



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City Government of Pasig

Ordinance No. 37
Series of 2023

AN ORDINANCE AMENDING ORDINANCE NO. 13, SERIES OF 2016, "AN ORDINANCE PROMOTING A DRUG-FREE WORKPLACE IN THE CITY OF PASIG PROVIDING SANCTIONS THEREOF, AND FOR OTHER PURPOSES.

Author: Councilor Mark Gil M. Delos Santos

WHEREAS, Section 2 of Republic Act. 9165, otherwise known as the Comprehensive Dangerous Act of 2002, states that the State shall safeguard the "well-being of its citizenry from the harmful effects of dangerous drugs on their physical and mental well-being";

WHEREAS, Sec. 36 (d), Article III of the said law provides that officers and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo a random drug test, which shall be borne by the employer, for purposes of reducing the risk in the workplace. Anyone found positive for use of dangerous drugs shall be dealt with administratively which shall be a ground for suspension or termination, subject to the pertinent provisions of the Civil Service Law;

WHEREAS, the Dangerous Drugs Board (DDB) has issued 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);

WHEREAS, in 2016, the Local Government Unit of Pasig City, in support of the said Guidelines for a Drug-Free Workplace Program of the DDB, adopted the said program by enacting Ordinance No. 13, Series of 2016, which promoted a drug-free workplace in the City of Pasig and mandates the conduct of random drug testing to all personnel regardless of the status of appointment;

WHEREAS, on April 19, 2017, Memorandum Circular No. 13, s. 2017 (Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and Other Purposes) was issued by the Civil Service Commission mandating pre-employment drug testing as a requirement for initial entry into government, and subsequent drug testing of public officials and employees;

WHEREAS, on August 30, 2018, the DDB issued Board Regulation No. 13, s. 2018 (Establishment and Institutionalization of Drug-Free Workplace Policies in all Government Offices, Including the Conduct of Authorized Drug Testing for Elective Local Officials and Appointive Public Officers and other purposes);





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WHEREAS, government officials and employees who are found positive for dangerous drug use will be subject to disciplinary sanctions and administrative liabilities and remedies;

WHEREAS, the honor, dignity, and integrity of the Local Government Unit of Pasig City and the effectiveness and efficiency of the officials and employees thereof would be severely affected by the danger of drug abuse;

WHEREAS, in the interest of justice and fair play, the Local Government Unit of Pasig City in the implementation of the "Drug-Free Workplace Program" shall amend the Ordinance in harmony with the existing national laws, rules, and regulations;

NOW, THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, BY THE SANGGUNIANG PANGLUNGSOD OF PASIG, in session duly assembled that:

Section 1. TITLE- This Ordinance shall be known as "Policy on Drug-Free Workplace in the City Government of Pasig".

Section 2. OBJECTIVES – This Ordinance aims to:

- a. To ensure that the City Government of Pasig remains a drug-free workplace by requiring drug testing as part of the pre-employment requirements, and conducting random mandatory drug testing among its employees as part of the Annual Physical Examination;
- b. To detect the use of dangerous drugs among Pasig City employees and provide appropriate medical intervention (Drug Dependency Examination) and impose administrative sanctions;
- c. To serve as a deterrent to the use and abuse of dangerous drugs among Pasig City officials and employees and enhance awareness of their adverse effects through information and dissemination campaigns; and
- d. To maximize the potential and productivity of Pasig City employees by maintaining and promoting a drug-free workplace.

Section 3. DEFINITION OF TERMS - The following terms as used in this Ordinance shall mean:

- a. **Area** - refers to the Pasig City Hall designated drug testing area.





