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ADMINISTRATIVE ORDER NO. 15  
Series 2016

AN ORDER CREATING A COMMITTEE FOR THE IMPLEMENTATION OF POLICIES AND  
PROGRAMS FOR A DRUG-FREE WORKPLACE IN THE PROVINCIAL GOVERNMENT OF  
DAVAO DEL NORTE

**WHEREAS**, Section 2 - Declaration of Policy of the Implementing Rules and Regulations (IRR) of Republic Act 9165, otherwise known as the Comprehensive Dangerous Act of 2002, states that, "It is the policy of the State to safeguard the well-being of its citizenry particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation. In view of the foregoing, the State needs to enhance further the efficacy of the law against dangerous drugs, it being one of today's more serious social ills";

**WHEREAS**, to pursue an intensive and unrelenting campaign against the use of illegal drugs, including other similar substance, the provincial government through the Committee plan to enforce the aforementioned policy by implementing a Drug-Free Workplace;

**WHEREAS**, to promote a drug-free workplace, a Random Drug Test to all capitol employees shall be done to reduce the risk and provide appropriate interventions to those found drug users, so as to attain a clean and healthy workforce in the public service;

**NOW, THEREFORE, I, ANTONIO RAFAEL G. DEL ROSARIO**, Governor of the Province of Davao del Norte and by the powers vested in me by law do hereby order the Creation of Committee for the Implementation of Policies and Programs for a Drug-Free Workplace in the Provincial Government of Davao del Norte.

**Section 1. Composition.** The Committee shall be composed of the following:

- |             |   |  |
|-------------|---|--|
| Chairperson | : | HON. ANTONIO RAFAEL G. DEL ROSARIO<br><i>Governor</i>  |
| Members     | : | HON. ALAN R. DUJALI<br><i>Vice Governor</i>  |
|             | : | MR. SAMSON J. SANCHEZ, MPA, CSEE<br><i>Provincial Administrator</i>                          |
|             | : | MR. AGAPITO B. HORNIDO, MD, MHA<br><i>Provincial Health Officer</i>                          |
|             | : | MS. ARLENE M. SEMBLANTE, RSW<br><i>Provincial Social Welfare and Development Officer</i>     |
|             | : | MS. MONICA L. SALIDO, MM<br><i>Provincial Human Resource and Management Officer</i>          |
|             | : | MS. MA. ELIZA L. ANDIN, CPA<br><i>Provincial Economic Enterprise and Development Officer</i> |

BASTA DAVNOR, THE BEST!



Hon. Anthony G. del Rosario  
Governor, Davao del Norte

- : ATTY. JENNIFER B. NAMOC-YASOL  
*Provincial Legal Officer*
- : ATTY. EDD MARK O. WAKAN  
*Provincial General Services Officer*
- : REV. EDWIN P. SANTOS, D.MIN  
*Provincial Coordinator, Spiritual and Moral Recovery Program*

**Section 2. Roles and Functions of the Committee**

- 2.1 Serve as a focal point through which vital undertakings like planning, implementation, evaluation and monitoring phases are carried out;
- 2.2. Provide effective mechanisms for coordination of services and facilities, funds to be used, volunteers and technical expertise for the conduct of Random Drug Test in the provincial government;
- 2.3 Administer complete confidentiality of employee's profile and information with regard to screening and its results;
- 2.4 Provide Employees' Assistance Program like proper counseling, seminars, trainings, treatment, rehabilitation and implement drug abuse prevention and control mechanisms, programs and information campaigns, including the conduct of capability-building programs and values education to promote positive lifestyles among drug dependent employees, and
- 2.5 Coordinate and seek partnership with various agencies and authorities for the conduct of related social development programs, projects and activities imperative to personality development of drug users.

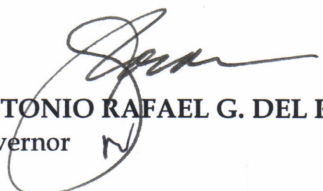
**Section 3. Secretariat.** The Provincial Health Office (PHO) shall serve as the Secretariat to the Committee.

