	<b>MEMORANDUM CIRCULAR</b>	DOCUMENT NO. <b>BJMP-DO-MC- 99</b>
	TOPIC <b>BJMP DRUG-FREE WORKPLACE POLICY</b>	ISSUE NO. <b>2</b>
		REVISION NO. <b>1</b>
	SUB-TOPIC <b>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</b>	EFFECTIVE DATE <b>21 JUL 2020</b>
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## 1.0 REFERENCES

- 1.1 Republic Act No. 9263 otherwise known as the Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004;
- 1.2 Republic Act No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002;
- 1.3 Board Regulation No. 13, Series of 2018 of the Dangerous Drugs Board; and
- 1.4 2017 BJMP Comprehensive Administrative Disciplinary Machinery.





## 2.0 BACKGROUND


The Bureau of Jail Management and Penology (BJMP) recognizes the perilous effects of dangerous drugs to the employees/workers sector of the community. Among such effects include decreased productivity, increased accidents, absenteeism, lapses in the performance of assigned tasks, criminality, etc.

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 anti-illegal drugs campaign of the government, the "Drug-Free Workplace Policy" was formulated. For the purpose of improving the implementation of the said policy and in order to introduce additional measures, the amendment of the same is necessary.

## 3.0 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.

Prepared by:  <b>Atty. Kelvin Roy L Domingo</b> Jail Officer 1 Special Projects Unit  Noted by:  <b>MA ANNIE A ESPINOSA</b> Jail Senior Superintendent Director, Directorate for Operations	Reviewed by:  <b>DENNIS U ROCAMORA, CESE</b> Jail Chief Superintendent Deputy Chief for Operations of the Jail Bureau Quality Management Representative	Approved by:  <b>ALLAN S IRAL, CESE</b> Jail Director  <b>Chief, BJMP CENTER</b> OFFICE of the NATIONAL ADMINISTRATIVE REGISTER Administrative Rules and Regulations  <b>JUL 06 2020</b> <b>RECEIVED</b> TIME: <u>7:05</u> BY: <u>AS</u>
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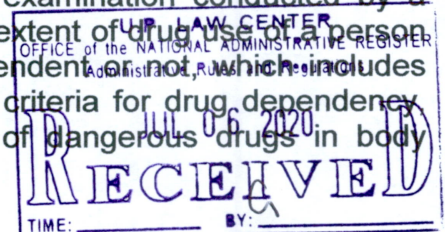
#### 4.0 SCOPE/COVERAGE


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 subjected to the conduct of authorized drug-testing.

#### 5.0 DEFINITION OF TERMS

For purposes of this policy, the following terms shall have the meanings set forth below:

- 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 the 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 Drugs – 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.
- 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, mental and physical status, and the detection of dangerous drugs in body specimens through laboratory procedures.



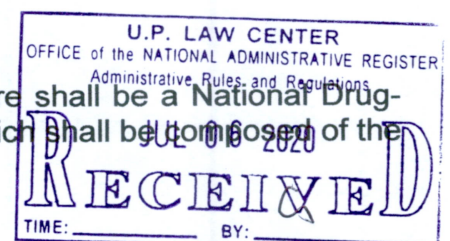
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- G. Employee Assistance Program – a program that offers assistance to Jail Bureau personnel (NUP or uniformed) who have alcohol issues and problems that may affect work performance.
- H. Mandatory Drug Testing – compulsory submission of a public officer 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. Specimen – refers to biological specimen, for example urine, hair, blood, breath, sweat, and/or oral fluid/saliva to determine the presence or absence of specified parent drugs or their metabolites.
- M. Substance Use Disorder (SUD) – term used in Diagnostic Manual 5 which combines categories of substance use, abuse and dependence into a single disorder measured on a continuum form from mild to severe. Each specific substance is addressed as separate disorder (e.g. alcohol 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 have been met. Similar to experimental and occasional users;
  - ii. Moderate SUD – four (4) or five (5) criteria have been 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 equivalent to an abuser.