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- b. *Contract of Service/Job Order* - refers to employment covered by a contract about lump sum work or services such as janitorial, security, or consultancy services where no employer-employee relationship exists; piece work or intermittent job of short duration not exceeding six months daily; all of which are not covered by Civil Service law, rules, and regulations, but covered by COA rules; and the public officials and employees involved do not enjoy the benefits received by government employees, including but not limited to, personal economic relief allowance, cost of living allowance, and representation and travel allowance.
- c. *Challenge test* - A drug test conducted as a result of a challenge filed by a public official or employee who tested positive for drug use in a confirmatory test.
- d. *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 some time long enough to threaten the quality of life or health and safety of the user or others.
- e. *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.
- f. *Custody and Control Form (CCF)* - A Department of Health (DOH) approved form used to document the specimen's collection, transport, security, and test results.
- g. *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 the said list by the DDB, by Section 93 of R.A. No. 9165.
- h. *Drug Dependency Examination* - 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.
- i. *Drug Test* - the process undertaken to determine the presence of dangerous drugs in a person's system, including both screening tests and confirmatory tests.



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- j. *Employee* - refers to all officials, employees, and personnel of Pasig City Hall regardless of the status of appointment.
- k. *Experimenter* - a person whose drug use began through exploration with limited exposure and no development of regular use or any related harm.
- l. *Cause Testing* - Random drug tests that may be conducted when there is a reasonable ground to believe that the official or employee is under the influence of drugs.
- m. *Occasional* - user is a person who indulges in drug use to create or enhance the experience in any social setting.
- n. *Preventive Intervention* - refers to the prevention of accidents, Health Issues, absenteeism, and court litigation.
- o. *Random drug test* - refers to the mandatory, methodical, and unannounced conduct of drug tests using appropriate scientific random sampling techniques based on time, area, and/ or subjects, with each employee having an equal probability of being selected for testing.
- p. *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 with his/ her capabilities and potentials, and become a law-abiding and productive member of the community.
- q. *Screening test* - a rapid test performed to establish potential or presumptive positive results and conducted for the determination of the type of drug(s) used by the subject.

Section 4. COVERAGE - These guidelines shall cover: (1) all officials and employees of the City Government of Pasig; and (2) all other workers detailed or working in the City Government of Pasig without distinction as to rank status.

Section 5. IMPLEMENTING PROCEDURES - There shall be a Drug-Free Workplace Committee at the City Government of Pasig and in each Barangay Government Office with the following composition:



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1. The City Mayor or his Representative;
2. The Chairperson of the Pasig City Anti-Drug Abuse Office;
3. Head of the Human Resource Development Office or his/her Representative;
4. Head of the City Health Office or his Representative; and
5. The President of the Liga ng mga Barangay.

I. The Committee will have the following duties and responsibilities:

- a. To oversee the formulation and implementation of the drug abuse policy a program of the workplace,
- b. Initiate continuing education and awareness program on dangerous drugs for the employees; and
- c. Plan and supervise the drug testing program for employees.

II. The Committee shall create an Assessment Team composed of personnel with education and training backgrounds in medicine, psychology, social work, and human resources administration. The team shall assist in the conduct of substance abuse awareness and prevention programs. The agency or local government unit shall ensure that members of the Team undergo regular training.

Section 6. DRUG TESTING FOR OFFICIALS AND EMPLOYEES - Drug testing shall remain a requirement for initial entry to government service in the Local Government Unit of Pasig City. For this purpose, the City Government of Pasig reserves the right to require the applicant to undergo a drug test anew in a government-accredited drug testing laboratory of the LGU's own choice and to submit the result thereof should the City Government of Pasig finds that reasonable ground exists to disregard the earlier drug test result. Any applicant found positive for drug use shall be denied entry to government service.

I. When to conduct mandatory drug testing:

- a. Pre-employment;
- b. Persons in high-risk/top decision-making positions;
- c. History of drug use;
- d. Involvement in accidents;
- e. Discovery of dangerous drug paraphernalia;
- f. Detention by police or filing of charges in court for drug-related causes;
- g. As a requirement for promotion; and
- h. Employees are to work after rehabilitation in a treatment and rehabilitation center.





