



July 29, 2019

ADMINISTRATIVE ORDER  
No. 2019 - 03

**SUBJECT : ESTABLISHMENT AND INSTITUTIONALIZATION OF DRUG  
FREE WORKPLACE POLICY IN THE DEPARTMENT OF  
AGRICULTURE**

Pursuant to the provisions of RA 9165 "An Act Instituting the Comprehensive Dangerous Drugs Act of 2002 as amended by RA 10640" and in accordance with Civil Service Commission (CSC) Memorandum Circular (MC) No. 13 series of 2017, the Department of Agriculture (DA) hereby establishes and institutionalizes the DA Drug-Free Workplace Policy and adopts the following rules and regulations:

### **I. OBJECTIVES**

1. These guidelines promote the establishment and institutionalization of drug free workplace policies in the Department of Agriculture and ensure that all officials and employees, 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. It aims to promote the well-being and productivity of its officials and employees for an effective and efficient service from the government, free from the ill—effects of drug use in the workplace.
2. The DA Drug-Free Workplace Policy aims to promote the maintenance of a safe and healthy work environment in DA workplaces, free from the use of dangerous drugs, to safeguard the health, safety and welfare of its employees, and to reduce health and safety risks to the public.
3. This policy upholds the obligations and duties of DA pursuant to Republic Act No. 9165, Dangerous Drugs Board Regulation No. 13, Series of 2018 (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), Civil Service Resolution No. 1700653 dated March 15, 2017 as amended by Civil Service Resolution No. 1900238 dated March 08, 2019 (Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for the other Purposes), and other applicable laws, rules and regulations.

### **II. SCOPE**

These guidelines shall apply to all officials and employees of the DA, regardless of rank or status, whether stationed in the Central Office, Bureaus, Attached Agencies, Regional Offices, Experiment and Research Stations, and other field units. Likewise, these guidelines cover individuals hired under Contract of Service (COS) or Job Order (JO), which shall be indicated in all new contracts and subsequent contractual renewals with the Department.

### **III. DEFINITION OF TERMS**

1. **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.



2. **Center** — Any of the treatment and rehabilitation centers which undertake treatment, aftercare and follow up treatment of drug dependents. It includes institutions, agencies and the like whose purposes are: the development of skills, arts and technical know-how, counseling and/or inculcating civic, social and moral values to drug dependent patients, with the aim of weaning them away from dangerous drugs and keeping them drug-free, adapted to their families and peers and readjusted into the community as law abiding, useful and productive citizens.
3. **Chain of Custody** — Refers to procedures to account for each specimen by tracking its handling and storage from point of collection to final disposal. These procedures require that the applicant's identity is confirmed and that Custody and Control Form is used from time of collection to receipt by the laboratory. Within the laboratory, appropriate chain of custody records must account for the samples until disposal.
4. **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 drug test in an authorized testing activity.
5. **Chronic User/ Drug Dependent** — A person identified for using drugs/other substances (mind-altering or not) without medical need, in an amount large enough or over a period long enough to threaten the quality of life or health and safety of the user or others.
6. **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, which shall likewise be done by any government laboratory or by privately owned and operated drug testing laboratories accredited and monitored by the DOH having confirmatory test capabilities;
7. **Contract of Service / Job Order** — refers to employment covered by a contract pertaining to piece work (pakyaw) or intermittent or emergency jobs, 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.
8. **Drug Counselor** — A person trained in the techniques of guidance counseling particularly dealing with cases of drug dependency.
9. **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.
10. **Drug Test Certificate** — A declaration / statement of the result of the drug test issued by accredited drug testing centers.
11. **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;

12. **Experimenter** — A person whose drug use began through exploration with limited exposure and no development of regular use or any related harm.
13. **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.
14. **Occasional User** — A person who indulges in drug use to create or enhance experience in any social setting.
15. **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.
16. **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.
17. **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.
18. **Treatment** — Medical service rendered to a patient for the effective management of physical and mental conditions arising from his/ her drug use.
19. **Rehabilitation** — A dynamic process including aftercare and follow up treatment directed towards the physical, emotional/ psychological, vocational, social and spiritual change of a drug dependent to enable him/ her to live without dangerous drugs, enjoy the fullest life compatible with his capabilities and potentials and render him/ her able to become a law abiding and productive member of the community.
20. **Workplace** — Covers the entire DA, including the Central Office, Bureaus, Attached Agencies, Regional Offices, Experiment and Research Stations, and other field units.

#### IV. DRUG-FREE WORKPLACE COMMITTEE

##### COMPOSITION

In the DA Central Office, the Drug-Free Workplace Committee shall be composed of the following:

Chairperson:	Assistant Secretary for Administration
Vice Chairperson:	Assistant Secretary for Planning and Project Development
Members:	Director, Administrative Service Director, Legal Service Director, Policy Research Service Chief, Personnel Division



Chief, Investment Programming Division  
Chief, Human Resource Development Division  
Chief, General Services Division  
Chief, Budget Division  
DA Employees Association Representative

The committee shall meet regularly and report its work to the Secretary of the Department. The Administrative Service shall provide secretariat services to the committee.

