



# **2017 Drug Testing of the Officials, Employees, and Students of Eastern Visayas State University**

**(EVSU-2017 DTOES)  
MANUAL**

Approved per Board Resolution  
No. 33, s. 2018 on March 21, 2018  
by the EVSU Board of Regents.



**2017 Drug Testing of the Officials, Employees and  
Students of the Eastern Visayas State University  
(EVSU-2017 DTOES) Manual**

**ISBN: 978-621-8102-01-9**  
*(Approved per BOR Reso. No. 33, s. 2018)*

## Preface

This 2017 Drug Testing of the Officials, Employees and Students of the Eastern Visayas State University (EVSU-2017 DOTES) Manual is comprehensively crafted with the ultimate goal of making it consistent with and contributory to the proper, effective and efficient implementation of policies mandated under paragraph 2, Section 5 of Article XIV of the 1987 Philippine Constitution, Executive Order (E.O) No. 292, Section 7 of R.A. No. 9311, Section 4 of R.A. No. 8292 and its IRR, Section 13 of Batas Pambansa No. 232, Republic Act No. 9615, DDB Board Regulation No. 6, s. 2003 promulgated August 1, 2003, DDB Board Regulation No. 3, s. 2009 promulgated on June 3, 2009, CSC Resolution No. 1700653 promulgated on March 15, 2017 and circularized per MC No. 13, s. 2017 dated April 19, 2017, CSC Resolution No. 101359 promulgated on July 6, 2010 and circularized pursuant to MC No. 13, s. 2010, CHED Commission *En Banc* Resolution No. 539-2017 promulgated on July 18 2017 and implemented pursuant CHED Memorandum Order No. 64, s. 2017 dated August 2, 2017, Section 687.45, Article 163 of the 2017 Revised University Code and such related laws, rules and regulations promulgated by the President of the Philippines, Congress of the Philippines, Civil Service Commission, Dangerous Drugs Board (DDB), Philippine Drugs Enforcement Agency (PDEA), Department of Budget and Management, Commission on Higher Education, Commission on Audit and such government agencies concerned including the jurisprudence or doctrines enunciated by the Supreme Court of the Philippines.

The EVSU-2017 DOTES Manual is organized according to the relevance and similarity of the provisions, and is comprised of 6 Chapters, 29 Articles and 81 Sections to properly guide all officials, employees and students of the University relative to the processes and requirements in conducting and administering the mandatory drug testing in the University.

This Manual clearly embodies the noble resolve of the EVSU Board of Regents that illegal drug use, production, sale, peddling and other similar activities has no place and will not be tolerated regardless of volume and circumstances within the University as its potent contributions in giving true meaning and flesh as well as in achieving the strong tenacity and thrust of the national government under the leadership of President Rodrigo Roa Duterte in illuminating the proliferation of illegal drugs and giving better hope and lives to the victims in various parts of the country.

Indeed, this EVSU-2017 DOTES Manual guarantees that the rights and privileges of the officials, employees and students are respected and protected at all times in the same vein that any consequence/s of their individual or collective act/s or involvement to whatever extent in illegal drug use, production, sale, peddling and other similar activities will be dealt with accordingly within the spirit and intents of constitutionally and statutorily guaranteed due process and equal protection of law.

### **BY THE AUTHORITY OF THE EVSU BOARD OF REGENTS:**

**DOMINADOR O. AGUIRRE, JR., D.M.**  
*University President III*  
*Vice Chairperson, EVSU Board of Regents*  
*Chairperson, EVSU- Administrative Council*

**J. PROSPERO E. DE VERA III, D.P.A.**  
*Commissioner and Officer-in-Charge*  
*Commission on Higher Education*  
*Chairperson and Presiding Officer*  
*EVSU Board of Regents*



Republic of the Philippines  
**EASTERN VISAYAS STATE UNIVERSITY**  
Tacloban City

**BOARD OF REGENTS**

**Board Resolution No. 33**

*Series of 2018*

**RESOLUTION APPROVING/ADOPTING THE 2017 DRUG TESTING FOR OFFICIALS, EMPLOYEES AND STUDENTS OF EASTERN VISAYAS STATE UNIVERSITY MANUAL OR THE EVSU-2017 DTOES MANUAL (COPY HERETO ATTACHED AS INTEGRAL PART HEREOF), EFFECTIVE IMMEDIATELY UPON APPROVAL, AND APPLICABLE LAWS, RULES AND REGULATIONS**

Adopted this 21<sup>st</sup> day of March 2018 pursuant to Board Resolution No. 33, s. 2018 approved during the 74<sup>th</sup> Regular Board Meeting (First Quarter, CY 2018) held at the at the Commission on Higher Education, Conference Room, 4<sup>th</sup> Floor, Higher Education Development Center Building, C.P. Garcia Ave., UP Campus, Diliman, Quezon City.