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II. Conduct of Random Drug Test

Random drug testing shall be conducted on selected employees without prior notice of the date and place of the drug test or for "cause" or "probable cause" or when there is a reasonable ground to believe that a random test is necessary such as:

- a. Frequent unauthorized absences, repeated tardiness, and truancy on the job.
- b. Personal appearance – slurred speech, bloodshot eyes, drastic change in appearance.
- c. Mental factor – hot-headedness, irritability, increase difficulty in handling assignments.
- d. General performance – missed deadlines, low productivity, increased wastage, public complaints, frequent accidents, carelessness.
- e. Peer relations – isolation, frequent quarrels with officemates/co-workers, heavy money borrowing, frequent mood swings.

Section 7. MECHANICS FOR THE IMPLEMENTATION OF THE DRUG PREVENTION PROGRAM -

1. The Pasig City Anti-Drug Abuse Office (PCADAO) will oversee the conduct of the mandatory drug test for the officials, employees, and personnel of the City Government of Pasig, tapping for this purpose the assistance and expertise of The Pasig City Drug Testing Laboratory, PCGH Drug Testing Laboratory and Pasig City Out-Patient Center for Drug Abusers all DOH Accredited health facilities under the Pasig City Health Department (CHD) and Human Resource Development Office (HRDO).
2. PCADAO will refer to the rehabilitation center operated by the DOH and the LGU employees (1) who voluntarily admit without undergoing the Screening Test that he or she uses dangerous drugs, (2) who fail the drug test without challenging the result thereof;
3. The HRDO will evaluate the validity and reasonableness of the ground(s) for the refusal or failure of selected employees to undergo the required drug test.
4. The Pasig Out-Patient Center for Drug Abuse (POPCDA) and the Pasig City Drug Testing Laboratory (PCDTL) will Evaluate the fitness of an employee to return to work after having undergone rehabilitation based on medical findings and recommendations;



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5. The POPCDA under the City Health Department will keep the results and all other data gathered in connection therewith with confidentiality unless it is mandated by the court.
6. Act on all concerns that may arise in connection with the actual conduct of the mandatory drug test; and
7. Coordinate with the Office of the City Mayor in gathering and receiving information and other relevant data relative to drug use in the court.

Section 8. INITIAL AND SUBSEQUENT DRUG TESTING OF PASIG CITY HALL OFFICIALS, EMPLOYEES, AND PERSONNEL - Within six (6) months from the effectivity of these guidelines, all departments of the local government unit of Pasig shall conduct a mandatory, random, and **suspicion less** drug testing of their incumbent personnel as a condition for retention in government work/service.

The frequency of subsequent random drug tests shall be prescribed by the concerned department taking into consideration, among others, the number of personnel, nature of work being discharged, funding, and other logistics. "For cause testing", or another form of random drug testing may also be initiated by the concerned department or office at any time it feels that an employee is under the influence of drugs. (Indicators may be added as reasonable grounds to suspect that an employee is using drugs). And Subsequent mandatory screening drug testing shall be included in the Annual physical examination of all Pasig City Hall Employees.

- a. Pasig City Drug Testing Laboratory and PCGH Drug Testing Laboratory both DOH Accredited shall conduct the screening drug test by the procedures set forth by the DOH and DDB.
- b. Pasig City public officials/employees/personnel will fill up and sign a chain of custody form issued to them.
- c. The specimen bottles must be properly labeled and taking of specimen samples for screening tests must be done in an area where manipulation (e.g. adding of water) is not possible.
- d. Specimen samples found positive in the screening test shall be submitted for confirmatory testing within the same day.



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A positive drug test result from the confirmatory test shall immediately be made known to the Head of the office, or to the person designated by the Head of the office, who shall then notify the concerned personnel. Said personnel shall have fifteen (15) days from receipt of notice to challenge the result of the confirmatory test. The challenge test shall be conducted, using the same specimen, by a government drug testing laboratory or by a drug testing laboratory duly authorized accredited by the DOH. Failure to file a challenge within the prescribed period shall make the positive drug test result from the confirmatory test final and the office/agency shall then take the appropriate action as provided in the succeeding section.

