

Republic of the Philippines
 Province of Leyte
 Municipality of Baybay
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Office of the Sangguniang Bayan

MUNICIPAL MAYOR'S OFFICE
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 BAYBAY, LEYTE

SANGGUNIANG PANLALAWIGAN
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 9-18-03
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 INITIAL
 OF

Excerpt from the

MINUTES OF THE 28TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BAYBAY, LEYTE HELD IN THE SESSION HALL ON JULY 22, 2003.

PRESENT:

| | |
|-----------------------------------|--|
| HON. FLORANTE M. CAYUNDA..... | Municipal Vice Mayor & Presiding Officer |
| HON. DEOGRACIAS E. PERNITEZ..... | Sangguniang Bayan Member |
| HON. JOSE C. GO..... | -do- |
| HON. EDUARDO S. GUINOCOR, JR..... | -do- |
| HON. EDGARDO R. OMPOY..... | -do- |
| HON. REX A. RETANA..... | -do- |
| HON. JUANITO B. MODINA..... | -do- |
| HON. MICHAEL L. CARI..... | -do- |

ABSENT:

| | |
|----------------------------------|--------------------------|
| HON. MANUEL A. CHAN..... | SB Member, Sick Leave |
| HON. VICENTE G. VELOSO..... | Sangguniang Bayan Member |
| HON. MANUEL ICON P. DONAIRE..... | -do- |

RESOLUTION NO. 162

A RESOLUTION ENACTING AN ORDINANCE REQUIRING ALL PUBLIC LOCAL AND NATIONAL OFFICIALS AND EMPLOYEES STATIONED IN THE MUNICIPALITY OF BAYBAY TO UNDERGO RANDOM DRUG TEST.

WHEREAS, the President of the Republic of the Philippines has identified the drive against illegal drugs which has caused menace to the population;

WHEREAS, government employees as civil servants should be the models of society in abiding the laws of our land;

WHEREAS, this government support to this noble drive of the national government in intending to start with government employees working within the territorial jurisdiction of Baybay.

WHEREFORE, on motion of the Honorable SB Member Rex A. Retana, duly seconded by the rest of the members present, be it

RESOLVED, as it hereby does RESOLVE, that the following municipal ordinance be, as hereby is, adopted, to wit:

MUNICIPAL ORDINANCE NO. 003 S. 2003

AN ORDINANCE REQUIRING ALL PUBLIC LOCAL AND NATIONAL OFFICIALS AND EMPLOYEES STATIONED IN THE MUNICIPALITY OF BAYBAY TO UNDERGO RANDOM DRUG TEST.

SECTION 1. Title - This ordinance shall be known as Anti-Illegal Drugs Ordinance.

OMPOY
 EDGARDO R.
 SB Member

GUINOCOR, JR.
 EDUARDO S.
 SB Member

GO
 JOSE C.
 SB Member

PERNITEZ
 DEOGRACIAS E.
 SB Member

RETANA
 REX A.
 SB Member

MODINA
 JUANITO B.
 SB Member

CARI
 MICHAEL L.
 SB Member

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SECTION 2. **Declaration of Policy**- It shall be the policy of the Local Government of Baybay to safeguard its citizenry particularly the youth from the harmful effect of dangerous drugs and to defend the same against acts or omission detrimental to the constituents of Baybay. Towards this end, the Local Government of Baybay shall response the call of the National Government to fight the war against illegal drugs in order to minimize if not to eradicate drug addiction.

OMPOY

[Signature]
EDUARDO S. GUINOCOK, JR.
SB Member

SECTION 3.- **Definition of Terms** -

- a. **Dangerous Drugs** -includes opium and its active components and derivatives, such as heroin and morphine, shabu, cannabis or marijuana, etc.
- b. **Public Officials & Employees** - are those working in the government whether national or local, appointed or elected, regular or casual or job order who are receiving salary from the government agency where he/she is working.

-including government owned and controlled corporations and all other instrumentalities or agencies of the Republic of the Philippines.

- c. **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 drug used.
- and the taking of the test of the Random Drug Test shall not be pre-schedule.

SECTION 4. -**Persons Covered** - All employees and officials of the government are subject to the provision of this ordinance if he is working within the jurisdiction of the Municipality of Baybay whether resident or none resident.

SECTION 5. -**Authorized Drug Testing** - Drugs testing shall be done by the Baybay Diagnostic Center only, except for the Mid-Techs of the Baybay Diagnostic Center which shall be conducted by the Western Leyte Provincial Hospital.

SECTION 6 - **Duty of Heads and Supervisor** - It shall be the duty of the heads of all government agency or supervisor to see to it that this ordinance is properly and strictly enforced pursuant to the implementing rules and guidelines to be formulated by the office of the Mayor per Section 9 of this ordinance.

All heads/supervisors of the different agencies shall submit list of employees to the Office of the Municipal Mayor.

SECTION 7. - **Confidentiality of Test Results** - The results from such random drug tests shall be treated with confidentiality. All results shall be passed directly to the head of office concerned and copies of the result shall be furnished to the Office of the Mayor.

[Signature]
EDUARDO S. GUINOCOK, JR.
SB Member

[Signature]
JOSE C. GO
SB Member

[Signature]
DEGRACIAS E. PERNITEZ
SB Member

[Signature]
REX A. RETANA
SB Member

[Signature]
JUANITO B. MODINA
SB Member

[Signature]
MICHAEL L. CARI
SB Member

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SECTION 8. - **Prosecution** - It shall likewise be the responsibility of the heads/supervisors of office concerned to initiate administrative proceedings against all those found positive for the use of drugs within his office.

SECTION 9. - **Implementing Rules** - The office of the Mayor shall formulate an implementing rules/guidelines for the proper implementation of this ordinance.

SECTION 10. - **Penalties** - Any government employees found positive for the use of dangerous drugs shall be dealt with administratively. And this shall be a ground for suspension or terminations as the case maybe without prejudice to the filing of criminal liability if it warrants.

However any government employees found positive for the use of dangerous drugs may not be suspended or terminated provided he will divulge his source of the prohibited drugs and he will testify as state witness.

Criminal liabilities shall be dealt with under Republic Act No. 9165 known as the Comprehensive Dangerous Drug Act of 2002 or under the revised penal code.

SECTION 11. **Result of the Examination**- Employees herein mention if found positive of the illegal drugs may challenge the result of the examination within 15 days after receipt thereof

SECTION 12. - **Repealing Clause** - All ordinance inconsistent herewith is hereby repealed or modified accordingly.

SECTION 13. **Effectivity**. - This ordinance shall take effect after 15 days upon its approval of the Sangguniang Panlalawigan.

APPROVED, July 22, 2003

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its regular session held on July 22, 2003.

[Signature]
AMELITO V. BORNEO
Secretary to the SB

ATTESTED AND CERTIFIED TO BE
DULY ADOPTED:

[Signature]
FLORANTE M. CAYUNDA
Municipal Vice Mayor &
Presiding Officer

APPROVED BY HIS HONOR:
[Signature]
JOSE CARLOS L. CARI
Municipal Mayor

[Signature]
EDUARDO S. OMPOY
SB Member

[Signature]
EDUARDO S. QUINOCOR, JR.
SB Member

[Signature]
JOSE C. GO
SB Member

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DEOGACIAS V. PERNITEZ
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MICHAEL L. CARI
SB Member