Memorandum Circular

BJMP Drug-Free Work Place Policy

Mandates the Establishment and Institutionalization of the BJMP Drug-Free Workplace Policy, Prescribes the Guidelines in the Conduct of Drug Testing and Provides Sanctions for Violation Hereof

I. REFERENCES

   a. Republic Act No. 9165 otherwise known as the Comprehensive Dangerous Drugs act of 2002;
   b. Board Regulation No. 13, Series of 2018 of the Dangerous Drugs Board;
   c. Existing BJMP Comprehensive Administrative Disciplinary Machinery; and
   d. Civil Service Law, Rules and Regulations.

II. POLICY STATEMENT

The Bureau of Jail Management and Penology (BJMP) recognizes the perilous effects of dangerous drugs in the community of employers and employees. Among such effects include, among others, decreased productivity, increased accidents, absenteeism, lapses in the performance of assigned task, criminality, etc. and thereby, absolutely prohibits the use of dangerous drugs in and outside the office by all personnel of the Jail Bureau.

In compliance with Board Regulation No. 13, series of 2018 of the Dangerous Drugs Board which prescribes, among others, the establishment of a drug-free workplace policy in all government agencies and in line with the Jail Drug Clearing Operation of the BJMP, this "Drug-Free Workplace Policy” is hereby created.

III. PURPOSE

This Policy aims to ensure a safe and healthy environment free from use of dangerous drugs in all offices and jails of the BJMP through the conduct of drug testing among its personnel, proscription of illegal acts related to dangerous drugs and provision of sanctions for violation hereof.

IV. SCOPE/COVERAGE

This policy shall be applicable to all uniformed and non-uniformed personnel of the Jail Bureau without distinction as to gender, rank and designation. Contract of Service or Job Order employees shall also be subject to the conduct of authorized drug-testing.

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V. DEFINITION OF TERMS

For purposes of this Policy:

A. Authorized Drug Test – 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 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 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 the 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 the government employees, including, but not limited to, personal economic relief allowance, cost of living allowance, and representation and travel allowance.

E. Dangerous Drug – 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,
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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 Jail Bureau personnel (NUP or uniformed) who have alcohol or drug-related issues and problems that may affect work performance.

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 BJMP.

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 – Term used in Diagnostic Manual 5 which combines categories of substance use, abuse and dependence into a single disorder measured on a continuum form mild to severe. Each specific substance is addressed as 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.

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OFFICE OF THE NATIONAL ADMINISTRATIVE REGISTER
Administrative Rules and Regulations

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VI. GENERAL GUIDELINES

A. National Drug-Free Workplace Committee – There shall be created a National Drug-Free Workplace Committee of the Jail Bureau (National Committee for brevity) which shall be composed of the following:

- Chairperson — Chief, BJMP or Representative
- Vice-Chairperson — Director, Directorate for Personnel and Records Management (DPRM) or Representative
- Member — Director, Directorate for Investigation and Prosecution (DIP) or Representative
- Member — Director, Directorate for Operations (DO) or Representative
- Member — Director, Directorate for Intelligence or Representative
- Member — Chief, Health Service Office (HSO) or Representative

B. Regional Drug-Free Workplace Committee – There shall be created a Regional Drug-Free Workplace Committee (Regional Committee for brevity) in all BJMP Regions which shall be composed of the following:

- Chairperson — Regional Director of the Jail Bureau or Representative
- Vice-Chairperson — Chief, Personnel and Records Management Division or Representative
- Member — Chief, Regional Investigation and Prosecution Division or Representative
- Member — Chief, Regional Operations Division or Representative
- Member — Chief, Regional Intelligence Division or Representative
- Member — Chief, Regional Health Service Unit or Representative

C. Duties and Responsibilities of the National and Regional Committees

The committee shall undertake the following duties and responsibilities:

1. To oversee the formulation and implementation of the drug-free workplace policy of the Jail Bureau;

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2. Create an **Assessment Team (Team)** composed of personnel with educational and training backgrounds on medicine, psychology, social work and human resource administration. The team shall assist in the conduct of substance abuse awareness and prevention programs. The members of the team shall undergo regular training.

3. Initiate continuing education and awareness program for all uniformed and non-uniformed personnel of the Jail Bureau; and

4. Initiate and adopt value formation, family enhancement and such other related and relevant programs.

The Regional Committee shall directly implement the provisions of this policy in its area of responsibility (AOR) while the National Committee shall be in charge with the over-all implementation of this policy nationwide.

**VII. GUIDELINES IN THE CONDUCT OF THE AUTHORIZED DRUG TEST**

1. Procedure in the Conduct of Random Drug Test in the Workplace

   a. The National or Regional Drug-Free Workplace Committee will notify the randomly selected personnel to proceed to the BJMP-NHQ Health Service Office or BJMP Regional Health Service Unit, as the case may be, who in turn, will accompany them to the drug-testing laboratory where the test will be conducted.

   b. On-site drug test in jails/offices may also be made by the committees. In such a case, the presence of any qualified employee/s of a drug-testing laboratory of the government or accredited by the DOH shall be required.

   c. The selected personnel must immediately report for the drug test. Thus, the date of the drug testing in the notice should be the same date such notice was tendered to the selected personnel.

   d. The test shall only be conducted by any drug-testing laboratory accredited by the DOH for the screening test, which shall be conducted in the following manner:

      i. The selected personnel will fill out and sign the consent and chain of custody form issued to them.

