which undertake treatment, aftercare and follow-up treatment of drug dependents. It includes institutions, agencies and the like whose purposes are: the development of skills, arts and technical know-how, counseling and/or inculcating civic, social and moral values to drug dependent patients, with the aim of weaning them away from dangerous drugs and keeping them drug-free, adapted to their families and peers and readjusted into the community as law abiding, useful and productive citizens;*

d. *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. It refers to the second or further analytical procedure to more accurately determine the presence of dangerous drugs in a specimen, which shall likewise be done by any government laboratory or by privately-owned and operated drug testing laboratories accredited and monitored by the DOH having confirmatory test capabilities;*

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e. Dangerous Drugs - Include those listed in the Schedules annexed to the 1991 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 was an integral part of R.A. No. 9165;

f. Drug Dependence - Refers to a cluster of physiological, behavioral and cognitive phenomena of variable intensity, in which the use of psychoactive drug takes on a high priority thereby involving, among others, a strong desire or a sense of compulsion to take the substance and the difficulties in controlling substance-taking behavior in terms of its onset, termination, or level of use;

g. Drug Test Certificate - A declaration/statement of the result of the drug test issued by accredited drug testing centers. It shall be valid for a one-year period from the date of issue and which may be used for other purposes, as referred to in Section 36, Article III of R.A. No. 9165;

h. Employee Assistance Program or EAP - A program that offers assistance to workers who have problems, primarily alcohol and drug related problems, that may affect job performance. It shall be formulated as much as possible, jointly by the employer and the employees or employees' union;

i. "For Cause" or " Probable Cause" Drug Test – Drug testing required when there is a "probable cause" or "reasonable ground" to believe that a person is using or is under the influence of dangerous drugs;

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j. Mandatory Drug Test - Compulsory submission of an employee for drug testing as required by Republic Act No. 9165 and by this Ordinance;

k. Policy – a definite course or method of action from among alternatives and in the light of given conditions to guide and usually determine decisions to be made;

l. Republic Act No. 9165 – Refers to the Comprehensive Dangerous Drugs Act of 2002;

m. Random Drug Test – To subject personnel for drug testing as selected following no specific pattern and without prior notice/information;

n. Rehabilitation – A dynamic process including aftercare and follow-up treatment directed towards the physical, emotional/psychological, vocational, social and spiritual change of a drug dependent to enable him/her to live without dangerous drugs, enjoy the fullest life compatible with his capabilities and potentials and render him/her able to become a law abiding and productive member of the community;

o. Screening Drug 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;

p. Treatment – Medical service rendered to a patient for the effective management of physical and mental conditions arising from his/her drug use; y

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q. Unlawful Acts - Refer to any of the unlawful acts penalized under Art. II of Republic Act No. 9165;

r. Workplace – a place where work is usually performed. For this purpose it shall mean all the offices of the City and the 142 Barangays.

Article II
GUIDELINES IN THE CONDUCT OF THE AUTHORIZED DRUG TEST

Section 5. Who May Conduct Drug Testing – Drug testing shall be done by any government forensic laboratory or by any of the drug testing laboratories accredited and monitored by the Department of Health (DOH). For this purpose, the City may enter into agreement with government drug testing laboratories. Likewise, the City shall develop a program to capacitate the Quezon City General Hospital for drug testing.

Section 6. Drug Tests Methods – The following methods, as defined above, are adopted as the authorized drug testing methods of the City:

a. Screening Drug Test
b. Confirmatory Drug Test

Section 7. Drug Testing When Mandatory – Drug testing is mandatory in the following cases:

a. Pre-employment;
b. Persons in high-risk/ decision-making positions;
c. Past history of drug use;
d. Involvement in accidents;
e. Discovery of dangerous drugs paraphernalia;
f. Detention by police/filing of charge in court for drug related cases;
g. As a requirement for promotion; and
h. Employees reporting to work after undergoing rehabilitation in a treatment and rehabilitation center.

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Section 8. Random Drug Testing When Conducted – Random drug test may be done without prior notice of the date and venue of the drug test on selected employees chosen by the Drug-Free Workplace Assessment Committee until all officials and employees have undergone the test. The Drug Free Workplace Assessment Committee shall formulate a random selection process or procedure for this purpose.

Section 9. Random Drug Testing for "for cause" or "probable cause" – Random drug test may also be conducted when there is a reasonable ground to believe that the official or employee is using illegal drugs based of the following indicators:

1. *Attendance – frequent unauthorized absences, repeated tardiness, truancy from the job.*

2. *Personal Appearance – slurred speech, bloodshot eyes, drastic change in appearance, and other alarming change in physical attributes.*

3. *Mental Factor – hot-headedness, irritability, increased difficulty in handling assignments, and other drastic change in his dispositions.*

4. *General Performance – missed deadlines, low productivity, increased wastage, public complaints, frequent accidents, carelessness, and other drastic decrease in work productivity.*

5. *Peer Relations – isolation, frequent quarrels with officemates, heavy borrowing, frequent mood swings, and other relevant change in social relations.*

