

AN ORDINANCE MANDATING ALL BUSINESS ESTABLISHMENTS, PRIVATE AND PUBLIC OFFICES IN THE CITY OF MANILA, INCLUDING SCHOOLS TO REQUIRE ALL THEIR APPLICANTS AND EMPLOYEES TO SUBMIT TO DRUG TEST, AND TO CONDUCT UNANNOUNCED DRUG TESTS ON ALL THEIR EMPLOYEES AT LEAST ONCE A YEAR, AND FOR OTHER PURPOSES.

PREAMBLE

WHEREAS, Section 2 of R.A. No. 9165, states that: "It is the policy of the state to safeguard the integrity of its territory and the well-being of its citizenry, particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being";

WHEREAS, in view of the foregoing, the State needs to enhance further the efficacy of laws against dangerous drugs, it being one of the more serious ills of our society today;

WHEREAS, towards this end, the government must pursue intensive and unrelenting campaigns against trafficking and use of dangerous drugs and other similar substances through an intergraded system of planning, implementation and enforcement of anti-drug abuse policies, programs and projects;

WHEREAS, Article III, Section 36-d of R.A. 9165 explicitly requires private companies to subject employees to a random drug test to wit: "Officers and employees of public and private offices, whether domestic or overseas, shall be subject to undergo a random drug test as contained in the company's work rules and regulations, which shall be borne by the employers, for the purpose of reducing the risk in the workplace;

WHEREAS, any officer or employee found positive for use of dangerous drugs shall be dealt with administratively which shall be a ground for suspension or termination, subject to the provisions of Art. 282 of the Labor Code and pertinent provisions of the Civil Service Law;

WHEREAS, drug test clearances as a requirement for employment in all establishments in Manila will, in a way, caution our constituents on the dangers of drug-abuse substances and its repercussion on one's employment;

WHEREAS, a drug-free establishment would mean a safe and secure place for the residents of the City;

WHEREAS, for the City of Manila, it relentlessly wages a total war against drug abuse so that it shall be a drug-free City: NOW, THEREFORE,

Be it ordained by the City Council of Manila, *THAT*:

SECTION 1. Prefatory Statement. - Section 47 of Article V—Promotion Of A National Drug-Free Workplace Program With The Participation of Private And Labor Sectors And The Department of Labor and Employment of R.A. No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, states that it is deemed the policy of the State to promote a drug-free workplace using the tripartite approach. With the assistance of the Dangerous Drug Board (DDB) and the Department of Labor and Employment (DOLE), shall develop, promote and implement a National Drug Abuse Prevention Program in the workplace to be adopted by private companies with ten or more employees. Such program shall include the mandatory drafting and adoption of company policies against drug use in the labor and employer organizations, human resource development managers and other such private sector organizations.

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SEC. 2. Declaration of Policy. - It shall hereby be the declared policy of the City of Manila to attend to the general welfare of Manila residents especially on the fight against the menace and malaise of drug abuse and trafficking that continue to plague and wreak havoc on our society today.

SEC. 3. Pursuant to this policy, all business establishments, private and public offices in the City of Manila, including schools shall hereby require all their applicants and employees to submit to a drug test: **PROVIDED, That** unannounced drug tests on all their employees shall be conducted at least once a year: **PROVIDED FURTHER, That** this requirement shall be imposed on applicants for employment in any business establishment or private office: **PROVIDED FURTHERMORE, That** free drug testing shall be given to employees of the City of Manila in City-owned hospitals: **PROVIDED FINALLY, That** drug testing on employees of other government entities located in Manila shall be undertaken in hospitals owned by the City.

The word "applicants" shall mean persons who seek employment while "employees" are those employed in any school, private or public office in the City of Manila.

SEC. 4. The City of Manila, through the City Health Office, shall accredit certified laboratories/agencies that shall implement the drug test program contemplated in this Ordinance.

