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PROVINCE OF PANGASINAN
Lingayen
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on August 1, 2016 at Lingayen, Pangasinan, the following provincial ordinance was approved:

Authored by SP Member Jeremy Agerico B. Rosario

PROVINCIAL ORDINANCE NO. 200-2016

AN ORDINANCE IMPLEMENTING A MANDATORY RANDOM DRUG TEST PROGRAM IN THE PROVINCE OF PANGASINAN AND APPROPRIATING FUNDS THEREFOR

WHEREAS, the Province of Pangasinan supports the Anti-Drug campaign of President Rodrigo Roa Duterte as the problem on dangerous drugs has been considered one of the lingering illnesses of the Philippine society needing immediate resolution;

WHEREAS, drug abuse in the workplace may cause significant physical, mental or social dysfunction that affects not only the user but also the other people around him including his co-employees and the public client;

WHEREAS, requirement for drug testing for employees of public offices is anchored on Section 36 (d) of RA 9165 or the Comprehensive Dangerous Drugs Act of 2002;

WHEREAS, considering the well-being of employees, the satisfactory accomplishment of public service, and the paramount need to uphold and maintain public trust, it is necessary to have public servants who are drug-free;

WHEREAS, Provincial Governor Amado I. Espino III has issued Executive Order No. 0084-2016, dated July 27, 2016, ordering the mandatory random drug test for officials and employees of the Provincial Government of Pangasinan;

NOW THEREFORE, on motion of SP Member Jeremy Agerico B. Rosario, duly seconded -



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Be it enacted by the Sangguniang Panlalawigan in session assembled that:

SECTION 1. TITLE. This Ordinance shall be known as “**AN ORDINANCE IMPLEMENTING A MANDATORY RANDOM DRUG TEST PROGRAM IN THE PROVINCE OF PANGASINAN AND APPROPRIATING FUNDS THEREFOR**”.

SECTION 2. DECLARATION OF POLICY. It is the policy of the Province to ensure a safe working environment by controlling, if not eradicating, the proliferation of illegal drug use within the workforce of the Provincial Government of Pangasinan.

SECTION 3. GENERAL PRINCIPLES.

1. Executive Order No. 0084-2016 is issued to unite efforts of the Provincial Government of Pangasinan in curbing the illegal drug problem in the country and to maintain a confident working environment that is safe and trustworthy for the general public.
2. The drug test prescribed herein for local government officials and employees, while mandatory, is a “random and suspicionless” procedure.
3. The objective is to stamp out illegal drug and safeguard in the process the well-being of the citizenry, from the harmful effects of dangerous drugs.
4. The pursuit of an intensive and unrelenting campaign against the use of dangerous drugs can be achieved through an integrated system of planning, implementation and enforcement of anti-drug abuse policies, programs and projects.
5. The primary intent of this Ordinance is not criminal prosecution, but to uphold and maintain public trust in the Provincial Government of Pangasinan.
6. Those found positive for illegal drug use as a result of this random testing are not necessarily treated as criminals. They may even be exempt from criminal liability should the illegal drug user consent to undergo rehabilitation.



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SECTION 4. DEFINITION OF TERMS. For the purpose of this Ordinance, the following terms are defined:

- a. **Employees** – shall include employees, workers and personnel from the Provincial Government of Pangasinan, regardless of status, whether job order, casual, or permanent employees. It shall also apply to all non-permanent, co-terminus or highly confidential personnel.
- b. **Authorized Drug Test-** The testing done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the Department of Health (DOH) to safeguard the quality of test results. It shall employ, among other, two (2) testing methods, the screening and confirmatory tests. The examination of a person's urine specimen to determine the presence of dangerous drugs shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH. The two testing methods are as follows:
 1. Screening Test is defined as a rapid test performed to establish potential/presumptive positive result.
 2. Confirmatory Drug Test - 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, which shall likewise be done by any government laboratory or by privately-owned and operated drug testing laboratory accredited and monitored by the DOH having confirmatory tests capabilities.
- c. **Drug Abuse** – The habitual taking of addictive or illegal drugs .
- d. **Workplace** – shall mean all public offices, including field and temporary offices of the different departments of the Provincial Government of Pangasinan.
- e. **Dangerous Drugs** – Include those listed in the Schedules Annex to the 1991 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol and in the Schedules Annex to the 1971 Single Convention on Psychotropic Substances as enumerated in the attached annex, which is an integral part of RA 9165.



