

**ADMINISTRATIVE ORDER NO. 011***Series of 2019***GUIDELINES ON THE IMPLEMENTATION OF THE  
LANDBANK DRUG-FREE WORKPLACE PROGRAM****A. RATIONALE**

LANDBANK is committed to safeguarding the health, safety and well-being of its employees by maintaining a work environment free from the use of dangerous drugs. These substances have detrimental health effects and pose as threats to the safety of Bank employees and clients. Drug abuse may also impair work productivity (e.g., absenteeism, increased accidents, lapses in the performance of assigned tasks, etc.). The Bank thus prohibits the use, possession, solicitation for, or sale of dangerous drugs in the workplace or while performing official functions.

By implementing a drug-free workplace program to be known as "A Healthy Me Is Drug Free!," the Bank aims to comply with the following laws and policies:

1. Republic Act (R.A.) No. 9165 – *Comprehensive Dangerous Drugs Act of 2002*;
2. Dangerous Drugs Board (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*;
3. Civil Service Commission (CSC) Memorandum Circular No. 13, S. 2010 – *Guidelines for a Drug-Free Workplace in the Bureaucracy*; and CSC Memorandum Circular No. 13, S. 2017 – *Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes*; and
4. Malacañang Memorandum Circular No. 89, S. 2015 – *Implementation and Institutionalization of the National Anti-Drug Action Plan*.

**B. OBJECTIVES**

1. Ensure that the Bank shall be drug-free by subjecting employees to a random mandatory drug test;
2. Encourage employees to lead healthy lifestyles and prevent drug abuse; and
3. Guarantee effective and efficient service free from the hazards of drug use in the workplace.

**C. COVERAGE**

All members of the LANDBANK Board of Directors, officers, employees (whether temporary, permanent or co-terminus), and proposed hires for positions in the Bank, as applicable.

**D. DEFINITION OF TERMS**

|                                   |  |
|-----------------------------------|--|
| Challenge Test                    | a drug test conducted as a result of a challenge filed by a Bank officer 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  |
| 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  |
| 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 (DDB), in accordance with Section 93 of R.A. No. 9165   |
| Drug Dependency Examination (DDE) | 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 |
| 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   |
| Experimenter                      | a person whose drug use began through exploration with limited exposure and no development of regular use or any related harm  |
| Mandatory Drug Test               | compulsory submission of a personnel for drug testing as required by R.A. No. 9165 and by the Bank's internal rules and regulations  |
| Occasional User                   | a person who indulges in drug use to create or enhance experience in any social setting  |

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|                |  |
|----------------|--|
| Random Testing | a method of drug testing where the selection process results in equal probability that any employee from a group of personnel will be tested, and without any prior notice of the date and venue   |
| 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 |
| Screening Test | a rapid test performed to establish potential/presumptive positive result  |

## E. GENERAL GUIDELINES

1. The Bank shall implement programs that promote employee health and well-being and conduct advocacy/educational activities to increase awareness on the harmful effects of dangerous drugs. These include posting of **"This Is a Drug-Free Workplace: Let's Keep It This Way!"** signage in the workplace.
2. Mandatory Drug Testing under this program shall be as follows:
  - a. Pre-employment Requirement
    - 1) Drug testing shall be one of the pre-employment requirements. Any applicant found positive for drug use shall be disqualified for employment.
    - 2) Cost of screening and confirmatory drug testing shall be shouldered by the applicant.
  - b. Random Drug Testing
    - 1) Covered personnel shall be subjected to random drug testing as a requirement for continuing employment. Random testing shall be conducted in an interval not to exceed two (2) years.
    - 2) Covered personnel shall be randomly selected without prior notice of the date and venue of the test.
    - 3) Randomly selected employees shall receive a Drug Testing Notification Form and Acknowledgment Slip on the actual date of the drug test (**Exhibit 1**).
    - 4) The cost of the screening and confirmatory drug tests shall be shouldered by the Bank

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3. Drug testing shall only be conducted by a government drug testing laboratory or by a drug testing laboratory duly authorized and accredited by the Department of Health (DOH). It shall be conducted in accordance with the procedures set by the DDB.
4. Drug testing laboratory shall provide all drug testing results to Employee Wellness Unit (EWU)-Employee Relations Department (ERD).
5. Specimen samples found positive in the screening test shall be submitted for confirmatory testing within the same day.
6. A positive drug test result from the confirmatory test shall immediately be made known to the following Bank's authorized representative/s:
  - a. Head, EWU-ERD for medical management and monitoring;
  - b. Head, ERD who shall notify the concerned personnel; and
  - c. Head, Human Resources Management Group (HRMG) who, upon consideration of the risks to the organization, shall be authorized to inform concerned employee's Unit/Department Head on a "need to know" basis, consistent with the principle stated in these guidelines.
7. Heads of Unit/Department/Groups and Sectors shall be designated as authorized recipients of information related to the confirmed positive results of employees under their scope of responsibilities pursuant to item 6.c.
8. Those found to have a positive confirmatory test result may challenge the result of the confirmatory test within 15 days from receipt of notice subject to the following conditions:
  - a. Employee shall shoulder the costs of the challenge test;
  - b. The same specimen by a qualified drug testing laboratory shall be used; and
  - c. Immediately submit the copy of the result of the challenge test to EWU-ERD.
9. A positive drug test result from the challenge test is deemed final.
10. Failure to file a challenge within the prescribed period shall make the positive drug test result from the confirmatory test final.
11. Those who are found positive of dangerous drugs after the challenge test or deemed final confirmatory test, shall:
  - a. Undergo a DDE conducted by the DOH or by any medical practitioner accredited by the DOH with costs chargeable to the Bank; and
  - b. Immediately submit a copy of the result of the Drug Dependency Examination to EWU-ERD.

