



Republic of the Philippines  
PROVINCE OF CAGAYAN  
City of Tuguegarao

**SEVENTH CITY COUNCIL**



EXCERPTS FROM THE MINUTES OF THE 135<sup>th</sup> REGULAR SESSION  
OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN  
HELD ON JUNE 25, 2019, 9:00 A.M., TUESDAY,  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL



**PRESENT:**

- |                                 |  |
|---------------------------------|--|
| Hon. Bienvenido C. De Guzman II | City Vice Mayor, Presiding Officer                 |
| Hon. Danilo L. Baccay           | Sangguniang Panlungsod Member                      |
| Hon. Jude T. Bayona             | -do-   |
| Hon. Kendrick S. Calubaquib     | -do-   |
| Hon. Maila Rosario T. Que       | -do-   |
| Hon. Arnel T. Arugay            | -do-   |
| Hon. Gilbert S. Labang          | -do-   |
| Hon. Winnoco R. Abraham         | -do-   |
| Hon. Raymund P. Guzman          | -do-   |
| Hon. Grace B. Arago             | -do-   |
| Hon. Anthony C. Tuddao          | -do-   |
| Hon. Gil G. Pagulayan           | Ex Officio Member (Liga ng mga Barangay President) |
| Hon. Karen L. Taguinod          | Ex Officio Member (SK Federation President)        |

**ABSENT:**

- |                                   |  |
|-----------------------------------|--|
| Hon. Imogen Claire M. Callangan   | Sangguniang Panlungsod Member (on Official Time) |
| Hon. Mary Marjorie P. Martin-Chan | -do- (on Vacation Leave)                         |

**CITY ORDINANCE NO. 28-2019**

**AN ORDINANCE INSTITUTIONALIZING A DRUG-FREE WORKPLACE IN THE TUGUEGARAO CITY GOVERNMENT AND PROVIDING SANCTIONS FOR VIOLATIONS THEREOF**

- Sponsored by: **Hon. Kendrick S. Calubaquib**  
**Hon. Bienvenido C. De Guzman II**  
**Hon. Danilo L. Baccay**  
**Hon. Jude T. Bayona**  
**Hon. Raymund P. Guzman**  
**Hon. Winnoco R. Abraham**  
**Hon. Imogen Claire M. Callangan**  
**Hon. Arnel T. Arugay**  
**Hon. Gilbert S. Labang**  
**Hon. Grace B. Arago**  
**Hon. Anthony C. Tuddao**  
**Hon. Gil G. Pagulayan**  
**Hon. Karen L. Taguinod**

**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 Establishments 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;

**WHEREAS**, the Tuguegarao City Government 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.

**SECTION 1. TITLE.** This Ordinance shall be known as “*An Ordinance Institutionalizing a Drug-Free Workplace in the Tuguegarao City Government and Providing Sanctions for Violations Thereof.*”

**SECTION 2. OBJECTIVES.** The Ordinance aims to promote the establishment and institutionalization of drug-free workplace policies in the Local Government Unit of Tuguegarao City and ensure that all employees both elective and appointive remain drug free to ensure the public of effective and efficient service from the local government, free from the ill-effects of drug use in the workplace.

Further, it aims to ensure that only those qualified shall be screened and recruited and 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 test shall be required for pre-employment and continuous employment.

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

**SECTION 4. DEFINITION OF TERMS.** As used in 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 will confirm positive screening.
2. Challenge Test – is a drug test conducted as a result of challenge filed by a public officer who tested positive for drug use in a confirmatory test in an authorized drug testing activity.
3. Confirmatory test – is 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.
4. 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.
5. 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, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended.
6. Drug Dependency Examination – refers to the examination conducted by a physician accredited by the DOH to evaluate the extent of drug abuse 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.
7. Employee Assistance Program – offers assistance to government officials or employees who have alcohol or drug-related issues and problems that may affect work performance. The local government, the employees and employees’ union will jointly implement it.
8. Mandatory Drug Testing – is the compulsory submission of the public officer or prospective employee to drug testing as mandated by RA 9165, or by the Drug-Free Workplace Program of the local government.
9. Public Officers – are any person holding any public office in the Tuguegarao City Government by virtue of an appointment, election or contract.
10. Random Drug Testing – is a 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.
11. Screening Test – is a rapid drug test performed to establish potential or presumptive positive result. It refers to the immunoassay test to eliminate a “negative” specimen.
12. 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 form from mild to severe. Each specific



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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.