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The urine specimen bottles must be properly labeled to contain the name, ID number, employment number, rank, designation, date and time when the urine sample was taken.

The taking of the urine sample must be done in an area where manipulation (e.g. adding water) is not possible.

The urine specimen/sample which tested positive after the screening test must be properly labeled and must be kept separately from the samples that tested negative for dangerous drugs.

All urine samples tested positive must be submitted for confirmatory testing to a laboratory having the confirmatory capability using the same urine sample.

After the confirmatory test, the same urine sample must be kept for the purpose of challenging the result.

After the test is conducted, a drug test result shall be issued by the drug testing laboratory directly to the Head of the office or agency and not to the person so tested. For this purpose, in case the drug test is initiated by the National Committee, the drug testing laboratory must directly submit the result to the Office of the Chief, BJMP or to the Office of the Regional Director of the Jail Bureau in case the drug test is initiated by the Regional Committee. The same result must be signed by the authorized signatory of the laboratory, the personnel concerned and a witness.

e. In case of negative drug test result, no further action is needed.

2. Procedure in handling a positive result after Confirmatory Test

A positive drug test result from the confirmatory test shall immediately be known to the Chief, BJMP, who shall notify the personnel concerned. The personnel 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 shall be borne by the concerned personnel.

A positive result from the challenge test result from the challenge test is deemed final and the personnel concerned 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 BJMP shall then take appropriate action.

3. Confidentiality of records.
   
a. All drug test result and records shall strictly be held confidential, and shall be attached to the 201 file of personnel.
   
b. Jail Bureau personnel and/or any person who intentionally or unintentionally breach the confidentiality of any drug test result shall be charged in accordance with Section 72 of RA 9165.

4. Funding/Cost Requirements

   The cost of the drug testing shall be funded by the Jail Bureau. For this purpose, the funding/cost requirements for the conduct of drug testing of all personnel must be included in the yearly budgetary appropriation of the Jail Bureau.

   Nevertheless, support in the form of providing drug-test equipment/ paraphernalia or financial assistance by the Local Government Units or other entities may be allowed as long the same may not compromise the process of drug-testing.

VIII. Employee Assistance Program

   A personnel, 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 personnel 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.

   The Assessment Team shall be actively involved in the implementation of the Employee Assistance Program.

1 Section 72. Liability of a Person Who Violates the Confidentiality of Records. (6 months to 6 yrs. imprisonment)
IX. MISCELLANEOUS PROVISIONS

1. The Drug Testing Program of the BJMP shall be made known to all uniformed and non-uniformed personnel of the BJMP. The purpose of which is not to harass but rather prevent the entry of illegal drugs and the abuse thereof in the BJMP. For this purpose, a copy of this policy shall be distributed to every uniformed and non-uniformed personnel of the BJMP.

2. 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.

X. MONITORING AND SUPERVISION

The Regional Committee of every BJMP Regional Office shall submit a report on drug testing activities conducted on personnel within its area of responsibility (AOR) after one month from the date of effectiveness of this policy. Subsequent reports shall be submitted to the Directorate for Operations, copy furnished the BJMP-NHQ Health Service Office (HSO), every 25th of June and every 15th of December of the calendar year. (See attached sample format, Annex 1)

XI. PENAL CLAUSE AND SANCTIONS

1. Failure to abide by the provisions of this Policy which is being implemented pursuant to DDB Board Regulation No. 13, Series of 2018, shall be penalized with the sanctions embodied in Section 32, Article II of R.A. 9165 without prejudice to the filing of administrative charge for violation of reasonable office rules and regulations pursuant to Rule V. Section 4, (c) of the 2017 BJMP Comprehensive Administrative Disciplinary Machinery.

2. Any personnel 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 confirmatory test in an authorized drug testing activity shall be charged with the administrative offense of Grave Misconduct.

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2 Section 32. Liability to a Person Violating Any Regulation Issued by the Board. – The penalty of imprisonment ranging from six (6) months and one (1) day to four (4) years x x x shall be imposed upon any person found violating any regulation duly issued by the Board x x x
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3. Any personnel 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. 3

4. Any personnel who violated the provisions of Article II of the Act shall be charged with the administrative offense of Grave Misconduct or face disciplinary sanction without prejudice to the filing of criminal charges under the Act and other relevant laws.

XII. SEPARABILITY CLAUSE

In the event that any provision or part of this policy is declared invalid by competent authority, all other provisions not affected by such declaration shall remain valid and effective.

XIII. REPEALING CLAUSE

All other existing issuances that are inconsistent with this policy are hereby amended or modified accordingly.

XIV. EFFECTIVITY

This Circular shall take effect fifteen (15) days after its filing and registration at the University of the Philippines Law Center in consonance with Sections 3 and 4, Chapter 2, Book II of Executive Order No. 292, otherwise known as the “The Administrative Code” of 1987.

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Chf. BJMP

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(As of June 24, 20_)

(Region: DRUG-FREE WORKPLACE COMMITTEE (January to June, 20_))