**Section 4. Guidelines for the Implementation of a Drug-Free Workplace Policies and Programs.** Upon approval of this Order, the Governor shall promulgate Guidelines of Policies and Programs for the implementation of a drug-free workplace.

**Section 5. Support and Funds.** The Provincial Government of Davao del Norte, shall allocate enough funds yearly for the conduct of Random Drug Test to all employees.

**Section 6. Effectivity.** This Order shall take effect upon signing hereof.

Done this 26<sup>th</sup> day of August 2016 at the Provincial Capitol, Government Center, Mankilam, Tagum City, Davao del Norte Province, Philippines.

  
ANTONIO RAFAEL G. DEL ROSARIO  
Governor





## GUIDELINES, POLICIES AND PROGRAMS FOR A DRUG-FREE WORKPLACE

In accordance with Article V of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and its Implementing Rules and Regulations the following guidelines are hereby issued to assist the Provincial Government of Davao del Norte and its employees in the formulation of policies and programs to achieve a drug-free workplace. It also prescribes the following guidelines for the implementation of a drug-free program and the conduct of authorized drug testing.

### A. COVERAGE

These guidelines shall apply to all employees of the Provincial Government of Davao del Norte, whether regular, coterminous, casual, contractual, honorarium and job order and other employment status.

### B. FORMULATION OF DRUG-FREE WORKPLACE POLICIES AND PROGRAMS

1. It shall be mandatory to formulate and implement drug abuse prevention and control programs in the workplace, including the formulation and adoption of company policies against dangerous drug use.

2. The workplace policies and programs shall be prepared by management and shall be made an integral part of the company's occupational safety and health and related workplace programs.

### C. DEFINITION OF TERMS

- a. Workplace - a place where work is usually performed.
- b. Authorized Drug Test - an accredited government laboratory and is monitored by the Department of Health (DOH) to safeguard the quality of test results. It employs a screening testing method only.
- c. 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. Confirmatory test for PGDDN will be forwarded to Southern Philippines Medical Center and/or National Reference Laboratory.

BASTA DAVNOR, THE BEST!



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Tagum City 8100



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Hon. Anthony G. del Rosario  
Governor, Davao del Norte



- d. Dangerous Drugs - include those listed in the Schedules annexed to the 1991 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 RA 9165.
- e. Drug Test Certificate - a declaration/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 the Act.
- f. Employee Assistance Program or EAP - a program that offers assistance to workers who have problems, primarily alcohol and drug related, that may affect job performance. It shall be formulated as much as possible, jointly by the employer and the employees or employees' association.
- g. "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 dangerous drugs.
- h. Mandatory Drug Test - compulsory submission of an employee for drug testing as required by RA 9165 and by the agency's internal rules and regulations.
- i. Random Drug Test - Subjection of personnel for drug testing as selected following no specific pattern and without prior notice/information.
- j. Screening Drug 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, from further consideration and to identify the presumptively positive specimen that requires confirmatory test.
- k. Drug Dependence - refers to a cluster of physiological, behavioral and cognitive phenomena of variable intensity, in which the use of psychoactive drug takes on a high priority thereby involving, among others, a strong desire or a sense of compulsion to take the substance and the difficulties in controlling substance-taking behavior in terms of its onset, termination, or level of use.
- l. Administer - any act of introducing any dangerous drugs into the body of any person, with or without



his/her knowledge, by injection, inhalation, ingestion or other means or of committing any act of indispensable assistance to a person in administering a dangerous drug to himself/herself unless administered by a duly licensed practitioner for purposes of medication.

- m. Unlawful Acts - refer to any of the unlawful acts penalized under Art. II of RA 9165
- n. RA 9165 - refers to the Comprehensive Dangerous Drugs Act of 2002.