12. Treatment and rehabilitation program

- a. Concerned personnel shall be classified based on the results of DDE as follows:

| Category                         | Treatment and Rehabilitation Program   |
|----------------------------------|--|
| Experimenter                     | Outpatient, guidance counseling for six (6) months   |
| Occasional User                  | Outpatient, guidance counseling and regular monthly drug testing for six (6) months  |
| Chronic Drug User/Drug Dependent | Mandatory continuous treatment and rehabilitation for a minimum period of six (6) months to commence within 15 days from receipt of DDE results in a government rehabilitation center, a DOH-accredited private rehabilitation center, or through a community rehabilitation program sanctioned under the rules of the DDB |

- b. The concerned personnel shall shoulder the expenses of guidance counselling, regular monthly drug testing and rehabilitation.
- c. The time spent for counselling, regular monthly drug testing and rehabilitation, shall be charged against employee's leave credits. If all leave credits (sick leave and vacation leave) are used, the absence of concerned personnel shall be on leave without pay.
- d. As proof of successful completion of treatment and rehabilitation program and as a requirement to be allowed to report back to work, concerned personnel shall secure and submit the following proof of fit to work to the Bank:
- 1) Experimenter or Occasional User – certificate of completion issued by the attending guidance counselor
  - 2) Chronic User/Drug Dependent employees – certificate of completion of rehabilitation program and clearance from the attending physician
- e. Concerned employee shall be required to submit drug test results and related records (e.g., certificates from counselors/physicians, etc.) to the EWU-ERD for safekeeping and must be kept confidential. Disclosure shall be limited to the Bank's authorized representatives for evaluation, determination of appropriate courses of action that may be extended to

the employee concerned, and monitoring of employee's progress as a result of interventions undertaken.

13. Allocation for expenses related to drug testing (*i.e.*, screening and confirmatory drug tests) and DDE shall be included by ERD in the annual budget proposal under health and wellness.
14. All employees shall accomplish and sign the LANDBANK Drug-free Workplace Policy Commitment form to be maintained in their unit's records (**Exhibit 2**).
15. The Bank shall require from its service providers drug testing for Service Company Workers (*i.e.*, guards, janitors, utility workers, office workers, etc.) deployed to the Bank in accordance with the Department of Labor and Employment (DOLE)'s Department Order No. 53-03 – *Guidelines for the Implementation of a Drug-Free Workplace Policies and Programs for the Private Sector* and other applicable issuances.
16. A regular report on the conduct of drug tests and number of employees who tested positive for drug use shall be submitted to the DDB by the ERD.

## F. DUTIES AND RESPONSIBILITIES

1. The HRMG shall be responsible for overseeing the implementation of the LANDBANK Drug-Free Workplace Program.
2. PAD shall require drug testing from those applying for employment with the Bank.
3. ERD shall:
  - a. oversee the conduct of mandatory random drug testing for employees at the Head Office;
  - b. safekeep drug test results and related records;
  - c. monitor the status of employees with confirmed positive drug test results;
  - d. coordinate with Field Units for the conduct of random drug testing for employees based outside of the Head Office; and
  - e. include the conduct of employee health and well-being/healthy lifestyle promotion, and drug abuse prevention/education initiatives among the activities under the Bank's Employee Wellness Program.
4. Heads of Units shall:
  - a. ensure compliance of their staff with the provisions of these guidelines;
  - b. ensure that all covered personnel within their unit shall accomplish and sign the LANDBANK Drug-Free Workplace Policy Commitment form to be maintained in their unit's records (**Exhibit 2**).
  - c. maintain confidentiality of all information received regarding random drug testing results and other related information; and

- d. enjoin their employees' participation in health and well-being/healthy lifestyle promotion, and drug abuse prevention/education activities under the Employee Wellness Program.
5. Bank units tasked with engaging the services of Service Company Workers (*i.e.*, guards, janitors, utility workers, office workers, etc.) deployed to the Bank shall include in their contracts the requirement for mandatory random drug testing in accordance with relevant issuances of the DOLE.

