



MC No. 05, s. 2019

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS; AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : Amendment to CSC Resolution No. 1700653 dated March 15, 2017 (Guidelines in the Mandatory Random Drug Test for Public 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 that government service shall be drug-free as provided by the Comprehensive Dangerous Drugs Act of 2002, the Commission has promulgated CSC Resolution No. 1900238 dated March 8, 2019 amending CSC Resolution No. 1700653 dated March 15, 2017 (*Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes*) and adopting the following parameters for exemptions from coverage thereof:

1. The following are excluded from the coverage of CSC Resolution No. 1700653 and shall be subjected to appropriate disciplinary proceedings as may be provided under the governing laws and rules of the following respective offices, if any, including the rules and regulations issued by the DDB:
 - a. Officers and members of the military, police and other law enforcement agencies, which shall be subjected to DDB Regulation No. 13, s. 2018; and
 - b. Elective officials and officials appointed by the President.

Bawat Kawani, Lingkod Bayani

2. Law enforcement agencies, with respect to their non-uniformed personnel, and other government agencies mandated by law to lead in the implementation of the anti-drug campaign and programs of the government may file a petition with the Civil Service Commission for exemption from the provisions of CSC Resolution No. 1700653 and to adopt DDB Regulation No. 13, s. 2018.

The petition shall include a statement declaring that the decision to seek such exemption is with the agreement of the agency personnel as represented by the agency's registered employees' union or association.

A separate certification issued by the registered employees' union or association shall be submitted as proof of agreement of the agency personnel to the petition for exemption.

For agencies with no registered employee's union or association, the head of agency shall issue a certification attesting that a consultation with agency personnel was done and the result of the consultation shows that the agency personnel assented to the filing of the petition.

All rules, regulations and issuances which are inconsistent with this policy are hereby modified accordingly


ALICIA dela ROSA-BALA
Chairperson

March 26, 2019

NOTE: CSC Resolution No. 1900238 dated March 8, 2019 was published in Philippine Star on May 5, 2019.



MANDATORY RANDOM DRUG TEST

Re: Amendment to CSC Resolution No. 1700653 dated March 15, 2017; Providing for Exemptions Thereof

Number: 1900238

Promulgated: 08 MAR 2019

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RESOLUTION

WHEREAS, the Civil Service Commission, as the central personnel agency of the government, is mandated to promulgate rules and regulations relevant to administrative discipline of civil servants, including the imposition of appropriate administrative sanctions, to promote morale, efficiency, integrity, responsiveness and courtesy in the civil service, pursuant to the 1987 Constitution, and Executive Order No. 292 (Administrative Code of 1987);

WHEREAS, **Section 36 (d) of Republic Act (R.A.) No. 9165 (Comprehensive Dangerous Drugs Act of 2002)**, provides that administrative discipline of officers and employees in public office found positive for drug use shall be dealt with in accordance with pertinent provisions of the Civil Service Law;

WHEREAS, in line with these mandates, the Commission promulgated CSC Resolution No. 1700653 dated March 15, 2017, which was published in the Philippine Star on April 3, 2017 and took effect on April 18, 2017 and circularized through CSC Memorandum Circular No. 13, s. 2017 dated April 19, 2017, otherwise known as the Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes;

WHEREAS, CSC Resolution No. 1700653 provides that any public official or employee found positive for drug use at the first instance shall be required to undergo a mandatory rehabilitation or counselling program depending on the severity of drug use. However, a public official or employee found positive for drug use who refuses to undergo or fails to complete the rehabilitation or counselling program will be formally charged with the administrative offense of Grave Misconduct;

WHEREAS, officers and members of the military, police and other law enforcement agencies who are required to undergo annual mandatory drug test pursuant to R.A. No. 9165 are exempted from the coverage of CSC Resolution No. 1700653 under Item II of said Resolution;

WHEREAS, CSC Resolution No. 1700653 was promulgated in order to achieve a balance between imposing stricter rules on public servants and looking at drug use as a health issue that can be treated or recovered from. On one hand, there will be rigid and more frequent drug testing in government as well as additional grounds for administrative liability. On the other hand, public officials/employees are afforded a chance at reformation so that they can become more productive human resources of the government and the nation;

WHEREAS, Republic Act No. 11036 (Mental Health Act) which was signed into law on June 20, 2018, treats drug dependency as a mental health issue, which further affirms the Commission's view of drug use as a health concern;

WHEREAS, Section 35 (a) of Republic Act No. 11036 mandates the Civil Service Commission to develop guidelines and standards on appropriate and evidence-based mental health programs for the workplace;

WHEREAS, Section 43 of Republic Act No. 11036 provides that persons who avail themselves of the voluntary submission provision pursuant to R.A. No. 9165 shall undergo an examination for mental health conditions;

WHEREAS, the Dangerous Drugs Board (DDB) issued DDB Regulation No. 13, s. 2018 on August 30, 2018, which provides that public officials and employees found positive for drug use at first instance shall be subjected to disciplinary/administrative proceedings with a penalty of dismissal from the service;

WHEREAS, to ensure the proper implementation of the two issuances, the CSC deems it proper to emphasize that CSC Resolution No. 1700653 shall remain as the general policy on the conduct of mandatory random drug test for public officials and employees, and that DDB Regulation No. 13, s. 2018 shall only be adopted by government agencies who are exempted from the coverage of CSC Resolution No. 1700653;

WHEREFORE, the Commission **RESOLVES** to amend CSC Resolution No. 1700653 and **ADOPTS** the following parameters for exemptions from coverage thereof:

1. The following are excluded from the coverage of CSC Resolution No. 1700653 and shall be subjected to appropriate disciplinary proceedings as may be provided under the governing laws and rules of the following respective offices, if any, including the rules and regulations issued by the DDB:
 - a. Officers and members of the military, police and other law enforcement agencies, which shall be subjected to DDB Regulation No. 13, s. 2018; and
 - b. Elective officials and officials appointed by the President.



2. Law enforcement agencies, with respect to their non-uniformed personnel, and other government agencies mandated by law to lead in the implementation of the anti-drug campaign and programs of the government may file a petition with the Civil Service Commission for exemption from the provisions of CSC Resolution No. 1700653 and to adopt DDB Regulation No. 13 s. 2018.

The petition shall include a statement declaring that the decision to seek such exemption is with the agreement of the agency personnel as represented by the agency's registered employees' union or association.

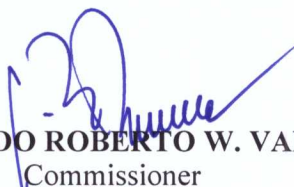
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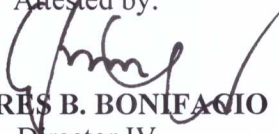
This Resolution shall take effect after fifteen (15) days following its publication in a newspaper of general circulation.

Quezon City.


ALICIA dela ROSA-BALA
Chairperson


LEOPOLDO ROBERTO W. VALDEROSA, JR.
Commissioner


AILEEN LOURDES A. LIZADA
Commissioner

Attested by:

DOLORES B. BONIFACIO
Director IV
Commission Secretariat and Liaison Office