



Republic of the Philippines
Department of Finance
Bureau of Customs
1099 Manila

10 October 2017


CUSTOMS MEMORANDUM CIRCULAR
NO. 172-2017

TO : **DEPUTY COMMISSIONERS
SERVICE DIRECTORS
DISTRICT COLLECTORS
DIVISION CHIEFS
OFFICIALS and EMPLOYEES
ALL OTHERS CONCERNED**
This Bureau

Attached herewith for information and compliance is Civil Service Commission (CSC) Circular No. 1700653 dated 15 March 2017 entitled: **Guidelines in the Mandatory Random Drug Test For Public Officials and Employees and for Other Purposes**, which the Bureau adopts as its policy.

Relative thereto, this Bureau shall, at any time, conduct a mandatory random drug testing in accordance with the aforesaid CSC Guidelines and other applicable rules and regulations mandated by the Dangerous Drug Board.

For information.


ISIDRO S. LAPENA, PhD, CSEE
Commissioner
Bureau of Customs
ISIDRO S. LAPENA
Commissioner
17-01422
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WHEREAS, on December 17, 2015, the Office of the President issued Memorandum Circular No. 89, s. 2015 mandating all government bureaus, departments, agencies, offices and government-owned or controlled corporations to formulate and submit to the DDB their respective five (5) Year Implementing and Operational Plans for the National Anti-Drug Plan of Action (NADPA). The DDB developed the NADPA, which outlines the efforts of the government to strengthen its campaign against drugs and contribute to international efforts to counter the drug problem. The Circular also mandated all government agencies to formulate and adopt their own drug-free workplace program and conduct authorized drug testing among officials and personnel;

WHEREAS, the drug problem in the Philippines continues to remain as a serious national concern that permeates both the public and private sectors, not only as a security issue but also as a health concern that affects social, emotional and psychological as well as economic well-being of the citizenry;

WHEREFORE, in compliance with R.A. No. 9165, and in order to ensure a drug-free workplace in the bureaucracy, the Civil Service Commission hereby adopts and issues the following guidelines on the conduct of authorized drug testing for public officials and employees:

I. OBJECTIVE

These guidelines aim to ensure that government agencies remain drug-free by subjecting public officials and employees to a random mandatory drug test, as a condition for continuous employment. To this end, the government and the public will be ensured of effective and efficient service free from the hazards of drug use in the work place.

II. SCOPE AND COVERAGE

These guidelines shall cover all public officials and employees in all constitutional bodies, departments, bureaus and agencies of the national government, local government units, government-owned and controlled corporations, and state and local universities and colleges regardless of rank, status and salary.

These guidelines shall not cover contract of service or job order employees. However, the agencies shall reflect a drug use policy clause in their contract.

Officers and members of the military, police and other law enforcement agencies who are required to undergo annual mandatory drug test, pursuant to R.A. No. 9165, are excluded from the coverage of these guidelines.



controlled corporations with original charter, and state and local universities and colleges.

Occasional User – a person who indulges in drug use to create or enhance experience in any social setting.

Public Officials and Employees – include any person holding or performing a public function in the legislative, executive, administrative or judicial office in the government, regardless of status of employment or engagement.

Random Testing – a method of 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.

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/her capabilities and potentials, and become a law abiding and productive member of the community³

Screening Test⁴ - a rapid test performed to establish potential/presumptive positive result.

IV. PRE-EMPLOYMENT DRUG TESTING

Drug testing shall remain a requirement for initial entry to government service for appointive public officials and employees. Any applicant found positive for drug use shall be denied entry to government service.

V. INITIAL AND SUBSEQUENT DRUG TESTING OF PUBLIC OFFICIALS AND EMPLOYEES

Within six (6) months from the effectivity of these guidelines, all constitutional bodies, departments, bureaus and agencies of the national government, local government units, government-owned and/or controlled corporations, and state and local universities and colleges shall conduct a mandatory, random and suspicionless drug testing of their incumbent public officials and employees as a condition for retention in government service.

The frequency of subsequent random drug tests shall be prescribed by the concerned agencies taking into consideration, among others, the number of public officials and employees, nature of work being discharged, funding, and other logistics. Subsequent

³ As defined under DDB Regulation No. 2, s. 2004.

⁴ *Ibid.*

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confirmatory test should the concerned public official or 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 said examination and shall be subjected to following treatment and rehabilitation program:

- a. Experimenter – Outpatient, guidance counselling for six (6) months
 - b. Occasional User – Outpatient, guidance counselling and regular monthly drug testing for six (6) months which shall be at the personal expense of public official or employee concerned.
 - c. 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.
2. A public official or employee found to be an Experimenter shall shoulder the expenses of his/her guidance counselling. The same rule shall also apply to a public official or employee found to be an Occasional User, who shall undergo the guidance counselling and regular monthly drug testing. Time spent for counselling and regular monthly drug testing, if done during office hour, shall be charged against public official or employee's leave credits. For this purpose, the public 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.

As proof of successful completion of the intervention program, a public official or employee assessed as an Experimenter or Occasional User shall secure a certification of completion issued by his/her attending guidance counsellor.

3. Any public official or employee found to be a Chronic User/Drug Dependent, based on the results of the Drug Dependency Examination, 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 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.

The public official or employee shall undertake the processing of his admission to a rehabilitation center in accordance with the provisions of R.A. No. 9165 and existing rules of the Dangerous Drugs Board.

