Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 723-2175

ORDINANCE NO. 6 S. 2017

ORDINANCE PROMOTING A DRUG-FREE BATANGAS CITY, PROVIDING SANCTIONS THEREFOR, AND FOR OTHER PURPOSES

AUTHORS : **COUN. ANGELITO "DONDON" A. DIMACUHA**
COUN. ARMANDO C. LAZARTE

CO-AUTHORS: **VICE MAYOR EMILIO FRANCISCO A. BERBERABE, JR.**
COUN. AILEEN GRACE ARRIOLA MONTALBO
COUN. GLENN M. ALDOVER
COUN. SERGIE REX M. ATIENZA
COUN. ALYSSA RENEE A. CRUZ
COUN. HAMILTON G. BLANCO
COUN. OLIVER Z. MACATANGAY
COUN. KARLOS EMMANJUEL A. BUTED
COUN. JULIAN B. VILLENA
COUN. GERARDO A. DELA ROCA
COUN. NESTOR E. DIMACUHA
COUN. NELSON J. CHAVEZ

WHEREAS, Section 16 of the Local Government Code of 1991 empowers local government units to exercise powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance and those which are essential to the promotion of the general welfare;

WHEREAS, Section 458(a) 1(v) of the Code authorizes the Sangguniang Panlungsod to enact ordinances intended to prevent, suppress and impose appropriate penalties for drug addiction, maintenance of drug dens, drug pushing, and such other activities inimical to the welfare and morals of the inhabitants of the city;

WHEREAS, RA 9165 also known as the Comprehensive Dangerous Drugs Act of 2002, various Resolutions issued by the Dangerous Drugs Board Memorandum Circulars issued by the DILG, the Civil Service Law and Batangas City Ordinance No. 30, as amended, otherwise known as "An Ordinance Creating the Anti-Drug Abuse Council of Batangas City", all mandate active participation and cooperation of the local government unit in the programs of the government against drug abuse and addiction to provide the people with peaceful and healthy communities;

WHEREAS, the problem on illegal drugs in the country remains a serious social disease which afflicts both the public and private sectors causing not only physical death but the destruction of families and degradation of psychological and moral health of societies;

Continuation of Ordinance No. 6 S. 2017

ORDINANCE PROMOTING A DRUG-FREE BATANGAS CITY, PROVIDING SANCTIONS THEREFOR, AND FOR OTHER PURPOSES

NOW THEREFORE, the Sangguniang Panlungsod in session assembled hereby ordains:

SECTION 1. Short Title. - This Ordinance shall be known and cited as "Drug-free City Ordinance".

SECTION 2. Declaration of Policy. - It is hereby declared the policy of the City Government of Batangas to promote a drug-free city to ensure health, safety and peace and order for its constituents as well as to protect the youth from the evils of drug abuse and addiction.

SECTION 3. Definition of Terms. - For the purpose of this Ordinance, the following definition of terms shall apply:

a. **CADAC** - refers to the Batangas City Anti-Drug Abuse Council.

b. **Cannabis or commonly known as "Marijuana", or Indian Hemp, or by its any other name** - embraces every kind, class, genus, or specie of the plant Cannabis sativa L. and embraces every kind, class and character of marijuana, whether dried or fresh and flowering, flowering or fruiting tops, or any part or portion of the plant and seeds thereof, and all its geographic varieties or in any form whatsoever.

c. **Laboratory** - refers to any facility used for the illegal manufacture of any dangerous drugs and/or controlled precursor and essential chemical.

d. **Cultivate or culture** - refers to any act of knowingly planting, growing, raising, or permitting the planting, growing, or raising of any plant which is a source of a dangerous drug.

e. **Dangerous drug** - refers to either prohibited drugs or regulated drugs which require a special prescription form, the use of which is monitored by the Dangerous Drugs Board.

f. **Den, dive or resort** - refer to a place where any dangerous drugs and/or controlled precursor and essential chemical is administered, delivered, stored for illegal purposes, distributed, sold, or used in any form.

g. **Drug abuse** - shall refer to the deliberate use or taking of substance for other than its intended purpose or of dangerous drugs, both prohibited and regulated drugs.

h. **Drug dependence** - As based on the World Health Organization definition, it is a cluster of physiological, behavioral and cognitive phenomena of variable intensity, in which the use of psychoactive drug takes on a high priority thereby involving, among others, a desire or sense of compulsion to take the substance and the difficulties in controlling substance-taking behavior in terms of its onset, termination, or levels of use.

i. **Employee** - refers to any individual employed by an employer.

