



Republic of the Philippines
Province of Laguna
MUNICIPALITY OF LOS BAÑOS
Special Science and Nature City
OFFICE OF THE SANGGUNIANG BAYAN
Municipal Hall, National Highway, Brgy. Timugan,
Los Baños, Laguna 4030 Philippines
Email: losbaños@laguna.net

**EXCERPTS FROM THE MINUTES OF THE SIXTEENTH (16TH) SPECIAL SESSION
OF THE SANGGUNIANG BAYAN HELD ON OCTOBER 7, 2020 AT THE
SANGGUNIANG BAYAN SESSION HALL, NATIONAL HIGHWAY, BRGY.
TIMUGAN, LOS BAÑOS, LAGUNA.**

Present :	Vice Mayor Antonio L. Kalaw, Presiding Officer S.B. Member Josephine S. Evangelista S.B. Member Miko C. Pelegrina S.B. Member Janos S. Lapiz S.B. Member Geronimo A. Ciceron S.B. Member Mark Lester B. Dizon S.B. Member Cris Dayril B. Bagnes S.B. Member Arlene P. delos Santos, Liga President Secretary Dona T. Alborida Ms. Felomina I. Lincallo, LLSO I
Absent :	S.B. Member Marlo PJ A. Alipon, (O.B.) S.B. Member Mike Dexter A. Concio, (O.B.) S.B. Member Jozlyn N. Manansala, SK Fed. President, (O.B.)
Visitors :	None

ORDINANCE NO. 2020-2061

**AN ORDINANCE IMPLEMENTING THE DRUG-FREE WORKPLACE PROGRAM,
MANDATING THE CONDUCT OF AUTHORIZED DRUG TESTING BY ALL
OFFICES OF THE MUNICIPAL GOVERNMENT OF LOS BAÑOS, LAGUNA,
INCLUDING THE OFFICES OF ITS FOURTEEN (14) BARANGAYS, PROVIDING
FUNDS THEREFOR AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

Author : Councilor Janos S. Lapiz

WHEREAS, Section 2 of Republic Act No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002 states that "It is the policy of the State to safeguard the integrity of its territory; and well-being of its citizenry from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts of omissions detrimental to their development and preservation";

WHEREAS, the Dangerous Drugs Board (DDB) issued DDB Regulation No. 13 s. 2018, entitled *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*, approved and adopted on August 30, 2018;

WHEREAS, President Rodrigo Duterte has issued Executive Order No. 66 s. 2018 signed on October 29, 2018, entitled *Institutionalizing the Philippine Anti-Illegal Drugs Strategy (PADS)* which outlines balanced efforts of the government to boost its campaign against illegal drugs. He directed all government entities as well as LGUs to formulate and adopt their drug-free workplace programs and conduct "authorized" drug testing among their respective officials and personnel;

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WHEREAS, the said order also mandated the formulation and adoption of a Drug-Free Workplace Program and Authorized Drug Testing for both public and private sectors;

WHEREAS, the Municipality of Los Baños through its Municipal Anti-Drug Abuse Council (MADAC) adopted and showed its support to the President of the Philippines' Executive Order 66 through MADAC Resolution No. 2019-03 dated November 12, 2019.

NOW, THEREFORE, on motion of Councilor Janos S. Lapiz, duly seconded by Councilwoman Josephine S. Evangelista and Councilor Miko C. Pelegrina and approved by the councilors present.

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF LOS BAÑOS, LAGUNA in its session assembled, **THAT:**

**Article I
GENERAL PRINCIPLES AND POLICIES**

SECTION 1. **Title** - This Ordinance shall be known as the Los Baños Drug-Free Workplace Ordinance of 2020.

SECTION 2. **Declaration of Policy** - The Municipal Government of Los Baños 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 Municipality to absolutely prohibit the use of dangerous drugs in and outside the Office by all officials and employees of the Municipal Government of Los Baños including its 14 barangays.

