



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
20th City Council

PO20CC-115

39th Regular Session

ORDINANCE NO. SP- **2615** , S-2017

AN ORDINANCE REQUIRING THE CONDUCT OF RANDOM DRUG TESTING FOR STUDENTS OF PUBLIC SECONDARY, TERTIARY, VOCATIONAL AND TECHNICAL SCHOOLS WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY AND APPROPRIATING FUNDS FOR THE PURPOSE THEREOF.

Introduced by Councilors *DIORELLA MARIA G. SOTTO, GIAN CARLO G. SOTTO, JULIENNE ALYSON RAE V. MEDALLA and JOSE MARIO DON S. DE LEON.*

Co-Introduced by Councilors *Elizabeth A. Delarmente, Victor V. Ferrer, Jr., Oliviere T. Belmonte, Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Ramon P. Medalla, Ranulfo Z. Ludovica, Estrella C. Valmocina, Allan Benedict S. Reyes, Kate Abigail G. Coseteng, Franz S. Pumaren, Eufemio C. Lagumbay, Marvin C. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Ivy Xenia L. Lagman, Marra C. Suntay, Hero Clarence M. Bautista, Jose A. Visaya, Karl Edgar C. Castelo, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Marivic Co-Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Donato C. Matias, Eric Z. Medina and Ricardo B. Corpuz.*

WHEREAS, Section 36 (c), Article III of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drug Act of 2002 mandates "the random drug testing of students in public and private tertiary/higher educational institutions";

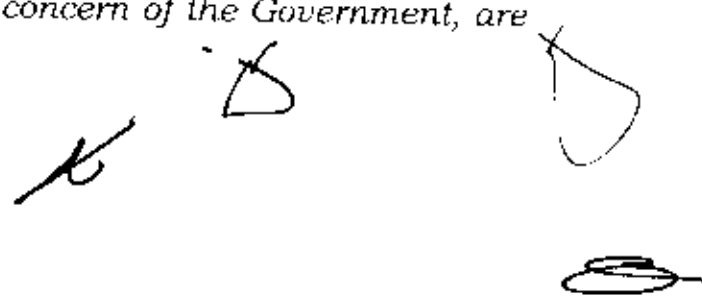
WHEREAS, Dangerous Drugs Board Regulation No. 3 S 2009 provides the "Guidelines for the Conduct of Random Drug Testing for students of Secondary, Tertiary, Vocational and Technical schools". Such random drug testing activity shall be done by DOH-Accredited private or Government facility that is capable of testing a specimen, preferably urine, to determine the presence of dangerous drugs;

WHEREAS, as specified by DDB Regulation No. 3, random drug testing for students is considered by the Government as entirely a "health" issue and it aims to provide appropriate interventions. It is also treated as strictly confidential and as such, no school shall publish or post results of such drug tests to students;

WHEREAS, it has been recognized in this jurisdiction that: (1) schools and their administrators stand in loco parentis with respect to their students; (2) minor students have contextually fewer rights than an adult, and are subject to the custody and supervision of their parents, guardians and schools; (3) schools, acting in loco parentis, have a duty to safeguard the health and well-being of their students and may adopt such measures as may reasonably be necessary to discharge such duty; and (4) schools have the right to impose conditions on applicants for admission that are fair, just and non-discriminatory;

WHEREAS, it is within the prerogative of educational institutions to require, as a condition for admission, compliance with reasonable school rules and regulations and policies. To be sure, the right to enroll is not absolute; it is subject to fair, reasonable, and equitable requirements;

WHEREAS, until a more effective method is conceptualized and put in motion, a random drug testing of students in secondary and tertiary schools is not only acceptable but may even be necessary if the safety and interest of the student population, doubtless a legitimate concern of the Government, are to be promoted and protected. A



NOW, THEREFORE,


BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY
IN REGULAR SESSION ASSEMBLED:

SECTION 1. SCOPE AND COVERAGE - Random Drug Testing (RDT) in public secondary, tertiary, vocational and technical schools within the territorial jurisdiction of Quezon City shall be mandatory. The drug testing while mandatory, shall be in a random and suspicionless arrangement.

