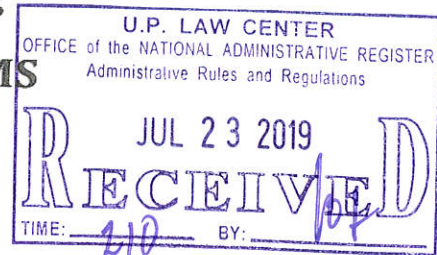




REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS



INTERNAL ADMINISTRATION GROUP
CENTRAL RECORDS MANAGEMENT DIVISION

July 22, 2019

The Director


Office of the National Administrative Register (ONAR)
UP Law Center Diliman, Quezon City

Sir/Ma'am:

Transmitted are three certified true copies and soft copy (word format in compact disc rewritable) of the following Customs Memorandum Order, to wit:

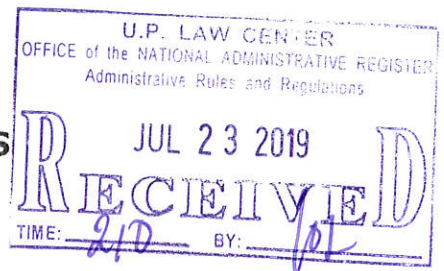
CMO 36-2019: BUREAU OF CUSTOMS DRUG-FREE WORKPLACE POLICY AND PROGRAM.

Very truly yours,


GLADYS C. CABUGAWAN
Chief, CRMD



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
1099 Manila



July 12, 2019

CUSTOMS MEMORANDUM ORDER
NO. 36-2019

**SUBJECT : BUREAU OF CUSTOMS DRUG-FREE WORKPLACE
POLICY AND PROGRAM**

I. REFERENCES

- a. Republic Act (RA) No. 10863, otherwise known as the Customs Modernization and Tariff Act (CMTA), dated 30 May 2016.
- b. 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".
- c. Civil Service Commission (CSC) MC No. 13 S. 2017, or the "Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes" dated 19 April 2017.
- d. Republic Act 9165 otherwise known as "The Comprehensive Dangerous Drugs Act of 2002 and its Implementing Rules and Regulations (IRR)".
- e. Dangerous Drugs Board (DDB) Regulation No. 2, Series of 2004 entitled: "Guidelines in the Formulation 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".
- f. Dangerous Drugs Board (DDB) Regulation No. 64, Series of 2008 entitled: "Approving the Dangerous Drugs Board's Drug-Free Workplace Policies and Programs" dated 23 October 2008.

DRUG-FREE WORKPLACE POLICY AND PROGRAM

II. PURPOSE

To promote a safe and healthy drug-free work environment, as well as to prevent drug abuse in the workplace through a comprehensive Drug-free

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MICHELLE N. TABLAZON

Admin Officer I

CRMD-Printing Unit

Workplace Program that shall be carried out in compliance with existing CSC rules and regulations, DDB Board Regulations and Republic Act 9165 or the Comprehensive Dangerous Drugs Act of 2002.

III. POLICY STATEMENT

It is the policy of the Bureau to protect the well-being of its officials and employees from the harmful effects of dangerous drugs and the threats posed by drug abuse in the workplace.

Toward this end, the Bureau shall adopt and implement an effective anti-drug abuse programs, projects and activities to include, among others, advocacy, education, trainings, general health and welfare programs and the conduct of drug testing in the workplace.


IV. COVERAGE

This policy and guidelines shall apply to all officials, employees and job order and/or contract of service of the Bureau, regardless of status or position and to include those who will apply for positions in the Bureau in accordance with Civil Service Commission Rules and Regulations.

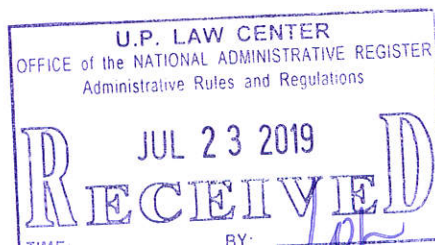
V. DEFINITION OF TERMS

- a. **Administer** – any act of introducing any dangerous drugs into the body of any person, with or without his/her knowledge, by injection, inhalation, ingestion or other means or of committing any act of indispensable assistance to a person in administering a dangerous drug to himself/herself unless administered by a duly licensed practitioner for purposes of medication.
- b. **Bureau** – refers to the Bureau of Customs (BOC).
- c. **Authorized Drug Test** – The testing done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. It shall employ, among others, two (2) testing methods, the screening and confirmatory tests.
- d. **Challenge Test** – is a replicate test on the same urine sample which is confirmed positive, conducted within 15 days from receipt of the written request to challenge.
- e. **Certification** – a document attesting that the donor has not been tested positive for the presence of any dangerous drugs for the past six (6) months.
- f. **Committee** – refers to the BOC Drug-free Workplace Committee on the Implementation of Guidelines for a Drug Free Workplace Policy.