j. **Employer** - refers to any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the government and all its branches, subdivision and instrumentalities, all government-owned or controlled corporations and institutrary as well as non-profit private institutions, organization.

k. **Methamphetamine Hydrochloride or commonly known as "shabu", "ice", "Meth", or by its any other name** - refers to the drug having such chemical composition, including any of its isomers or derivatives in any form.

l. **Methylene dioxymethamphetamine (MDMA) or commonly known as "Ecstasy" or by its any other name** - refers to the drug having such chemical composition, including any of its isomers or derivatives in any form.

m. **PDEA** - refers to the Philippine Drug Enforcement Agency.

n. **Pot session** - refers to the activity of more than one person or a group of people using or taking dangerous drugs or substance together.

o. **Prohibited drug** - includes opium and its active components and derivatives, such as heroin and morphine, coca leaf and its derivatives, principally cocaine.

alpha and beta eucaine, hallucinogenic drugs, such as mescaline, lysergic acid diethylamide (LSD) and other substances producing similar effects, Indian hemp and its derivatives, all preparations made from any of the foregoing and other drugs, whether natural or synthethic, with the physiological effects of a narcotics drugs.

p. **Protector/coddler** - refers to any person who knowingly and willfully consents to the unlawful acts provided for in this ordinance and uses his/her influence, power or position in shielding, harboring, screening, or facilitating the escape of any person suspected to have violated the provisions of this ordinance.

q. **Pusher** - refers to any person who sells, trades, administers, dispenses, delivers, or gives away to another, on any terms whatsoever, or distributes, dispenses in transit or transports dangerous drugs or who acts as a brother in any such transactions.

r. **Random drug test** - refers to the subjection of a group of persons to drug testing following no specific pattern and without prior notice/information.

s. **Regulated drug** - includes self-inducing sedatives, such as secobarbital, phenobarbital, pentobarbital, barbital, and amobarbital and any other drug which contains a salt or a derivative, a salt of barbituric acid, any salt, isomer, or salt an isomer, of amphetamine, such as benedrine or dexedrine, or any drug which produces a physiological action similar to amphetamine, and hepnotic drugs, such as methaqualone or any other compound producing similar physiological effects.

t. **Rehabilitation** - refers to the processes of medical and/or psychoterapeutic treatment for dependency on prohibited drugs with the intention to enable the patient to cease substance abuse, in order to avoid the psychological, legal, financial, social, and physical consequence that can be caused, specially by extreme abuse.

ORDINANCE PROMOTING A DRUG-FREE BATANGAS CITY, PROVIDING SANCTIONS THEREFOR, AND FOR OTHER PURPOSES

ARTICLE II
COVERAGE

SECTION 4. Coverage. -This Ordinance shall cover and be applicable to all persons, natural or juridical, employers and employees, whether government or privately-owned, residing or doing business in Batangas City, and to all of the 105 barangays of Batangas City.

SECTION 5. Implementation and Monitoring. - The effective implementation of the provisions of this ordinance, and the monitoring of compliance thereof by individuals, groups and other entities, public and private, are hereby tasked to the City Anti-Drug Abuse Council (CADAC) and the Office of the Associations of Barangay Councils (ABC). Towards this end, coordination and cooperation of the CADAC and ABC with the PNP, Department of Education, Barangay Council, employer and employee groups or organizations, and concerned non-government organizations or people's organization is hereby enjoined.

ARTICLE III
DRUG-TEST REQUIREMENT FOR EMPLOYMENT

SECTION 6. Pre-employment Requirement.- All employers shall include as a mandatory requirement for the hiring/placement of employees/workers the submission of drug test clearance issued by government or government-accredited drug testing facility. No employee/worker shall be hired or admitted for job placement without having submitted the required drug test clearance.

SECTION 7. Drug Testing Facility. - Only drug test clearance or certificates issued by government testing centers or government - accredited drug testing facility shall be accepted in compliance to the pre-employment requirement provided in Section 5 hereof.

SECTION 8. Random Drug Test. - All employers shall conduct random drug testing of its employees at least twice a year, or at a shorter frequency whenever in the employer's determination, there is compelling reason to undertake such drug testing, or whenever the CADAC, PDEA, or PNP, recommends the undertaking thereof among the employees.

ORDINANCE PROMOTING A DRUG-FREE BATANGAS CITY, PROVIDING SANCTIONS THEREFOR, AND FOR OTHER PURPOSES

SECTION 9. Drug Testing Fee. - The employer are hereby required to provide sufficient funds for the random drug testing of their employees.

SECTION 10. Drug-free Certification. - Employers who have undertaken random drug-testing of their employees, and whose employees have all been cleared by the drug-testing center or facility, shall be issued a Drug-Free Workplace Certificate by the CADAC.

