



Republic of the Philippines
Sandiganbayan
Quezon City

ADMINISTRATIVE ORDER NO. 164-2022

GUIDELINES FOR THE IMPLEMENTATION OF THE DRUG PREVENTION PROGRAM FOR THE SANDIGANBAYAN¹

Received:
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WHEREAS, Section 2 of Republic Act (R.A.) No. 9165, otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*, reaffirms the policy of the State to safeguard the “well-being of its citizenry ... from the harmful effects of dangerous drugs on their physical and mental well-being”;

WHEREAS, Sec. 36 (d), Article III of the said law provides that officers and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo a random drug test, which shall be borne by the employer, for purposes of reducing the risk in the workplace. Anyone found positive for use of dangerous drugs shall be dealt with administratively which shall be a ground for suspension or termination, subject to the pertinent provisions of the Civil Service Law;

WHEREAS, the Dangerous Drugs Board (DDB), pursuant to its role as the premier agency responsible for formulating policies and programs on drug prevention and control, has issued *DDB Regulation No. 2, s. 2004 (Guidelines for the Formulation and Implementation 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)*;

WHEREAS, in support of the said Guidelines for a Drug-Free Workplace Program of the DDB, the Supreme Court issued and adopted *Administrative Circular No. 21-2006 (Guidelines for the Implementation of the Drug Prevention Program for the First and Second Level Courts)*, mandating the conduct of random drug testing to personnel of the first and second level courts regardless of status of appointment;

WHEREAS, on April 19, 2017, the Civil Service Commission, as the central human resource institution of the government, issued and implemented *Memorandum Circular No. 13, s. 2017 (Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes)*, mandating pre-employment drug testing as a requirement for initial entry to government, and initial and

¹ These Guidelines were approved by the Sandiganbayan *en banc* on April 4, 2022, subject to the further approval of the Supreme Court. In its Resolution dated June 21, 2022, in A.M. No. 22-04-01-SB (Re: Guidelines for the Implementation of the Drug Prevention Program in the Sandiganbayan), the Supreme Court resolved to **NOTE** and **APPROVE** the Guidelines and the draft Administrative Order thereon.

subsequent drug testing of public officials and employees;

WHEREAS, the danger of drug abuse would severely affect the honor, dignity and integrity of the Sandiganbayan and the effectiveness and efficiency of the officials and employees thereof;

WHEREFORE, in compliance with R.A. No. 9165 and existing rules and regulations, and in order to ensure a drug-free workplace, the following guidelines for the implementation of the drug prevention program for the Sandiganbayan are hereby adopted:

I. OBJECTIVES

1. To ensure that the Sandiganbayan remains drug-free by requiring drug-testing as part of the pre-employment requirement and subjecting its officials and employees to a random mandatory drug test as a condition for continuous employment.

2. To detect the use of dangerous drugs among Sandiganbayan employees, impose disciplinary sanctions, and provide administrative remedies in cases where an employee is found positive for dangerous drug use.

3. To discourage the use and abuse of dangerous drugs among Sandiganbayan officials and employees and enhance awareness of their adverse effects by information dissemination and periodic random drug testing.

4. To institute other measures that address the menace of drug abuse among the personnel of the Sandiganbayan.

II. DEFINITION OF TERMS

1. *Area* – refers to the court-designated drug testing area.

2. *Challenge test* – A drug test conducted as a result of a challenge filed by a public official or employee who tested positive for drug use in a confirmatory test.

3. *Chronic User/Drug Dependent* - a person identified for using drugs/other substances (mind-altering or not) without medical need, in an amount large enough or over a period of time long enough to threaten the quality of life or health and safety of the user or others.

4. *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.

5. *Custody and Control Form (CCF)* – A Department of Health (DOH) approved form used to document the collection, transport, security, and test results of the specimen.

6. *Dangerous drugs* – include those identified and listed in R.A. No. 9165 and its annexes, subject to any reclassification, addition, or removal of any drug from the said list by the DDB, in accordance with Section 93 of R.A. No. 9165.

7. *Drug Dependency Examination* - refers to the examination conducted by an accredited physician to evaluate the extent of drug abuse of a person and to determine whether he/she is a drug dependent or not, which includes history taking, intake interview, determination of the criteria for drug dependency, mental and physical status, and the detection of dangerous drugs in body specimens through laboratory procedures.