#### **D. COMPONENTS OF A DRUG-FREE WORKPLACE POLICIES AND PROGRAMS**

Workplace policies and programs on drug abuse prevention and control to be adopted by companies shall include, among others, the following components:

##### **a) Advocacy, Education and Training**

i. The Provincial Government of Davao del Norte shall be responsible for increasing awareness and education of their officials and employees on the adverse effects of dangerous drugs as well as the monitoring of employees susceptible to drug abuse. Topics which may be included in the orientation-education program shall include, among others, the following:

- Salient Features of RA 9165 (the Act) and its Implementing Rules and Regulations (IRR);
- The Company policies and programs on drug-free workplace;
- Adverse effects of abuse and/or misuse of dangerous drugs on the person, workplace, family and the community;
- Preventive measures against drug abuse, and
- Steps to take when intervention is needed, as well as the services available for treatment and rehabilitation.

ii. The Offices are enjoined to display a billboard or streamer in conspicuous places in the workplace with standard message like "THIS IS A DRUG-FREE WORKPLACE; LET'S KEEP IT THIS WAY!" or such other messages of similar import.

iii. Curricula developed by the Task Force or TWG shall be used as widely as possible for awareness raising and training.

iv. Training on prevention, clinical assessment, and counseling of workers and other related activities shall be given to occupational safety and health personnel, the human resources manager and other specified officers. These trained personnel shall form part of an Assessment Team which shall address all aspects of drug abuse prevention, treatment and rehabilitation.

vi. In the context of their Corporate Social Responsibility Programs, PGDDN is encouraged to extend drug abuse prevention advocacy and training to their workers' families and their respective communities.

##### **b) Drug Testing Program for Officers and Employees**

i. PLGU shall require their officials and employees to undergo a random drug test in accordance with the work rules and regulations for purposes of

reducing the risk in the workplace. Strict confidentiality shall be observed with regard to screening and the screening results.

ii. Drug testing shall conform with the procedures as prescribed by the Department of Health (DOH). Only drug testing centers accredited by the DOH shall be utilized, or that of PLGU's Health Office.

iii. Drug testing shall consist of both the screening test and the confirmatory test; the latter to be carried out should the screening test turn positive. The employee concerned must be informed of the test results whether positive or negative.

iv. Where the confirmatory test turns positive, the Assessment Team shall evaluate the results and determine the level of care and administrative interventions that can be extended to the concerned employee.

v. A drug test is valid for one year; however, additional drug testing may be required for just cause as in any of the following cases:

- After workplace-related accidents, including near miss;
- Following treatment and rehabilitation to establish fitness for returning to work/resumption of job, and
- In the light of clinical findings and/or upon recommendation of the assessment team.

vi. All cost of drug testing shall be borne by the PLGU.

vii. When to conduct mandatory drug test:

- Pre-employment
- Persons in high-risk/decision-making positions
- Past history of drug use
- Involvement in accidents
- Discovery of dangerous drug paraphernalia
- Detention by police/filing of charge in court for drug related cases
- As a requirement for promotion
- Employees reporting to work after undergoing rehabilitation in a treatment and rehabilitation center

vii. Conduct of random drug test:

- Without prior notice of the date and venue of the drug test
- On selected employees chosen by the Drug-Free Workplace or Assessment Committee until all officials and employees have undergone the test
- Random selection process or procedure
- "For cause" or "probable cause" – when there is a reasonable ground to believe that a random drug test is necessary e.g.:
  - ✓ Attendance – frequent unauthorized absences, repeated tardiness, and truancy from the job.
  - ✓ Personal Appearance – slurred speech, bloodshot eyes, drastic change in appearance, etc.
  - ✓ Mental Factor – hot-headedness, irritability, increased difficulty in handling assignments, etc.
  - ✓ General Performance – missed deadlines, low productivity, increased wastage, public complaints, frequent accidents, carelessness, etc.



- ✓ Peer Relations – isolation, frequent quarrels with officemates, heavy borrowing, and frequent mood swings, etc.