SECTION 11. Actual Number of Employees. - All employers shall submit annually to the CADAC a certification under oath stating the actual and correct number of employees employed by him in every business registered in his name. The data contained in the certification shall be used by the CADAC in the determination of sufficiency of the number of employees who have undergone drug-testing for the purpose of the issuance of the Drug-Free Workplace Certificate.

SECTION 12. Disclosure of Results. - Results of the drug test conducted on employees as herein provided shall be kept confidential between the employee and his employer and may be disclosed only in accordance with a valid order of the court or upon a waiver of confidentiality duly executed by the employee or his legal representative.

SECTION 13. Right of the Employer to Terminate Employment.- Subject to the rights granted to the employee by the Labor Code and other labor laws, the employer may impose appropriate penalty to employees found positive in drug use in the drug testing conducted, imposable penalties may include suspension or termination, but without forfeiture of salaries, benefits, or any form of compensation for services rendered or may be due to the employee.

SECTION 14. Business Permit Requirement.- Employers, owners, or proprietors of a business establishment, or agency doing business in Batangas City shall be required to submit copies of their Drug-free Workplace Certificates upon securing business permit/mayor's permit or renewal thereof. For this purpose, the requirements for business permit/mayor's permit application or renewal thereof provided in the Batangas City Revenue Code and other related ordinances are hereby amended to include the submission of the Drug Free Workplace Certificate.

SECTION 15. Participation of Government Offices. – Government offices, agencies and instrumentalities, including government owned or controlled corporations, located in Batangas City, shall promote drug-free workplace and adopt policies and programs for drug-abuse prevention in the workplace.

SECTION 16. Random Drug Testing of Government Employees. – The agency head shall direct or authorize the conduct of random drug testing of employees of the agency, and its offices.

Personnel found to be positive on drug use shall be imposed the penalty of dismissal from the service in accordance with Civil Service Law.

SECTION 17. Monitoring. – The agency head, supervisor or responsible officer of the agency shall undertake a close monitoring of employees who may be susceptible to drug abuse.

SECTION 18. Livelihood Opportunities. – The CADAC, in coordination with the People's Employment Services Office (PESO) and the City Social Welfare and Development Office(CSWD) shall identify, offer, and make available livelihood opportunities to qualified individuals whose employment or livelihood may have been lost or compromised due to the implementation of this ordinance.

ARTICLE IV
BARANGAY DRUG CLEARING

SECTION 19. Participation of Barangays. – The barangays, being the basic units of the City, are mandated to actively participate and cooperate in the campaign against the use and trafficking of dangerous drugs and ensure effective implementation of the programs of the CADAC, PDEA, and the PNP at the barangay. To this end, all barangays of Batangas City, through the Sangguniang Barangay shall:

a. Create, by ordinance, the Barangay Anti-Drug Abuse Council (BADAC), provide for its composition, duties, and functions in consonance with the composition, duties and functions of the CADAC;

b. Formulate practicable and sustainable plan of action for the effective implementation and enforcement in the barangay level of policies, programs and activities against drug abuse;

c. Facilitate the conduct of activities and programs by government authorities in the barangay for the purpose of drug abuse prevention and eradication, and for this purpose, give assistance, allow access to barangay facilities and/report information, and in general cooperate with government authorities in the pursuit of the aforestated drug abuse prevention and eradicating activities and programs;

d. Plan and implement viable rehabilitation programs and activities.

SECTION 20. Registration of Transients, Temporary Residents and Similar Cases. – The barangay shall require the compulsory registration of all new residents and non-permanent residents in the barangay which include, but are not limited to, transients, boarders, renters or lessees of apartments or residential houses, visitors whose stay shall exceed seven (7) days, and other similar cases.

It shall be the duty of the owner, lessor, or host, or his legal representative to register or cause the registration of individuals staying in his property or residence in the barangay by submitting to the duly-designated barangay authority for recording purposes, a copy of the individual's birth certificate or other genuine proof of identity, the name and address of the owner, lessor, host, of the residence where the individual is staying, and the length of stay. Other relevant information may also be required for the purpose of registration.

The barangay shall keep a register for the purpose of recording the aforestated information, and shall make such register open and accessible to government authorities whenever necessary.

SECTION 21. Participation of the Community. - Barangay Communities shall be primarily responsible for policing their respective neighborhood and shall have the duty to report to barangay or authorities the presence of unregistered non-permanent resident/s the commission of acts directly or indirectly related to the use or trafficking of dangerous drugs, or any activity inimical to peace and order in their community.

