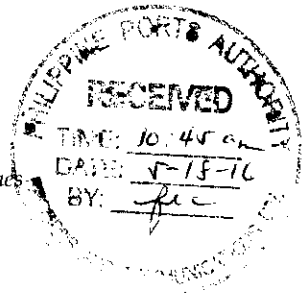


MAY 17 2016



**MEMORANDUM CIRCULAR**

NO. 04 - 2016

TO : All PPA Officials and Employees

SUBJECT : **Institutionalization of a "Drug-Free Workplace Policy" in the Philippine Ports Authority**

PPA, in keeping to be a model corporate agency of the government, develops human resources to the optimum. It fervently supports the national vision of a drug-free workplace to ensure a safe and healthy working environment as well as to promote the wellness of its officials and employees.

**1. AUTHORITY:**

- 1.1. Office of the President of the Philippines, Memorandum Circular No. 89, dated December 17, 2015, "Implementation and Institutionalization of the National Anti-Drug Plan of Action.
- 1.2. Republic Act (RA) 9165 otherwise known as "The Comprehensive Dangerous Drugs Act of 2002 and its Implementing Rules and Regulations (IRR)".
- 1.3. Civil Service Commission (CSC) Resolution No. 101359 dated 06 July 2010, with reference to CSC Memorandum Circular No. 13, Series of 2010 Subject: "Guidelines for a Drug-Free Workplace in the Bureaucracy".
- 1.4. Dangerous Drugs Board (DDB) Regulation No. 2, Series of 2004 entitled: "Guidelines for the Formulation and Implementation of a Drug-Free Workplace Program and the Conduct of Authorized Drug Testing by all Offices, Bureaus and Agencies of the National and Local Governments, Government Owned and Controlled Corporations and Other Institutes of Learning Including State Colleges and Universities".
- 1.5. Dangerous Drugs Board (DDB) Regulation No. 4, Series of 2013, or the "Amendment to Board Regulation No. 7, Series of 2003, entitled "General Guidelines for the Implementation of Mandatory Drug Testing to Officers and Members of the Military, Police and Other Law Enforcement Agencies."
- 1.6. DDB Regulation No. 7 Series of 2003, or the "General Guidelines for the Implementation of Mandatory Drug Testing to Officers and Members of the Military, Police and Other Law Enforcement Agencies."

**2. OBJECTIVE:**

PPA institutionalizes a “Drug-Free Workplace Policy” to administer and evaluate programs for the retention and development of a qualified, competent, and drug-free workforce in the public service, as well as maintaining a work environment that is healthy, safe, and drug-free.

**3. SCOPE AND COVERAGE:**

These guidelines shall apply to all PPA officials and employees without distinction as to rank, status, salaries and to include those who will apply for PPA positions in accordance with Civil Service Commission (CSC) Rules and Regulations.

**4. DEFINITION OF TERMS:**

- 4.1. Authorized Drug Test – the testing done on a person’s urine specimen to determine the presence of dangerous drugs which shall employ, among others, two (2) methods, the screening and confirmatory tests.
- 4.2. Challenge Test – is a replicate test on the same urine sample which is confirmed positive, conducted within the 15-day period from receipt of the confirmatory test result by the donor and can only be done once.
- 4.3. Committee – refers to the PPA Assessment Committee on the implementation of Guidelines for a Drug-Free Workplace Policy.
- 4.4. Confirmatory Drug Test – an analytical test which will validate and confirm the result of the screening test.
- 4.5. Dangerous Drugs – include those drugs listed in the Annexes of RA 9165.
- 4.6. Donor – a person who gives his/her urine sample for the purpose of drug testing.
- 4.7. Drug Testing Laboratory – a government forensic laboratory facility or any drug testing laboratory accredited and monitored by the DOH.
- 4.8. Mandatory Drug Test – compulsory requirement to undergo drug testing.
- 4.9. Random Drug Test – subjection of individuals for drug testing as selected following no specific pattern and without prior notice or information.

- 4.10. Use – any act of introducing substances into the body by injection (intravenously or intramuscularly) and/or consumption (either by chewing, smoking, sniffing, eating, swallowing or drinking).

**5. CREATION OF ASSESSMENT COMMITTEE:**

- 5.1. An Assessment Committee is created composed of the following:

1. Assistant General Manager for Finance and Administration – Chairperson
2. Assistant General Manager for Operations – Co-Chairperson
3. Manager, Human Resource and Management Department – Member
4. Manager, Legal Service Department – Member
5. Manager, Port Police Department – Member

- 5.2. The Committee is tasked to:

1. Oversee the formulation and implementation of the PPA's Drug-Free Workplace Policy;
2. Adopt a continuing and sustainable substance abuse awareness program for PPA officials and employees;
3. Initiate and adopt values formation, family enhancement and such other relevant programs; and
4. Monitor and evaluate the implementation of a "Drug-Free Workplace Policy" for PPA.