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- f. **Drug Test/Drug Testing** – shall refer to the Mandatory Random Drug Test.
- g. **Drug Test Certificate** – A declaration or statement of the result of the drug test issued by accredited drug testing centers. It shall be valid for a one-year period from the date of issue and which may be used for other purposes, as referred to in Section 36, Article III of RA 9165.
- h. **Drug Testing Center** – A laboratory area/place fully-equipped with facility, reagents and personnel performing drug test and accredited and monitored by the Department of Health and approved by the Provincial Government of Pangasinan.
- i. **Valid reason** – shall refer to any of travel order, travel abroad, illness, approved leave or other unavoidable, justifiable or justified absence from office or in an emergency situation.

SECTION 5. GENERAL GUIDELINES:

1. The mandatory random drug testing shall be implemented as a collaborative undertaking for the government, its local government officials and employees.
2. Mandatory Random drug testing shall be implemented primarily for a drug-free workplace to better serve the general public.
3. The conduct of drug test shall be an important consideration on the application of new employees, renewal of appointments, to include promotions in whatever capacity and offices.
4. Being drug-free shall be an important parameter in the determination of whether an employee is physically or mentally fit to render public service. The same shall be considered as a continuing requirement, which should be acquired not only before the start of public employment, but all throughout the service.
5. The drug testing program shall respect the personal privacy and dignity of the local government officials and employees.
6. Elected officials are highly encouraged to voluntarily undergo the drug test procedure to encourage and inspire the rank and file employees.



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7. Component local government units are also encouraged to replicate the efforts of the provincial government, in order to create a ripple effect for all public servants in the Province of Pangasinan.

SECTION 6. PROCEDURES IN THE CONDUCT OF RANDOM DRUG TESTING. The Procedures in the conduct of the random drug testing are as follows:

1. Drug testing shall be done at least once a year, unannounced as to the specific date and time.
2. The mandatory random drug test shall be conducted by or under the supervision of the nearest government forensic laboratory or the nearest local drug testing laboratories which are authorized and accredited by DOH and approved by the Provincial Government, to safeguard the quality test results.
3. Prior to the conduct of the drug test, employees shall sign a waiver or any appropriate document whereby they authorize the Provincial Government to secure or have access to the result of the said drug test.
4. The drug testing shall employ, among others, two (2) testing methods:
 - a. The screening test which will determine the positive results as well as the type of drug used; *and*
 - b. The confirmatory test which will confirm a positive screening test.
5. The drug testing shall include, either all or a certain number of employees, the means of selection shall be random.
6. All personnel or employees who shall be absent in their respective offices or unavailable for whatever reason, either by virtue of travel order, travel abroad, illness or approved leave among others, during the conduct of the random drug test shall automatically submit themselves to the drug test immediately upon arrival or reporting back in their respective offices.

SECTION 7. SANCTION. Any officer or employee found to have violated this Ordinance may suffer in or a combination of the following sanctions:

1. Any government officer or employee who refuses to undergo the mandatory random drug test shall be properly recorded in the files of the employee/applicant and shall be administratively dealt with in accordance with the existing rules and regulations without prejudice to suspension or dismissal from the service in accordance to the pertinent provisions of the Civil Service laws.



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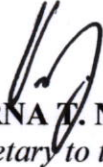
2. Any government officer or employee who refuses, without any valid reason, to submit himself/herself for mandatory drug test will be administratively dealt with in accordance with the existing rules and regulations without prejudice to Section 468 (a) (iii) of RA 7160.

SECTION 8. SOURCE OF FUND. – The cost for the mandatory random drug test shall be subsidized by the provincial government. The required funds for the purpose shall come from the existing anti-drug abuse funds of the Province.


SECTION 9. SEPARABILITY CLAUSE. - If for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid by competent authority, such judgment or action shall not affect or impair the other sections or provisions thereof.

SECTION 10. REPEALING CLAUSE. - All ordinances, executive orders, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed.

SECTION 11. EFFECTIVITY. – This ordinance shall take effect after publication in a newspaper of local circulation in the Province of Pangasinan for a minimum period of three (3) consecutive weeks.


VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:


VICE GOVERNOR JOSE FERDINAND Z. CALIMLIM, JR.
Presiding Officer

APPROVED:


AMADOR L. ESPINO III
Governor