



Republic of the Philippines
Province of Romblon
MUNICIPALITY OF LOOC

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09150849897/09954642159

OFFICE OF THE SANGGUNIANG BAYAN

20 August 2024

ISMAEL S. OSORIO JR.
Vice Mayor/Presiding Officer

PERIANO R. BERNARDO
Majority Floor Leader
Chairman, Agriculture

MENCHIE M. GARACHICO
Chairman, Appropriation, Ways &
Means, and Rules

MICHAEL P. FRANCISCO
Chairman, Infrastructure,
Transportation & Communication

TEODULO G. TIROL, JR.
Chairman, Commerce, Labor, Market
& Slaughterhouse

ADRIAN C. GAYTANO
Chairman, Environment and National
Resources

JONATHAN T. GAYTANO
Chairman, Tourism, Trade & Industry,
Education, Games & Amusement

ROLANDO F. BAUTISTA
Chairman, Human Rights, Legal
Affairs, Police Matters, Public Order &
Safety, and Oversight

BENJAMIN FERNANDEZ JR.
Chairman, Games & Amusements,
PWD, Senior Citizens and Social
Services

JOSEFINA G. MORTEL
Liga ng mga Barangay President
Chairman, Barangay Affairs

JOHN KENNETH GARCIA
SK Federation President
Chairman, Youth & Sports
Development

REYAM A. REYES
Secretary to the Sanggunian

Mrs. NIÑA M. MANGARING -MINDO
Secretary to the Sanggunian
Sangguniang Panlalawigan
Romblon, Romblon

Attn: The Honorable
ARMANDO M. GUTIERREZ
Vice Governor/Presiding Officer

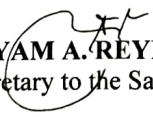
Sir/Madam:

Respectfully submitting herewith is the approved Municipal Ordinance 036-2024 which was approved by the majority of Members of Legislative Council of Looc, Romblon during 103rd Regular Session dated August 16, 2024 for review and approval of the Provincial Legislative Council:

Municipal Ordinance No. 036-2024 – An Ordinance Institutionalizing a Drug-Free Workplace in the Municipality of Looc, Romblon Appropriating Funds for Implementation and Providing Sanctions for Violation Thereof.

Proper review and approval of the Members of Provincial Board are so much important, for proper implementation of the above-cited Ordinance.

Respectfully yours,


REYAM A. REYES
Secretary to the Sanggunian

Noted:


ISMAEL S. OSORIO JR.
Municipal Vice Mayor/
Presiding Officer



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OFFICE OF THE SANGGUNIANG BAYAN

**EXCERPTS FROM THE MINUTES OF THE 103RD REGULAR SESSION OF THE 2022
–2025 SANGGUNIANG BAYAN OF LOOC, PROVINCE OF ROMBLON HELD AT
MUNICIPAL SESSION HALL ON AUGUST 16, 2024.**

PRESENT:

HON. PERIANO R. BERNARDOActing Municipal Vice Mayor/
Presiding Officer
HON. MENCHIE M. GARACHICOSB Member
HON. ROLANDO F. BAUTISTASB Member
HON. MICHAEL P. FRANCISCOSB Member
HON BENJAMIN F. GALINDEZ JRSB Member
HON. JOSEFINA G. MORTELLnB President
HON. JOHN KENNETH S. GARCIA.....SK Federation President

ON OFFICIAL TRAVEL

HON. ISMAEL S. OSORIO JRMunicipal Vice Mayor
HON. JONATHAN T. GAYTANOSB Member
HON. ADRIAN C. GAYTANOSB Member
HON. TEODULO G. TIROL Jr.....SB Member

ABSENT:

NONE

MUNICIPAL ORDINANCE NO. 036 - 2024

**AN ORDINANCE INSTITUTIONALIZING A DRUG-FREE WORKPLACE IN THE
MUNICIPALITY OF LOOC, ROMBLON APPROPRIATING FUNDS FOR
IMPLEMENTATION AND PROVIDING SANCTIONS FOR VIOLATION
THEREOF**

Sponsor: Hon. Menchie M. Garachico

*Co Sponsors: Hon. Periano R. Bernardo, Hon. Rolando F. Bautista,
Hon. Michael P. Francisco, Hon. Benjamin F. Galindez Jr.,
Hon. Josefina G. Mortel, & Hon. John Kenneth S. Garcia*