SEC. 5. The City Health Office, as the implementing agency, shall within sixty (60) days from the enactment of this Ordinance, formulate the implementing Rules and Regulations relative hereto.

SEC. 6. Penalty Clause. - Any person found violating or infringing this Ordinance shall, upon conviction, be punished as follows:

1. **FOR THE FIRST OFFENSE** - A fine of One Thousand Pesos (PhP 1,000.00)
2. **FOR THE SECOND OFFENSE** - A fine of Two Thousand Five Hundred Pesos (PhP 2,500.00)
3. **FOR THE THIRD AND SUBSEQUENT OFFENSES** - Five Thousand Pesos (PhP. 5,000.00) or imprisonment of three (3) months or both such fine and imprisonment at the discretion of the Court.

PROVIDED, That if the violator or offender is a firm, company, association, corporation, or partnership, its manager, president or chairman of its board of directors, or managing partner, as the case may be, shall suffer the penalty or penalties provided for herein.

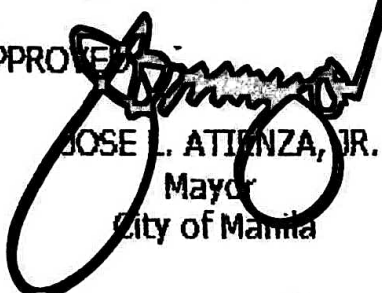
SEC. 7. Effectivity Clause. - This Ordinance shall take effect upon its approval.

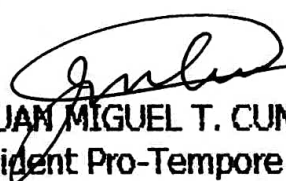
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Enacted by the City Council of Manila at its regular session today, April 27, 2006.


Approved by His Honor, the Mayor, on *May 31, 2006*.

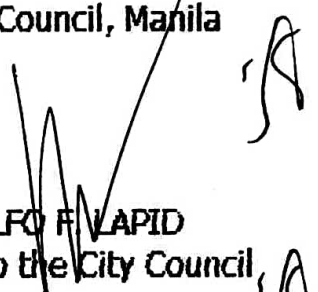
APPROVED:


JOSE L. ATIENZA, JR.
Mayor
City of Manila


JUAN MIGUEL T. CUNA
President Pro-Tempore and
Acting Presiding Officer
City Council, Manila

ATTESTED:


EMMANUEL R. SISON
Secretary to the Mayor


RODOLFO F. LAPID
Secretary to the City Council

PRINCIPAL AUTHORS: HON. MA. SHEILAH H. LACUNA-PANGAN, HON. AMALIA A. TOLENTINO, HON. DANILO VICTOR H. LACUNA, JR., HON. BERNARDITO C. ANG, HON. ERNESTO G. DIONISIO, Majority Floor Leader and HON. EDWARD M. TAN.

CO-AUTHORS: Hon. Arlene W. Koa, Hon. Abelardo C. Viceo, Hon. Luis C. Uy, Hon. Louisito N. Chua, Hon. Irma C. Alfonso-Juson, Hon. Cita Astals, Hon. Greco B. Belgica, Hon. Ma. Theresa B. Bonoan-David, Hon. Ruben F. Buenaventura, Hon. Alex C. Co, Hon. Ma. Asuncion G. Fugoso, Hon. Roger G. Gernale, Hon. Richard C. Ibay, Hon. Martin V.I. Isidro, Jr., Hon. Ma. Lourdes M. Isip-Garcia, Hon. Ricardo S. Isip, Hon. Pacifico D. Laxa, Hon. Jhosep Y. Lopez, Hon. Victoriano A. Melendez, Hon. Roberto R. Ortega, Jr., Hon. Eduardo P. Quintos XIV, Hon. Elizabeth Z. Rivera, Hon. Monina U. Silva, Hon. Casimiro C. Sison, Hon. Manuel M. Zarcal and HON. JUAN MIGUEL T. CUNA, Acting Presiding Officer.

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