



VISAYAS
STATE UNIVERSITY
VISCA, CITY OF BAYBAY, LEYTE

**OFFICE OF THE SECRETARY OF THE BOARD
OF REGENTS AND OF THE UNIVERSITY**

Republic of the Philippines
VISAYAS STATE UNIVERSITY
Visca, Baybay, Leyte

BOR RESOLUTION NO. 80, s. 2017

**A RESOLUTION APPROVING THE PROPOSED GUIDELINES IN THE MANDATORY
RANDOM DRUG TEST FOR VSU OFFICIALS AND EMPLOYEES AND FOR OTHER
PURPOSES**

WHEREAS, the Leyte State University was created by virtue of Republic Act 9158 which converted the then Visayas State College of Agriculture (ViSCA) into a state university last 11 August 2001 which was later renamed Visayas State University (VSU) by virtue of R.A. 9437;

WHEREAS, Section 4 of R.A. 9158 specifically provides that the University “*shall have the general powers of a corporation as set forth in the Corporation Law. The Administration of the University and the exercise of its powers shall be vested exclusively in the Board of Regents*”;

WHEREAS, Section 7 of R.A. 8292 empowers the Board to “*exercise all the powers granted to the Board of Directors of a corporation under Section 36 of Batas Pambansa Blg. 68, otherwise known as the Corporate Code of the Philippines*”;

WHEREAS, the 1987 Constitution and the Administrative Code of 1987 mandates, to wit: “*To ensure that morale, efficiency, integrity, responsiveness, and courtesy shall be widely observed in the Philippine Civil Service and to ensure that the government service shall be drug free*”;

WHEREAS, the Guidelines in the Mandatory Random Drug Test for VSU officials and employees is proposed to ensure that the service of VSU officials and employees shall be “drug-free”;

WHEREAS, the University Administrative Council, on the occasion of its 126th UADCO Meeting held at the Office of the Vice President for Administration and Finance, VSU Main Campus last 13 October 2017, reviewed and approved the proposal and has endorsed the proposed Guidelines in the Mandatory Random Drug Test for APPROVAL by the Board of Regents.

THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED to approve the proposed Guidelines in the Mandatory Random Drug Test for VSU officials and employees as mandated in the 1987 Constitution and the Administrative Code of 1987.

IN WITNESS of our approval thereof, we hereby affix our signatures this 23rd day of October 2017 at CHED Central Office, C.P. Garcia Avenue, UP Diliman, Diliman, Quezon City.

VSU BOARD OF REGENTS



HON. J. PROSPERO E. DE VERA III
CHED Commissioner and Chairperson
VSU-Board of Regents



HON. EDGARDO E. TULIN
Vice Chairman and President, VSU

ABSENT

HON. FRANCIS JOSEPH G. ESCUDERO
Chair, Committee on Education, Arts & Culture
Senate of the Philippines

ABSENT

HON. ANN K. HOFER
Chair, Committee on Higher & Tech. Educ.
House of Representatives

Represented by:

HON. JOSE CARLOS L. CARI



HON. BONIFACIO G. UY
Regional Executive Director
National Economic & Dev. Authority-RO8
Gov't. Center, Palo, Leyte

ABSENT

HON. U-NICHOLS A. MANALO
Regional Executive Director
Department of Agriculture-RO8
Tacloban City



HON. ERNESTO F. BULAYOG
Faculty Regent – VSU Faculty Association
VSU, Visca, City of Baybay, Leyte

ABSENT

HON. DEOGRACIAS E. PERNITEZ
President, VSU Federated Alumni Assn.
VSU, Visca, City of Baybay, Leyte



HON. JOHN ALLAN A. GULLES
Student Regent – VSU Federated Supreme Student Council
VSU, Visca, City of Baybay, Leyte

Private Sector Representatives:



HON. ROY BERNARD C. FIEL
Ormoc City



HON. JOEL C. CAMENADE
Tacloban City



VISAYAS STATE UNIVERSITY
6521-Visca, City of Baybay, Leyte, Philippines

EXECUTIVE BRIEF

- SUBJECT** : Proposed Guidelines in the Mandatory Random Drug Test for VSU Officials and Employees.
- RATIONALE** : To ensure that the government service shall be drug-free as provided by the 1987 Constitution and the Administrative Code of 1987.
- LEGAL BASES** : The Civil Service Commission promulgated CSC Resolution No. 1700653 dated 15 March 2017 prescribing the Guidelines on the Mandatory Random Drug Test for public officials and employees.

DESCRIPTION OF THE PROPOSAL:

The proposal was made pursuant to the mandate of the 1987 Constitution and the Administrative Code of 1987 *"to ensure that morale, efficiency, integrity, responsiveness, and courtesy shall be widely observed in the Philippine Civil Service and to ensure that the government service shall be drug-free."*

The proposal was discussed by the University Administrative Council (UADCO) on the occasion of the 126th UADCO Meeting held last 13 October 2017 at the Conference Room, Office of the Vice President for Administration and Finance, G/F Administration Building, VSU Main Campus, Visca, City of Baybay, Leyte.

