



Republic of the Philippines  
**MUNICIPALITY OF SANTO DOMINGO**  
 Province of Ilocos Sur

**OFFICE OF THE SANGGUNIANG BAYAN**

**MUNICIPAL ORDINANCE No. 004**  
 Series of 2019

**AN ORDINANCE INSTITUTIONALIZING A DRUG-FREE WORKPLACE IN THE LOCAL GOVERNMENT UNIT OF SANTO DOMINGO, ILOCOS SUR AND PROVIDING SANCTIONS FOR VIOLATION THEREOF**

**BE IT ENACTED BY THE SANGGUNIANG BAYAN IN A SESSION DULY ASSEMBLED**

**Section 1. Short Title** — This ordinance shall be known as “A Drug-Free Workplace Ordinance in the Local Government Unit of Santo Domingo, Ilocos Sur.”

**Section 2. Coverage** — This ordinance shall be applicable to all public officials, elected or appointed, and employees of Santo Domingo, Ilocos Sur.

**Section 3. Guidelines in the Conduct of Random Drug Testing** – The following guidelines outline the purposes of the random drug testing program:

- The random drug testing shall be implemented as a collaborative undertaking of Santo Domingo, Ilocos Sur.
- Random drug testing shall be implemented primarily for a drug-free workplace.
- The drug testing program shall guarantee and respect the personal privacy and dignity of the officials and employees.

**Section 4. Definition of Terms** – For the purpose of this ordinance, the following terms are defined:

- 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.
- Drug Test** — a technical analysis of a biological specimen, i.e. urine, blood, sweat, or oral fluid/saliva, to determine the presence or absence of illegal drugs taken by a person.
- Drug Use** — any act of consuming either by smoking, sniffing, eating, swallowing, or injecting any illegal drugs or substance.
- Employees** – shall include all municipal officials and employees, to include job order personnel.

**BRYAN DEXTER V. TADENA**  
 Sangguniang Bayan Member

**GOBERTO T. INGAN**  
 Sangguniang Bayan Member

**CRISTIN JANE G. DE VERA**  
 Sangguniang Bayan Member

**RIZALDY S. ROSARIO**  
 Sangguniang Bayan Member

**MICHAEL EMILI V. FIGUERAS**  
 Sangguniang Bayan Member

**JOANN T. ABINGCURA**  
 Sangguniang Bayan Member

**EUGENE R. ADEJA**  
 Sangguniang Bayan Member

**RODELIO S. VALENCIA**  
 ABC Federated President

(on Leave Abroad)  
  
**JESSIE BONIFACIO T. TOBIAS**  
 Sangguniang Bayan Member

**JELLY ANN ROSE T. TINDOC**  
 SK Federated President

**FLORO T. TADENA**  
 Vice Mayor & Presiding Officer

ATTESTED:

**RODELL MAGORDA**  
 Secretary to the Sanggunian

APPROVED:

**AMADO T. TADENA**  
 Municipal Mayor

MAR 11 2019  
 (Date)

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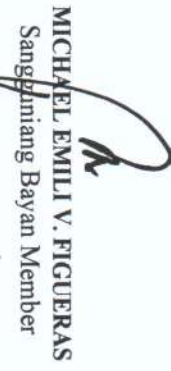
- e. "For Cause" or "Probable Cause" Drug Test — Drug testing required when there is a "probable cause" or "reasonable ground" to believe that a person is using or is under the influence of illegal drugs.
- f. Random Drug Test – subsection of personnel for drug testing as selected following no specific pattern and without prior notice/information.
- g. Refusal – physically evading, escaping, refusing or making self unavailable.
- h. 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.
- i. Urine Drug Test — a kind of drug test using the human urine to examine the presence or absence of certain illegal drugs.