**6. GENERAL GUIDELINES:**

- 6.1. PPA Head Office and its PMOs shall display billboards in strategic and conspicuous places bearing the message: "This is a Drug-Free Workplace. Let us keep it this Way". Said billboards shall be displayed as soon as official declaration of a drug-free workplace is issued by government forensic laboratory and approved by the PPA General Manager.
- 6.2. A drug test shall be mandatory in the following instances: (1) pre-employment; (2) persons in high-risk or decision-making positions; (3) past history of drug use; (4) involvement in accidents; (5) discovery of dangerous drugs paraphernalia; (6) detention by police or filing of charge in court for drug-related cases; (7) as a requirement for promotion and (8)

employees reporting for work after undergoing rehabilitation in a treatment and rehabilitation center. Such mandatory drug test shall be administered by government-accredited forensic laboratory authorized by PPA.

- 6.3. In addition to Section 6.2, PPA officials and employees whose employment are considered under law enforcement, are required to undergo annual mandatory drug testing. The selection would be done at random but no one shall be exempt from undergoing annual mandatory drug testing.
- 6.4. PPA officials and employees, shall be subjected to a random drug test, where the official or employee subjected to drug test shall be picked up by chance or in an unplanned way.
- 6.5. Urine samples shall be collected for the random and mandatory drug test. The conduct of the random and mandatory drug tests shall strictly follow the provisions provided in the DDB Regulation No. 2, Series of 2004.
- 6.6. The mandatory or random drug test shall employ two (2) testing methods, the screening test which shall determine the positive result as well as the type of the drug used and the confirmatory test which shall confirm a positive screening test.
- 6.7. Any act of misrepresentation or attempt to commit misrepresentation in the collection of urine samples shall constitute the administrative offense of Dishonesty.
- 6.8. Laboratory reports of positive results of the screening test and/or confirmatory test shall be treated with confidentiality and shall be disclosed in accordance with the internal Rules and Regulations of PPA.
- 6.9. If confirmed positive after a confirmatory test, the same shall be prima facie evidence that such person has used dangerous drugs.
- 6.10. Confirmed positive results of applicants for employment shall be a ground for disqualification.
- 6.11. If the subject official or employee tested positive for dangerous drugs after a confirmatory test, such result shall immediately be made known to the Chairperson, Assessment Committee and/or the General Manager or his/her representative.
- 6.12. After the receipt of the result of the drug test, the same shall be known to the personnel who tested positive for dangerous drugs use after

confirmatory test, who may challenge such test result within (15) days from his/her receipt of the result.

- 6.13. A positive result for dangerous drugs use, after a confirmatory test, shall constitute prima facie evidence for the administrative offense of Grave Misconduct.

Similarly, the refusal of any PPA official or employee present on the date of the scheduled drug test shall be considered prima facie evidence that he/she is using dangerous drugs and likewise be subjected to a disciplinary action for Grave Misconduct.

Moreover, any PPA official or employee present on the date of the scheduled drug test but refuses to undergo the same such as leaving the PPA premises without first undergoing said test or other analogous cases shall be construed as refusal.

- 6.14. Any PPA official or employee who fails to submit himself/herself to a mandatory or random drug test shall submit an explanation to the Committee. If found to have a valid reason, a separate drug test for him/her shall be scheduled, however, unsatisfactory explanation shall be a ground for disciplinary action in accordance with CSC Rules and Regulations.
- 6.15. Any PPA official or employee found violating any of the provisions of RA 9165 shall be dealt with criminally pursuant to RA 9165 and administratively pursuant to CSC Rules and Regulations.
- 6.16. A module on "Drug-Free Workplace" shall be included in PPA career and special courses.
- 6.17. PPA shall adopt a continuing and sustainable substance abuse awareness program and conduct various activities to encourage employees to lead a healthy and drug-free lifestyle while at work and at home.
- 6.18. PPA shall maintain a system that shall continuously monitor and evaluate the implementation of this "Drug-Free Workplace Policy".

## **7. DISCIPLINARY OR ADMINISTRATIVE ACTIONS:**

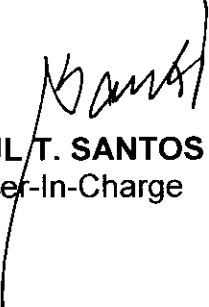
Any PPA official or employee tested positive for use of dangerous drugs shall be subjected to disciplinary administrative proceedings under CSC Rules and Regulations.

**8. REPEALING CLAUSE:**

All previous issuances and/or orders inconsistent with the provisions of this Memorandum Circular are deemed repealed or amended.

**9. EFFECTIVITY:**

This Memorandum Circular shall take effect fifteen (15) days after its publication in a newspaper of general circulation.



**RAUL T. SANTOS**  
Officer-In-Charge

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