

- vi. Should the confirmatory test validate the positive result of the screening test, the positive drug test result, signed by the authorized signatory of the laboratory, shall be sent to the chairman of the BCADAC or his authorized representative, and not to the person tested.
- vii. For those whose drug test results are negative, a drug test certificate indicating the negative results, shall be issued to them.

Section 5. Drug Tests Methods. The following are adopted by the BCADAC as the authorized drug testing methods for sectors of the city:

1. Screening Test
2. Confirmatory Test.

B. PRIVATE SECTOR

Section 6. Employee Drug Test. Immediately after being engaged or hired as an employee, the employer shall refer and submit such employee to the BCMDC for the conduct of mandatory drug testing. No person shall be employed unless he has submitted himself for drug testing and secure a negative test result.

Section 7. Drug Testing Procedures. Employers may also submit their officers and employees to undergo random drug tests the costs of which shall be borne by the employer. Strict confidentiality shall be observed with regards to the screening procedures and test results.

1. Drug testing shall conform with the procedures prescribed by the Department of Health (DOH) in the presence of CHO or BCMDC personnel and only at drug testing centers accredited by the DOH shall be utilized to conduct them.
2. Drug testing shall consist of the screening and confirmatory tests, the later to be carried out only should the screening test turn positive.
3. If the confirmatory test validates the result of the screening test, both the employee and employer shall be informed of the results. The employer has the obligation to inform the city government so that the proper interventions can be extended to the concerned persons.
4. In accordance with the provisions of RA No. 9165 and this Code, all records related to the drug test results of employees and officers shall be kept confidential.

C. SECONDARY AND TERTIARY STUDENTS

Section 8. Scope and Coverage. All secondary and tertiary students of all schools within the territorial jurisdiction of the city may be subject to mandatory but random drug testing when the need arises.

Section 9. Random Drug Testing Procedures. A student may be subjected to a random drug test under the following conditions:

1. For students age 18 years old and above, testing may be done if a teacher or two make(s) a recommendation and approved by the school principal for students in secondary level, or the head of student affairs for students in the tertiary level.
2. For students below 18 years of age, the requirement in item 1 above shall be observe plus the written consent of the parents.
3. Testing under this Section applies only to repeated and prevalent unusual behavioral manifestations such as:
 - 3.1 Attendance – frequent unauthorized absences, tardiness and truancy
 - 3.2 Physical appearance – slurred speech, bloodshot eyes and drastic changes in appearance and physical attributes

3.3 Attitude – irritability, increased difficulty in performing assigned tasks

3.4 Peer relations – isolation, frequent quarrels with classmates, mood swings

Section 10. Formulation/Reformulation of Student Manuals. All secondary and tertiary schools are required to write or revise its existing student manuals that shall adopt applicable provisions of RA No. 9165 and the applicable provisions of this code in its formulation.

Section 11. Sanctions. The refusal of a student to submit to a drug test despite of the compliance of the request and to the terms stated in Section 9 and Section 10 hereof shall constitute valid grounds for his expulsion from the school to which he/she is enrolled in.

Schools that refuse to implement random drug tests on their students when the conditions in Section 9 arise shall be liable under Section 32 of RA No. 9165 without prejudice to other administrative sanctions that may be imposed by the school's division office.

ARTICLE VIII PENALTIES

Section 1. Unlawful Acts. A person found to have committed unlawful acts as defined under Article II of this code shall be recommended for prosecution subject to the penalties imposed under RA No. 9165. Administrative penalties shall also apply to career and non-career employees of the civil service.

Business establishments found to have sold drugs prohibited under the ordinances of the city and RA No. 9165 shall have their business permits cancelled. Further, a fine not exceeding five thousand pesos (P5,000) shall be imposed on those establishments found violating Article VII of this code.

Section 2. Common Provisions. Any public officer, law enforcers or other government employees who misappropriate or fail to render an account for confiscated dangerous drugs, paraphernalia and essential chemicals shall be recommended for prosecution.

Officials, employees, students or persons found positive for the use of dangerous drugs may not be suspended, terminated or expelled on condition they testify as state witnesses or divulge their sources of the prohibited drugs as provided under section 33 of RA No. 9165.

ARTICLE IX MISCELLANEOUS PROVISIONS

Section 1. Budget. The BCADAC shall prepare and submit the budget to the Office of the Mayor the funding needed to implement the provisions of this code.

Section 2. Supplementary Rules. In cases of vagueness or ambiguity, the provisions of RA No. 9165 and board regulations issued by the Dangerous Drugs Board shall have supplementary effect.

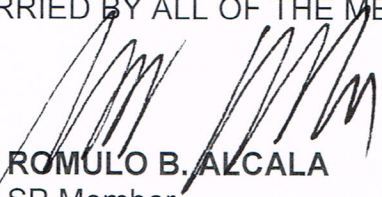
Section 3. Repealing Clause. All ordinances, resolutions, executive orders and administrative orders which are inconsistent with any provision of this code are deemed repealed or modified.

Section 4. Separability Clause. If any provision of this code is declared void or unconstitutional, the remaining parts shall not be affected and shall remain in full force and effect.

Section 5. Effectivity. This code shall take effect within fifteen (15) days after its publication in a newspaper and posting copies of this code in conspicuous places in Baybay City.

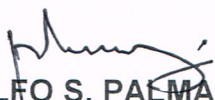
Enacted: May 27, 2021.
Baybay City, Leyte, Philippines.

CARRIED BY ALL OF THE MEMBERS PRESENT:



ROMULO B. ALCALA
SP Member


DR. FULTON IKE C. ARRADAZA
SP Member


EDGARDO R. OMBOY
SP Member


RODOLFO S. PALMA, JR.
SP Member


ARTURO ELISA O. ASTORGA
SP Member

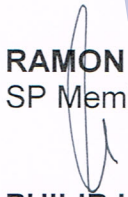

FILEMON F. AVILA
SP Member

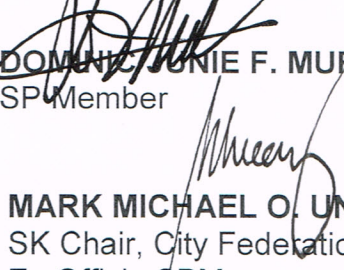

ATTY. JOSE ROMMEL A. PEÑARANDA
SP Member


JORGE V. REBUCAS
SP Member


RAMON RONALD J. VELOSO
SP Member

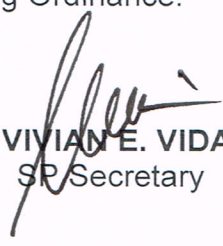

DOMINIC JUNIE F. MURILLO
SP Member

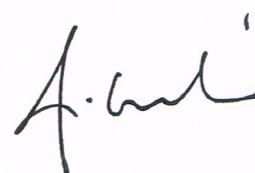

PHILIP L. SIU
President, LIGA Ng Mga Barangay
Ex-Officio SPM


MARK MICHAEL O. UNLU-CAY
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Deogracias E. Pernitez; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Jay Ryan Austero; OIC - City Treasurer Gina Cabras, CLGOO Juvy C. Pedrera, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.


I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


ATTY. VIVIAN E. VIDALLON
SP Secretary






Attested & Certified True & Correct:


ATTY. ERNESTO M. BUTAWAN
City Vice Mayor, Presiding Officer

Approved by His Honor:


ENGR. JOSE CARLOS L. CARI
City Mayor

Date Approved: 0-15-21

 pdfelement