



Republic of the Philippines  
Office of the President  
**DANGEROUS DRUGS BOARD**

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**BOARD REGULATION NO. 13**  
**Series of 2018**

**SUBJECT: ESTABLISHMENT AND INSTITUTIONALIZATION OF DRUG-FREE WORKPLACE POLICIES IN ALL GOVERNMENT OFFICES, INCLUDING THE CONDUCT OF AUTHORIZED DRUG TESTING FOR ELECTIVE LOCAL OFFICIALS AND APPOINTIVE PUBLIC OFFICERS AND FOR OTHER PURPOSES**

**I. Objectives**

This Regulation aims to promote the establishment and institutionalization of drug – free workplace policies in all government agencies and ensure that all public officers, both elective and appointive, remain drug free through the conduct of authorized drug testing pursuant to RA No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, as amended (the “Act”). The public will be ensured of effective and efficient service from the government, free from the ill-effects of drug use in the workplace.

**II. Scope**

This Regulation shall cover all appointive public officers in all offices, including all constitutional bodies, departments, bureaus, and agencies of the national government, government-owned and controlled corporations, state and local universities and colleges, and elective local officials of local government units.

Officers and members of the military, police, and other law enforcement agencies who are required to undergo annual mandatory drug testing pursuant to the Act are excluded from the coverage of this Regulation. Any personnel found positive for use of dangerous drugs after the conduct of confirmatory test shall be subjected to disciplinary / administrative proceedings with a penalty of dismissal from the service at first offense.

**III. Definition of Terms**

- a. Authorized Drug Testing – the testing done by drug testing laboratories accredited by the Department of Health (“DOH”). It shall employ, among others, two (2) testing methods, the screening test, which will determine the positive result as well as the type of the drug used, and the confirmatory test, which will confirm a positive screening test.
- b. Challenge Test – a drug test conducted as a result of a challenge filed by a public officer who tested positive for drug use in a confirmatory test in an authorized drug testing activity.

- c. Confirmatory 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.
- d. Contract of Service / Job Order – refers to employment covered by a contract pertaining to lump sum work or services such as janitorial, security, or consultancy services where no employer–employee relationship exists; piece of work or intermittent job of short duration not exceeding six (6) months on a daily basis; all of which are not covered by Civil Service law, rules, and regulations, but covered by Commission on Audit rules; and the public officials or employees involved do not enjoy the benefits received by government employees, including, but not limited to, personal economic relief allowance, cost of living allowance, and representation and travel allowance.
- e. Dangerous Drugs – include those listed in the Schedules annexed to the 1961 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 Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, as amended (the “Act”).
- f. Drug Dependency Examination – refers to the examination conducted by a physician accredited by the DOH to evaluate the extent of drug use of a person and to determine whether he/she is a drug dependent or not, which includes history taking, intake interview, determination of criteria for drug dependency, mental and physical status, and the detection of dangerous drugs in body specimens through laboratory procedures.
- g. Employee Assistance Program – a program that offers assistance to government officials or employees who have alcohol or drug–related issues and problems that may affect work performance. It shall be jointly implemented by the agency, the employees, and employees’ union;
- h. Mandatory Drug Testing – compulsory submission of a public officer or prospective employee to drug testing as mandated by the Act or by the drug–free workplace program of the agency.
- i. Public Officer – any person holding any public office in the Government of the Republic of the Philippines, by virtue of an appointment, election, or contract.
- j. Random Drug Testing – drug testing where the selection process results in equal probability that any employee from a group of employees will be tested, and without any prior notice of the date and venue.
- k. Screening 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.
- l. Substance Use Disorder (“SUD”) – term used in Diagnostic Manual 5 which combines categories of substance use, abuse and dependence into a single disorder measured on a continuum form from mild to severe. Each specific substance is addressed as a separate disorder (e.g. alcohol

use disorder, *shabu* use disorder) and are diagnosed based on the same overarching eleven (11) behavioral criteria. Clinicians can also add “in early remission,” “in sustained remission,” “on maintenance therapy,” and “in controlled environment” in describing their diagnosis which could either be the following:

- i. Mild SUD – a minimum of two (2) to three (3) criteria has been met. Similar to experimental and occasional users;
- ii. Moderate SUD – four (4) or five (5) criteria met which would be similar to regular and habitual users; and
- iii. Severe SUD – if six (6) or more symptoms / criteria have been met which is about the equivalent to an abuser and substance dependent individual