8. *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.

9. *Employee* – refers to all officials or personnel of the Sandiganbayan regardless of status of appointment.

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

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

12. *Random drug test* – refers to the mandatory, methodical and unannounced conduct of drug test using appropriate scientific random sampling technique based on time, area and/or subjects, with each employee having an equal probability of being selected for testing.

13. *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 community

14. *Screening test* – a rapid test performed to establish potential or presumptive positive result and conducted for the determination of the type of drug(s) used by the subject.

III. COVERAGE

These guidelines shall cover: (1) all officials and employees of the Sandiganbayan; and (2) all other workers detailed or working in the Court such as, but not limited to: (a) security and janitorial services personnel hired through service contracts; and (b) other personnel not covered by the term "employees" as defined herein.

IV. PRE-EMPLOYMENT DRUG TESTING

Drug testing shall remain a requirement for initial entry to Sandiganbayan. For this purpose, the Sandiganbayan reserves the right to require the applicant to undergo drug test anew in a government-accredited drug testing laboratory of the Court’s own choice and to submit the result thereof should the Court find that reasonable ground exists to disregard the earlier drug test result. Any applicant found positive for drug use shall be denied entry to government service.

V. MECHANICS FOR THE IMPLEMENTATION OF THE DRUG PREVENTION PROGRAM

A. Creation of a Sandiganbayan Drug Prevention Committee

1. *Composition* – The Sandiganbayan-Drug Prevention Committee (SB-DPC) is hereby created with the following composition:

Chairperson of the Committee on Security and Safety	Chairperson
Executive Clerk of Court IV	Vice-Chairperson
Medical Director III	Member
Representative of the Legal Research and Technical Staff	Member
Representative of the Administrative Division	Member
Representative of the Budget and Finance Division	Member
Two (2) representatives of the Sandiganbayan Employees Association (SEA)	Members

The Chairperson, in consultation with the members of the Committee, shall designate the SB-DPC Recorder-Secretary and Assistant Recorder-Secretary.

2. *Functions*. – The SB-DPC shall:

(a) Determine the area and time to conduct mandatory random drug test using appropriate random sampling technique;

(b) Oversee the conduct of the mandatory random drug test for the employees of the *Sandiganbayan*, tapping for this purpose the assistance and expertise of the Department of Health (DOH), Philippine Drug Enforcement Agency (PDEA), National Bureau of Investigation (NBI), Philippine National Police (PNP) and/or the Local Government Unit (LGU);

(c) Refer to the rehabilitation center operated by the DOH and the LGU employees [i] who voluntarily admit without undergoing the *Screening Test* that he or she uses dangerous drugs, and [ii] who fail the drug test without challenging the results thereof;

(d) Evaluate the validity and reasonableness of the ground(s) for refusal or failure of selected employees to undergo the required drug test, and forthwith refer the same to the Presiding Justice for proper disposition;

(e) Evaluate the fitness of an employee to return to work after having undergone rehabilitation on the basis of medical findings and recommendations;

(f) Keep the results of the mandatory random drug test and all other data gathered in connection therewith;

(g) Act on all concerns that may arise in connection with the actual conduct of the mandatory random drug test; and

(h) Coordinate with the Sandiganbayan *en banc*, through the Presiding Justice, in gathering and receiving information and other relevant data relative to drug use in the court.

B. Initial and Subsequent Drug Testing of Officials and Employees

Within six (6) months from the effectivity of these Guidelines, the Sandiganbayan shall conduct a mandatory, random and suspicionless drug testing of its incumbent officials and employees as condition for retention of their employment in the Court.

Subsequent drug testing shall be periodically conducted in an interval not to exceed two (2) years from the date of the initial test, taking into consideration the number of Court officials and employees, the number of officials and employees discharged from dangerous drugs use and other logistical requirements.

C. Selection of Subject Personnel

1. Pursuant to its functions of overseeing the conduct of random drug tests, the SB-DPC shall prepare a strategy using selective sampling of court personnel to determine the subjects and the area for the conduct of the said test. The SB-DPC shall determine the number of employees to be tested.

