



## Office of the Sangguniang Panlungsod

Excerpt from the  
MINUTES OF THE 28<sup>th</sup> REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD  
OF BAYBAY CITY, LEYTE, HELD AT THE BARANGAY HALL IN BITANHUAN, THIS CITY  
ON SEPTEMBER 8, 2008.

### PRESENT:

HON. REX A. RETANA.....	City Vice Mayor & Presiding Officer
HON. ERNESTO M. BUTAWAN.....	Sangguniang Panlungsod Member
HON. CRISTELO S. LORETO.....	-do-
HON. EDUARDO S. GUINOCOR, JR.....	-do-
HON. LEONIDO A. BERAY.....	-do-
HON. LOLITO C. MUÑEZ.....	-do-
HON. ERLINDO P. LAPLANA.....	-do-
HON. TERESITA J. VELOSO.....	-do-
HON. CARLO S. ENRIQUEZ.....	-do-
HON. MARGARITA C. CARI.....	-do-
HON. CARL NICOLAS C. CARI.....	-do-

### ABSENT:

NONE

CITY ORDINANCE NO.006  
Series 2008

AN ORDINANCE INSTITUTING THE COMPREHENSIVE DRUG ORDINANCE OF THE  
CITY OF BAYBAY AMENDING THE ANTI-ILLEGAL DRUGS ORDINANCE OF 2003

:SPONSORED & INTRO. BY: HON. SP MEMBER ERNESTO M. BUTAWAN & :  
: HON. SP MEMBER CRISTELO S. LORETO :  
:

SECTION 1. Title. This ordinance shall be known as the "City Drugs Ordinance of 2008."

SECTION 2. Declaration of Policy. It shall be the policy of the Local Government of the City of Baybay to safeguard its citizen particularly the youth from the harmful effect of dangerous drugs on their physical and mental well-being and to defend the same against acts of omission detrimental to their development and preservation. Towards this end, the local government of the City of Baybay shall respond to the call of the National Government to fight the war against illegal drugs in order to minimize if not to eradicate drug addiction.

### ARTICLE I

SECTION 3. Definition of Terms.

a. *Dangerous Drugs* - includes opium and additive components and derivatives such as heroin and morphine, shabu, cannabis or **marijuana and other drugs defined under Republic Act 9165.**

b. *Public Officials & Employees* - are those working in the Government of Baybay regardless of their status (either appointed or elected regular or casual or job order) who are receiving salary from the city government

- more over -

LOLITO C. MUÑEZ  
SP Member

LEONIDO A. BERAY  
SP Member

EDUARDO S. GUINOCOR, JR.  
SP Member

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SP Member



c. Employees in the private sector – are those working in any establishments which are not owned or operated by the government or any of its agencies including government owned or controlled corporation;

d. *Random Drug Test* - Shall refer to the taking of individual urine samples for the purpose of determining whether or not a person is positive for the use of dangerous drugs and to determine the type of **the** drug used. Taking of the Random Drug Test shall not be **pre-rescheduled**.

## ARTICLE II - COVERAGE

SECTION 4. Persons Covered. All employees and officials of the City of Baybay, all secondary and tertiary students in all schools whether public or private and private individuals who seek employment in private sector within the territorial jurisdiction of the City of Baybay are subject to the provision of this ordinance;

## ARTICLE III – DRUG TEST LABORATORY

SECTION 5. Authorized Drug Testing. Drug testing shall be done by the Baybay Diagnostic Center only, except that for the Medical Technologists of the Baybay Diagnostic Center **drug testing** shall be **done at another** government drug testing facilities.

## ARTICLE IV – CITY GOVERNMENT

SECTION 6. Duty of Department Heads of Offices. It shall be the duty of the Department Heads and Heads of Offices of the City Government to see to it that this ordinance is properly and strictly enforced in coordination with the Office of the City Mayor;

SECTION 7. Random Drug Testing of the officials and employees. Officials and employees of the City government of Baybay shall be subjected to undergo a random drug test to be conducted every year in every office of the City government;

SECTION 8. Appointment, hiring, promotion to any public office. No person shall be appointed, hired or promoted to any position at the City Government of Baybay unless he/she will submit himself/herself to a drug test and **shall have** a negative drug test result;

SECTION 9 Administrative Sanction. It shall likewise be the responsibility of the Department Heads/Heads of offices concerned to initiate administrative proceedings against all those found positive for the use of drugs within his/her office.