A positive drug test result from the challenge test is deemed final and the personnel shall be immediately subjected to the provisions in the succeeding section.

The drug test result shall be attached to the 201 files of the personnel. All drug test results and records must strictly be held confidential as provided for under the pertinent provisions of R.A. No. 9165.

No further action is needed when the result is negative. The Drug Test Certificate is good for one (1) year and can be used for other purposes.

Section 9. INTERVENTIONS –

A. Pasig City Officials and Employees who are found confirmed positive for dangerous drugs after undergoing screening drug tests shall be endorsed to POPCDA for further evaluation and management and will be subjected to the following treatment and rehabilitation program according to their level of dependence by the Department of Health Protocol.

1. Mild Drug Dependent– Regular Out-patient Program for a minimum of six (6) months.
2. Moderate Drug Dependent – Intensive Out-patient Program for a minimum of six (6) months
3. Severe Drug Dependent– Inpatient Rehabilitation for a minimum period of six (6) months in a government rehabilitation center

B. As proof of successful completion of the intervention program, the concerned Officials and Employees assessed as Experimenter or Occasional Users shall secure a certification of completion issued by the POPCDA.



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C. Any Official and Employee found to be a Chronic User/Drug Dependent, based on the results of the Drug Dependency Examination, and who will undergo a mandatory rehabilitation program for a minimum period of six (6) months shall be charged to sick leave with pay for the entire period of his/her rehabilitation. Upon exhaustion of all leave credits earned (SL & VL), the employee concerned shall be on (sick) leave without pay.

The Officials and Employees through the PCADAO shall undertake the processing of his/her admission to a rehabilitation center by the provisions of R.A. No. 9165 and existing rules of DDB.

Pasig City LGU shall shoulder the expenses of his/her rehabilitation. Such reach rehabilitation shall commence within fifteen (15) days from the receipt of drug dependency examination results to give way to the processing of the necessary clearances.

The concerned Officials, Employees, and Personnel shall secure a certificate of completion of his/her rehabilitation program and clearance from his/her attending physician that he/she has been successfully rehabilitated and is now fit to return to work. The personnel shall not be allowed to report back to work without submitting first the said certification and clearance to his/her agency.

D. Contract of Service/Job Order Personnel – Personnel who are found positive for dangerous drugs after the challenge test or after unchallenged confirmatory drug test result, and after failing to undergo mandatory treatment shall not be terminated after the notice. Nevertheless, the Contract of Service/Job Order Personnel concerned shall be advised of Administrative Liabilities.

Section 10. EMPLOYEE ASSISTANCE PROGRAM

I. The Committee shall provide any of the following services:

- a. Counseling Services
- b. Stress Debriefing Activities
- c. Referral for treatment and rehabilitation
- d. Financial Support, when indicated

III. If an official or employee is found positive for drug abuse, the committee shall refer the employee to a DOH-accredited physician for evaluation. Upon the recommendation of the accredited physician, the staff shall undergo treatment/rehabilitation in a DOH-accredited rehabilitation center. Necessary support shall be extended to the employee based on the assessment of the HRDO, e.g., granting of official leave, counseling to employees' families, financial assistance, etc.



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Section 11. ADMINISTRATIVE LIABILITY-