**J. PROSPERO E. DE VERA III, D.P.A.**

*CHED Commissioner  
Chair, EVSU Board of Regents*

**DOMINADOR O. AGUIRRE, JR., D.M.**

*University President III  
Vice Chair, EVSU Board of Regents*

**FRANCIS JOSEPH G. ESCUDERO**

*Chair, Committee on Education  
Senate of the Philippines*

**Member**

*Represented by:*

**FRANCES ANN BASILIO PETILLA**

**EDGARDO M. ESPERANCILLA, CESO II**

*Regional Director, DOST-Region VIII*

**Member**

**ROGELIO D. BASAS**

*President, Federation of EVSU Faculty  
Association, Inc.*

**Member**

**RAUL S. SOLIVA**

*President, Federation of Alumni Associations  
of EVSU, Inc.*

**Member**

**DANIEL A. ARIASO SR., CESO II**

*Private Sector Representative*

**Member**

**ANN K. HOFER**

*Chair, Committee on Higher & Technical Education  
House of Representatives*

**Member**

*Represented by:*

**FLORENCIO "BEM" GABRIEL NOEL**

**BONIFACIO G. UY, CESO IV**

*Regional Director, NEDA-Region VIII*

**Member**

**MICHAEL L. MUZONES**

*President, Federation of Supreme Student  
Governments of EVSU*

**Member**

**PACIENTE A. CORDERO, JR., D.Sc.**

*Private Sector Representative*

**Member**

*Certified Correct:*

**ANALYN C. ESPAÑO, M.A.**

*Board/University Secretary*



Republic of the Philippines  
**EASTERN VISAYAS STATE UNIVERSITY**  
Tacloban City

**BOARD OF REGENTS**  
**Board Committee on Finance**

**FOR: THE HONORABLE CHAIR AND MEMBERS**  
*EVSU Board of Regents, Tacloban City*

**THRU: DR. DOMINADOR O. AGUIRRE, JR.**  
*University President III*

**SUBJECT: Committee Report**

**FROM: Board Committee on Finance**

=====

The Board Committee on Finance, to which the **2017 Drug Testing of the Officials, Employees and Students of Eastern Visayas State University Manual** or the **EVSU-2017 DTOES Manual** (*copy hereto attached as integral part hereof*) has been referred to for further review and evaluation, and after presentation by the Board Committee on Draft Writing and Review of Policies and Rules (*formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees*) Chaired by Regent Daniel A. Ariaso Sr., hereby respectfully submits its findings and recommendations, to wit:

1. The provisions of the subject **EVSU-2017 DTOES Manual** were found to be consistent and compliant to applicable laws, rules and regulations; and
2. The Committee strongly recommends for the immediate approval/adoption and implementation of the said **EVSU-2017 DTOES Manual**.

**Adopted** this 3<sup>rd</sup> day of December 2017 during the Committee Meeting held at Office of the Regional Director, DOST-Regional Office No. VIII, Candahug, Palo, Leyte.

**BONIFACIO G. UY, CESO IV**  
*Regional Director, NEDA-Region VIII/Member, EVSU Board of Regents  
Committee Chair & Presiding Officer*

**DOMINADOR O. AGUIRRE, JR., D.M.**  
*University President III  
Vice Chair, EVSU Board of Regents  
Committee Vice Chair*

**EDGARDO M. ESPERANCILLA, CESO II**  
*Regional Director, DOST-Region VIII  
Member, EVSU Board of Regents  
Member, Board Committee*

**ROGELIO D. BASAS**

President, Federation of EVSU Faculty  
Association, Inc.  
*Member, Board Committee*

**MICHAEL L. MUZONES**

President, Federation of Student  
Governments of EVSU  
*Member, Board Committee*

Certified Correct:

**ANALYN C. ESPAÑO, M.A.**  
*Associate Professor III*  
**Board/University Secretary**  
*Committee Secretary*



Republic of the Philippines  
**EASTERN VISAYAS STATE UNIVERSITY**  
Tacloban City

**BOARD OF REGENTS**

**Board Committee on Academic and Administration**

**FOR: THE HONORABLE CHAIR AND MEMBERS**  
*EVSU Board of Regents, Tacloban City*

**THRU: DR. DOMINADOR O. AGUIRRE, JR.**  
*University President III*

**SUBJECT: Committee Report**

**FROM: Board Committee on Academic and Administration**

=====

The Board Committee on Academic and Administration, to which the **2017 Drug Testing of the Officials, Employees and Students of Eastern Visayas State University Manual** or the **EVSU-2017 DTOES Manual** (*copy hereto attached as integral part hereof*) has been referred to for further review and evaluation, and after presentation by the Board Committee on Draft Writing and Review of Policies and Rules (*formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees*) Chaired by Regent Daniel A. Ariaso Sr., hereby respectfully submits its findings and recommendations, to wit:

1. The provisions of the subject **EVSU-2017 DTOES Manual** were found to be consistent and compliant to applicable laws, rules and regulations; and
2. The Committee strongly recommends for the immediate approval/adoption and implementation of the said **EVSU-2017 DTOES Manual**.

**Adopted** this 3<sup>rd</sup> day of December 2017 during the Committee Meeting held at Office of the Regional Director, DOST-Regional Office No. VIII, Candahug, Palo, Leyte.

**EDGARDO M. ESPERANCILLA, CESO II**  
*Regional Director, DOST-Region VIII/Member, EVSU Board of Regents*  
*Committee Chair & Presiding Officer*

**DOMINADOR O. AGUIRRE, JR., D.M.**  
*University President III*  
*Vice Chair, EVSU Board of Regents*  
*Committee Vice Chair*

**BONIFACIO G. UY, CESO IV**  
*Regional Director, NEDA-Region VIII*  
*Member, EVSU-Board of Regents*  
*Member, Board Committee*

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President, Federation of Student  
Governments of EVSU  
*Member, Board Committee*

Certified Correct:

**ANALYN C. ESPAÑO, M.A.**

*Associate Professor III*  
**Board/University Secretary**  
*Committee Secretary*





Republic of the Philippines  
**EASTERN VISAYAS STATE UNIVERSITY**  
Tacloban City

**BOARD OF REGENTS**

**Board Committee on Draft Writing and Review of Policies and Rules (PWRPR)**  
**(formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students and Employees)**

**FOR: THE HONORABLE CHAIR AND MEMBERS**  
*EVSU Board of Regents, Tacloban City*

**THRU: DR. DOMINADOR O. AGUIRRE, JR.**  
*University President III*

**SUBJECT: Committee Report No. 8, s. 2018**

**FROM: Board Committee on Draft Writing and Review of Policies and Rules (formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees)**

=====

The Board Committee on Draft Writing and Review of Policies and Rules (formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees), to which the **2017 Drug Testing of the Officials, Employees and Students of Eastern Visayas State University Manual** or the **EVSU-2017 DTOES Manual** (copy hereto attached as integral part hereof) has been referred to for drafting, study, review and evaluation, hereby submit its report and recommendations, to wit:

1. The draft **EVSU-2017 DTOES Manual** has been submitted to and discussed with the stakeholders or sectors on the schedules and venues, as follows:

1.1. **Stakeholders' Consultations and Committee Meetings:**

Dates	Time	Campuses	Number of Participants
May 18, 2017	9:00AM-12:30PM	EVSU Tanauan Campus	26
May 24, 2017	9:00AM-3:00PM	EVSU Ormoc Campus	53
May 27, 2017	9:00AM-3:00PM	EVSU Main campus	90
June 8, 2017	8:20AM-12:20PM	EVSU Tanauan Campus	70
June 9, 2017	9:00AM-12:30PM	EVSU Carigara Campus	72
June 13, 2017	8:00AM-12:00NN	EVSU Main Campus	35
June 24, 2017	9:30AM-5:30PM	EVSU Main Campus	140
June 28, 2017	8:00AM-10:00AM	EVSU Burauen Campus	26
	11:00AM-2:00PM	EVSU Carigara Campus	39
	3:00PM-6:00PM	EVSU Ormoc Campus	86