WHEREAS, Article III, section 36 (d) of Republic Act 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002” provides that the 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, Board Resolution No. 13 Series of 2018 of the Dangerous Drug Board 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” was issued to promote the establishment and institutionalization of drug-free workplace policies in all government

agencies and ensure that all public officers, both elective and appointive, remain drug free through the conduct of authorized drug testing pursuant to Republic Act No. 9165 or the Comprehensive Dangerous Drug Act of 2002, as amended;

WHEREAS, the Civil Service Commission (CSC) Memorandum Circular No. 13 series of 2017, prescribes the conduct of mandatory drug test as a pre-requisite for employment to ensure that only those qualified candidates shall be screened and recruited in the government service;

WHEREAS, under Section 458, paragraph (a), (l) and (V) of republic Act 7160, The Sangguniang Bayan has the power and authority to enact ordinances to prevent, suppress and impose appropriate penalties on drug addiction, maintenance of drug dens, drug pushing, and such other activities inimical to the welfare and moral of the inhabitants of the municipality;

NOW THEREFORE, Be it ordained by the Sangguniang Bayan in session assembled:

SECTION I. Title - This ordinance shall be known as " Drug Free Workplace Ordinance of the Local Government of Looc, Romblon.

SECTION II. Coverage - This Ordinance shall cover all municipal public officials, elected or appointed in the Municipality of Looc, Romblon, employees, casual and job order. The Municipal Mayor shall ensure that this ordinance shall be properly disseminated to all offices of the municipality.

SECTION III. Definition of Terms - As used in this ordinance the following terms are defined:

- a) **Authorized Drug Testing** - refers to 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 a positive screening test.
- b) **Challenge Test** - a drug test conducted as a result of a challenge filed by a public officer who tested positive for drug use in a confirmatory test in an authorized drug testing activity.
- c) **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.
- d) **Dangerous Drugs** - include those listed in the Scheduled 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 or the Comprehensive Dangerous Drug Act of 2002, as amended.
- e) **Drug Dependency Examination** - refers to the examination conducted by a physician accredited by the DOH to evaluate the extent of drug use of a

person and to determine whether he/she is a drug dependent or both, which includes history taking, intake interview, determination of criteria for drug decency, mental and physical status, and the detection of dangerous drugs in body specimens through laboratory procedures.

- f) ***Employee Assistance Program*** - a program that offers assistance to government officials or employees who have alcohol or drug-related issues and problems that may affect work performance.
- g) ***Experimenter*** - a person whose drug use began through exploration with limited exposure and no development of regular use or any related harm.
- h) ***Mandatory Drug Testing*** - compulsory submission of a public official or prospective employee to drug testing as mandated by this ordinance.
- i) ***Random Drug Testing*** - subjection of personnel for drug testing as selected following no specific pattern and without prior notice/information.
- j) ***Screening Test*** - shall mean a rapid test performed to establish potential/presumptive positive result. It refers to the immune-assay 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.

SECTION IV. *Establishment of Drug - Free Workplace Committee* - There shall be a Drug - Free Workplace Committee which shall ensure the proper implementation and dissemination of this Ordinance. The committee shall be composed of the following:

- a) Local Chief Executive or Representative;
- b) Human Resource Management Officer or Representative;
- c) Municipal Health Officer or Representative;
- d) Chief of Municipal Police;
- e) SB Chairman, Committee on Public Safety and Peace.

SECTION V. *Establishment of an Assessment Team* - There shall be an assessment team to be created by the Municipal Mayor which shall assist in the conduct of substance abuse awareness and prevention programs and implement the Employee Assistance Program for personnel who wish to undergo drug use intervention. It shall be composed of personnel with educational and training background on medicine, psychology, social work, and human resources administration.

SECTION VI. *Aspects of the Drug - Free Workplace Policy*

- a) ***Pre - Employment Drug Testing*** - Mandatory drug testing shall remain an essential requirement for entry into government service. Any applicant found positive of drug use shall be denied entry to government service.
- b) ***Substance Abuse Awareness and Prevention Programs*** - The Assessment team shall initiate and implement these programs to ensure that personnel

are properly informed on the evils of drug use, including its physical, mental, social, and legal implications.