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- g. **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 will be done by any government forensic laboratory or any of the drug testing laboratories accredited and monitored by the DOH having confirmatory test capabilities.
- h. **Dangerous Drugs** – include those listed in the Schedules annexed to the 1991 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 RA 9165.
- i. **Dangerous Drug Use** – use of addictive substance including illegal drugs, prescription drugs and over the counter drugs.
- j. **Donor** – a person who gives his/her urine sample for purposes of mandatory drug testing.
- k. **Drug Test Certificate** – a declaration/statement of the result of the drug test issued by government forensic laboratory.
- l. **Drug Testing Laboratory** – a government forensic laboratory facility that performs screening or confirmatory test on illicit drugs.
- m. **Drug Offender** – any official or employee found to be positive of using dangerous drugs or who commits any violation of RA 9165.
- n. **GCMS** – refers to Gas Chromatograph-Mass Spectrometer
- o. **“For Cause” or “Probable Cause” Drug Test** – drug testing required when there is a “probable cause” or “reasonable ground” to believe that a person is using or is under the influence of dangerous drugs.
- p. **Mandatory Drug Test** – compulsory submission of an employee for drug testing as required by Republic Act (RA) 9165 and by Civil Service Commission (CSC) MC No. 13 S. 2017.
- q. **Republic Act (RA) 9165** – refers to “The Comprehensive Dangerous Drugs Act of 2002”.
- r. **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 render him/her able to become a law abiding and productive member of the community.
- s. **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 presence of dangerous drugs, from

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further consideration and to identify the presumptively positive specimen that requires confirmatory test.

- t. **Sell** – any act of giving any dangerous drug and/or controlled precursor and essential chemical whether for money or any consideration.
- u. **Treatment** – Medical service rendered to a patient for the effective management of physical and mental conditions arising from his/her drug use.
- v. **Unlawful Acts** – refer to any of the unlawful acts penalized under Article II of RA 9165.
- w. **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) of the dangerous drugs.
- x. **Workplace** – a place where work is usually performed.

VI. RESPONSIBILITIES OF THE BUREAU OFFICIALS AND EMPLOYEES

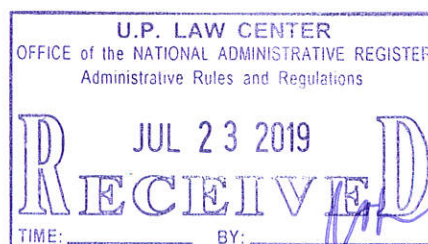
- a. Any government employee must never possess and/or use dangerous drugs and other substances of abuse.
- b. Any government employee must not directly or indirectly sell, give, provide or administer any dangerous drugs and/or other substance of abuse to his/her co-employees or others and/or to commit or abet/aid in the commission of any unlawful acts penalized under RA 9165.
- c. The officials and employees must faithfully abide by the terms of this Policy and the Guidelines as a condition for continued employment.
- d. The employees must voluntarily seek treatment and rehabilitation if they have problems related to dangerous drugs.
- e. To advocate against drug abuse.
- f. To help maintain a drug-free workplace.

VII. RESPONSIBILITIES OF THE OFFICES IN THE BUREAU

- a. Adopt a continuing and sustainable substance abuse awareness program on the following:
 - Policy of maintaining a drug-free workplace;
 - Dangers posed by the abuse of dangerous drugs; and
 - Consequences, penalties, and administrative sanctions in violation thereof.

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- b. Conduct various activities to encourage your respective employees to lead a healthy lifestyle while at work, such as:
- Lifestyle assessment programs on health, nutrition, weight management, stress management, alcohol abuse, smoking cessation and other indicators of risk diseases;
 - Health wellness screenings (e.g., blood pressure and heart rate, cholesterol test, blood glucose, etc.); and
 - Other activities promoting health and wellness.
- c. Sustain advocacy and communication activities to ensure maximum and long-term commitment to participate in the Drug-Free Workplace initiative.
- d. Report any activities & knowledge in relation to the use of illegal and/or dangerous drugs.
- e. Display a signage at a strategic and conspicuous places bearing the message: ***"This is a Drug Free Workplace. Let Us Keep it That Way"***.