August 23, 2017	3:00PM-5:00PM	EVSU Main Campus	74
September 6, 2017	8:00AM-10:00AM	EVSU Main Campus	78
November 2, 2017	8:00AM-12:00NN	EVSU Main Campus	46
	11:00AM-1:00PM	EVSU Burauen Campus	47
	3:30PM-5:30PM	EVSU Carigara Campus	49
November 3, 2017	8:00AM-5:00PM	EVSU Ormoc Campus	76
November 4, 2017	8:30AM-4:00PM	EVSU Main Campus	67

**1.2. Sectoral Focus Group Discussions (FGD) and Committee Meetings:**

Sector/s	Dates	Time	Venue	Number of Participants
Student	August 22, 2017	9:00AM-12:00NN	Executive House, EVSU Main Campus	88
Vice Presidents, College Deans, Campus Directors	August 22, 2017	1:30PM-4:00PM	Executive House, EVSU Main Campus	68
Academic Department Heads, Non-Teaching Personnel	September 6, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	70
Alumni and Industry	August 22, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	30
Students and Parents	August 22, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	49
	September 6, 2017	8:00AM-12:00NN	Graduate School, Function Room, EVSU Main Campus	35

The participants in the foregoing activities were selected by their respective officials or associations' officers, as the case may be.

2. The draft of the **EVSU-2017 DTOES Manual** was submitted to the Eastern Visayas Regional Offices of CHED, CSC and PDEA and the DDB-National Office for evaluation pursuant to the provisions of pertinent laws, rules and regulations;
3. The draft of the **EVSU-2017 DTOES Manual** was published in the EVSU website for wide dissemination to and solicitation of inputs, comments and refinements to thereof;
4. The Committee presented the foregoing draft Manual to the EVSU BOR during its 73<sup>rd</sup> Regular (Fourth Quarter) Board Meeting, held on December 8, 2017 at Granda Manor, Juan Luna cor. Gomez St., Tacloban City, with the following manifestations:
  - 4.1. The draft Manual was endorsed by the EVSU-Administrative Council, and EVSU-Academic Council on November 22, 2017; and

- 4.2. Following the process done by the EVSU BOR to the 2017 Revised University Code<sup>1</sup>, 2017 Program on Awards and Incentives for Service Excellence (PRAISE) System of the University Manual<sup>2</sup> and 2017 Peoples' Freedom of Information of the University Manual<sup>3</sup>, the Committee strongly recommended to give the Regents, officials, faculty members, non-teaching personnel, students and stakeholders to submit their individual or collective comments, inputs to suggestions to the draft Manual and the same be submitted to the Office of the University President and/or University/Board Secretary and to the Committee for consolidation on or before December 31, 2017;
5. In view of the manifestations in item 4 above, the EVSU BOR passed Resolution No. 174, s. 2017 and duly executed by the University President per Memorandum Order No. 12-02, s. 2017 issued on December 11, 2017<sup>4</sup>;
6. Due to a series of a series of tropical storms namely, Urduja, Vinta and Agaton, had struck Eastern Visayas Region from December 18, 2017-January 2, 2018 which limited or prevented the Regents, officials, faculty members, non-teaching personnel and stakeholders from preparing and submitting their individual or collective comments, inputs or suggestions on or before December 31, 2017, the Committee passed Resolution No. 01, s. 2018 on January 4, 2018<sup>5</sup>;
7. The Committee did not receive any opposition to the final draft of the **EVSU-2017 DTOES Manual**, whether in whole or in part/s; and
8. The comments and inputs provided by the Regional Offices of CHED, CSC and PDEA and the DDB-National Office, and submitted individually or collectively by the Board Committee Members, the Regents, officials, faculty members, non-teaching personnel, students and stakeholders were carefully studied, enhanced and integrated to the final and clean copy of the Manual subject to their applicability, except those comments or inputs which the Committee found them irrelevant and inconsistent with the purposes and intents of the Manual as well as existing laws, rules and regulations.

Premises considered, the Committee strongly recommends for the immediate approval/adoption and implementation of the said **EVSU-2017 DTOES Manual**.

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<sup>1</sup> Approved per Board Resolution No. 115, s. 2017 on April 19, 2017 during the 2017 Second Special Board Meeting held at the 5<sup>th</sup> Floor, Conference Room, Ironwood Hotel, P. Burgos St., cor. Juan Luna St., Barangay 34, Tacloban City.