In this instance, the UADCO approved the proposal and is strongly endorsing the proposal to the VSU Board of Regents for APPROVAL.

ENDORSEMENT : University Administrative Council

RECOMMENDATION OF THE PRESIDENT : The University President is strongly supporting the proposal and is endorsing the request to the Board of Regents for Approval.

REQUESTED BOR ACTION : APPROVAL of the Proposed Guidelines in the Mandatory Random Drug Test for VSU Officials and Employees.

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BOR & University Secretary
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Guidelines in the Mandatory Random Drug Test for Visayas State University Officials and Employees and for Other Purposes

Pursuant to the mandates of the 1987 Constitution and the Administrative Code of 1987 to ensure that morale, efficiency, integrity, responsiveness, progressiveness, and courtesy shall be widely observed in the civil service and to ensure that the government service shall be drug-free as provided by the Comprehensive Dangerous Drugs Act of 2002, the Civil Service Commission has promulgated CSC Resolution No. 1700653 dated March 15, 2017 to prescribe the guidelines in the mandatory random drug test for public officials and employees. In line with the law and policy mentioned above, the Visayas State University enacts the following guidelines as follows:

I: OBJECTIVE

These guidelines aim to ensure that the government academic institution of higher learning remain drug-free by subjecting public officials and employees to a random mandatory drug test, as a condition for continuous employment. To this end, the government and the public will be ensured of effective service free from the hazards of drug use in the work place.

II: SCOPE AND COVERAGE

These guidelines shall cover all public officials and employees in all campuses regardless of rank, status and salary.

These guidelines shall not cover contract of services or job order employees. However, a drug use policy clause shall be reflected in their contract.

III: DEFINITION OF TERMS

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.

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 long enough to threaten the quality of life or health and safety of the user or others. 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 strong desire or a 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.

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. It refers to the second or further analytical procedure to more accurately determine the presence of dangerous drugs in a specimen, which shall likewise be done by any government laboratory or by privately owned and operated drug testing laboratories accredited and monitored by the DOH having confirmatory test capabilities.

Contract of Service/ Job Order- refers to employment covered by a contract pertaining to lump sum work of services such as janitorial, security, or consultancy services where

no employer-employee relationship exists; piece work or intermittent job of short duration not exceeding six months on a daily basis; all of which are not covered by Civil Service law, rules and regulations, but covered by COA rules; and the public officials and employees involved do not enjoy the benefits received by government employees, including but not limited to, personal economic relief allowance, cost of living allowance, and representation and travel allowance.

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 said list by the Dangerous Drugs Board, in accordance with Section 93 R.A. No. 9165.

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 detection of dangerous drugs in body specimen through laboratory procedures.

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.

"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.

Mandatory Drug Test – Compulsory submission of an employee for drug testing as required by RA 9165 and by the agency's internal rules and regulations.

Random Testing- a method of 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.

Experimenter- A person whose drug use began through exploration with limited exposure and no development of regular use or any related harm.

Occasional User - a person who indulges in drug use to create or enhance experience in any social setting.

Public Officials and Employees- include any person holding or performing a public function academically, administratively or support staffs in the government, regardless of status of employment or engagement.

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.

Treatment- Medical service rendered to a patient for the effective management of physical and mental conditions arising from his/her drug use.

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 the presence of dangerous drugs, from further consideration and to identify the presumptive positive specimen that requires confirmatory test.

Administer- Any acts of introducing any dangerous drugs into the body of any person, with or without his/her knowledge, by injection, inhalation, ingestion or other means of committing any act of indispensable assistance to a person in administering by duly licensed practitioner for purposes of medication.

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 to test results. It shall employ, among others, two (2) testing methods, the screening and confirmatory tests. The examination of a person's urine specimen to determine the presence of dangerous drugs shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH.

Center – Any of the treatment and rehabilitation centers which undertake treatment, aftercare and follow-up treatment of drug dependents. It includes institutions, agencies and the like whose purposes are: the development of skills, arts and technical know-how, counseling and/or inculcating civic, social and moral values to drug dependent patients, with the aim of weaning them away from dangerous drugs and keeping them drug-free, adapted to their families and peers and readjusted into the community as law abiding, useful and productive citizens;

Drug Test Certificate - A declaration/statement of the result of the drug test issued by accredited drug testing centers. It shall be valid for a one-year period from the date of issue and which may be used for other purposes, as referred to in Section 36, Article III of the Act;

University – refers to the Visayas State University including all its campuses.

IV. PRE-EMPLOYMENT DRUG TESTING

Drug testing shall remain a requirement for initial entry to the university. Any applicant found positive for drug use shall be denied entry to government service.