**SECTION 5. Responsibility of the Tuguegarao City Government Under the Drug-Free Workplace Policy.** Tuguegarao City Government shall be primarily responsible in maintaining ALL its workplace drug-free, particularly:

1. The City Mayor through the City Health Office (CHO) 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 Tuguegarao City 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 Tuguegarao City Government 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 City Mayor 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 City Mayor in drafting and implementing the provisions of the Drug-Free Workplace Policy.
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 Tuguegarao City Government shall ensure that members of the Team undergo regular training.
5. The City Mayor 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 as 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 Drug Testing for Continuous Employment.** Mandatory drug testing shall also be a requirement for continuous employment of all public officers and employees in Tuguegarao City Government including barangay officials and employees. Anyone found positive for drug use will be subject for non-renewal and or dismissal without prejudice to the filing of administrative and criminal case.

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

**SECTION 8. Guidelines in the Conduct of Authorized Drug Testing in the different Offices of the Tuguegarao City Government**

1. The Drug-Free Workplace Policy of the Tuguegarao City Government 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 Tuguegarao City Government.

All results of authorized drug testing activities shall be strictly confidential. Only the City Mayor 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.
4. A positive drug test result from the confirmatory test shall immediately be known to the City Mayor, 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.
5. A positive drug test result from the challenged 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 confirmatory test final. The City Mayor through the recommendation of the Assessment Team shall take the necessary action.

All drug test results and records shall strictly be held confidential, and shall be attached to the 201 File of all officials and employees.

**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 applicable intervention.

This type of assistance shall not apply to public officers/employees who are found to be positive for drug use after conduct of confirmatory test in an authorized drug testing activity.

#### **SECTION 10. Sanctions**

1. 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.
2. Any elective officer who refuses, without any valid reason, to submit himself/herself to an 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.
3. 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 the case for violation of Section 32, Article II of RA 9165.
4. Any public officer who violated the provisions of Article II of RA 9165 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 RA 9165 and other relevant laws.
5. The City Mayor through the recommendation of the Assessment Team shall forward to the Department of the Interior and Local Government for the proper filing of cases against elected public officers found violating any provisions of this Ordinance and other related laws and issuances.

#### **SECTION 11. Submission of Drug Free Workplace Programs and Reports**

1. The Assessment Team through the City Mayor 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 City Health Office (CHO) 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 City Mayor through the Liga ng mga Barangay and the HRMO shall cause the widest dissemination of this Ordinance and other related laws and issuances to the different departments and barangays of the Tuguegarao City Government including every barangays' Anti-Drug Abuse Council.

## **SECTION 12. 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 13. Drug Free Workplace in the Different Barangays of Tuguegarao City**

All Punong Barangays in Tuguegarao City are mandated to institutionalize, establish and adopt a Drug Free Workplace making sure that elected officials and employees of the barangays will undergo the mandatory drug-testing for both new entry and continuous employment.

### **1. Guidelines in the Conduct of Authorized Drug Testing in the Barangays**

- 1.1. The Drug-Free Workplace Policy of Tuguegarao City Government shall include the conduct of authorized drug testing of all barangay officials and employees, the purpose of which is to prevent the entry of dangerous drugs in the barangay offices and use of dangerous drugs among officials and employees thereof. The frequency of such testing which shall be mandatory shall take into consideration, among others, the number of public officers, nature of 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 each barangay, which shall be submitted to the City Mayor for the preparation of a Drug-Free Workplace Policy by the Assessment Team.