**Section 5. Procedures in the Conduct of Random Drug Testing** — The procedures in the conduct of the random drug testing are as follows:

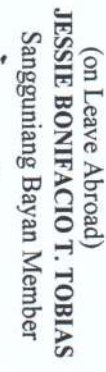
- a. The Municipal Mayor or his authorized representative shall order the conduct of the random test.
- b. Drug testing shall be done by any government forensic laboratory or any of the local Drug testing laboratories accredited and monitored by the Department of Health (DOH) to safeguard the quality test results.
- c. The drug testing shall employ, among others, two (2) testing methods:
  - 1. The screening test which will determine the positive result as well as the type of drug used; and
  - 2. The confirmatory test which will confirm a positive screening test.
- d. Random testing shall include, either all or a certain number of employees; the means of selection shall remain confidential.
- e. 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. Any person who intentionally or negligently reveals the information related to drug testing or the identification of persons as users of drugs shall be administratively and criminally liable for revelation of secrets as defined under Article 229-230 of the Revised Penal Code.

  
BRYAN DEXTER A. TADENA  
Sangguniang Bayan Member

  
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Sangguniang Bayan Member

  
MICHAEL EMILI V. FIGUERAS  
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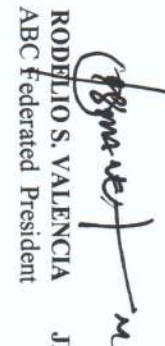
  
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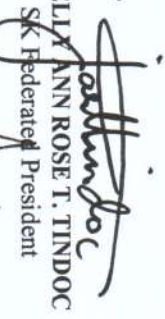
  
(on Leave Abroad)  
JESSIE BONIFACIO T. TOBIAS  
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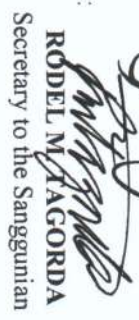
  
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Vice Mayor & Presiding Officer

ATTESTED:

  
RODEL M. LAGORDA  
Secretary to the Sanggunian

APPROVED:  
MAR 11 2019  
(Date)

  
AMADO T. MADENA  
Municipal Mayor

X ..... X

**Section 6. Testing for "Probable Cause" or "Reasonable Ground" -**  
Random drug test shall be conducted when certain employee/s display/s misconduct.

- 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, frequent mood swings, etc.

**Section 7. Funding** – The Cost of the drug testing for the Municipal officials and employees shall be funded by the municipal government of Santo Domingo, Ilocos Sur and shall form part of the annual budgetary appropriation.

**Section 8. Sanctions** —

- a. Refusal to undergo drug test constitutes insubordination and shall be penalized by appropriate Civil Service laws.
- b. Any official or employee who is found to be positive for prohibitive drug use by Department of Health (DOH) accredited Drug Testing Center shall be required to undergo a mandatory six (6) months treatment and rehabilitation in any of the accredited government rehabilitation center and shall be **SUSPENDED** from work without pay.
- c. Refusal to obtain rehabilitation after having been found positive to use illegal drugs with positive confirmatory results is tantamount to Grave Misconduct under the Civil Service Commission rules and regulations and will be penalized with **DISMISSAL** from the service.
- d. Any official or employee who for the second time has been detected to be using illegal drugs after completion of his/her rehabilitation program shall be guilty of Grave Misconduct and will be penalized with **DISMISSAL** from the service.

**Section 9. 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 10. Repealing Clause** – All previous ordinances and regulations inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

**Section 11. Effectivity** – This Ordinance shall take effect immediately upon approval

(Enacted this 11<sup>th</sup> day of March 2019)

(Sponsored by Hon. Eugene R. Tadeja)

  
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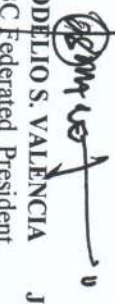
  
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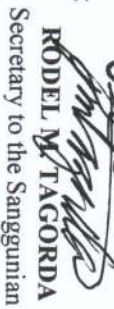
  
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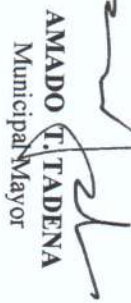
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