- c) **Authorized Drug Testing** – The Drug-Free Workplace Committee and/or the Assessment Team shall implement a random selection procedure in order to determine personnel who shall undergo drug testing;
- d) **Employee Assistance Program** – Any personnel, prior to the conduct of Authorized Drug Testing, may seek intervention through the Employee Assistance Program, which shall provide referrals and additional services to the personnel concerned. A drug dependency examination shall be conducted in order to determine the level of substance use disorder and the applicable intervention. This program shall not apply to personnel who are found to be positive of drug use after the conduct of confirmatory drug test in an Authorized Drug Testing activity.

SECTION VII. *Guidelines in the Conduct of Authorized Drug Testing*

- a) The Municipal Mayor, in consultation with the Drug-Free Workplace Committee, shall determine the frequency and sates for the conduct of an authorized drug testing activity. Subsequent random testing shall be periodically conducted in an interval not to exceed two (2) years. Information relating to frequency and dates relating to drug testing shall be treated with utmost confidentiality.
- b) In the case of the barangays, they shall allocate funds for the conduct of its drug testing of the officials and personnel of their barangay.
- c) Personnel selected to undergo drug testing shall immediately report to the Municipal Mayor. Personnel who, without any justifiable reason, fail to report for drug testing shall be sanctioned.
- d) Upon discovery that urine sample tested positive for use of dangerous drugs after confirmatory testing, the result shall immediately be made known to the Municipal Mayor, who shall notify the public officer concerned. The public officer shall have fifteen (15) days from receipt of notice to challenge the result of 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.
- e) A positive drug test result from the challenge 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 the confirmatory drug test final. The LGU shall then take the appropriate action.
- f) 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 VIII. *Sanction*

- a) Any 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.
- b) Public officials and employees who for the second time have tested positive in a random drug test after completion of his/her treatment and/or rehabilitation program, or shall be found used dangerous drugs during the prescribed period of intervention or rehabilitation, shall be charged with the administrative offense of Grave Misconduct.
- c) Any elective 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 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.
- d) Public officials and employees caught using or peddling drugs shall be charged with the administrative offense of Grave Misconduct, without prejudice to the filing of appropriate criminal charge/s under Republic Act of 9165 and other pertinent laws.

SECTION IX. *Funding* - The Office of the Municipal Mayor shall appropriate funds necessary for the implementation of this Ordinance.

SECTION X. *Reporting* - The Municipal Mayor shall ensure a copy of this ordinance shall be communicated to the Dangerous Drugs Board and the Department of the Interior and Local Government for information. Thereafter, the Municipal Mayor shall also report to said agencies the conduct of authorized drug testing and provide data as to the number of persons who were subjected to drug testing, the number of persons found positive of drug use, and the action undertaken by the Municipal Mayor on persons found positive for drug use.

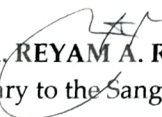
SECTION XI - *Separability Clause* - If, for any reason any part or provision of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION XII - *Repealing Clause* - All any ordinances, rules and regulation found inconsistent with any provision of this Ordinance are hereby repealed and amended accordingly.

SECTION XIII - *Effectivity Clause* - This ordinance shall take effect after review and approval by the Sangguniang Panlalawigan and posted in three conspicuous places of the municipality.

Approved: 16 August 2024/ 103rd Regular Session.

CERTIFIED to the correctness of the aforesaid Ordinance.


ENGR. REYAM A. REYES
Secretary to the Sanggunian

ATTESTED:


HON. PERIANO R. BERNARDO
Acting Municipal Vice Mayor &
Presiding Officer

Concurred:

(On Official Travel)
HON. JONATHAN T. GAYTANO
SB Member

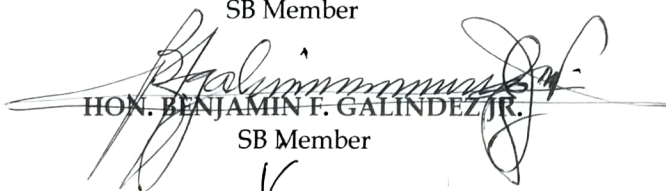
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SB Member/ Sponsor

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SB Member

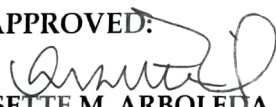

HON. ROLANDO F. BAUTISTA
SB Member


HON. MICHAEL P. FRANCISCO
SB Member


HON. BENJAMIN F. GALINDEZ JR.
SB Member


HON. JOSEFINA G. MORTEL
LnB President


HON. JOHN KENNETH S. GARCIA
SK Federation President

APPROVED:

ATTY. LISETTE M. ARBOLEDA

Municipal Mayor
Date Approved: **AUG 16 2024**