Reports or information may be given anonymously which shall be treated with utmost confidentiality and shall be processed for verification by legitimate authorities. The Barangay shall submit such information to the CADAC, or to the PNP for proper disposition.

SECTION 22. Laboratories, Drug Dens, Dive or Resort. - It shall be the duty of the barangay to provide information to the proper authorities regarding the existence, maintenance, or establishment of drug laboratories, dens, dives, or resort and to assist and cooperate in the dismantling or destruction of any such facility.

SECTION 23. Cultivation, Culture of Plants which are Sources of Dangerous Drugs. - It shall be the duty of the barangay to provide information to the proper authorities regarding the existence in their locality of farms, lands, or properties being used for the cultivation or culture of plants which are sources of dangerous drugs and to assist and cooperate in the disposition of any such property.

SECTION 24. Compliance. - The Sangguniang Barangay and/or the BADAC shall submit to the CADAC a report of compliance to the foregoing mandates within a reasonable time to be determined by the CADAC. The report of compliance shall contain concise identification of the activities or programs undertaken and the results thereof.

SECTION 25. Drug-free Barangay Certificate. - The CADAC in coordination with the PNP, upon verification of the contents of the compliance report shall issue to the Barangay a certification attesting that the Barangay is drug-free.

SECTION 26. Non-compliance. - Non-compliance of the mandates provided in this Ordinance by the Barangay authorities shall constitute sufficient cause for disciplinary action for gross dereliction of duty.

ARTICLE V
PARTICIPATION OF SCHOOLS AND SCHOOL ORGANIZATION

SECTION 27. Participation of Schools. - Public and private schools located in the barangays of Batangas City shall have the duty of promoting the education and awareness of the students on the ill effects of dangerous drugs, and shall undertake a close monitoring of students who may be susceptible to drug abuse.

SECTION 28. Persons in Authority. - In accordance with the provisions of Article IV, Section 44 of the Comprehensive Dangerous Drugs Act of 2002, the heads, supervisors, and teachers of schools are deemed persons in authority and as such, are empowered to apprehend, arrest, or cause the apprehension or arrest of any person within the vicinity of the school caught committing any act related to the use or trafficking of dangerous drugs.

Any teacher or school employee who discovers that any person in the school or within its immediate vicinity is committing such an act of use or sale of dangerous drugs shall have the duty to report the same to the school head or immediate supervisor who shall, in turn, report the matter to the proper authorities.

SECTION 29. Failure to Report. - Failure of the school official or employee to report the incident or his discovery within a reasonable time shall constitute sufficient cause for disciplinary action.

SECTION 30. School Organizations. - All elementary, secondary and tertiary school student councils and organizations shall include in their activities a program for the prevention of and deterrence in the use of dangerous drugs.

SECTION 31. Appropriations of Funds. - It shall be appropriated in the annual or supplemental budget of the City Government, amounts sufficient for the effective implementation of this Ordinance.

ORDINANCE PROMOTING A DRUG-FREE BATANGAS CITY, PROVIDING SANCTIONS THEREFOR, AND FOR OTHER PURPOSES

ARTICLE VI
MISCELLANEOUS PROVISIONS

SECTION 32. Voluntary Submission of Drug Dependent to Confinement, Treatment, and Rehabilitation. – A drug dependent who voluntarily submits himself to confinement, treatment and rehabilitation shall be processed by the CADAC and the PNP in accordance with law. The parent, spouse, guardians or relative within the fourth degree of consanquinity or affinity may submit the drug dependent to treatment and rehabilitation.

SECTION 33. Rehabilitation Center. – The City Government shall establish or identify institutions for the confinement, treatment, and rehabilitation of drug dependents with the primary consideration of the health condition, positive results, and costs for the drug dependent and his family.

SECTION 34. Coordination with the PNP, PDEA, CADAC, BADAC. – To effectively implement this Ordinance and assure the attainment of its objectives, the City government shall ensure and facilitate efficient coordination with the PNP, PDEA, CADAC, and BADAC. Mutual support and assistance shall be established between these authorities.

ARTICLE VII
FINAL PROVISIONS

SECTION 35. Repealing Clause. – All ordinances, rules and regulations, orders or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 36. Separability Clause. – If for any reason any part of this ordinance shall be held unconstitutional or invalid, other parts hereof which are not affected shall continue to be in full force and effect.

SECTION 37. Effectivity. – This Ordinance shall take effect upon approval of the City Mayor.

ENACTED by the Sangguniang Panlungsod this 15th day of AUGUST, 2017.