2. The SB-DPC may, *motu proprio*, or upon the recommendation of the Presiding Justice or an Associate Justice, direct a court employee to subject himself or herself to a drug test should there be reasonable ground to believe that he or she is a habitual user of dangerous drugs. The SB-DPC, the Presiding Justice and/or Associate Justice shall determine such reasonable ground based on specific contemporaneous and articulable observations concerning

such matters as the appearance, behavior, speech or physical manifestation of the concerned official or employee.

D. Random Drug Testing

1. Procedure

(a) The SB-DPC shall authorize a team, which shall include a specimen collector duly authorized by the DOH, which will conduct the random drug test after the written permission to conduct the test shall have been granted by the Sandiganbayan *en banc*.

(b) At the time of the drug test, the SB-DPC will notify the randomly selected officials and employees to go for a urine test and shall require them to go to the place where the test will be conducted.

(c) The selected officials/employees must immediately report for the drug test.

(d) The team shall ensure that there is a clean toilet or partitioned area where the test will be conducted to prevent adulteration of specimen.

(e) The authorized specimen collector shall:

(i) ensure that the subject employee has not concealed any substance that might be used to adulterate the specimen and that he or she has no access to any such unregulated substance within the testing area;

(ii) provide the subject employee with a clean specimen container;

(iii) remain outside the toilet or partitioned cubicle as the subject employee provides the specimen;

(iv) see to it that the subject employee hands him/her the specimen before flushing the toilet;

(v) check the volume of the urine in the specimen container;

(vi) check the temperature of the urine specimen;

(vii) inspect the specimen to determine its color and appearance for any signs of contaminants; and

(viii) note any unusual findings on the chain of custody form.

(f) The subject employee shall:

(i) remove his or her outer garments that might conceal items or substances that could be used to tamper with or adulterate his or her urine specimen;

(ii) wash and dry his or her hands;

(iii) remain in the presence of the authorized specimen collector so that he or she will not have access to any unregulated source of water, soap, dispenser, cleaning agent, or any other material that could be used to adulterate the specimen;

(iv) collect and provide the specimen inside the toilet or partitioned area; and

(v) not flush the toilet until after he or she shall have handed over the specimen to the authorized specimen collector.

(g) Before the urine specimen container is sealed and labeled, both the subject employee and the authorized specimen collector shall keep it within sight of the team.

(h) The specimen bottle shall have an identification label with these entries: (i) name of the subject employee; (ii) date of specimen collection; (iii) signature of the subject employee; and (iv) specimen identification number.

(i) The authorized specimen collector shall provide all information required in the *Custody and Control Form (CCF)* and ensure that each copy shall be given to the proper custodian thereof.

(j) The SB-DPC shall have custody of the results of the *Screening Test*, which shall be treated as strictly confidential unless its contents are required to be disclosed in an appropriate proceeding.

2. Specimen samples found positive in the *Screening Test* shall be submitted for confirmatory testing within the same day.

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

E. Challenge Test

1. A positive drug test result from the confirmatory test shall immediately be made known to the SB-DPC which shall then notify the concerned Sandiganbayan official or employee. Said official or employee has fifteen (15) days from receipt of notice to challenge the result of the confirmatory test. The challenge test shall be conducted, using the same specimen, by a government drug testing laboratory or by a drug testing laboratory duly authorized and accredited by the DOH. Failure to file a challenge within the

prescribed period shall make the positive drug test result from the confirmatory test final and the Sandiganbayan shall then take the appropriate action as provided in the succeeding section.

2. 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.

3. The drug test result shall be attached to the 201 File of the concerned 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

A. Sandiganbayan Officials and Employees

SUBJECT

1. Sandiganbayan 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 the said examination and shall be subjected to the following treatment and rehabilitation program:

a. *Experimenter* – Out-patient guidance counselling for six (6) months.

SUBJECT

b. *Occasional User* – Out-patient 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 DDB.

SUBJECT

2. A Sandiganbayan 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 hours, shall be charged against the said 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, the concerned Sandiganbayan official or employee assessed as an

Experimenter or *Occasional User* shall secure a certification of completion issued by his/her attending guidance counselor.

