



Republic of the Philippines
Province of Guimaras
OFFICE OF THE 10TH SANGGUNIANG PANLALAWIGAN
San Miguel, Jordan, Guimaras 5045



EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE 10TH SANGGUNIANG PANLALAWIGAN, THIS PROVINCE HELD AT THE SP SESSION HALL, 2ND FLOOR, GTIC BUILDING ON JULY 11, 2023.

PRESENT:

Atty. John Edward G. Gando -	Vice Governor and Presiding Officer
Hon. Felipe Hilan A. Nava, MD -	SP Member and Majority Floor Leader
Hon. Cecile C. Gumarin, MD -	SP Member and Deputy Majority Floor Leader
Hon. Aurelio G. Tionado -	SP Member
Hon. Alejandro D. Araneta, DMD -	SP Member
Hon. Luben G. Vilches -	SP Member
Hon. Perfecto T. Habaña, Jr. -	SP Member
Hon. Raymond H. Gavileño -	SP Member
Hon. Karren Kaye A. Gadnanan -	Ex-Officio Board Member (SK Federation President)
Hon. Marcelo G. Malones, Jr. -	Ex-Officio Board Member (LNB Federation President)
Hon. Jimmy O. Gajo -	Ex-Officio Board Member (PCL Federation President)

OFFICIAL BUSINESS:

Hon. Marilyn G. Edang - SP Member

ABSENT:

None

ORDINANCE NO. 2023-02

Introduced by:

VICE GOVERNOR ATTY. JOHN EDWARD G. GANDO

Sponsored by:

HONORABLE LUBEN G. VILCHES

AN ORDINANCE ESTABLISHING AND INSTITUTIONALIZING A DRUG-FREE WORKPLACE IN THE PROVINCIAL GOVERNMENT

Be it ordained by the Sangguniang Panlalawigan of the Province of Guimaras that:

SECTION 1. Title - This Ordinance shall be known as the "PROVINCIAL GOVERNMENT DRUG-FREE WORKPLACE ORDINANCE".

SECTION 2. Declaration of Policy - The Provincial Government of Guimaras acknowledges the threats and ill-effects of drug abuse in the community and in the workplace. These include, among others, decreased productivity, increased accidents, absenteeism, lapses in the performance of assigned task, and criminality. Thus, it is the declared policy of the Provincial Government to absolutely prohibit and deter the use of dangerous drugs in and outside the office by all officials and employees of the Provincial Government of Guimaras.

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 dangerous drugs and from other related illegal activities as prescribed by Republic Act No. 9165, otherwise known as the Dangerous Drugs Act of 2022.

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ProvinceofGuimaras

The Ordinance shall apply to all officials and employees of the Provincial Government without distinction as to work, employment status or salaries.

SECTION 4. Definition of Terms

- a. Act – refers to Republic Act No. 9165, otherwise known as the Dangerous Drugs Act of 2002
- b. Authorized Drug Testing – the testing done by drug testing laboratories accredited by the Department of Health (DOH), such that, it is authorized to conduct confirmatory test. 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.
- c. Challenge Test- a drug test conducted as a result of a challenge filed by a public officer or employee who is tested positive for drug use in a confirmatory test in an authorized drug testing activity.
- d. Confirmatory Test – an analytical test using 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.
- e. 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 and identified in Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002 as amended (Act).
- f. Mandatory Drug Testing – compulsory submission of a public officer or prospective employee to drug testing as mandated by the Act or by the drug-free workplace program of the province.
- g. Public Officials – any person holding a public office in the Provincial Government of Guimaras by virtue of an election.
- h. Public Employees – any person holding a public office in the Provincial Government of Guimaras by virtue of an appointment, or those whose employment status is considered regular.
- i. Other employees – Those individuals engaged by the Provincial Government on contractual, casual or job order basis.
- j. Random Drug Testing – 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.
- k. Screening 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.

SECTION 5. Responsibility of the Provincial Government

- a. The Provincial Government through the Governor shall ensure the adoption and implementation of a continuing and sustainable substance abuse awareness and prevention program and inform all officials and employees of the following:
 - i. The Drug-Free Workplace Policy of the LGU;
 - ii. The medical and social risks associated with drug use;
 - iii. The administrative and criminal sanctions with respect to drug use and violations of the Act.

b. The Provincial Government shall undertake to:

- i. Maintain a drug-free workplace;
- ii. Conduct substance abuse awareness and prevention programs;
- iii. Conduct mandatory and random drug testing; and
- iv. Ensure adequate funding for the implementation of the Drug-Free Workplace Policy.