VIII. COMMITTEE COMPOSITION, DUTIES AND RESPONSIBILITIES

a. A **Drug-free Workplace Committee** is hereby created composed of the following:

- | | | |
|--|---|----------------|
| • Deputy Commissioner, IAG | - | Chairperson |
| • Deputy Commissioner, IG | - | Co-Chairperson |
| • Director, Administrative Office | - | Member |
| • Director, CIIS | - | Member |
| • Representative from the Employees' Union | - | Member |
| • BOC PIAD Representative | - | Secretariat |

b. The Committee shall undertake the following duties and responsibilities:


- To oversee the formulation and implementation of the Bureau's Drug-free Workplace policy;
- Initiate continuing education and awareness program for the Bureau's Drug-free Workplace program administrators and implementors;
- Initiate and adopt values formation, family enhancement and such other related and relevant programs; and
- Monitor and evaluate the implementation of the Drug-Free Workplace Program of the Bureau, and initiate any revision of this program deemed necessary for effective and efficient implementation.

GUIDELINES ON DRUG TESTING PROCEDURES

IX. AUTHORIZED DRUG TESTING PROCEDURES

The authorized drug test is the testing done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored

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by the Department of Health (DOH) to safeguard the quality of test results. 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.

X. **MANDATORY DRUG TEST**

Mandatory drug test is the compulsory submission of an official or employee and job order and/or contract of service of the Bureau for drug testing under the law which is conducted in any of the following instances, to wit:


- a. Pre-employment of all applicants regardless of status or position being applied for,
- b. Past history of drug use,
- c. Involvement in accidents,
- d. Discovery of dangerous drugs/drug paraphernalia in their persons or workstations,
- e. Detention by Law Enforcement unit/filing of charge in court for drug-related cases,
- f. As a requirement for promotion, and
- g. Employees reporting to work after undergoing rehabilitation in a treatment and rehabilitation center.

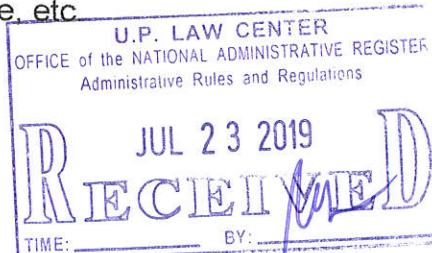
XI. **RANDOM DRUG TEST**

Random drug test is the subjection of personnel for drug testing:

- a. Without prior notice or information of the date and venue of the drug test;
- b. On selected employees chosen by the Committee until all officials and employees have undergone the test;
- c. Under random selection process or procedure with no specific pattern; and
- d. Regardless of whether the personnel had just undergone random drug test, the same shall also be conducted "for cause" or "probable cause" when there is reasonable ground to believe that a random drug test is necessary, e.g.:
 - Attendance — frequent unauthorized absences, repeated tardiness, truancy from the job,
 - Personal Appearance — slurred speech, bloodshot eyes, drastic change in appearance, etc.

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Admin Officer I
Credit-Printing Unit




- Mental Factor — hot-headedness, irritability, increased difficulty in handling assignments, etc.
- General Performance — missed deadlines, low productivity, increased wastage, public complaints, frequent accidents, carelessness, etc.
- Peer Relations — isolation, frequent quarrels with officemates, heavy borrowing, frequent mood swings, etc.

The procedure to be followed in the conduct of Random Drug Test to Bureau officials and employees is as follows;

- The Committee will notify the randomly selected officials or employees to undergo a urine test to the venue specified by the Committee. (*Annex A. Notice of Drug Testing*)
- The selected official/employee must immediately report for the drug test. Thus, the date of the drug testing in the Notice should be the same date the Notice was tendered to the officials or employees.
- If the concerned official or employee refuses to acknowledge receipt of the Notice, the notice server shall leave a copy of the Notice to the said official or employee and execute an affidavit attesting to the fact that the Notice was served but the official or employee refused to acknowledge it receipt. (*Annex B: Affidavit of Service*)
- The drug test shall be conducted by any government drug testing laboratory or by any drug-testing laboratory accredited and monitored by the Department of Health (DOH).
- The selected officials/employees shall fill-up and sign the consent and chain of custody form issued to them.
- The urine specimen bottles must be properly labeled to contain the name, ID number, employment number, position, date and the time when the urine sample was taken.
- The urine sampling 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 which tested positive must be submitted for confirmatory testing to a laboratory having the confirmatory capability using the same urine sample.

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- 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 Committee and not to the person so tested.
- The result of the drug test must be signed by the authorized signatory of the laboratory, the employee/official concerned and a witness.
- No further action is needed when the result is negative. The Drug Test Certificate is good for one (1) year and could be used for other purposes.

XII. PROCEDURE IN HANDLING A POSITIVE RESULT AFTER THE CONFIRMATORY TEST

- If a urine sample has tested positive for dangerous drugs after a confirmatory test, such result shall immediately be made known to the Drug-free Workplace Committee.
- Upon receipt of the result, the same shall be made known to the official or employee concerned.
- The Bureau shall then take the appropriate action in accordance with the Drug-Free Workplace Policy.
- All records must strictly be held confidential as provided for under the pertinent provisions of RA 9165.