Section 10. Procedure of the Conduct of the Random Drug Test in the Workplace – The following procedure shall apply in case of random drug testing:

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a. *The Drug-Free Workplace Assessment Committee will notify the randomly selected officials or employees to go for a urine test to the City Health Office who in turn, will accompany them to the place where the test will be conducted.*

b. *The selected officials/employees must immediately report for the drug test.*

c. *The test shall only be conducted by any government Drug Testing Laboratory or by any drug-testing laboratory duly authorized and accredited by the Department of Health (DOH) for the screening test, which shall be conducted in the following manner:*

i. *The selected officials/employees will fill up and sign the consent and chain of custody form issued to them.*

ii. *The urine specimen bottles must be properly labeled to contain the name, ID number, employment number, position, date and the time when the urine sample was taken.*

iii. *The taking of the urine sample must be done in an area where manipulation (e.g. adding water) is not possible.*

iv. *The urine specimen/sample which tested positive after the screening test must be properly labeled and must be kept separately from the samples that tested negative for dangerous drugs.*

v. *All urine samples tested positive must be submitted for confirmatory testing to a laboratory having the confirmatory capability using the same urine sample.*

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vi. After the confirmatory test, the same urine sample must be kept for the purpose of challenging the result.

vii. After the test is conducted, a drug test result shall be issued by the drug testing laboratory directly to the Office of the City Mayor or his duly authorized representative and not to the person so tested. The same result must be signed by the authorized signatory of the laboratory, the employees/officials concerned and a witness.

Section 11. Action on Negative Results – Should the drug test yield a negative result for the official or employee tested, no further action is needed other than the issuance of a Drug Test Certificate. The Drug Test Certificate is good for one (1) year and could be used for other purposes.

Section 12. Procedure in handling a positive result after Confirmatory Test – Should the drug test yield a positive result for the official or employee tested, the following procedures shall apply:

a. Upon discovery that a urine sample is tested positive for dangerous drugs after confirmatory test, such result shall immediately be made known to the Chairman of the Drug-Free Work Place Assessment Committee and the Office of the City Mayor or his duly authorized representative.

b. After receipt of such information, the same shall be made known to the employee/official.

c. The Office of the City Mayor shall then take the appropriate action in accordance with this Ordinance.

d. All records must strictly be held confidential in accordance with Republic Act No. 9165.

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Article III
SANCTIONS

Section 13. Violation of officials and employees – Any officer or employee found to have violated this Ordinance may suffer any or a combination of the following sanctions:

a. *Failure on the part of the Head of the Office to implement this Ordinance within a reasonable period after its effectivity shall be dealt with in accordance with Republic Act. No. 9165.*

b. *Any government official/employee who, without any valid reason after being tested positive of drug use shall refuse to undergo the recommended rehabilitation program will be administratively dealt with in accordance with the existing rules and regulations without prejudice to suspension or dismissal from the service as provided for under Section 36 (d) of Republic Act No. 9165.*

c. *Any government official/employee who refuses, without any valid reason, to submit himself/herself for random/mandatory drug test, whichever is applicable, will be administratively dealt with in accordance with the existing rules and regulations without prejudice to Section 32 of Republic Act No. 9165.*

d. *Subject to the existing Employees' Assistance Program, official/employee who is found to be positive for drug use and after undergoing a Drug Dependency Examination conducted by the Department of Health (DOH) or by any medical practitioner accredited by the said Office to conduct the drug dependency test may undergo the following treatment and rehabilitation program:*

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1. *Experimenter – Outpatient, guidance counseling;*

2. *Occasional User – Outpatient, guidance counseling and urine surveillance;*

3. *Chronic User/Drug Dependent – Mandatory 6-month treatment and rehabilitation in any of the government rehabilitation centers*

e. *Officers or employees who for the second time have been detected to be using dangerous drugs after completion of his/her treatment and/or rehabilitation program or while undergoing treatment and/or rehabilitation may either be suspended or dismissed from the service subject to the Civil Service laws, rules and regulations.*

f. *Officers or Employees who are found arrested/apprehended or charged in court for commission of any of the unlawful acts provided for under Art. II of Republic Act 9165 will either be suspended/dismissed from the service depending on the gravity of the offense committed, subject to existing laws, rules and regulations of the Civil Service, and without prejudice to further criminal prosecution.*

Article III
CONTINUING COMMITMENT TO A DRUG-FREE WORKPLACE

Section 14. Responsibilities of the City – In pursuance with the purpose of this Ordinance, the City, through the Office of the City Mayor in coordination with the Quezon City Anti-Drug Abuse Advisory Council mandates the following Responsibilities of the Office/Agency under the Policy, to wit:

1. *Adopt a continuing and sustainable substance abuse awareness program to inform its employees about:*

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a. *Its policy of maintaining a drug-free workplace;*

b. *The dangers posed by the abuse of dangerous drugs;*

c. *The availability of employees' assistance program;*

d. *The consequences, penalties, and administrative sanctions in violation thereof;*