c. A Drug-Free Workplace Committee shall be created to assist the Governor in the implementation of the provisions of the ordinance with, but not limited to, the following composition and functions:

i. Composition

Provincial Director (or anyone acting in such capacity), Philippine National Police (PNP)
 Provincial Health Officer (or anyone acting in such capacity)
 Head of Provincial Human Resource Management and Development Office (or anyone acting in such capacity)
 Provincial Social Welfare and Development Officer (PSWDO)
 Provincial Director (or anyone acting in such capacity), Philippine Drug Enforcement Agency (PDEA)
 Provincial Director (or anyone acting in such capacity), Department of the Interior and Local Government (DILG)
 Sangguniang Panlalawigan Chairperson, Committee on Peace and Order
 President of the recognized and official employees' association

ii. Functions

1. To emphasize to the employees and officers that the purpose of the ordinance is not to harass but rather prevent the entry of illegal drugs and the abuse thereof.
2. To formulate the procedure regarding the time, date and manner of selection of public officials and employees who would be subjected to the random drug testing.
3. To oversee the formulation and implementation of the drug abuse policy in the agency that may include the periodic mandatory drug testing for all the officials and employees, if necessary.
4. Initiate continuing education and awareness program for the employees
5. Initiate and adopt value formation, family enhancement and such other related and relevant programs.

SECTION 6. Pre-Employment Drug Testing

Mandatory drug testing shall remain a requirement for entry to provincial government service for permanent and co-terminus positions. Any applicant found positive for drug use shall be denied entry to government service.

SECTION 7. Guidelines in the Conduct of Authorized Drug Testing

- a. The Drug-Free Workplace Policy of the Provincial Government shall include the conduct of authorized drug testing to all provincial officials and employees for the purpose of preventing the entry of dangerous drugs in government offices and the use of dangerous drugs among personnel thereof. The frequency of such testing, which shall be conducted in a random manner, shall take into consideration, among others, the number of public officials and employees, nature of work being discharged, funding, and other logistics.

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- b. Authorized drug testing shall be conducted either by the PDEA, PHO, PNP Crime laboratory, or a private laboratory.
- c. In case of negative drug test result, no further action is required.
- d. A positive drug test result from the confirmatory test shall be relayed to the public official/employee concerned. The public official/employee shall have fifteen (15) days from receipt of the 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 official/employee.
- e. A positive drug test result from the challenge test is deemed final and the public official/employee shall be dealt with in accordance with the provisions of this ordinance. Failure to file a challenge within the prescribed period shall make the positive drug test result from the confirmatory drug test final.
- f. All results of authorized drug testing activities shall be strictly confidential. Only the Governor and the members of the Drug Free Workplace Committee shall have access to such results.

SECTION 8. Administrative Action

- a. Any public official/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/challenge test as the case may be, shall be charged administratively for Grave Misconduct in accordance with the Local Government Code of 1991 or applicable issuances of the Civil Service Commission, whichever is applicable.
- b. Any public official/employee who is 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 a criminal case for violation of Section 32, Article II of the Act.
- c. Any public official/employee who violates the provisions of Article II of the Act shall be charged administratively for Grave Misconduct, without prejudice to the filing of criminal case under the provisions of the Act and other relevant laws.
- d. Any contractual or job-hire personnel who is found to be under similar circumstances enumerated in paragraphs (a) (b) and (c) of section 8 hereof shall warrant his/her automatic termination from the provincial government.

For this purpose, the Governor as the disciplinary authority shall initiate the filing of case/s relative hereto.

SECTION 9. 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 its content to any person not authorized to have access thereto, shall be prosecuted for violation of Section 32 Article II of the Act.

SECTION 10. Funding

The Provincial Government shall ensure annual funding for the implementation of this ordinance. Funds may also be sourced from allocated budget for health and wellness of the employees.

SECTION 11. Repealing Clause

Prior ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed, amended, suspended or modified accordingly.

SECTION 12. Separability Clause

If any part or provision of this Ordinance be declared as invalid or unconstitutional, other provisions which are not affected thereby shall remain in force and effect.

SECTION 13. Effectivity Clause

This Ordinance shall take effect the day following its posting and publication in a newspaper of local circulation whichever occurs later.

ENACTED: JULY 11, 2023

I hereby attest to the correctness of the foregoing ordinance which was duly enacted by the 10th Sangguniang Panlalawigan of the Province of Guimaras during its regular session on. July 11, 2023.


LORENA MINIERVA-ITUCAS
 Secretary to the Sangguniang Panlalawigan


We Concur:

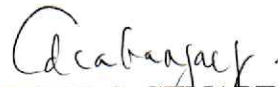

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 SP Member


AURELIO G. TIONADO
 SP Member



LUBEN G. VILCHES
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RAYMOND H. GAVILEÑO
 SP Member



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 Ex-Officio SP Member
 LNB Federation President


CECILE C. GUMARIN, MD
 SP Member

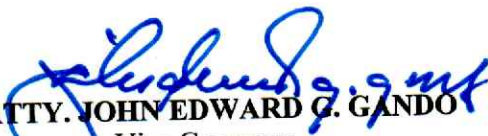

ALEJANDRO D. ARANETA
 SP Member


PERFECTO T. HABAÑA, JR.
 SP Member


KARREN KAYE A. GADNANAN
 Ex-Officio Board Member
 (SK Federation President)


JIMMY O. GAJO
 Ex-Officio SP Member
 PCL Federation President

Certified Correct:


ATTY. JOHN EDWARD G. GANDO
 Vice Governor
 Presiding Officer

Approved:


JC RAHMAN A. NAVA, MD
 Governor