

ADOPTING THE CIVIL SERVICE COMMISSION SANCTION OF DISMISSAL AT FIRST OFFENSE FOR EMPLOYEES OR OFFICIALS IN THE PUBLIC SECTOR WHO ARE TESTED AND FOUND POSITIVE FOR ILLEGAL DRUGS ...

Board Regulation No. 2, s. 2017, March 08, 2017

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Adopted: 14 February 2017

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WHEREAS, to provide a safe working environment and promote the well-being of the employees, the use of dangerous drugs and/or engaging in any illegal drugs transaction either by possession, distribution, selling, and other illegal activities in the government offices is prohibited;

WHEREAS, the Civil Service Commission adopts only the guidelines prescribe by DDB as to procedure of a drug-free workplace program and directly mandates all officials and employees entering the government service to undergo drug test;

WHEREAS, it is settled that the use of illegal or prohibited drugs is a serious flagrant violation of the law which is considered as grave misconduct punishable by dismissal at first offense under Section 46 (A) (3), Rule 10 of the Revised Rules on Administrative Cases in the Civil Service (RRACCS);

WHEREAS, pursuant to Section 46 (19) of Book V of Executive Order 292 and Section 22 (c) of its Omnibus Rules any official or employee found positive for use of dangerous drugs shall be subjected to disciplinary/administrative proceedings with a penalty of dismissal from the service;

WHEREAS, Article III of Section 36 (d) of RA 9165 provides the following:

(d) Officers and employees of public and private offices whether domestic or overseas, shall undergo a random drug test as contained in the company's work rules and regulations, which shall be borne by the employer, for purposes of reducing the risk in the workplace.

Any officer or employee found positive for use of dangerous drugs shall be dealt with administratively which shall be a ground for suspension or termination, subject to the provisions of Article 282 of the Labor Code and pertinent provisions of Civil Service Law.

WHEREAS, in support of President's war against illegal drugs, most of the Agencies are now implementing Drug-Free Workplace Policy in their respective offices. The said effort aims to strengthen the integrity of the agency in fostering a National Drug-Free Program;

WHEREAS, after considering the above objective, the DDB Supply Reduction Committee (SRC) during its 01-2017 Regular Meeting held on January 26, 2017, unanimously agreed and approved the adoption of the CSC sanction of dismissal at first offense for employees or officials in the public sector who are tested and found positive for illegal drugs in the amendment of sanctions under Section 2 of DDB Regulation No. 2, Series of 2004;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby RESOLVED, that Sanctions under Section 2 of DDB Regulation No. 2, Series of 2004, Entitled: 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 Government, GOCCs and other Institutes of Learning including State Colleges and Universities be amended by deleting paragraphs 2(a-d) and 3 and replace it with the new provision as herein stated:

Section 1. Sanctions

(2) Any government official/employee found positive for use of dangerous drugs shall be subjected to disciplinary/administrative proceedings with a penalty of dismissal from the service at first offense.

Section 2. Penalty Clause

Any violation of this Regulation shall be penalized with the sanctions embodied in Section 32, Article II of RA 9165 without prejudice to any appropriate administrative sanctions provided under the Act.

Section 3. Amending and Repealing Clause

All issuances, including Board Regulation No. 2, Series of 2004 or part thereof inconsistent herewith, are deemed repealed or modified accordingly.

Section 4. Effectivity Clause

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 the National Administrative Register (ONAR), U.P. Law Center, Quezon City.

APPROVED and ADOPTED, this 14th day of February, in the year of Our Lord, 2017 in Quezon City.

(SGD) Secretary BENJAMIN P. REYES

Chairman, Dangerous Drugs Board

Attested by:

(SGD) Atty. PHILIP JOSEF T. VERA CRUZ

OIC-Secretary of the Board

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