

GUIDELINES FOR THE IMPLEMENTATION OF MANDATORY DRUG TESTING TO APPLICANTS OF FIREARMS LICENSE AND PERMIT TO CARRY FIREARMS OUTSIDE OF RESIDENCE

DDB BOARD REGULATION NO. 11, S. 2003, November 21, 2003

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4f721ef5d8db/>

I. REFERENCES:

1. Republic Act No. 9165, Article III, Section 36, paragraph (b), which states, "All applicants for firearm's license and permit to carry firearms outside of residence shall undergo a mandatory drug test to ensure that they are free from the use of dangerous drugs: Provided, That all persons who by the nature of their profession carry firearms shall undergo drug testing.";
2. Republic Act No. 5487, entitled "An Act Governing the Organization and Management of Private Security Agencies, Company Guard Forces, and Government Security Forces" and its Implementing Rules and Regulations;
3. Presidential Decree 1866, as amended by RA 8294, entitled "Codifying the laws on illegal/unlawful possession, manufacture, dealing in, acquisition or disposition of firearms, ammunition or explosives or instruments used in the manufacture of firearms, ammunition or explosives, and imposing stiffer penalties for certain violations thereof and for relevant purposes as well as its related issuances".

II. PURPOSE:

1. To require a mandatory drug test to the following:
 - Applicants for license to possess firearms and permit to carry firearms outside residence (PTCFOR) for individual persons.
 - Applicants for license to operate, sell, manufacture, deal, acquire or dispose of firearms and ammunition or instruments used in the manufacture of firearms and ammunition, whether as a sole proprietorship, corporation or any other business arrangements.
 - Persons employed as warehouse personnel of licensed firearms dealers, or employed as vault keepers of licensed firearm dealers at Philippine National Police-Civil Security Group-Firearms and Explosives Division (PNP-CSG-FED) supervised storage and/or warehouse.
 - For Private Security Personnel, such as:
 - 1) Operators, managers and supervisors
 - 2) Security Guards or Watchmen
 - 3) Security Officers
 - 4) Private Detectives and Investigators
 - Officers and members of Government Security Units, including their authorized representative who applied for the license to operate. The testing shall be undertaken by the agency concerned.

- Employees of security guard training institutions, whether on full-time or part-time basis, including other learning institutions, who handle firearm in the course of their employment and while within the premises of said institutions.

2. To enforce the random drug test to the following:

- Employees of licensed firearms dealers or manufacturers, such as vault keepers or warehouse personnel, who handle firearms in the course of their employment;
- Licensed Private Security Personnel.

III. SCOPE AND APPLICATION:

1. This SOP covers all person, whether natural or juridical, who would like to avail of the privileges that are within the regulatory authority of the PNP under PD1866, as amended, and RA 5487, including employees of licensed firearms dealers or manufacturers and private security agencies who handle firearms in the course of their employment. The commitment to undergo random drug testing to be conducted by the PNP shall be an added requirement for the issuance of the license or its renewal.

2. In the case of employees of private security training institutions and other learning institutions where the handling of firearms is involved in the course of their employment within the premises of their employers, the requirement of random drug testing shall be considered by the employers concerned pursuant to Articles V and VI of RA 9165 in coordination with the Department of Labor and Employment (DOLE). In furtherance of the PNP's regulatory authority under PD 1866, said employers, shall submit a report that their respective establishments are drug-free workplaces for purposes of renewal of the licenses of the firearms registered under their names, in addition to other requirements.

IV. DEFINITION OF TERMS

1. Individual applicant (License to Possess) -- any person who is applying for or renewing a license to possess firearms as well as permit to carry firearm outside residence.

2. Juridical Entity (License to Possess) -- refers to any entity applying for a license to possess firearms through its duly authorized representative who is either the proprietor, manager and/or operator.

3. License -- an authority or permit to possess, own, carry, deal, and manufacture firearms. In the case of private security agencies, company guards and government security units, this refers to an authority to operate.

4. Authorized Representative -- any person designated and authorized by a business entity or law enforcement unit to apply for and obtain a license to possess, deal and/or manufacture firearms. With regard to Private Security Agencies, Company Guards and Government Security Units, this person is the designated proprietor, operator and/or manager.

5. Warehouse Personnel -- any person who is designated and authorized to manage a private warehouse or storage area of firearms and ammunition or the different vaults of the firearms dealer and to conduct inventory thereof.

6. Vault Keeper -- any person who is designated and authorized by a firearms dealer to secure and manage his or her own vault in the PNP-CSG-FED warehouse.

7. PNP-CSG-FED Supervised Storage and/or Warehouse -- refers to a CSG, FED supervised and managed warehouse or storage where the different vaults of firearms dealers are safekept.

8. PTCFOR -- a written authority issued to a person by the Chief of the Philippine National Police or his duly authorized representative which entitles him/her to possess and carry firearm outside of residence for the

duration and purpose specified therein.

9. Security Guard or Watchman -- any person who is licensed to render personal service to secure or watch over a private residence, business establishment, or buildings, compounds, and other areas and to conduct security inspection thereon. The terms, "Security Guard and Watchman" are generic and synonymous as far as this definition is concerned.

10. Security Officer -- any person designated by the management of a security agency to supervise security guards/watchmen detailed in private residences, business establishments, buildings, compounds or other areas.

11. Private Detective/Investigator -- any private individual who does detective or investigative work in behalf of another person or entity for compensation, reward or commission, other than members of the AFP, the PNP, the guards of BJMP, municipality or city jail guards or of any other law enforcement agencies of the government.

12. Private Security Agency -- any entity which is either a sole proprietorship, a partnership or a private corporation which is licensed to recruit, train, and provide security guards to any person or entity to perform security services or consultation for a compensation.