SECTION 2. SELECTION BOARD - A Selection Board shall be constituted in every school/institution within the territorial jurisdiction of Quezon City and shall be composed of the following: (1) Drug Testing Coordinator, preferably the school principal or the head of the institution as chairperson; (2) President of the student council as member; (3) President of faculty association as member; (4) President of the parents association as member. In the absence of a parent's association and faculty association, the School principal or Head of the institution shall appoint any parent or faculty member who shall act as member of the Selection Board.

SECTION 3. PROCEDURES IN THE CONDUCT OF RANDOM DRUG TESTING - The Schools Division Office/Head of the Institutions as the case may be as the Supervising Agency shall inform all schools/institutions on their inclusion in the random drug testing program. The Schools Division Office/Head of the Institutions through an appropriate order including this Ordinance, shall inform all schools/institutions under its supervision about the Government's actions against illegal drugs.

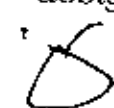
The school/institution's administration shall be required to explain the provisions of this Ordinance to the school/institution community and when applicable, include these in the school/institutions handbook or listing procedures. All students and their parents shall be notified in writing on the process and manner by which the random drug testing shall be conducted. Such notification may be sent at anytime during the school/institution term. Failure to return acknowledgement receipt shall not be a bar to the conduct of the drug testing.



The random drug testing shall be facilitated by the Quezon City Anti-Drug Abuse Advisory Council (QCADAAC) and by the Selection Board organized for this purpose through a Department of Health (DOH) accredited drug testing laboratory.

SECTION 4. TREATMENT OF RANDOM DRUG TEST RESULTS.

- a. The results of the test shall be strictly confidential. No schools/institutions shall publish or post results whether positive or negative.
- b. Any person who violates the rules of confidentiality of the results and selection shall be liable under Section 72 of R.A. No. 9165 and such other appropriate laws.
- c. In case the test results are positive at the screening level, the same specimen shall immediately be submitted for confirmation observing all strict chain of custody procedures and confidentiality of records.
- d. If a student is "confirmed" to be using a dangerous drug, the following shall be observed:
 1. The authorized drug testing laboratory, places results in a sealed envelop for transmission to the Quezon City Anti-Drug Abuse Advisory Council (QCADAAC) through its Chairperson, who shall then transmit the results to the Schools Division Office/Head of the Institutions as the case may be.
 2. The Schools Division Office/Head of the Institution shall then transmit the results to the concerned school/institution by informing the particular school/institution's RDT Coordinator previously assigned by the Selection Board.



- 2.1 The Supervising Agency shall then remind the Random Drug Testing Coordinator of the confidential nature of the results and strict handling of the "chain of custody" of the information should be observed.
3. The school/institution's Random Drug Testing Coordinator shall then inform the parents and the students of the results and how the information is regarded with utmost secrecy and confidentiality.
 - 3.1 The coordinator shall remind the student that divulging the results with anybody will be at his own risk; and
 - 3.2 That if possible, the information should remain in the confines of their house.
4. The parent, the Random Drug Testing Coordinator and the student shall then prepare for a case conference to discuss issues of drug use and possible dependency.
5. The Drug Testing Coordinator shall refer the student and his/her parent to a DOH accredited physician to determine the student's dependency level.
6. A date and venue shall be selected for the case conference.
 - 6.1 Date should be agreeable to all concerned in the case conference (parent, student, Random Drug Testing Coordinator and the DOH accredited physician)
 - 6.2 Venue should have a semblance of privacy (preferably in a room, with an office table where group discussions and individuals sessions can be done. x

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6.3 *Whichever is more convenient for the student and parent, venue could be as follows:*

- i. *Office of the QCADAAC*
- ii. *Office of the Schools Division Office/ Head of the Institution*
- ii. *Other designated venue which can assure privacy.*