3. Any Sandiganbayan 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 (6) months shall be considered on sick leave for the entire period of his/her rehabilitation. When the concerned 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/her admission to a rehabilitation center in accordance with the provisions of R.A. No. 9165 and existing rules of the DDB.

The concerned official or employee shall shoulder the expenses of his/her rehabilitation. Such rehabilitation shall commence within fifteen (15) days from receipt of Drug Dependency Examination results to give way to the processing of the necessary clearances.

The concerned Sandiganbayan official or employee shall secure a certificate of completion of his/her rehabilitation program and clearance from his/her attending physician that he/she has been successfully rehabilitated and is now fit to return to work. The public official or employee shall not be allowed to report back to work without first submitting said certification and clearance to the Court.

B. Contract of Service/Job Order Personnel

Contracts of service of personnel who are found positive for dangerous drugs after the challenge test or after unchallenged confirmatory drug test result shall be terminated after due notice. Nevertheless, the personnel concerned shall be advised to undergo Drug Dependency Examination at his/her own expense.

C. Security, Janitorial, etc. Agency Personnel

Security, janitorial, etc. agency personnel who are found positive for dangerous drugs after the challenge test or after unchallenged confirmatory drug test result shall be immediately referred to their respective employer-agencies to undergo intervention programs in accordance with their anti-drug use policy; provided, that they shall be immediately replaced upon notice to the agency management or its duly authorized representative and shall be prohibited from being assigned to the Court, without prejudice to any liability of the agency under the Contract of Services entered into with the Sandiganbayan.

VII. ADMINISTRATIVE LIABILITY

A. Sandiganbayan Officials and Employees

1. Sandiganbayan officials and employees found to have used dangerous drugs during the prescribed period of their intervention or

rehabilitation shall be charged with the administrative offense of *Grave Misconduct*.

2. Officials and employees who are not issued a certificate of completion (in case of experimenter and occasional user) or a certificate of completion with clearance (in the case of chronic user/drug dependent), shall be charged with the administrative offense of *Grave Misconduct*.

3. Any Sandiganbayan official or employee who, after being tested positive of drug use, shall refuse to undergo treatment or rehabilitation, or fails to complete his/her treatment or rehabilitation program, shall be charged with the administrative offense of *Grave Misconduct*.

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 Sandiganbayan 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. Sandiganbayan 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 Misconduct*.

6. Any Sandiganbayan 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.

B. Contract of Service/Job Order Personnel

Contracts of service of personnel who are found positive of dangerous drugs at the first instance after the challenge test, or after drug test result from a confirmatory test should the concerned personnel fail to challenge said result, shall be terminated after due notice.

C. Security, Janitorial, etc. Agency Personnel

Security, janitorial, etc. agency personnel who are found positive of dangerous drugs at the first instance after the challenge test, or after drug test result from a confirmatory test should the concerned personnel fail to challenge said results, shall be immediately referred to their respective employer-agencies

to undergo administrative proceedings in accordance with their anti-drug use or other company policies; provided, that they shall be immediately replaced upon notice to the agency management or its duly authorized representative and shall be prohibited from being assigned to the Court, without prejudice to any liability of the agency under the Contract of Services entered into with the Sandiganbayan.

VIII. RESPONSIBILITIES OF THE SANDIGANBAYAN

1. The Sandiganbayan shall submit a report to the DDB on the conduct of drug tests and the number of officials and employees who tested positive for drug use.

2. The SB-DPC, in coordination with the Philippine Judicial Academy (PhilJA), shall create and implement a program that will increase the awareness and education of the officials and employees of the Sandiganbayan on the adverse effects of dangerous drugs.

3. The Sandiganbayan shall require that contracts of services of individuals and third-party service providers contain anti-drug use policy clause consistent with the provisions of these Guidelines.

IX. FUNDING

The cost of random drug testing of employees shall initially be funded out of the available Other Maintenance and Operating Expenses of the Sandiganbayan until its inclusion in the general appropriations law for the next fiscal year.

X. EFFECTIVITY

These *Guidelines* shall take effect fifteen (15) days following its publication in the official website of the Sandiganbayan (sb.judiciary.gov.ph) and distribution of copies hereof to Sandiganbayan officials and employees.

Issued this 21st of July, 2022.


AMPARO M. CABOTAJE-TANG
Presiding Justice