## 6.0 PROCEDURES/DETAILS/GUIDELINES

### 6.1 GENERAL GUIDELINES

6.1.1 **National Drug-Free Workplace Committee** – There shall be a National Drug-Free Workplace Committee (NDWC) in the Jail Bureau which shall be composed of the following:



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<b>Chairperson</b>	Deputy Chief for Operations of the Jail Bureau
<b>Vice-Chairperson</b>	Chief of Directorial Staff of the Jail Bureau
Member	Director for Personnel and Records Management (DPRM)
Member	Director for Investigation and Prosecution (DIP)
Member	Director for Operations (DO)
Member	Director for Intelligence (DI)
Member	Director for Health Service (DHS)
Secretariat	One (1) JOR and three (3) JNORs from DO, DHS and DIP Secretariat

**6.1.2 Regional Drug-Free Workplace Committee** – There shall be a Regional Drug-Free Workplace Committee (RDWC) which shall be composed of the following:

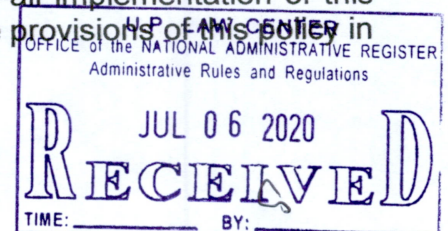
<b>Chairperson</b>	Assistant Regional Director for Operations
<b>Vice-Chairperson</b>	Regional Chief of Directorial Staff
Member	Chief, Personnel and Records Management Division
Member	Chief, Regional Investigation and Prosecution Division
Member	Chief, Regional Operations Division
Member	Chief, Regional Intelligence Division
Member	Chief, Regional Health Service Division
Secretariat	One (1) JOR and three (3) JNORs from Operations Division, Health Service Division and Investigation and Prosecution Division


### 6.1.3 Duties and Responsibilities of the National and Regional Committees

The committees shall undertake the following duties and responsibilities:

1. Oversee the implementation of the drug-free workplace policy of the Jail Bureau;
2. Initiate continuing education and awareness program for all uniformed and non-uniformed personnel of the Jail Bureau;
3. Create an Assessment 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;
4. Initiate and adopt value formation, family enhancement, and other related and relevant programs; and
5. Implement issuances of the Jail Bureau or the government pertaining to anti-illegal drug campaign.

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



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## 6.2 GUIDELINES IN THE CONDUCT OF AUTHORIZED DRUG TEST

### 6.2.1 Procedure in the Conduct of Random Drug Test

6.2.1.1 The Head of Office, upon the recommendation of the NDWC or RDWC shall randomly select personnel who shall be subjected to drug testing. 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 when such notice was tendered to the selected personnel. However, to ensure element of surprise, verbal notice is sufficient but the written notice (Letter Order) must be handed to the personnel concerned at any time during or immediately after the drug test.


6.2.1.2. The venue of the drug testing may be in BJMP Offices or in drug-testing laboratories as long as the same shall be conducted by DOH-accredited Drug Testing Laboratories.

6.2.1.3. On-site drug test in jails/offices may also be authorized. In such case, the extraction of specimen must be made only or by any qualified employee of a drug-testing laboratory accredited by the DOH.

6.2.1.4. 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;
- ii. The specimen bottles must be properly labeled to contain the name, signature, rank, date and time when the specimen was taken;
- iii. The taking of the specimen must be done in an area where manipulation (e.g. adding water) is not possible;
- iv. The specimen 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;
- v. All specimens which tested positive must be submitted for confirmatory testing to a laboratory having the confirmatory capability using the same specimens;
- vi. After the confirmatory test, the same specimen must be kept for the purpose of challenging the result; and
- vii. 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 tested. For this purpose, in case the drug test is initiated by the NDWC, 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 RDWC. **The same result must be signed by the authorized signatory of the laboratory, the personnel concerned, and a witness.**

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

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### 6.2.2. Procedure in handling a positive result after Confirmatory Test

A positive drug test result from the confirmatory test shall immediately be made 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 shall be 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.

### 6.3. MISCELLANEOUS PROVISIONS

**6.3.1 Pre-Employment Drug Testing** - Mandatory drug testing shall remain a requirement for appointment in the BJMP. Any applicant found positive for drug use shall be disqualified for appointment in the BJMP.

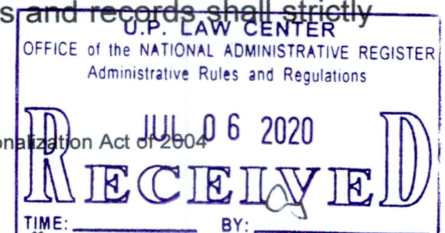
**6.3.2 Medical or Promotion-related Drug Testing** - The drug testing conducted as a requirement in the Annual Medical Examination for personnel as well as in processing or application for promotion shall be recognized for purposes of this policy and shall be included in the Monthly Report of the RDWC and for purposes of Drug-free Workplace Certification as provided in Section 8.7 hereof without prejudice to the conduct of random drug testing. Expired or superseded drug test result for purposes of reporting or certification shall not be allowed.