XIII. CHALLENGE

If the donor opts to challenge the result of the drug test, he/she shall request in writing the Chairperson, Drug-free Workplace Committee, within 15 days after the result of the Confirmatory test for the re-examination of the same urine specimen by authorized government forensic laboratory equipped with GCMS or such other modern and accepted methods/equipment. All expenses relative to the challenge shall be borne by the donor.

The following procedure shall be observed by the Laboratory Analyst in transporting urine samples to other authorized government forensic laboratories:

- The Laboratory Analyst of the authorized/accredited Drug Testing Laboratory shall retrieve the donor's urine specimen from storage.

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CHELEEN N. TABLAZON
 Admin Officer I
 Child-Printing Unit

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- b. The donor's urine specimen shall be placed in a portable cold storage and the same shall be sealed by the Analyst in the presence of the donor and representative from the Committee who shall be required to affix his/her signature on its seal.
- c. The Committee representative shall be accompanied by the donor, his/her witness and an escort in transporting the urine specimen for challenge.
- d. The Committee representative shall ensure that the result of the Challenge Test shall be submitted to the Chairperson, Drug-free Workplace Committee to facilitate appropriate administrative and/or criminal actions when found positive result.
- e. The result of the Challenge Test shall be the basis for the final determination of the drug test result.

XIV. FUNDING

The initial funding for the implementation of the Drug-free Workplace program shall be charged from the current budget of the Bureau, or the concerned BOC District Office. The succeeding funding requirement shall be included in the annual budgetary appropriations. Funding for the Drug-free Workplace program for the BOC District Offices shall be included in their annual budget to be distributed from the start of every fiscal year so as to give the District Collectors' the flexibility in conducting the Mandatory and Random Drug Test to concerned officials and employees.

Cost of Drug Testing for Job Order/ Contractual applicants shall be borne by the concerned applicants.

XV. PROCEDURE ON THE FILING OF ADMINISTRATIVE CASE AGAINST PERSONNEL FOUND POSITIVE FOR DANGEROUS DRUGS USE OR ANY VIOLATION OF THIS MEMORANDUM CIRCULAR

- a. After the lapse of the 15-day period to challenge the result of the confirmatory test or after the receipt of the result of the challenge test, a Show Cause Order to the personnel found positive for drug use or any violation of this MC shall be issued, directing him/her to explain in writing, within three (3) days from receipt of the Show Cause Order, why no administrative case shall be filed against him/her.
- b. After the lapse of the period given to the person complained of to explain his/her side, a preliminary investigation shall be conducted to determine whether a prima facie case exists to warrant the issuance of a Formal Charge against the personnel found positive for dangerous drugs use, or who violates any of the provisions of this MC.

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[Signature]
MICHAEL N. TARLAZON
Admin Officer I
CRIME-Prevention Unit

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- c. If a prima facie case is found to exist, a Formal Charge for Grave Misconduct shall be signed by Commissioner, BOC. Otherwise, the case shall be dismissed.
- d. If a Formal Charge is issued, the respondent shall be directed to submit his/her Answer under oath, including documentary evidence and sworn statements of witnesses, if any, within 72 hours from receipt of the Formal Charge.
- e. A formal investigation, which includes the conduct of hearings, shall be conducted:
 - Where the merits of the case cannot be decided judiciously without conducting such investigation; or
 - When the Respondent elects to have one.
- f. If a formal investigation is not necessary or was not requested by the respondent, a Report containing the findings and the evidence in support of the same based on all the documents obtained and the recommendation on the case shall be submitted to the Commissioner BOC for his/her approval.
- g. In cases where a formal investigation was conducted, a Formal Investigation Report shall be prepared within fifteen (15) days after the conclusion of the investigation by the Hearing Officer and shall be submitted to the Commissioner BOC for approval.
- h. Within thirty (30) days from receipt of the Formal Investigation Report, the disciplining authority shall issue a Decision on the case.

XVI. MONITORING AND EVALUATION

The implementation of a Drug-Free Workplace Program of the Bureau shall be monitored by the Committee. The BOC Internal Administration Group shall see to it that the program is integrated in the annual plans and programs of the Bureau and shall ensure its compliance by all Bureau offices.

XVII. REPEALING CLAUSE

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

XVIII. EFFECTIVITY

This Order shall take effect immediately and shall remain valid unless revoked.

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[Signature]
ROBERTO N. TABLAZON
 Hearing Officer I
 Hearing and Printing Unit

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[Signature]
REY LEONARDO B. GUERRERO
 Commissioner of Customs
JUL 18 2019



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