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

- 1.2. Authorized drug testing shall be conducted only by a drug-testing laboratory accredited by the Department of Health (DOH).
- 1.3. In case of a negative drug test result, no further action is needed.
- 1.4. A positive drug test result from the confirmatory test shall immediately be known to the City Mayor, 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 barangay officer/employee.
- 1.5. A positive drug test result from the challenged test is deemed final and the barangay officer/employee shall be subjected to administrative proceedings. Failure to file a challenge within the prescribed period shall make the positive drug test result from confirmatory test final. The City Mayor through the recommendation of the Assessment Team shall take the necessary action.

All drug test results and records shall strictly be held confidential, and shall be attached to the Employment Record of all officials and employees.

2. **Barangay Assistance Program.** A barangay officer/employee, prior to the conduct of the authorized drug testing, may seek proper intervention in coordination with the Employee Assistance Program of Tuguegarao City Government, which shall provide referrals and additional services to the barangay

officer/employee concerned. A drug dependency examination shall be conducted in order to determine the level of Substance Use Disorder (SUD) and the applicable intervention.

This type of assistance shall not apply to barangay officers/employees who are found to be positive for drug use after the conduct of confirmatory test in an authorized drug testing activity.

### **3. Sanctions**

- 3.1. An appointive barangay officer/employee 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.
- 3.2. Any elective barangay 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.
- 3.3. 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 the case for violation of Section 32, Article II of RA 9165.
- 3.4. 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 or criminal charges under RA 9165 and other relevant laws.
- 3.5. The City Mayor through the recommendation of the Assessment Team shall forward to the Department of the Interior and Local Government for the proper filing of cases against elected barangay officers found violating any provisions of this Ordinance and other related laws and issuances.

### **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 its officials and employees.

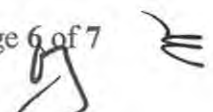
The orientation-education program may include, among others, the following topics:

- 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 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 trainings.

### **SECTION 15. General Health and Well-Being Programs**

The Tuguegarao City Government through the City Health Office (CHO), the Tuguegarao City People's General Hospital (TCPGH) and the City Sports Office (CSO) in coordination with the Human Resource and Management Office (HRMO) shall conduct various activities to encourage its employees to lead a healthy lifestyle while at work and at home, such as:

1. Lifestyle assessment programs on health, nutrition, weight management, stress management, alcohol abuse, smoking cessation and other indicators of risk diseases;
2. Health wellness screenings (e.g. blood pressure and heart rate, cholesterol test, blood glucose, body fat percentage and/or body mass index, fitness level, bone mineral density, posture assessment, etc.)



3. Sports, recreational and fun-game activities; and,
4. Other activities promoting health and wellness.

**SECTION 16. Committee on Health and Wellness of Employees.** The City Mayor shall create a committee that shall oversee the health and wellness of the employees through programs and projects that will encourage a healthy and balanced lifestyle.

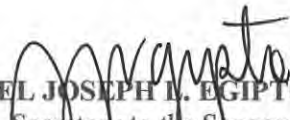
The committee shall be headed by the City Mayor as the Chairperson and the HRMO Head as the Vice Chairperson with the assistance of the City Health Officer, City Sports Coordinator and other department heads which will be identified by the City Mayor as necessary members in the implementation of the provisions of this Ordinance.

**SECTION 17. 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 Tuguegarao City Government and/or from the allocated budget for employee health and wellness.


**SECTION 18. Repealing Clause.** Ordinances and other local legislations inconsistent with this Ordinance or parts thereof are hereby modified or repealed accordingly

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:

  
062719  
**JOEL JOSEPH L. EGIPTO, Ph.D.**  
Secretary to the Sanggunian

ATTESTED:

  
**HON. BIENVENIDO C. DE GUZMAN II**  
City Vice Mayor  
Presiding Officer  
Date: JUNE 28, 2019

APPROVED:

  
**HON. ATTY. JEFFERSON P. SORIANO**  
City Mayor  
Date: JUNE 28, 2019

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