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6. Any public 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.
7. 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 R.A. No. 9165 and other pertinent laws.

VIII. RESPONSIBILITIES OF AGENCIES

1. All constitutional bodies, departments, bureaus and agencies of the national government, local government units, government-owned and/or controlled corporations, and state and local universities and colleges are required to submit a regular report to the DDB on the conduct of drug tests and number of officials and employees who tested positive for drug use.
2. The DOH shall conduct the necessary trainings for physicians in the government agencies on administering the Drug Dependency Examination.
3. Internal rules may be issued by government agencies pertaining to: restrictions in reporting to work while undergoing treatment or intervention, and enforcement of a no work no pay policy for public officials and employees who do not earn leave credits. *Provided*, that said rules should be without prejudice to the provisions on offenses and penalties provided in these guidelines.

IX. FUNDS

The concerned government offices/agencies shall bear the expenses for the conduct of the screening and confirmatory drug test of its employees, subject to existing budgeting, accounting and auditing rules and regulations. Funds for the conduct of the screening and confirmatory drug test may be sourced from the concerned government offices/agencies' budget for employee health and wellness. The agencies shall include the funds for the conduct of subsequent drug tests in their annual budget proposal for employee health and wellness.

However, drug test conducted as a result of a challenge to a positive drug test result from the confirmatory test shall be charged to the personal expense of the concerned public official or employee.

X. REPEALING CLAUSE

All memoranda, orders, instructions, and circulars inconsistent with these guidelines shall be deemed accordingly repealed.

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MC No. 13, s. 2017**MEMORANDUM CIRCULAR**

TO : HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS; AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : Guidelines in the Mandatory Random Drug Test For Public Officials and Employees and for Other Purposes

Pursuant to the mandates of the 1987 Constitution and the Administrative Code of 1987 to ensure that morale, efficiency, integrity, responsiveness, progressiveness, and courtesy shall be widely observed in the civil service and to ensure that government service shall be drug-free as provided by the Comprehensive Dangerous Drugs Act of 2002, the Commission has promulgated CSC Resolution No. 1700653 dated March 15, 2017 to prescribe the guidelines in the mandatory random drug test for public officials and employees, as follows:

I. OBJECTIVE

These guidelines aim to ensure that government agencies remain drug-free by subjecting public officials and employees to a random mandatory drug test, as a condition for continuous employment. To this end, the government and the public will be ensured of effective and efficient service free from the hazards of drug use in the work place.

II. SCOPE AND COVERAGE

These guidelines shall cover all public officials and employees in all constitutional bodies, departments, bureaus and agencies of the national government, local government units, government-owned and controlled corporations, and state and local universities and colleges regardless of rank, status and salary.

In a R. A. C. F. to Serve: Responsive, Accessible, Courteous and Effective Public Service

Drug Test – the process undertaken to determine the presence of dangerous drugs in a person's system, to include both screening test and confirmatory test.

Experimenter – a person whose drug use began through exploration with limited exposure and no development of regular use or any related harm.

Government Agency – refers to any and all branches, subdivisions, instrumentalities, and agencies of the national and local government, including government-owned and controlled corporations with original charters, and state and local universities and colleges.

Occasional User – a person who indulges in drug use to create or enhance experience in any social setting.

Public Officials and Employees – include any person holding or performing a public function in the legislative, executive, administrative or judicial office in the government, regardless of status of employment or engagement.

Random Testing – a method of 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.

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 to his/her capabilities and potentials, and become a law abiding and productive member of the community³

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IV. PRE-EMPLOYMENT DRUG TESTING

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⁴ *Ibid.*

A positive drug test result from the challenge test is deemed final and the public official or employee shall be immediately subjected to the provisions in the succeeding section.

The drug test result shall be attached to the 201 file of the public official or employee. All drug test results and records must strictly be held confidential as provided for under the pertinent provisions of R.A. No. 9165.

VI. INTERVENTIONS

1. Public 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 a confirmatory test should the concerned public official or 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 said examination and shall be subjected to following treatment and rehabilitation program:
 - a. Experimenter – Outpatient, guidance counselling for six (6) months
 - b. Occasional User – Outpatient, guidance counselling and regular monthly drug testing for six (6) months which shall be at the personal expense of public official or employee concerned.
 - c. 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.
2. A public official or employee found to be an Experimenter shall shoulder the expenses of his/her guidance counselling. The same rule shall also apply to a public official or employee found to be an Occasional User, who shall undergo the guidance counselling and regular monthly drug testing. Time spent for counselling and regular monthly drug testing, if done during office hour, shall be charged against public official or employee's leave credits. For this purpose, the public 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.

The charge of Grave Misconduct shall be grounded on the fact that said public official or employee was tested positive of drug use and not on his/her refusal to undergo or failure to complete his/her treatment.

4. Any public 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.
5. Public 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 Misconduct⁵.
6. Any public 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.
7. 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 R.A. No. 9165 and other pertinent laws.

VIII. RESPONSIBILITIES OF AGENCIES

1. All constitutional bodies, departments, bureaus and agencies of the national government, local government units, government-owned and/or controlled corporations, and state and local universities and colleges are required to submit a regular report to the DDB on the conduct of drug tests and number of officials and employees who tested positive for drug use.
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⁵ Bughaw Jr. vs. Treasure Island Industrial Corp., GR No. 143151, March 28, 2008 / Jose, Jr. vs. Michealmar Phils., Inc., GR No. 169606, November 27, 2009.