



Republic of the Philippines  
Province of Cavite  
OFFICE OF THE SANGUNIANG BAYAN  
Municipality of Magallanes



EXCERPTS FROM THE MINUTES OF THE 33<sup>RD</sup> REGULAR SESSION OF THE  
SANGGUNIANG BAYAN OF MAGALLANES, CAVITE HELD ON AUGUST 24,  
2017 AT 09:57 IN THE MORNING AT THE SESSION HALL.

Present:

Hon. Wilson C. Atienza

SB Member/  
Temporary Presiding Officer

Hon. Jesus B. Antazo

SB Member

Hon. Francisco M. Vidallo

SB Member

Hon. Aina Mari M. Sisante

SB Member

Hon. Elisa E. Hierco

SB Member

Hon. Renato M. Villanueva

SB Member

Hon. Toribio V. Tafalla

SB Member

Hon. Renato C. Ramos

SB Member

Absent:

Hon. Renato M. Dimapilis

Vice Mayor/Presiding Officer  
(OB)

Hon. Felipe V. Sisante, Jr.

ABC Fed. President (SL)

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MUNICIPAL ORDINANCE NO. 017 s. 2017

Authors: Hon. Aina Mari M. Sisante/Hon. Jesus B. Antazo/  
Hon. Renato M. Villanueva

AN ORDINANCE PROMOTING A DRUG-FREE WORKPLACE IN  
MAGALLANES CAVITE AND PROVIDING SANCTIONS THEREOF

EXPLANATORY NOTES

WHEREAS, Section 36 (d) of RA 9165 otherwise known as the  
"Comprehensive Dangerous Drugs Act of 2002" provides that officers and  
employees of public and private offices, whether domestic or overseas, shall be  
subjected to undergo a random drug test as contained in the company's work  
rules and regulations, which shall be borne by the employer, for purposes of  
reducing the risk in the workplace;

WHEREAS, the Civil Service Commission (CSC) issued Resolution No.  
101359 which prescribes the conduct of mandatory drug test as a requirement  
for pre-employment to ensure that only those qualified shall be screened and  
recruited in the government service;

WHEREAS, the same resolution mandates the heads of agencies to ensure  
that the drug-free workplace program on the prevention and control of  
dangerous drugs, including drug-testing, shall be disseminated to all officials  
and employees;

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WHEREAS, public office is a public trust; thus, public officers must at all times be accountable to the people, serve them with utmost degree of responsibility, integrity, loyalty and efficiency;

WHEREAS, it is in the best interest of the government to create a drug-free workplace since drug abuse problem, if there is any, can have adverse and far reaching effects on the government, like reduced productivity, poor decision making, client relationship mishap and physically dangerous situations;

NOW, THEREFORE,

BE IT ORDAINED by the Sangguniang Bayan of Magallanes, Cavite, in regular session assembled that:

SECTION 1. SHORT TITLE - This ordinance shall be known as "DRUG- FREE WORKPLACE ORDINANCE"

SECTION 2. GENERAL GUIDELINES IN THE CONDUCT OF RANDOM DRUG TESTING AS A GOVERNMENT POLICY AND AS PART OF EMPLOYEES' RULES AND REGULATIONS - This Ordinance shall be applicable to the random drug testing of all officials and employees of the Municipal Government of Magallanes, Cavite including all barangay officials, both elected and appointed.

The following guidelines outline the purposes of the random drug testing program:

- a. The random drug testing shall be implemented as a collaborative undertaking of the government, its officials and employees, local and national.
- b. Random drug testing shall be implemented primarily for a drug-free workplace.
- c. The drug testing program shall guarantee and respect the personal privacy and dignity of the officials and employees.

SECTION 3. DEFINITION OF TERMS. For the purpose of this ordinance, the following terms are defined:

- a. *Officials*- shall include all elected municipal officials and all barangay officials both elected and appointed in the Municipality of Magallanes, Cavite.
- b. *Employees*- shall include all municipal department heads and rank and file, regular, casual, job order personnel, contractual and temporary employees in the Municipal Government of Magallanes, Cavite.
- c. *Random Drug Test*- subjection of personnel for drug testing as selected following no specific pattern and without prior notice/information;
- d. *"For Cause" or "Probable Cause" Drug Test* - Drug testing

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*referred*  
Hon. Eliza E. Hierco

Hon. Renato C. Ramos

*APR*  
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Hon. Francisco M. Vichallo

Hon. Wilson C. Atienza

Hon. Jesus B. Antazo

Hon. Renato M. Villanueva



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.

- e. *Screening Test* - shall mean a rapid test performed to establish potential/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.
- f. *Confirmatory Test* - shall mean 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.
- g. *Refusal* - physically evading, escaping, refusing or making self-unavailable.