13. Company Guard -- is a security force maintained and operated by any private company/corporation utilizing any of its employees to watch, secure or guard its business establishment premises, compounds or properties.

14. Government Security Unit -- is a security unit maintained and operated by any government entity other than the military or police, which is established and maintained for the purpose of securing the office or compound and/or extension of such government facility or utility.

15. Training Instructor -- an individual who is accredited by the Philippine National Police-Civil Security Group-Security Agencies and Guards Supervision Division (PNP-CSG-SAGSD) to teach security and related subjects in the Commission on Higher Government (CHED) institutions offering Bachelor of Science in Criminology Courses (BS Crim Courses), and/or in the Technical Education and Skills Development Authority (TESDA) licensed Security Guard Training Schools.

16. Training Officer -- an individual who is accredited by PNP-CSG-SAGSD responsible in making training programs for the Security Guard Training Schools and/or CHED institutions offering BS Crim. Courses.

17. Training Director -- an individual accredited by PNP-CSG-SAGSD and responsible in managing the Security Guard Training Schools and/or CHED institutions offering BS Crim. Courses.

18. Security Guard Training School -- an institution licensed by TESDA and accredited by SAGSD to conduct pre-licensing, in-service training, supervisory training and other special courses to and for security guards in private agencies, companies and government units.

19. End-User or consumer -- any person or agency or a business entity which requires the mandatory drug test. At CSG, it refers to either CSG-FED or CSG-SAGSD or both when processing applicant for license and renewal thereof.

20. Mandatory Drug Test -- refers to compulsory submission of an applicant for license to undergo a drug testing as required by RA 9165.

21. Random Drug Test -- refers to compulsory submission of a licensed warehouse personnel and/or vault keeper, private security personnel and security training personnel after having been employed to undergo drug testing as required by RA 9165. This is being conducted to selected individual or group of individuals without following a specific pattern and without prior notice.

22. CHED Institutions offering BS Crim. Courses -- refer to Colleges and Universities offering Bachelor of Science in Criminology.

V. PROCEDURES:

1. No new application and renewal of application for a license or permit to carry shall be processed without complying with the basic requirements. Incomplete requirements shall be rejected outright and returned to the applicant with noted defect/s that should be corrected or the lacking requirement/s that should be complied with.

a. As an added requirements pursuant to Section 36(b), RA 9165, the applicant shall undergo mandatory drug test to be conducted by the DOH accredited Drug Testing Centers (DTCs), which shall also be accredited by the PNP Accreditation Committee to transact business with the PNP under its rules.

b. The drug test result and certificate issued by a licensed and an accredited DTC can be confirmed and validated through the Drug Testing Monitoring and Validation Center (DTMVC) under the supervision and control of the DOH via Information Technology (IT) by the consuming or the end-using office. The drug test result and certificate shall be valid for a one-year period from the actual date of issue.

c. The same drug test result and certificate may be used in application for any license invoking the same period of validity. (The original copy of the drug test certificate shall be presented in support of the application only and shall not be taken from the applicant but to be reproduced or photocopied by the consuming office and have it duly authenticated. The authenticated copy shall remain with the end-using or consuming office so that the applicant may still use the same original drug test certificate for other legal purposes.)

2. During the period of the employment of an employee of the licensed firearm dealer or manufacturer, who is designated as a warehouse personnel and/or vault keeper, or during the validity of the license of private security personnel employed by a private security agency, they shall undergo random drug testing which shall be conducted by the PNP, in coordination with the employer, thru a DOH accredited DTC. The cost of the random drug test shall be borne by their employers.

a. In case the employer takes the initiative of conducting the random drug test, it shall be conducted in the presence of a representative from the FED or the SAGSD, as the case may be, and a report of such testing shall be submitted to the PNP CSG.

b. Any dispositive action based on the result of the random drug test shall be in consonance with the rules and regulations of the Department of Labor and Employment (DOLE) with regard to those employed in the private sector and the Civil Service Commission (CSC) as regards those employed in the public sector.

3. Those who may be found positive for use of dangerous drugs during the testing shall be dealt with in accordance with RA 9165 and related laws. Only the positive finding in the preliminary drug test or screening test shall merit the confirmatory drug test. Only the positive result of a confirmatory test can be contested before the appropriate venue for such purpose.

4. The CSG, supervising the FED and the SAGSD, shall provide muscle to the enforcement of the drug test program with respect to falsified or forged drug test result, dubious operation and other unlawful activities of the drug testing centers. The Dangerous Drugs Board (DDB)-DOH shall be the lead agencies in the conduct of operations against the drug testing centers and their criminal prosecution, if warrant evidence. The PNP, thru its Accreditation Committee, could cancel the accreditation of drug testing centers to transact business with the PNP should it be found that they are a party to a fraud or irregular transaction.

5. In cases where the President proclaims amnesty for loose firearms, the applicants, during the effectivity period thereof, shall undergo mandatory drug test at their expense, in addition to the other requirements, if they desire

that a license should be issued for the surrendered firearm.

VI. PENALTY:

An administrative sanction or penalty imposed by the PNP pursuant to its regulatory authority under PD 1866 and RA 5487 for the violation of this SOP, upon its confirmation by the Dangerous Drugs Board, shall not bar criminal prosecution under Section 32 of RA 9165, which shall be handled by the CSG.

VII. REPEALING CLAUSE:

All other SOPs and issuances which are in consistent herewith are hereby amended or modified accordingly.

VIII. EFFECTIVITY:

This Regulation shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and after registration with the Office of National Administrative Register (ONAR), UP Law Center, Quezon City.

Adopted: 21 Nov. 2003

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Secretary, Department of Interior and Local Government and OIC Chairman, Dangerous Drugs Board

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