In other DA offices, the Drug-Free Workplace Committee shall be composed of the following:

Chairperson:	Head of Office or authorized representative
Vice Chairperson:	Chief, Administrative Officer/Highest Administrative Officer
Members:	Chief, Legal Division/Highest officer in charge of Legal functions
	Chief, Planning Monitoring and Evaluation Division/ Highest Planning Officer
	Chief, Human Resource Development Section/ Highest Human Resource Management Officer in charge of learning and development
	Chief, Finance Division/Highest Administrative Officer in charge of financial management
	Chief, Personnel Section/Highest Human Resource Management Officer in charge of recruitment
	DA Employees Association Representative

The committee shall meet regularly and report its work to the Executive Director of the Regional Office, Bureau, Attached Agency or Corporation. The Administrative Division/designated employees shall provide secretariat services to the Committee.

#### **FUNCTION AND RESPONSIBILITIES**

1. Direct, administer, and manage the implementation of the DA Drug-Free Workplace Policy and Program;
2. Initiate continuing education and awareness program for the employees;
3. Initiate and adopt value formation, family enhancement and such other related and relevant programs;
4. Facilitate the conduct of drug testing;
5. Notify concerned official/employee, the immediate supervisor and the Head of Office or his/her authorized representative of positive drug test results;
6. Document cases of positive drug test results and action/s taken thereon;



7. Monitor the status of drug dependent official/employee and recommend his/her return to work based on compliance with requirements;
8. Ensure the observance of due process in the implementation of the DA Drug-Free Workplace Program, especially in the conduct of drug testing; and
9. Spearhead activities that will promote a drug-free workplace environment in the DA.
10. Submit a regular report to the Dangerous Drugs Board on the conduct of drug tests and the number of officials and employees who tested positive for drugs use.

## **V. GENERAL GUIDELINES**

### **1. ADVOCACY, EDUCATION AND TRAINING**

#### **a. Training and Other Related Interventions**

The Committee, in consultation with and through the Human Resource Development Division (HRDD), shall develop and implement "Awareness and Education on the Adverse Effects of Dangerous Drugs" as part of the DA's Orientation Program and related learning and development interventions.

This training and other related Learning and Development Intervention will increase awareness of all DA officials and employees about the policy of maintaining a drug free workplace and the harmful effects and dangers posed by the use and abuse dangerous drugs in the workplace.

#### **b. Information, Education and Communication Materials**

Posters and other information materials with the standard message make "*This is a drug-free workplace, let's keep this way.*" or such other messages shall be posted in conspicuous places within office premises.

#### **c. Health and Wellness Programs**

The DA Health and Wellness Programs shall include activities to encourage officials and employees to maintain a healthy lifestyle at work.

### **2. PROHIBITIONS**

- a.** No DA employee shall use, possess, distribute, purchase, or sell dangerous drugs, whether they are on duty or not.
- b.** Security guards may inspect, search or examine all persons entering the DA premises for possible possession of dangerous drugs. Any person who refuses to submit to such search, inspection, or examination shall be denied access to the DA premises.
- c.** Any dangerous drug, instrument, paraphernalia, apparatus, material, or appliance intended or designed for the use, manufacture, or production of dangerous drugs seized or confiscated from any person within the DA premises shall be turned over to the proper authorities to be used as evidence in prosecuting the illegal possession thereof.



### **3. DRUG TESTING**

#### **a. Pre-Employment**

Drug testing shall remain a requirement for initial entry to the DA for appointive officials and employees. Any applicant found positive for drug use shall be denied entry to the DA. Drug Test Certificates issued by accredited drug testing centers shall be included in the employment records of the officer or employee in the custody of the Personnel Division.

#### **b. Initial and Subsequent Drug Testing**

- i. In compliance with CSC MC No. 13, series of 2017, as amended by CSC MC No. 5, series of 2019, the DA shall conduct a mandatory, random and suspicionless drug testing of all incumbent public officials and employees as a condition for retention in government service.
- ii. Subsequent random drug tests shall be decided by the Department in close consultation and coordination with the Drug- Free Workplace Committee.
- iii. The conduct of drug tests shall be in accordance with the procedures set forth by the Dangerous Drugs Board, which shall be disseminated to all DA employees.
- iv. A positive drug test result from the confirmatory test shall immediately be made known to the Secretary, or his/her designated official, who shall then notify the concerned official/employee, or person under contract of service or job order. The concerned official/employee, or person under contract of service or job order shall be given fifteen (15) days from receipt of notice to challenge the result of the confirmatory test.
- v. The challenge test shall be conducted, using the same specimen, by a government drug testing laboratory or by a drug testing laboratory duly authorized and accredited by the DOH. A positive drug test resulting from the challenge test is deemed final. Failure to file a challenge within the prescribed period shall likewise make the positive drug test result from the confirmatory test final, and the Department shall then take the appropriate action.
- vi. A positive drug test result from the challenge test is deemed final and the official/employee shall be immediately subjected to the provision in the succeeding section.
- vii. When the person testing positive from the confirmatory test is an official or employee of the Department, the drug test result shall be attached to the 201 file of the official/employee. All drug test results and records must strictly be held confidential as provided for under the pertinent provisions of RA 9165.
- viii. When the person testing positive from the confirmatory test is under contract of service or job order, this shall be deemed as valid grounds for the pre-termination of the contract and he/ she shall be deemed to have breached his/her contractual obligation, unless the confirmatory result is negated by through a challenge test. In case of pre- termination, the person concerned will not be entitled to the recovery of any payment for the remaining period of the unexpired portion of the contract.