In addition to the above stated penalties, those found to be positive for dangerous drugs use shall be subjected to the provisions of Section 15 of RA 9165;

SECTION 10. Confidentiality of Test Results. The results from such random drug test shall be treated with confidentiality. All results shall be passed only to the head of office provided that copies of the results shall be **submitted to the head of office**.

It shall likewise the responsibility of the Department Head/Head of Office to initiate administrative proceedings on employees with positive drug test result for a period of 5 days from receipt of the positive result. And will terminate the proceedings 15 days therefrom. Otherwise, the Department Head concerned shall likewise be administratively sanctioned failure on his/her part.

LOLITO C. MUNEEZ  
SP Member

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## ARTICLE V – PRIVATE SECTOR

SECTION 11. Conduct of Drug Test on employees in private sector. No person shall be employed in the private sector within the territorial boundaries of the City of Baybay unless he/she submitted himself/herself to a drug test and he/she **shall have** a negative result. For this purpose, the City Health Officer or his/her duly authorized representative in coordination with the Philippine National Police may conduct a personnel inventory in any private entity to determine compliance of this section;

SECTION 12. Administrative Sanction. Failure on the part of the establishment, entity or business to comply **with** the provision of Section 14 hereof shall cause the cancellation or revocation of its business or mayor's permit or the non-issuance thereof and a fine of P5,000.00;

## ARTICLE VI – SECONDARY AND TERTIARY SCHOOLS

SECTION 13. Formulation of Student's Manual. Thirty (30) days from the effectivity of this Ordinance, all secondary and tertiary schools shall formulate a student's manual or revised the existing one adopting the applicable provisions of this Ordinance and RA 9165, otherwise known as the "Dangerous Drug Act of 2002";

SECTION 14. Conduct of Drug Test on Students. A student may be subjected to a drug test only if one of his/her teacher recommends and the same is approved by his/her principal and provided further that the parents consented in writing in the case of a secondary student, and in case of a college student who is under 18 years of age a recommendation from at least two faculty members and approved by the Head of the Office of Student Affairs in case of tertiary student and the written consent of his parents; Provided finally that the recommendation is based on a well founded belief through repeated unusual behavioral manifestation, conduct and deportment of the student concerned in the classroom and or within the premises of the school campus as defined in the student's manual;

SECTION 15. Sanction. Refusal of any student to submit himself/herself to a drug test shall be a ground to his/her expulsion from the school in the next school year or semester as the case maybe;

## ARTICLE VII – PROVISION COMMON TO ALL

SECTION 16. Immunity from Prosecution and Punishment. Any officials, employees, students and person under this Ordinance who is found positive for the use of dangerous drugs may not be suspended, terminated or expelled as the case maybe, provided he/she will divulge his source of the prohibited drugs and he will testify as state witness as provided for under Section 33 of RA 9165;

SECTION 17. Result of the Examination. Any persons herein mentioned if found positive of the use of illegal drugs may challenge the result of the examination within five (5) days after his/her receipt of the result;

SECTION 18. Repealing Clause. All ordinances inconsistent herewith **are** hereby repealed or modified accordingly.



(Cont'd City Ord. No. 006 s. 2008)

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SECTION 19. Effectivity. This ordinance shall take effect after thirty (30) days of its approval.

RESOLVED, FURTHER, to let certified copies of this ordinance be furnished to the offices concerned for their information and appropriate action

ENACTED, September 8, 2008

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Panlungsod during its regular session held on September 8, 2008.

**AMELITO V. BORNEO**  
Secretary to the SP

ATTESTED AND CERTIFIED  
TO BE DULY ADOPTED

**REX A. RETANA**  
City Vice Mayor &  
Presiding Officer

APPROVED BY HIS HONOR:  
**MICHAEL L. CARI**  
City Mayor

**LOLITO C. MUNEZ**  
SP Member

**LEONILDO A. BERAY**  
SP Member

**EDUARDO S. GUINOCOR, JR.**  
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