V. INITIAL AND SUBSEQUENT DRUG TESTING OF PUBLIC OFFICIALS AND EMPLOYEES

Within six (6) months from the effectivity of these guidelines, the university shall conduct a mandatory, random and suspicion less drug testing of incumbent public officials and employees as a condition for retention in government service.

The frequent of subsequent random drug test shall be prescribed by the concerned Drug Testing Committee with the approval by the President taking into consideration, among others, the number of public officials and employees, nature of work being discharged, funding, and other logistics. Subsequent random testing shall be periodically conducted in an interval not to exceed two (2) years.

The VSU shall conduct the drug test in accordance with the procedures set forth by the Dangerous Drug Board, which shall be disseminated to their personnel, to include but not limited to the following:

- a. The drug test shall only be conducted by a government drug testing laboratory or by a drug testing laboratory duly authorized and accredited by the DOH.
- b. The randomly selected public officials and employees will fill up and sign a chain of custody form issued to them. In selecting the public officials and employees, 50% of

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all employees in each office will be tested. The selection will be done by computer through the employees VSU ID numbers. Provided that in every random drug testing, all security guards and drivers will always be subjected to drug testing.

- c. The specimen bottles must be properly labeled to contain the name, ID number, employment number, position, date and time when the urine sample was taken.
- d. The taking of urine/specimen samples for screening test must be done in an area where manipulation (e.g. adding of water) is not possible.
- e. 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.
- f. The Urine/Specimen samples found positive in the screening test shall be submitted for confirmatory testing to a laboratory having the confirmatory capability using the same urine within the same day.
- g. After the confirmatory test, the same urine sample must be kept for the purpose of challenging the result.
- h. After the test is conducted, a drug test result shall be issued by the drug testing laboratory directed to the Head of the office or agency and not to the person so tested. The same result must be signed by the authorized signatory of the laboratory, the employee/officials concerned and a witness.

A positive drug test result from the confirmatory test shall immediately be made known to the VSU President, or to the person designated by him, who shall then notify the concerned public official or employee. Said public official or employee shall have fifteen (15) days from the receipt of notice to challenge the result of the confirmatory test. The challenge test shall be conducted, using the same specimen, by the 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 university shall then take the appropriate action as provided in the succeeding section.

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.

The drug test shall be attached to the 201 file of the public 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

1. Public official 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 said examination and shall be subjected to following treatment and rehabilitation program:
 - a. Experimenter- Outpatient, guidance and counseling sessions for six (6) months.
 - b. Occasional User- Outpatient, guidance and counseling sessions and regular monthly drug testing for six (6) months which shall be at the personal expense of public official or employee concerned.

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- 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 Dangerous Drugs Board.
2. A public official or employee found to be an Experimenter shall shoulder the expenses of his/her guidance and counseling sessions if done outside the university. The same rule shall also apply to a public official or employee found to be an Occasional User, who shall undergo the guidance counseling and regular monthly drug testing. Time spent for counseling and regular monthly drug testing, if done during office hour/s, shall be charged against public official or employees 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, a public official or employee assessed as an Experimenter or Occasional User shall secure a certification or completion issued by his/her attending guidance counselor.
3. Any public official or employee found to be a Chronic User/Drug Dependent, based on the results of the Dependency Examination, and who will undergo a mandatory rehabilitation program for a minimum period of six months shall be considered on sick leave for the entire period of his/her rehabilitation. When the concerned public 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 admission to a rehabilitation center in accordance with the provisions of R.A. No. 9165 and existing rules of the Dangerous Drugs Board.

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

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

VII. ADMINISTRATIVE LIABILITY

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

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3. Any public 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 public 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. Public official 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 administrative offense of Grave Misconduct.
6. Any public 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.

VIII. RESPONSIBILITIES OF VSU

1. VSU is required to submit a regular report to the DDB on the conduct of drugs tests and number of officials and employees who tested positive for drug use. The data would include the number of personnel who have already undergone testing, the dates and the names of drug testing laboratories that conducted the test.

All results of the drug test conducted by the VSU shall remain strictly confidential. Government officials, employees and/or any person who intentionally or unintentionally breach the confidentiality of any drug test shall be charged in accordance with the Section 72 of RA 9165.

2. VSU may order restrictions in reporting to work while undergoing treatment or intervention, and enforcement of a no work no pay policy for public officials and employees who do not earn leave credits. *Provided*, that said rules should be without prejudice to the provisions on offenses and penalties provide in these guidelines.

IX. FUNDS

The VSU shall bear the expenses for the product of the screening and confirmatory drug test of its employees, subject to existing budgeting, accounting and auditing rules and regulations. Funds for the conduct of the screening and confirmatory drug test may be sourced from the VSU's budget for employee health and wellness. The agencies shall include the

funds for the conduct of subsequent drug tests in their annual budget proposal for employee health and wellness.

However, drug test conducted as a result of a challenge to a positive drug test result from the confirmatory test shall be charged to the personal expense of the concerned public official or employee.

X.

These guidelines shall take effect after approval by the VSU Board of Regents.

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