### **c) Procedure of the Conduct of the Random Drug Test in the Workplace**

- i. The Drug-Free Workplace or Assessment Committee will notify the randomly selected officials or employees to go for a urine test at a venue to be determined and for the urine samples, properly labeled, to be turned over to the Drug Testing Laboratory.
- ii. The selected officials/employees must immediately report for the drug test.
- iii. The test shall be conducted at Drug Testing Laboratory for the screening test, which shall be conducted in the following manner:
  1. The selected officials/employees will fill up and sign the consent and chain of custody form issued to them;
  2. The urine specimen bottles must be properly labeled to contain the name, ID number, employment number, position, date and the time when the urine sample was taken;
  3. The taking of the urine sample must be done in an area where manipulation (e.g. adding water) is not possible;
  4. The urine specimen/sample which tested positive after the screening test must be properly labeled and must be kept separately from the samples that tested negative for dangerous drugs;
  5. All urine samples tested positive must be submitted for confirmatory testing to a laboratory having the confirmatory capability using the same urine sample;
  6. After the confirmatory test, the same urine sample must be kept for the purpose of challenging the result, and
  7. After the test is conducted, a drug test result shall be issued by the drug testing laboratory directly to the Head of the office or agency and not to the person so tested. The same result must be signed by the authorized signatory of the laboratory, the employee/officials concerned and a witness.
- iv. No further action is needed when the result is negative. The Drug Test Certificate is good for one (1) year and could be used for other purposes.
- v. Procedure in handling a positive result after Confirmatory Test:
  - Upon discovery that a urine sample is tested positive for dangerous drugs after confirmatory test, such result shall immediately be made known to the Department Head concerned who requested the test, copy furnished the Provincial Governor through the Provincial Administrator;
  - After receipt of such information, the same shall be made known to the employee/official;
  - PGDDN shall then take the appropriate action in accordance with the Drug-Free Workplace Policy, and
  - All records must strictly be held confidential as provided for under the pertinent provisions of RA 9165.
- vi. Issuance of Certificate after undergoing Rehabilitation Program.
- vii. Confidentiality of records
  - All results of the drug test conducted by PGDDN shall remain



strictly confidential.

- Government officials, employees and/or any person who intentionally or unintentionally breach the confidentiality of any drug test result shall be charged in accordance with Section 72 of RA 9165.

#### **d) Treatment, Rehabilitation and Referral**

i. The drug prevention and control program shall include treatment, rehabilitation and referral procedure to be provided by the company staff or by an external provider. It shall also include a provision for employee assistance and counseling programs for emotionally-stressed employees.

ii. The Assessment Team shall determine whether or not an officer or employee found positive for drugs would need referral for treatment and/or rehabilitation in a DOH accredited center or a rehabilitation center.

iii. This option is given only to officers and employees who are diagnosed with drug dependence for the first time, or who turn to the Assessment Team for assistance, or who would benefit from the treatment and rehabilitation.

iv. Following rehabilitation, the Assessment Team, in consultation with the head of the rehabilitation center, shall evaluate the status of the drug dependent employee and recommend to the PLGU the resumption of the employee's job if he/she poses no serious danger to his/her co-employees and/or the workplace.

v. Repeated drug use even after ample opportunity for treatment and rehabilitation shall be dealt with the corresponding penalties under the Republic Act 9165 and its IRR.

#### **e) Monitoring and Evaluation**

i. The implementation of the drug-free workplace policies and programs shall be monitored and evaluated periodically by the employer to ensure that the goal of a drug-free workplace is met. The Health and Safety Committee or other similar Committee may be tasked for this purpose.

ii. PGDDN shall submit to the Local Chief Executive a yearly compliance report on the drug testing activities conducted to the employees. The data would include the number of personnel who have already undergone testing, the dates and the names of drug testing laboratories that conducted the test.

### **E. ROLES, RIGHTS AND RESPONSIBILITIES OF EMPLOYERS AND EMPLOYEES**

1. The employer shall ensure that the workplace policies and programs on the prevention and control of dangerous drugs, including drug testing, shall be disseminated to all officers and employees. The employer shall obtain a written acknowledgement from the employees that the policy has been read and understood by them.

2. The employer shall maintain the confidentiality of all information relating to drug tests or to the identification of drug users in the workplace; exceptions may be made only where required by law, in case of overriding public health and safety concerns; or where such exceptions have been authorized in writing by the person concerned.