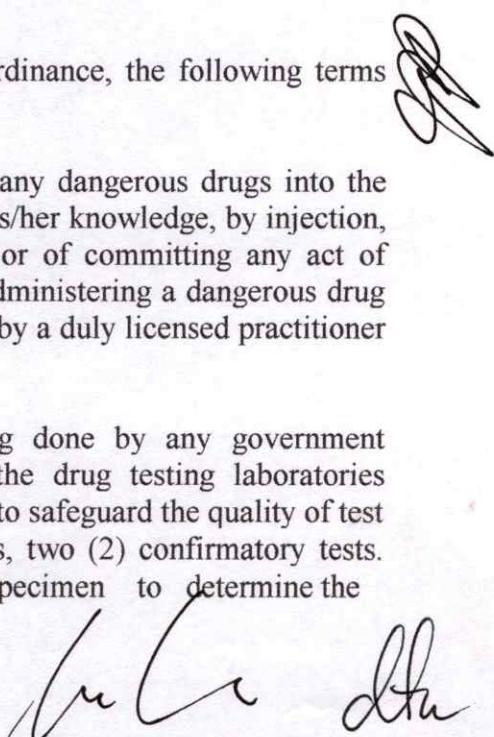
SECTION 3. **Purpose, Scope and Coverage** - The primary purpose of this Ordinance is to ensure the maintenance of a safe and healthy work environment free from use of dangerous drugs, and free from other related activities as prescribed by Republic Act No. 9165, otherwise known as the Dangerous Drugs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

This Ordinance shall apply to all officials and employees in the offices of the Municipal Government of Los Baños and its 14 barangays without distinction as to rank, employment status or salaries and shall cover all stages of employment.

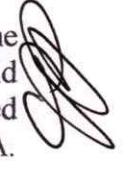
SECTION 4. **Definition of Terms** - As used in this Ordinance, the following terms shall be defined as follows:

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 administering a dangerous drug to himself/herself unless administered by a duly licensed practitioner for purposes of medication;

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) 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 accredited and monitored by the DOH;

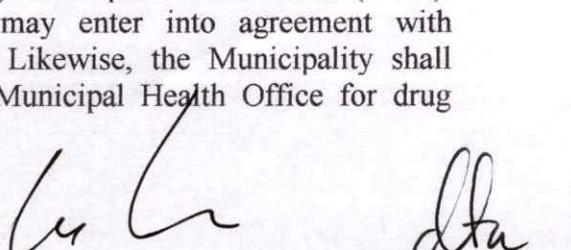
- c. **Center** - Any of the treatment and rehabilitation centers which undertake treatment, aftercare and follow-up treatment of drug dependents. It includes institutions, agencies and the like whose purposes are: the development of skills, arts and technical know-how, counseling and/or inculcating 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;
- 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 hereby 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' 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;

- 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; 
- q. **Unlawful Acts** - Refer to any of the unlawful acts penalized under Article 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 municipality and the 14 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 Municipality may enter into agreement with government drug testing laboratories. Likewise, the Municipality shall develop a program to capacitate the Municipal Health Office for drug testing.

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SECTION 6. Drug Test Methods - The following methods, as defined above, are adopted as the authorized drug testing methods of the Municipality:

- 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

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:

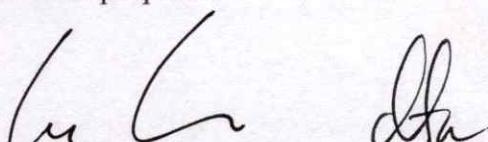
- a. *Attendance* - frequent unauthorized absences, repeated tardiness, and truancy from the job.
- b. *Personal Appearance* - slurred speech, bloodshot eyes, drastic change in appearance, and other alarming change in physical attributes.
- c. *Mental Factor* - hot-headedness, irritability, increased difficulty in handling assignments, and other drastic change in his dispositions.
- d. *General Performance* - missed deadlines, low productivity, increased wastage, public complaints, frequent accidents, carelessness, and other drastic decrease in work productivity.
- e. *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:

- a. The Drug-Free Workplace Assessment Committee will notify the randomly selected officials or employees to go for a urine test to the Municipal 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:
 - The selected officials/employees will fill up and sign the consent and chain of custody form issued to them.
 - The urine specimen bottles must be properly labeled to contain the name, ID number, employment number, position, date and the time when the urine test was taken.
 - The taking of the urine sample must be done in an area where manipulation (e.g. adding water) is not possible.
 - 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.
 - All urine samples tested positive must be submitted for confirmatory testing to a laboratory having the confirmatory capability using the same urine sample.
 - After the confirmatory test, the same urine sample must be kept for the purpose of challenging the result.
 - After the test is conducted, a drug test result shall be issued by the drug testing laboratory directly to the Office of the Municipal 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 officials/employees 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.

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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 Workplace Assessment Committee and the Office of the Municipal Mayor or his duly authorized representative.
- b. After receipt of such information, the same shall be made known to the official/employee.
- c. The Office of the Municipal 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.