**6.3.3 Frequency of Random Drug Testing** – The frequency of random drug testing shall be determined by NDWC/RDWC depending on the existence of certain circumstances such as, but not limited to, verified intelligence report of drug activity involving personnel, unusual behavior of personnel resulting in tardiness, poor performance, insubordination etc., and such other compelling reasons.

**6.3.4 Drug Test During Active Service** - The basic qualifications for appointment shall be continuing in character and an absence of any one of them, **at any given time**, shall be a ground for separation from the service.<sup>1</sup> Hence, failure to pass drug test during active service shall be a ground for separation from service.

**6.3.5 Confidentiality of Records** - All drug test results and records shall strictly be held confidential.

<sup>1</sup> Section 4, second paragraph, Republic Act 9263 otherwise known as the BFP and BJMP Professionalization Act of 2004



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**6.3.6 Drug-Free Workplace Certification** – For purposes of maintaining a drug-free workplace in the BJMP, the NDWC shall declare offices (National and Regional Offices and Provincial Offices) as drug-free workplace when the following parameters are met:

- a. Negative Result of Drug Test of all uniformed and non-uniformed personnel within the rating period;
- b. Conduct of advocacy campaign to personnel at least once within the rating period; and
- c. Submission of Request for Certification to the NDWC attaching the After Activity Reports of the conduct of the Drug Testing including the result thereof and advocacy campaign.

6.3.6.1 Certification shall be once a year and submission of Request for Certification shall start every first working day of April and ends at the last working day of the same month.

6.3.6.2 All requests for certification shall be evaluated and acted upon by the NDWC within a period of fifteen (15) days from submission. Request by the National Headquarters for Certification shall be prepared by the Directorate for Operations and Directorate for Health Service.

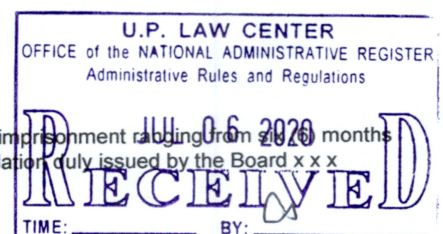
6.3.6.3 In case of verified information on the involvement of personnel in any drug-related activity, the Certification as Drug-Free Workplace shall be revoked by the NDWC. For this purpose, during the remaining period of the year after the issuance of Certification of Drug-Free Workplace to offices, evaluation through random drug testing or ocular inspection may be made by the NDWC.


6.3.6.4 The drug testing for purposes of Section 8.7 hereof covers only personnel assigned in the National, Regional and Provincial Offices.

#### 6.4. PENAL CLAUSE AND SANCTIONS

6.4.1. 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. No. 9165<sup>2</sup> 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.

<sup>2</sup> 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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- 6.4.2. 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 R.A. No. 9165.
- 6.4.3. 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.
- 6.4.4. Any personnel found to have tampered with 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, R.A. No. 9165.
- 6.4.5. Any personnel who violated the provisions of Article II of R.A. 9165 shall be charged with the administrative offense of Grave Misconduct or shall face disciplinary sanction without prejudice to the filing of criminal charges under the aforesaid law and other relevant laws.
- 6.4.6. Any BJMP personnel, after due notice, who fails or refuses intentionally or negligently, to appear as a witness for the prosecution in any proceedings, involving violations of R.A. No. 9165, without any valid reason, shall be administratively charged for Neglect of Duty with prejudice to criminal liability under Section 91 of the same law.

## 7.0 MONITORING CLAUSE

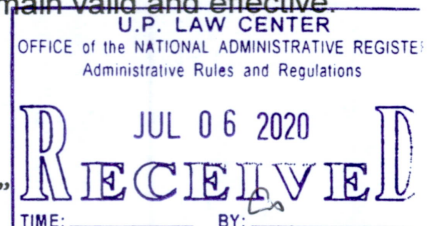
Regional Offices through the Regional Health Service Division shall submit a monthly report on the implementation of this policy to the Directorate for Health Service copy furnished the Directorate for Operations using the format provided in Section 14.1 of this policy.

## 8.0 FINANCIAL CLAUSE


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 as the same shall not compromise the process of drug testing.