3. Employees associations are enjoined to take an active role in educating and training their members on drug abuse prevention and control. They shall, develop and implement joint continuing programs and information campaigns, including the conduct of capability-building programs, peer counseling and values education with the end in view promoting a positive lifestyles and a drug-free workplace.

4. All officers and employees shall enjoy the right to due process, absence of which will render the referral procedure ineffective.

5. Any government official or employee must never possess and/or use drugs and other substances of abuse.

6. Any government employee must not directly or indirectly sell, give, provide or administer any dangerous drugs and/or substance of abuse to his/her co-employees or others and/or to commit or abet/aid in the commission of any unlawful acts penalized under RA 9165.

7. The officials and employees must faithfully abide by the terms of the Administrative Order and its Implementing Guidelines as a condition for continued employment.

8. The employee must voluntarily seek treatment and rehabilitation if they have problems related to dangerous drugs.

9. To advocate against drug abuse.

10. To help maintain a drug-free workplace.

## **F. CONSEQUENCES OF POLICY VIOLATIONS**

1. Subject to the provisions of Section 15, Art. II of RA 9165 (Use of dangerous drugs) in conjunction with Section 54 (Voluntary submission of a drug dependent to confinement, treatment and rehabilitation) and Section 61 (Compulsory confinement of a drug dependent who refuses to apply under the voluntary program) of the same Act, without prejudice to the agency's or office's Employees Assistance Program, any officer or employee found to have violated the Policy may suffer any or a combination of the following sanctions:

- I. Failure on the part of the Head of the office to implement these regulations within a reasonable period after its effectivity shall be dealt with in accordance with Section 32, Article II of RA 9165;
- II. Any government official/employee who, without any valid reason after being tested positive of drug use shall refuse to undergo the recommended rehabilitation program will be administratively dealt with in accordance with the existing agency or office rules and regulations without prejudice to suspension or dismissal from the service as provided for under Section 36 (d) of RA 9165;
- III. Any government official/employee, who refuses, without any valid reason, to submit himself/herself for random/mandatory drug test, whichever is applicable, will be administratively dealt with in accordance with the existing office/agency rules and regulations without prejudice to Section 32 of RA 9165;
- IV. Subject to the existing Employees' Assistance Program, any government official/employee who is found to be positive for drug use and after

undergoing a Drug Dependency Examination conducted by the DOH, PHO or by any medical practitioner accredited by the said Office to conduct the drug dependency test may undergo the following treatment and rehabilitation program:

- a. Experimenter - Outpatient, guidance counseling
- b. Occasional User - Outpatient, guidance counseling and urine surveillance
- c. Chronic User/Drug Dependent - Mandatory 6-month treatment and rehabilitation in any of the government rehabilitation centers.

V. Officers or employees who for the second time have been detected to be using dangerous drugs after completion of his/her treatment and/or rehabilitation program or while undergoing treatment and/or may either be suspended or dismissed from the service subject to the Civil Service Laws, Rules and Regulations.

VI. Employees who are found arrested/apprehended or charged in court for commission of any of the unlawful acts provided for under Art. II of RA 9165 will either be suspended/dismissed from the service depending on the gravity of the offense committed, subject to existing Laws, Rules and Regulations of the Civil Service, without prejudice to criminal prosecution.

2. Any officer or employee found positive for use of dangerous drugs shall be dealt with administratively and under RA 9165.

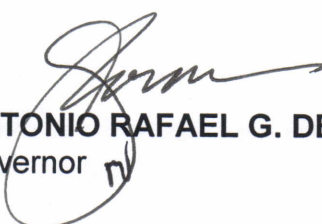
#### **G. FUNDING SUPPORT**

The cost of the drug testing for government officials and employees shall be funded by the PGDDN and must be part of the yearly budgetary appropriation.

#### **H. EFFECTIVITY**

All concerned shall comply with all the provisions of the Administrative Order and the Implementing Guidelines and shall continue in full force and effect until and unless revoked, repealed or amended.

Approved:

  
**ANTONIO RAFAEL G. DEL ROSARIO**  
Governor



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**ANTONIO RAFAEL G. DEL ROSARIO**  
Governor *N*