#### **IV. Responsibility of the Government Agency Under the Drug-Free Workplace Policy**

- a. The Head of Agency shall ensure the adoption and implementation of a continuing and sustainable substance abuse awareness and prevention program and inform all officials and employees about the following:
  - i. the Drug-Free Workplace Policy of the Agency and distribution of copies thereof to each employee;
  - ii. the medical and social risks associated with drug use;
  - iii. the administrative and criminal sanctions with respect to drug use and violations of the Act; and
  - iv. the availability of the Employee Assistance Program.
- b. The Drug-Free Workplace Policy shall provide for the responsibilities of the Agency which are as follows:
  - i. Maintain a drug-free workplace;
  - ii. Conduct of substance abuse awareness and prevention programs;
  - iii. Conduct of mandatory and random drug testing; and
  - iv. Ensure adequate funding for the implementation of the Drug-Free Workplace Policy.
- c. The Head of Agency shall ensure the creation of a Drug-Free Workplace Committee composed of members of the management, rank and file employees, and the employees’ union. The Committee shall assist the Head of Agency in drafting and implementing the provisions of the Drug-Free Workplace Policy.
- d. The Committee shall create an Assessment Team (“Team”) composed of personnel with educational and training backgrounds on medicine, psychology, social work, and human resources administration. The Team shall assist in the conduct of substance abuse awareness and prevention programs. The agency or local government unit shall ensure that members of the Team undergo regular training.
- e. The Head of Agency shall ensure the creation of a sustainable Employee Assistance Program which shall provide resources for and/or referrals to medical interventions for public officers requiring the same as mandated under this Regulation. The Assessment Team shall be actively involved in the implementation of the Employee Assistance Program.

## **V. Pre–Employment Drug Testing**

Mandatory drug testing shall remain a requirement for initial entry to government service. Any applicant found positive for drug use shall be denied entry to government service.

## **VI. Guidelines in the Conduct of Authorized Drug Testing**

- a. The Drug–Free Workplace Policy of the Agency shall include the conduct of authorized drug testing, the purpose of which is to prevent the entry of dangerous drugs in government offices and use of dangerous drugs among personnel thereof. The frequency of such testing, which shall be conducted in a random manner, shall take into consideration, among others, the number of public officers, nature of work being discharged, funding, and other logistics.

Contract of Service or Job Order employees shall be subject to the conduct of authorized drug testing, which shall also be reflected in the Drug–Free Workplace Policy of the government office.

All results of authorized drug testing activities shall be strictly confidential. Only the Head of Agency or the Local Chief Executive, as the case may be, and the members of the Assessment Team shall have access to such results.

- b. Authorized drug testing shall be conducted only by a drug testing laboratory accredited by the DOH.
- c. In case of negative drug test result, no further action is needed.
- d. A positive drug test result from the confirmatory test shall immediately be known to the Head of Agency, who shall notify the public officer concerned. The public officer shall have fifteen (15) days from receipt of notice to challenge the result of the confirmatory test. Using the same specimen, a challenge test shall be conducted by a drug testing laboratory accredited by the DOH. All expenses incurred in the conduct of the challenge test shall be borne by the concerned public officer.
- e. A positive drug test result from the challenge test is deemed final and the public officer shall be subjected to administrative proceedings. Failure to file a challenge within the prescribed period shall make the positive drug test result from the confirmatory drug test final. The Agency shall then take the appropriate action.

All drug test results and records shall strictly be held confidential, and shall be attached to the 201 File of all officials and employees.

## **VII. Employee Assistance Program**

A public officer, prior to the conduct of authorized drug testing, may seek proper intervention in coordination with the Employee Assistance Program, which shall provide referrals and additional services to the public officer concerned. A drug dependency examination shall be conducted in order to determine the level of Substance Use Disorder and the applicable intervention.

This type of assistance shall not apply to public officers who are found to be positive for drug use after the conduct of a confirmatory test in an authorized drug testing activity.