7. *The Random Drug Testing Coordinator shall inform the Supervising Agency Central Office Coordinator on the possible dates and venue for further discussion of options.*

8. *Once finalized, the group shall proceed planned with the case conference.*

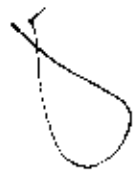
8.1 *Drug dependency level of the student shall be evaluated;*

8.2 *Cross reference of the information shall be validated from the parent and Random Drug Testing Coordination;*

8.3 *Treatment planning for the students shall be discussed and presented to the student and parent;*

8.4 *Options for treatment should be presented to the parent and student;*

8.5 *If a student (below 18 years of age) is found to be a drug dependent, the school authority shall refer him/her to the Quezon City Anti-Drug Abuse Advisory Council (QCADAAC);*



- 8.6 The parent and student may choose to enroll the student in a private rehabilitation center or program or opt to avail of the rehabilitation services of the Government through a DOH-accredited facility;
- 8.6.1 If child opts for Government service, the DOH treatment and rehabilitation centers nearest to the area can provide services;
- 8.6.2 If parent and student would opt for private services, appropriate referrals will be done, taking note of the progress of treatment on a regular basis;
- 8.7 Trained guidance counselors of the QCADAAC and school/institution can also be utilized.
- e. If a student is "confirmed" negative from dangerous drug use, the following shall be observed:
1. Names per school/institution of all who tested negative will be summarized in a result form.
 2. The summarized result form shall be transmitted to the Supervising Agency concerned.
 3. Supervising Agency Central Office shall forward the same to the concerned school/institution's Random Drug Testing Coordinator.
 4. The Random Drug Testing Coordinator and/or teacher adviser and/or guidance counsellor shall individually inform each student and parent concerned regarding the results. ✕



- f. Positive confirmatory drug test under this Regulation shall not be a ground for expulsion or any disciplinary action against the student and should not be reflected in any and all academic records. Under no circumstances shall the results be used to incriminate any student for further legal action which may result to administrative/civil/criminal liabilities.

Likewise, consistent with the requirements of confidentiality, the results of the drug test conducted pursuant to this Ordinance shall not be used as evidence in any court, or tribunal where the subject student stands to be accused of any crime or felony, and for any other purpose.

- g. The student shall then undergo the prescribed intervention program under the supervision of the DOH-accredited facility or physician, or private practitioners, or social worker, in consultation with the parent. Such process of observation and counselling shall be done in coordination with the Drug Counselor of the School/Institution.
- h. If the student shows no signs of improvement, recovery or fails the drug test the second time, the DOH-accredited facility of physician may make recommendation to the student, parent, and Drug Test Coordinator to have the student referred to a DOH-accredited facility suited to the student's level of dependency. If another drug testing is conducted for another period on the same student population, and the student is found positive the second time, the school/institution shall proceed in accordance with Section 61 of R.A. No. 9165.
- i. If the parents refused to act, the school/institution shall proceed in accordance with Sec 61 of R.A. No. 9165 without prejudice to the provision of Section 73 of R.A. No. 9165.

SECTION 5. TRAINING OF GUIDANCE COUNSELORS – The Quezon City Anti-Drug Abuse Advisory Council (QCADAAC), Quezon City Schools Division Office/Head of the Institution, the Philippine Drug Enforcement Agency (PDEA) and Dangerous Drugs Board (DDB), in coordination with each other, shall formulate and conduct the training program for guidance counsellors for the purpose of enhancing their skills in handling drug abuse prevention programs and handling drug dependency cases. The school/institution guidance counsellors and other qualified medical personnel shall be encouraged to undergo DOH accreditation.