2. *Distribute a copy of this Ordinance to each employee;*

3. *Create a Committee that will implement, to the fullest, the contents of this Ordinance;*

4. *To display a Billboard message at a strategic place/s in the office with the words:*

"This is a Drug-Free Workplace. Let's Keep it That Way"

Section 15. Responsibilities of the Employees and the Officials – The officials and employees shall have the following responsibilities:

1. *All officials or employees must never possess and/or use dangerous drugs and other substances of abuse.*

2. *All officials or employees must not directly or indirectly sell, give, provide or administer any dangerous drugs and/or other substance of abuse to his/her co-employees or others and/or to commit or abet/aid in the commission of any unlawful acts penalized under R.A. No. 9165.*

3. *The officials and employees must faithfully abide by the terms of this Ordinance as a condition for their continued employment.*

4. *The officials or employees must voluntarily seek treatment and rehabilitation if they have problems related to dangerous drugs.*

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5. The officials and employees must advocate against drug abuse.

6. The officials and employees must help maintain a drug-free workplace.

Section 16. Confirmation/Affirmation and Commitment to this Ordinance – In pursuance with the purpose of this Ordinance all officials and employees of Quezon City shall personally sign the following:

CONFIRMATION/AFFIRMATION AND COMMITMENT TO A DRUG FREE WORK PLACE

As an official/employee of Quezon City, I hereby certify that I have read the provisions of Ordinance No. SP-2460, S-2016 entitled "AN ORDINANCE IMPLEMENTING THE DRUG-FREE WORKPLACE PROGRAM, MANDATING THE CONDUCT OF AUTHORIZED DRUG TESTING BY ALL OFFICES OF THE LOCAL GOVERNMENT OF QUEZON CITY, INCLUDING THE OFFICES OF ITS 142 BARANGAYS, PROVIDING FUNDS THEREFOR AND PROVIDING PENALTIES FOR VIOLATION THEREOF" and affirm and confirm my commitment to unconditionally abide to all that is provided therein and I shall be answerable to the Quezon City Government for whatever violation that I may commit.

_____
Name and Signature of Official/Employee
Date: _____

Attested by:

_____
Name

_____
Designation

_____
Date

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Article IV
THE DRUG-FREE ASSESSMENT COMMITTEE

Section 17. Creation of the Drug-Free Workplace Assessment Committee – The Drug-Free Workplace Assessment Committee is hereby established which shall formulate and put in place the City's Drug Testing Program which shall be in accordance with the pertinent provisions of R.A. No. 9165 and this Ordinance. The program must be made known to all employees and officers stressing the fact that the purpose is not to harass but rather to prevent the entry of illegal drugs and the abuse thereof. The program to be implemented must be developed through a process where consensus is achieved regarding its contents. The committee shall be composed of the following:

a. The City Mayor or his Representative;
b. The Chairperson of the Quezon City Anti-Drug Abuse Advisory Council;
c. Head of the Personnel Department or his Representative;
d. Head of the Quezon City General Hospital or his Representative, and the Department of Health (DOH) , Dangerous Drugs Board (DDB), accredited physician; and
e. The President of the Liga ng mga Barangay.

Section 18. Duties and function of the Committee. The Committee shall undertake the following duties and responsibilities:

1. *To oversee the formulation and implementation of the drug abuse policy in the agency;*

2. *Initiate training programs for supervisors;*

3. *Initiate continuing education and awareness program for the employees;*

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4. *Initiate and adopt value formation, family enhancement and such other related and relevant programs;*

Section 19. Employees Assistance Program – The Committee is likewise mandated to establish an Employees Assistance Program within thirty (30) days from the effectivity of this Ordinance which shall address the needs of officials or employees undertaking guidance counseling or rehabilitation as mandated by the provision of this Ordinance. The Employees Assistance Program to be implemented must be developed through a process where consensus is achieved regarding its contents.

Article V
MISCELLANEOUS PROVISIONS

Section 20. Funding – The sum of Five Million Pesos (P5,000,000.00) for the initial implementation of this Ordinance shall be charged against the Budget of the QCADAAC. Thereafter, such sums as may be necessary shall be included in the subsequent annual Budget of the City which shall likewise be under the administration of the QCADAAC. Of the funds allocated the City shall undertake to establish a permanent drug testing facility. Funds for this purpose shall be sourced from the collections for liquor permits and other permits for regulated establishments.

Section 21. Repeal – All ordinances, rules and regulations, other issuances or parts thereof which are consistent with this Ordinance are hereby repealed, or modified accordingly.

Section 22. Severability – If, for any reason, any section or provision of this Ordinance is declared unconstitutional or invalid, the other sections or provisions not affected thereby, shall remain in full force and effect.

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Section 23. Effectivity – This Ordinance shall become effective upon completion of its publication for three (3) consecutive days in a newspaper of general circulation and posted in at least three (3) conspicuous places in Quezon City pursuant to the Local Government Code of 1991.

ENACTED: December 7, 2015.

MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:

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

APPROVED: 14 MAR 2016

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on December 7, 2015 and was PASSED on Third/Final Reading on December 14, 2015.

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

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