## VIII. Sanctions

- a. The Head of Agency or Local Chief Executive (Provincial, City, Municipal, and Barangay) who fails to formulate or implement a Drug-Free Workplace Policy within two (2) months after effectivity of this Regulation shall be penalized under Section 32, Article II of the Act.<sup>1</sup> The Philippine Drug Enforcement Agency (“PDEA”) shall cause the filing of cases and coordinate with the government agency or local government unit concerned for the proper and effective prosecution of the same.
- b. An appointive public officer who refuses, without any valid reason, to submit himself/herself to authorized drug testing, or is found positive for drug use after the conduct of a confirmatory test in an authorized drug testing activity shall be charged with the administrative offense of Grave Misconduct.
- c. Any elective public officer who refuses, without any valid reason, to submit himself/herself to authorized drug testing, or is found positive for drug use after the conduct of a confirmatory test in an authorized drug testing activity shall be subject to disciplinary action for misconduct<sup>2</sup> in office<sup>3</sup> pursuant to Section 60 of the Local Government Code and Article 124 (3) of the Implementing Rules and Regulations of the Local Government Code.
- d. Any public officer found to have tampered the result of a drug test, interfered with the conduct of the drug test or in the release of drug test results, or violated rules of confidentiality of records shall be charged with the administrative offense of Grave Misconduct without prejudice to the filing of a case for violation of Section 32, Article II of the Act.
- e. Any public officer who violated the provisions of Article II of the Act shall be charged with the administrative offense of Grave Misconduct or face disciplinary sanction under Section 60 of the Local Government Code, as the case may be, without prejudice to the filing of criminal charges under the Act and other relevant laws.
- f. The Philippine Drug Enforcement Agency shall cause the filing of cases for the national government agencies while the Department of Interior and Local Government shall cause the filing of cases for the local government units concerned.

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<sup>1</sup> Liability to a Person Violating Any Regulation Issued by the Board.

<sup>2</sup> Misconduct is defined as a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, unlawful behavior, willful in character, improper or wrong behavior. (AM No. 2013 – 08 – SC re: Administrative Charge of Misconduct Relative to the Alleged Use of Prohibited Drug).

<sup>3</sup> "Misconduct in office has a definite and well-understood legal meaning. By uniform legal definition, it is a misconduct such as affects his performance of his duties as an officer and not such only as affects his character as a private individual." (Office of the Ombudsman – Visayas v. Mary Ann Castro, GR No. 172637, 22 April 2015, citing Lacson v. Roque, et. al., GR No. L-6225, 10 January 1953)

Bd. Reg. Establishment and Institutionalization of Drug-Free Workplace Policies in all Government Offices, including the Conduct of Authorized Drug Testing for Elective Local Officials and Appointive Public Officers and for Other Purposes

## **IX. Responsibilities of Agencies**

- a. All government agencies are required to submit their respective drug-free workplace programs and reports to the Dangerous Drugs Board (“DDB”), such as but not limited to:
  - i. number of officials and employees subject to drug testing;
  - ii. those found positive for drug use; and
  - iii. action undertaken by the Committee on those found positive for drug use.

Local government units shall submit such reports to the DDB and Department of Interior and Local Government (“DILG”).

- b. The DOH shall conduct trainings leading to the accreditation of government physicians which shall authorize them to conduct drug dependency examination.
- c. The DILG and PDEA shall cause wide dissemination of this Regulation among local government units, from the provincial down to the barangay levels, and their respective anti-drug abuse councils.
- d. All local *Sanggunians* shall enact their respective Ordinances mandating the establishment of drug-free workplace policies within two (2) months from the effectivity of this Regulation. The *Sangguniang Panlalawigan* shall enact a Provincial Ordinance mandating the establishment of drug-free workplace policies in cities and municipalities under its jurisdiction. The *Sangguniang Panlungsod* and *Sangguniang Bayan* shall also enact their respective ordinances mandating the establishment of drug-free workplace policies in barangays. Failure to enact such Ordinance shall be cause for sanctions against responsible officials pursuant to Section 60 of the Local Government Code without prejudice to the filing of a case for violation of Section 32, Article II of the Act.

## **X. Confidentiality**

Any person who, having official custody or access to all data and information relative to the conduct of the authorized drug testing, or anyone who, having gained possession of such data and information, reveals their content to any person not authorized to have access thereto, shall be prosecuted for violation of Section 32, Article II of the Act.

## **XI. Funding**

Government agencies and local government units shall ensure annual funding for the implementation of this Regulation in their respective budgets pursuant to the Philippine Anti-Illegal Drugs Strategy. Funds may also be sourced from allocated budget for employee health and wellness.

## **XII. Repealing Clause**

All memoranda, orders, instructions, and circulars inconsistent with this Regulation shall be deemed accordingly repealed and/or modified.

**XIII. Separability Clause**

If any part or provision of this Regulation is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

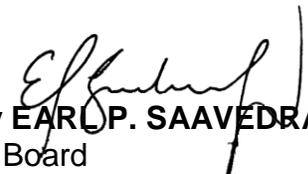
**XIV. Effectivity Clause**

This Regulation shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and registration with the Office of the National Administrative Register (ONAR), UP Law Center, Diliman, Quezon City.

**APPROVED** and **ADOPTED**, this 30<sup>th</sup> day of August, in the year of Our Lord, 2018 in Quezon City.

  
**Secretary CATALINO S. CUY**  
Chairman

Attested by:

  
**Undersecretary EARL P. SAAVEDRA**  
Secretary of the Board