A. Pasig City Government Officials, Employees, and Personnel incur liability in the following instances:

- a. Officials and Employees found to have used dangerous Drugs during the prescribed period of their intervention or rehabilitation shall be charged with the administrative offense of Grave Misconduct.
 - b. Officials and Employees who are not issued a certificate of completion (in case of Experimenter and occasional user) for a certificate of completion with clearance (in the case of chronic user/drug dependent), shall be charged with the administrative offense of Grave Misconduct.
 - c. Officials and Employees who, after being tested positive for drug use, shall refuse to undergo treatment or rehabilitation, or fail to complete his/her treatment or rehabilitation program, shall be charged with the administrative offense of Grave Misconduct.
- The charge of grave misconduct shall be grounded on the fact that said public official or employee tested positive for drug use and not on his/her refusal to undergo for failure to complete his/her treatment.
- d. Any Pasig City Government employee who refuses, without any valid reason, to submit himself/herself for drug testing shall be charged with the administrative offense of Gross Insubordination.
 - e. Official and Employees, who, for the second time have tested positive in a random drug test after completion of his/her treatment and/or rehabilitation program or shall be found to have these dangerous drugs during the prescribed period of intervention or rehabilitation, shall be charged with the administrative offense of Grave Misconduct.
 - f. Officials and Employees found to have tampered with the results of a drug test or interfered in the conduct of the drug test for in the release of drug test results shall be charged with the administrative offense of Grave Misconduct.
 - g. Officials and Employees hot using or peddling drugs shall be charged with the administrative offense of Grave Misconduct without prejudice to the filing of appropriate criminal charge/s under R.A. No. 9165 and other pertinent laws.

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B. Contract of Service/Job Order Personnel

Contract of service or job order personnel who are found positive and dangerous drugs at the first instant after the challenge test, or after drug test result from a confirmatory test should the concerned personnel fail to challenge the said result, and after failing to undergo mentor treatment shall be terminated after due notice.

Section 12. RESPONSIBILITIES OF THE EMPLOYEES AND THE OFFICIALS – The officials and employees shall have the following responsibilities:

1. All officials or employees must never possess and/or use dangerous drugs and other substances of abuse.
2. All officials or employees must not directly or indirectly sell, give, provide, or administer any dangerous drugs and/or other substance of abuse to his/her co-employees or others and/or commit or abet/aid in the commission of any unlawful acts penalized under R.A. No. 9165.
3. All officials or employees must faithfully abide by the terms of this Ordinance as a condition for their continued employment.
4. The officials or employees must voluntarily seek treatment and rehabilitation if they have problems related to dangerous drugs.
5. The officials and employees must advocate against drug abuse.
6. The officials and employees must help maintain a drug-free workplace.

Section 13. FUNDING – expenses for the conduct of the random drug testing shall be taken from any of the City Health Department Revenue.

Section 14. SEPARABILITY CLAUSE – If, for any reason, any part or provision of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 15. REPEALING CLAUSE – All previous Ordinance and rules/regulations which are inconsistent with the provisions of this Ordinance are hereby deemed, modified or repealed accordingly.





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Section 16. EFFECTIVITY – this ordinance shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and after posting copies in conspicuous locations within Pasig City for a period of fifteen (15) days.

APPROVED, this 7th day of **June 2023** in the City of Pasig.


HON. RAYMUND FRANCIS S. RUSTIA
City Councilor


HON. CORAZON M. RAYMUNDO
City Councilor


HON. SIMON GERARD R. TANTOCO
City Councilor


HON. SYVEL ASILO-GUPILAN
City Councilor


HON. PAUL ROMAN C. SANTIAGO
City Councilor


HON. NOEL L. AGUSTIN
City Councilor


HON. RODERICK MARIO U. GONZALES
City Councilor


HON. QUIN A. CRUZ
City Councilor


HON. REGINO S. BALDERRAMA
City Councilor


HON. MARION ROSALIO M. MARTIRES
City Councilor


HON. RIGOR J. ENRIQUEZ
LIGA President


HON. GEORGIA LYNNE P. CLEMENTE
SK Fed. President


HON. MARIA LUISA "ANGELU" M. DE LEON
City Councilor
Minority Floor Leader





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HON. MARK GIL M. DELOS SANTOS
City Councilor
Majority Floor Leader

Attested by:

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HON. ROBERT VINCENT JUDE B. JAWORSKI, JR.
City Vice-Mayor
Presiding Officer

APPROVED:

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HON. VICTOR MA. REGIS N. SOTTO
City Mayor

Attested by:

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ATTY. NICOLO JOEL B. GUTIERREZ
Acting City Council Secretary

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