**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 effectiveness 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 (*Gross Insubordination*).
- 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:
 - d.1. Experimenter - Outpatient, guidance counseling;
 - d.2. Occasional User - Outpatient, guidance counseling and urine surveillance;

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- d.3. Chronic User/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 Article II of Republic Act No. 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.

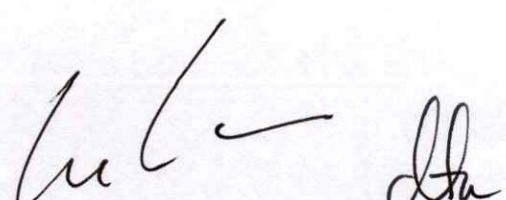
Article IV CONTINUING COMMITMENT TO A DRUG-FREE WORKPLACE

SECTION 14. Responsibilities of the Municipality - In pursuance with the purpose of this Ordinance, the Municipality, through the Office of the Municipal Mayor in coordination with the Los Baños-Municipal Anti-Drug Abuse Council (LB-MADAC) mandates the following responsibilities of the Office/Agency under the Policy, to wit:

- a. Adopt a continuing and sustainable substance abuse awareness program to inform its employees about:
 - a.1. Its policy of maintaining a drug-free workplace;
 - a.2. The dangers posed by the abuse of dangerous drugs;
 - a.3. The availability of employees' assistance program; and
 - a.4. The consequences, penalties, and administrative sanctions in violation thereof.
- b. Distribute a copy of this Ordinance to each employee;
- c. Create a Committee that will implement, to the fullest, the contents of this Ordinance;
- d. 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"

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

- a. All officials or employees must never possess and/or use dangerous drugs and other substances of abuse.
- b. 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.
- c. The officials and employees must faithfully abide by the terms of this Ordinance as a condition for their continued employment.
- d. The officials or employees must voluntarily seek treatment and rehabilitation if they have problems related to dangerous drugs.
- e. The officials and employees must advocate against drug abuse.
- f. 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 the Municipality of Los Baños shall personally sign the following:**CONFIRMATION/AFFIRMATION AND COMMITMENT TO
A DRUG-FREE WORKPLACE**

As an official/employee of the Municipality of Los Baños, I hereby certify that I have read the provisions of Ordinance No. _____, entitled "**AN ORDINANCE IMPLEMENTING THE DRUG-FREE WORKPLACE PROGRAM, MANDATING THE CONDUCT OF AUTHORIZED DRUG TESTING BY ALL OFFICES OF THE MUNICIPAL GOVERNMENT OF LOS BAÑOS, LAGUNA, INCLUDING THE OFFICES OF ITS FOURTEEN (14) 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 Municipal government of Los Baños for whatever violation that I may commit.



Name and Signature of Official/Employee
Date: _____

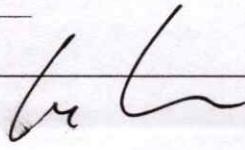
Attested by:

Name

Designation

Date

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Article V
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 Municipality'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. Municipal Mayor;
- b. Municipal Mayor/Chairperson of the LB-MADAC or his representative;
- c. Head of the Personnel Department of his/her representative;
- d. DOH Accredited Physician; and
- e. The President of the Liga ng mga Barangay.

SECTION 18. **Duties and Functions of the Committee** - The Committee shall undertake the following duties and responsibilities:

- a. To oversee the formulation and implementation of the drug abuse policy in the agency;
- b. Initiate training programs for supervisors;
- c. Initiate continuing education and awareness program for the employees;
- d. 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 VI
MISCELLANEOUS PROVISIONS

SECTION 20. **Funding** - Such amount as are necessary for the effective and continuous implementation of this program shall be made available and incorporated in the annual budget of the municipality.

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10/07/2020

SECTION 21. REPEALING CLAUSE. All ordinances, rules and regulations or parts not consistent with any provision of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 22. SEPARABILITY CLAUSE. If, for any reasons, any part or provision of this Ordinance shall be declared unconstitutional or invalid by the court, or suspended or revoked by competent authorities, other parts or the provisions thereof which are not affected thereby shall continue to be full force and effect.

SECTION 23. EFFECTIVITY. This Ordinance shall take effect immediately upon its approval.

ENACTED : October 07, 2020

I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.

DONA T. ALBORIDA
Secretary to the Sangguniang Bayan

CERTIFIED ENACTED:

HON. ANTONIO L. KALAW
Vice Mayor/Presiding Officer

APPROVED:

HON. CAESAR P. PEREZ
Municipal Mayor

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