Continuation of Ordinance No. 6 S. 2017

ORDINANCE PROMOTING A DRUG-FREE BATANGAS CITY, PROVIDING SANCTIONS THEREFOR, AND FOR OTHER PURPOSES

ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:

EMILIO FRANCISCO A. BERBERABE, JR.
Presiding Officer

APPROVED:

BEVERLEY ROSE A. DIMACUHA
City Mayor

Date Approved: August 22, 2017

REPUBLIC OF THE PHILIPPINES
BATANGAS CITY

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY ON AUGUST 15, 2017 AT THE SANGGUNIAN SESSION HALL

PRESENT:

Hon. Aileen Grace A. Montalbo,	Acting Presiding Officer
Hon. Sergie Rex M. Atienza,	Councilor
Hon. Hamilton G. Blanco,	"
Hon. Alyssa Renee A. Cruz,	"
Hon. Oliver Z. Macatangay,	"
Hon. Armando C. Lazarte,	"
Hon. Karlos Emmanjuel A. Buted,	"
Hon. Julian B. Villena,	"
Hon. Nestor E. Dimacuha,	"
Hon. Nelson J. Chavez,	"
Hon. Angelito "Dondon" A. Dimacuha,	ABC-Rep.
Hon. Emilio Francisco A. Berberabe Jr., O.B.	Presiding Officer
Hon. Glenn M. Aldover,	Councilor
Hon. Gerardo A. Dela Roca,	"

"On motion of Councilor Lazarte seconded by Councilor Nestor Dimacuha, the following Resolution was Adopted:

RESOLUTION NO. 225 S. 2017

APPROVING ON SECOND AND FINAL READING THE ORDINANCE PROMOTING A DRUG-FREE BATANGAS CITY, PROVIDING SANCTIONS THEREFOR AND FOR OTHER PURPOSES

RESOLVED, to approve on Second and Final Reading the Ordinance Promoting a Drug-Free Batangas City, Providing Sanctions Therefor and For Other Purposes.

UNANIMOUSLY APPROVED.

I hereby certify that the foregoing Resolution No. 225 S. 2017 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on August 15, 2017.

GERARDO M. DIMAANO
Board Secretary I
Sangguniang Panlungsod

NOTED:

ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:

AILEEN GRACE A. MONTALBO
Acting Presiding Officer

ODT/GMD/ystingchuy...

Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 723-2175

COMMITTEE REPORT

SUBMITTED BY : THE COMMITTEE ON LAWS, RULES AND REGULATIONS

SUBJECTS : PROPOSED ORDINANCE ENTITLED "ORDINANCE PROMOTING A DRUG-FREE BATANGAS CITY, PROVIDING SANCTIONS THEREFOR, AND FOR OTHER PURPOSES.

COMMENTS/RECOMMENDATIONS:

Referred to the Committee on Laws, Rules and Regulations is the above entitled ordinance for study, comment and recommendation.

A hearing was conducted on July 26, 2017 by the Committee attended by its members and with the presence of other members of the Sangguniang Panlungsod. Also present was City Administrator Atty. Narciso Macarandang, P.SUPT. Norberto B. Delmas and PSI Glenda R. Cleofe of Batangas City Police Station, Mr. Noel Silang of PESO, Atty. Mikko Paolo A. Perez of DEPED, and representatives from LEIPO Ms. Abigail C. Abendan and Ms. Emmalyn Rose A. Magtibay.

During the committee hearing, the following points were raised:

1. Clarify the definition/meaning of "PROMOTING" used in the title of the Ordinance.
2. ARTICLE I
   General Provisions
   - Section 1-Short Title
   - Section 2-Declaration of Policies
   - Section 3-Definition of Terms
3. Definition of Terms: Clarify definition of: employee- to include Job-Order Employee.
4. ARTICLE III
   Section 7. Random Drug Test
   - Who will monitor the conduct of drug test in every business establishment?
   - Who will monitor that all employers will declare the actual member of employees in their establishment in order to determine the percentage of employees who went thru random drug testing?
   - Is there a possibility of disclosure of results of the drug testing?

   SECTION 13. MONITORING
   Suggestion: that employers provide a program for the voluntary, employment-based rehabilitation/clearing of those employees found positive in the drug testing.

Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 723-2175

In view thereof, the Committee recommends:

1. The adoption of this Committee Report
2. To schedule the said ordinance for Second and Final Reading on ~~the next Regular Session~~.

Respectfully submitted, August 8, 2017.

THE COMMITTEE ON LAWS, RULES AND REGULATIONS

COUNCILOR SERGIE REX M. ATIENZA
Acting Chairman

COUN. ARMANDO C. LAZARTE
Member

COUN. GERARDO A. DELA ROCA
Member

COUN. JULIAN B. VILLENA
Member