#### **c. Treatment and Referral**

- i. DA officials and employees who are found positive of dangerous drugs at the first instance after the challenge test, or after positive drug test result from the confirmatory test, or should the concerned official/employee fail to challenge said



result, shall undergo a Drug Dependency Examination conducted by the DOH or by any medical practitioner accredited by the DOH to conduct such examination and shall be subjected to following intervention programs:

Experimenter — Outpatient, guidance counselling for six (6) months

Occasional User — Outpatient, guidance counselling, and regular monthly drug testing for six (6) months which shall be at the personal expense of the DA official or employee concerned

Chronic User/Drug Dependent — Mandatory continuous treatment and rehabilitation for a minimum period of six (6) months, in a government rehabilitation center, a DOH- accredited private rehabilitation center, or through a community rehabilitation program sanctioned under the rules of the Dangerous Drugs Board.

- ii. An official or employee found to be Experimenter or Occasional User shall shoulder the expenses of his/her guidance counseling, regular monthly drug testing, and/or rehabilitation. Time spent for the guidance counselling and regular monthly drug testing, if done during office hour, shall be charged against the official's/employee's leave credits. For this purpose, the official or employee's leave credits shall be utilized and when exhausted, vacation leave credits may be utilized for the purpose. If all leave credits are used, absence shall be on leave without pay.
- iii. Any official or employee found to be a Chronic User/ Drug Dependent and who will undergo a mandatory rehabilitation program for a minimum period of six months shall be considered on sick leave for the entire period of his/her rehabilitation. When the concerned public official's or employee's sick leave is exhausted, his/her vacation leave credits may be utilized for the purpose. If all leave credits are used, his/her absence shall be on leave without pay.
- iv. In order to be allowed to report for work, the concerned official/employee shall secure a certification of completion of his/her rehabilitation program and clearance from the attending guidance counselor or physician that he/she has been successfully rehabilitated and is now fit to return to work. The official or employee shall not be allowed to report back to work without first submitting the required certification and clearance to the Department and execute an undertaking that he/she will never take any dangerous drug again at any time during the course of his/her employment.

#### **d. Administrative Liability**

- i. Any DA official or employee who refuses, without any valid reason, to submit himself/herself for drug testing, shall be charged with the administrative offense of Gross Insubordination.
- ii. Any DA official or employee who, after being tested positive of drug use, shall refuse to undergo treatment or rehabilitation, or fails to complete his/her treatment or rehabilitation program, shall be charged with the administrative offense of Grave Misconduct.
- iii. DA officials and employees found to have used dangerous drugs during the prescribed period of their intervention or rehabilitation shall be charged with the administrative offense of Grave Misconduct.
- iv. DA officials and employees who are not issued a certificate of completion (in the case of experimenter and occasional user) or a certificate of completion with clearance (in the case of a chronic user/drug dependent), shall be charged with the



administrative offense of Grave Misconduct.

- v. DA officials and employees who for the second time have tested positive in a random drug test after completion of his/her treatment and/or rehabilitation program or shall be found to have used dangerous drugs during the prescribed period of intervention or rehabilitation, shall be charged with the administrative offense of Grave Misconduct.
- vi. Any DA official or employee found to have tampered the result of a drug test or interfered in the conduct of the drug test or in the release of drug test results shall be charged with the administrative offense of Grave Misconduct.
- vii. DA officials and employees caught using or peddling drugs shall be charged with the administrative offense of Grave Misconduct, without (Prejudice to the filing of appropriate criminal charge/s under RA 9165 and other pertinent laws.

#### **VI. FUNDS**

1. The DA shall allocate adequate funds for the conduct of activities under the DA Drug-Free Workplace Program, subject to the availability of funds and applicable accounting and auditing laws, rules and regulations.
2. Expenses for the conduct of the screening and confirmatory drug test of officials and employees shall be borne by the Department. However, drug test conducted as a result of a challenge in a positive drug test result from the confirmatory test shall be charged to the personal expense of the concerned official/employee.

#### **VII. REPEALING CLAUSE**

All previous issuances inconsistent with these guidelines shall be deemed accordingly repealed.

#### **VIII. EFFECTIVITY**

These guidelines shall take effect immediately.

  
**EMMANUEL F. PIÑOL**,  
Secretary

DEPARTMENT OF AGRICULTURE  
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