## G. PENALTIES/SANCTIONS

1. Any employee who refuses, without any valid reason, to submit himself/herself for drug testing, shall be charged with the administrative offense of Gross Insubordination.
2. The following shall be charged with the administrative offense of Grave Misconduct, punishable by dismissal from the service upon its first commission:
  - a. Those 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;
  - b. Employees found to have used dangerous drugs during the prescribed period of their intervention or rehabilitation;
  - c. 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);
  - d. Any employee who, after being tested positive for drug use, refuses to undergo treatment or rehabilitation, or fails to complete treatment or rehabilitation program. 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 the refusal to undergo or failure to complete the treatment;
  - e. Those who, for the second time have tested positive in a random drug test after completion of the treatment and/or rehabilitation program; and
  - f. Officers and employees caught using or peddling drugs, without prejudice to the filing of appropriate criminal charge/s under R.A. No. 9165 and other pertinent laws.
3. Any violation of these guidelines shall be a ground for filing an administrative case in accordance with the existing *Revised Rules on Administrative Disciplinary Cases*.

## H. INTERNAL CONTROLS

1. All drug test results and records shall be strictly confidential.
2. Results of drug test, examination and/or treatment of employee concerned may be divulged to the unit/department head/supervisor on a "need-to-know" basis.

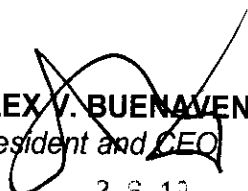
3. Disclosure of test results to any other person, group or organization shall not be allowed except when it is required by law, or in case of overriding public health and safety concerns.

**I. REPEALING CLAUSE**

All previous orders and issuances inconsistent herewith shall be deemed superseded or amended accordingly.

**J. EFFECTIVITY**

These guidelines shall take effect upon approval.

  
**ALEX V. BUENAVENTURA**  
*President and CEO*

Date: 2-6-13  
/ERD/SMD



Location: \_\_\_\_\_

**LANDBANK DRUG-FREE WORKPLACE PROGRAM:  
A HEALTHY ME IS DRUG FREE!**

**DRUG TESTING NOTIFICATION FORM**

Subject Number: \_\_\_\_\_

Employee's Name : \_\_\_\_\_  
Unit/Department : \_\_\_\_\_

In accordance with Republic Act 9165 – *Comprehensive Dangerous Drugs Act of 2002*, CSC Memorandum Circular No. 13, S. 2017 – *Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes*, and other relevant issuances, LANDBANK shall conduct random drug testing for all members of the Board of Directors and employees.

This serves as the Bank's notice for you to undergo random drug testing. Please proceed to the \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ for collection of the urine specimen.

You will be notified of your test results *only* if it is positive or adulterated. You will not be notified if your results are negative. All drug test results are confidential.

**ACKNOWLEDGMENT SLIP**

This is to acknowledge receipt of Drug Test Notification Form regarding the undersigned's random drug testing schedule under the LANDBANK Drug-Free Workplace Program: **A Healthy Me Is Drug Free!**

Date : \_\_\_\_\_  
Time : \_\_\_\_\_  
Venue : \_\_\_\_\_

Employee's Name : \_\_\_\_\_  
Employee's Signature: \_\_\_\_\_  
Date/Time of Receipt : \_\_\_\_\_

**FOR EMPLOYEES ON LEAVE/OFFICIAL BUSINESS/OFFICIAL TRAVEL:**

This is to certify that \_\_\_\_\_ is on leave/official business/official travel today, \_\_\_\_\_.

Name and Signature of Timekeeper (or Department Head in the absence of the time keeper): \_\_\_\_\_  
Date/Time: \_\_\_\_\_

**CLASS D**

**Exhibit 2**

**COMMITMENT TO LANDBANK DRUG-FREE WORKPLACE POLICY**

As a member of the Board of Directors/employee of the LAND BANK OF THE PHILIPPINES, I hereby certify that I have read and understood the LANDBANK Drug-free Workplace Program and affirm and confirm my commitment to unconditionally abide by all that is provided therein and that any violation of this policy shall be a ground for filing an administrative case in accordance with the pertinent provisions of LBP EO No. 064, S. 2013 - *Revised Rules On Administrative Disciplinary Cases*.

Further, I voluntarily give my consent to LANDBANK or its authorized representative/s to collect and process my personal information and sensitive personal information in pursuance to the declared objectives/purpose of the LANDBANK Drug-Free Workplace Program and for the full implementation thereof. Lastly, I also authorize, the Bank's contracted service provider that would conduct the mandatory random drug testing to submit the results/findings of the same and other pertinent records to the Bank's authorized representative/s.

\_\_\_\_\_  
Name and Signature of Member of the Board/Employee

\_\_\_\_\_  
Date

Attested by:

\_\_\_\_\_  
Name and Signature of Unit Head

\_\_\_\_\_  
Date