SECTION 6. ENFORCEMENT OF COMPLIANCE – Students who refused to undergo random drug testing shall be dealt with in accordance with the rules and regulations of the schools/institution; provided that, in no case that a refusal to undergo testing shall give rise to a presumption of drug use or dependency; provided further that the school/institution may implement intervention on such refusal other than the offense of drug use or dependency. Interventions should be consistent with the provisions of this Ordinance and its guiding principles.

Schools/institutions that refuse to implement the random drug testing program shall be liable under Section 32 of Republic Act No. 9165 without prejudice to other administrative sanctions imposed by the Schools Division Office/Head of the Institution. The Schools Division Office /Head of the Institutions shall report the same to the Quezon City Anti-Drugs Abuse Advisory Council (QCADAAC), which will inform the Philippine Drug Enforcement Agency (PDEA) and the Dangerous Drugs Board (DDB).

The Schools Division Office/Head of the Institutions should encourage institutionalization of Drug Testing activities in schools/institutions concerned over-and-above the random drug testing program conducted by the Government. The Schools Division Office/Head of the Institutions and the Quezon City Anti-Drugs Abuse Advisory Council (QCADAAC) should help build up capacities of schools/institutions to achieve competencies and self-reliance on random drug testing. Schools /Institutions



who initiated the conduct of similar drug testing activities shall submit reports to the Schools Division Office and the Quezon City Anti-Drug Abuse Advisory Council (QCADAAC) for proper accreditation of Department of Health (DOH).




SECTION 7. IMPLEMENTING GUIDELINES – The Quezon City Anti-Drug Abuse Advisory Council (QCADAAC) and the Schools Division Office/Head of the Institutions shall jointly formulate and issue within ninety (90) days after the approval of this ordinance, the necessary implementing guidelines.

SECTION 8. APPROPRIATIONS – The amount of Four Million Pesos (P4,000,000.00) is hereby appropriated to be taken initially from any available funds from the City Treasury. Thereafter, the appropriation shall be included in the annual budget of the Quezon City Anti-Drug Abuse Advisory Council (QCADAAC).

SECTION 9. SUPPLEMENTARY EFFECT OF OTHER LAWS AND DECREES – The provisions of this Ordinance shall be without prejudice to the application of other Laws, Presidential Decrees, Letter of Instructions and other Executive or Administrative Orders vesting National Agencies with jurisdiction over specific land areas, which shall remain in force and effect, provided that those are consistent with the purpose of this Ordinance.


SECTION 10. REPEALING CLAUSE – All Ordinances, Rules and Regulations, or parts thereof, in conflict with, or inconsistent with any of provisions of this Ordinance are hereby repealed or amended accordingly.

SECTION 11. SEPARABILITY CLAUSE – If any provision, section or part of this Ordinance is declared unconstitutional by a court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections or parts which shall continue to be in force and effect.

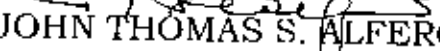
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SECTION 12. *EFFECTIVITY* - This Ordinance shall take effect ten (10) days after its publication in a newspaper of general circulation and posted in at least three (3) conspicuous places in Quezon City, in compliance with Section 59, Chapter 3, Title II, Book 1 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, as amended.

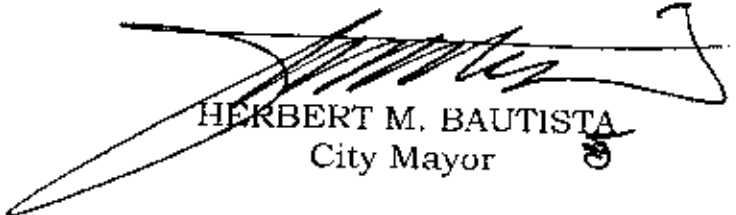
ENACTED: August 22, 2017.


MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:

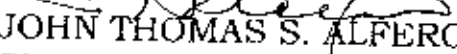

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 03 OCT 2017


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on August 22, 2017 and was PASSED on Third/Final Reading on September 4, 2017.


Atty. JOHN THOMAS S. ALFEROS III
/ City Gov't. Asst. Dept. Head III