## 9.0 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.





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**10.0 REPEALING CLAUSE**





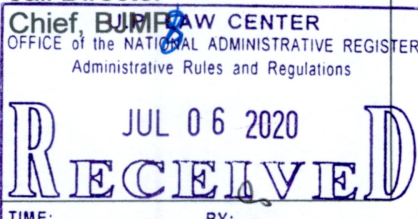
All other existing issuances that are inconsistent with this policy are hereby amended or modified accordingly. BJMP-DO-MC-54 is hereby amended.

**11.0 EFFECTIVITY**

This Circular shall take effect fifteen (15) days after its filing and registration at the Office of the National Administrative Register (ONAR), 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 Administrative Code" of 1987.

**12.0 ANNEXES**

- 12.1 Monthly Report Format
- 12.2 Drug-Free Workplace Certificate

Prepared by:  <b>Atty. Kelvin Roy L. Domingo</b> Jail Officer 1 Special Projects Unit	Reviewed by:  <b>DENNIS U ROCAMORA, CESE</b> Jail Chief Superintendent Deputy Chief for Operations of the Jail Bureau Quality Management Representative	Approved by:  <b>ALLAN S IRAL, CESE</b> Jail Director <b>Chief, BJMP LAW CENTER</b> OFFICE of the NATIONAL ADMINISTRATIVE REGISTER Administrative Rules and Regulations
Noted by:  <b>MA ANNIE A ESPINOSA</b> Jail Senior Superintendent Director, Directorate for Operations		 <b>RECEIVED</b> JUL 06 2020 TIME: _____ BY: _____

12.1 Monthly Report Format

REGION  
As of (Month, day, year)

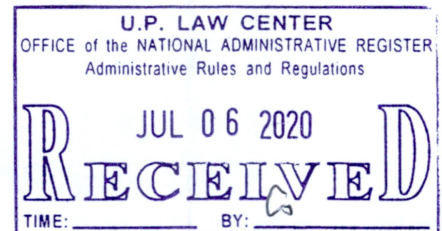
Count/ Number	Rank and Full Name of Personnel Subjected to Drug-testing	Place of Assignment	Date of Drug Testing	Result	Remarks (Indicate "new" remark for newly-tested personnel of the current month)	Name of Drug Testing Laboratory
1	JINSP JUAN DELACRUZ	Regional Office		Negative		
2	SJO1 Pedro Dagohoy Jr.	ABC City Jail		Positive	Endorsed to RIPD for investigation	
3	JO3 Robert Dalisay	ABC City Jail		Negative	new	
4						
5						
6						
7						
8						
9						
10						
Total=10						

Restricted




Summary	TOTAL STRENGTH (Uniformed Personnel)	NO. OF PERSONNEL WHO UNDERWENT DRUG TESTING ON	TOTAL NO. OF PERSONNEL WHO UNDERWENT DRUG TESTING (Jan to present)	NO. OF PERSONNEL WHO TESTED NEGATIVE	NO. OF PERSONNEL WHO TESTED POSITIVE	REMARKS
	20	10	300	299	1	

Prepared by: \_\_\_\_\_ Noted by: \_\_\_\_\_  
 Health Service Division JNOR Chief, Health Service Division Regional Director of the Jail Bureau

BJMP Mantra



12.2 Drug-Free Workplace Certificate



Republic of the Philippines  
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT  
**BUREAU OF JAIL MANAGEMENT AND PENOLOGY**  
NATIONAL HEADQUARTERS  
144 Mindanao Avenue, Project 8, Quezon City  
Email Address: chiefbjmp@bjmp.gov.ph  
Trunk line: (+632) 927-6383

**CERTIFICATION**

Pursuant to the BJMP National Drug-Free Workplace Committee Resolution No. \_\_, Series of \_\_\_\_,  
that after thorough assessment and validation of their compliance with the parameters as enumerated in *Section 8.7 of  
the BJMP Drug-Free Workplace Policy*,

**BJMP Regional Office NCR**  
is hereby certified as  
**DRUG-FREE WORKPLACE**

As of (date) \_\_\_\_\_

Conferred by:

JCSUPT DENNIS U ROCAMORA, CESE  
Chairperson  
BJMP National Drug-Free Workplace Committee

*"Changing Lives, Building a Safer Nation"*

U.P. LAW CENTER  
OFFICE of the NATIONAL ADMINISTRATIVE REGISTER  
Administrative Rules and Regulations

**RECEIVED**  
JUL 06 2020

TIME: \_\_\_\_\_ BY: \_\_\_\_\_