#### SECTION 4. CREATION OF A DRUG-FREE WORKPLACE COMMITTEE

- a. A Drug-free Workplace Committee shall be created by the Municipal Mayor as Chairperson composed of representative/s from the Rural Health Unit (RHU), Office of the Mayor, Office of the Human Resource Management, the DILG, the PNP, and member/s of the Municipal Anti-Drug Abuse Council (MADAC).
- b. The Drug-free Workplace Committee shall formulate the Implementing Rules and Regulations for the implementation of this Ordinance.
- c. For the barangays, the Barangay Anti-Drug Abuse Council (BADAC) shall also act as the drug-free workplace committee.

#### SECTION 5. PROCEDURES IN THE CONDUCT OF RANDOM DRUG TESTING - the Procedures in the conduct of the random drug testing are as follows:

- a. Drug testing shall be done by any government forensic laboratory or any of the local Drug testing laboratories accredited and monitored by the DOH to safeguard the quality test results.
- b. The drug testing shall employ, among others, two (2) testing methods:
  - The screening test which will determine the positive result as well as the type of drug used; and
  - The confirmatory test which will confirm a positive screening test.
- c. Random testing shall include, either all or a certain number of employees; the means of selection shall remain confidential.

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- d. All information related to drug testing or the identification of persons as users of drugs shall be treated by the Municipality as confidential unless otherwise required by law, overriding public health and safety concerns, or authorized in writing by the person in question.

**SECTION 6. TESTING FOR "PROBABLE CAUSE" OR "REASONABLE GROUND"**- Random drug test shall be conducted when certain official/s, employee/s display/s misconduct, e.g.:

- a. **Attendance** -frequent unauthorized absences, repeated tardiness, and truancy from the job.
- b. **Personal Appearance** - slurred speech, bloodshot eyes, drastic change in appearance, etc.
- c. **Mental Factor** - hot-headedness, irritability, increased difficulty in handling assignments, etc.
- d. **General Performance** - missed deadlines, low productivity, increased wastage, public complaints, frequent accidents, carelessness, etc.
- e. **Peer Relation** - isolation, frequent quarrels with officemates, heavy borrowing, and frequent mood swings, etc.
- f. **Derogatory information** - a verified information that leads authorities to suspect that a person is involved in the use of illegal drugs.

**SECTION 7. DRUG ABUSE PREVENTION PROGRAM.** The municipal government and the barangays, thru the Office of the Human Resource Management, the MADAC and the BADACs as applicable, shall likewise formulate, implement and evaluate plans and programs that shall ensure that the workplace is drug-free.

**SECTION 8. FUNDING.** Funding for the random drug anti-illegal drugs prevention program testing shall be taken from the General Fund amounting to Fifty Thousand Pesos (P50, 000.00).

**SECTION 9. SANCTIONS.** Violation of this Ordinance shall necessitate to undergo the following sanctions:

- a. Any elected or appointed official/s and permanent or casual employee/s found positive of dangerous drugs shall be subjected to appropriate disciplinary/administrative/criminal proceedings after the release of confirmatory result.
- b. Job order personnel, contractual and temporary employee/s shall be immediately dismissed or removed after release of confirmatory result.
- c. The refusal to undergo drug testing shall be ground for disciplinary and administrative sanctions.
- d. Official/s and employee/s who were found to be users of illegal drugs after release of confirmatory result shall be subject himself/herself in a rehabilitation program at his own expense.

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**SECTION 10. PRIVATE SECTOR AND NATIONAL GOVERNMENT AGENCIES.** All private sectors and national government agencies operating in the jurisdiction of Magallanes, Cavite, shall implement their own drug abuse prevention program at their own expense, subject to applicable laws and guidelines.


**SECTION 11. SEPARABILITY CLAUSE.** If any part of this Ordinance is declared not valid unconstitutional or unlawful, such declaration shall not affect or impair the remaining provisions, sections or parts thereof, which shall remain or continue to be in full force and effect.

**SECTION 12. REPEALING CLAUSE.** All previous ordinances and provisions inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

**SECTION 13. EFFECTIVITY.** This Ordinance shall take effect upon its approval and compliance with mandatory posting and publication requirements prescribed under Republic Act No. 7160.

I HEREBY CERTIFY to the correctness of the above-quoted Municipal Ordinance No. 017-2017.


Voting in Favor: 7  
Voting Against: 0  
Abstention: 0

  
ROVINA JANE E. MASANGKAY  
Acting Secretary

ATTESTED:

  
HON. WILSON C. ATIENZA  
SB Member/Temporary Presiding Officer


APPROVED ON: 09/04/17

  
HON. JASMIN ANGELLI M. BAUTISTA  
Mayor

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Hon. Lisa E. Hierco

Hon. Renato C. Ramos

  
Hon. Aina Mari M. Sisante

Hon. Tolentino Talalla

  
Hon. Francisco M. Vidallo

Hon. Wilson C. Atienza

  
Hon. Jesus B. Amazo

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