<sup>2</sup> Approved per Board Resolution No. 116, s. 2017 on April 19, 2017.

<sup>3</sup> Approved per Board Resolution No. 118, s. 2017 on April 19, 2017.

<sup>4</sup> "Request for Inputs, Comments, Suggestions and Recommendations to the 2017 Revised University Students' Handbook and Nine (9) Services Manuals."

<sup>5</sup> "Resolution Most Respectfully and Strongly Recommending to the EVSU Board of Regents for the Extension of Submission of Comments, Inputs or Suggestions by the Regents, Faculty Members, Non-Teaching Personnel and Stakeholders to the Ten (10) Service Manuals as Provided Herein from December 31, 2017 to January 15, 2018, and For Other Purposes."

**Adopted** this 3<sup>rd</sup> day of February 2018 during the Committee Meeting held at Executive House, EVSU-Main Campus, Tacloban City.

**DANIEL A. ARIASO SR., MEcon., CESO II**  
*Member, EVSU Board of Regents  
(Private Sector Representative)  
Committee Chair & Presiding Officer*

**DOMINADOR O. AGUIRRE, JR., D.M.**  
*University President III  
Vice Chair, EVSU Board of Regents  
Committee Vice Chair*

**ROGELIO D. BASAS**  
*President, Federation of EVSU Faculty  
Association, Inc.  
Member, Board Committee*

**MICHAEL L. MUZONES**  
*President, Federation of Student Governments of EVSU  
Member, Board Committee*

Certified Correct:

**ANALYN C. ESPAÑO, M.A.**  
*Associate Professor III*  
**Board/University Secretary**  
*Committee Secretary*



Republic of the Philippines  
**EASTERN VISAYAS STATE UNIVERSITY**  
Tacloban City

**ADMINISTRATIVE COUNCIL**

**Resolution No. \_\_\_\_\_**  
*Series of 2017*

**RESOLUTION RECOMMENDING TO THE EVSU BOARD OF REGENTS, THROUGH THE UNIVERSITY PRESIDENT, FOR APPROVAL/ADOPTION OF THE 2017 DRUG TESTING FOR OFFICIALS, EMPLOYEES AND STUDENTS OF EASTERN VISAYAS STATE UNIVERSITY MANUAL OR THE EVSU-2017 DTOES MANUAL (COPY HERETO ATTACHED AS INTEGRAL PART HEREOF), EFFECTIVE IMMEDIATELY UPON APPROVAL, AND APPLICABLE LAWS, RULES AND REGULATIONS**

After presentation by the and thorough discussion by the Members, the EVSU-Administrative Council, on motion of \_\_\_\_\_ duly seconded by \_\_\_\_\_, hereby recommends EVSU Board of Regents, through the University President, for Approval/Adoption of 2017 Drug Testing of the Officials, Employees and Students of Eastern Visayas State University Manual or the EVSU-2017 DTOES Manual (*copy hereto attached as integral part hereof*), effective immediately upon approval, subject to applicable laws, rules and regulations.

Adopted this 22<sup>nd</sup> day of December 2017 during the Council Meeting of the EVSU-Administrative Council held at Office of the University President, EVSU-Main Campus, Tacloban City.

**ATTESTED/APPROVED:**

**DOMINADOR O. AGUIRRE, JR., D.M.**  
*University President III*  
*Chair & Presiding Officer, EVSU-Administrative Council*

Certified Correct:

**ANALYN C. ESPAÑO, M.A.**  
**Board/University Secretary**  
*Secretary, Administrative Council*



Republic of the Philippines  
**EASTERN VISAYAS STATE UNIVERSITY**  
Tacloban City

**ACADEMIC COUNCIL**

**Resolution No. \_\_\_\_\_**  
*Series of 2017*

**RESOLUTION RECOMMENDING TO THE EVSU BOARD OF REGENTS, THROUGH THE UNIVERSITY PRESIDENT, FOR APPROVAL/ADOPTION OF THE 2017 DRUG TESTING FOR OFFICIALS, EMPLOYEES AND STUDENTS OF EASTERN VISAYAS STATE UNIVERSITY MANUAL OR THE EVSU-2017 DTOES MANUAL (COPY HERETO ATTACHED AS INTEGRAL PART HEREOF), EFFECTIVE IMMEDIATELY UPON APPROVAL, AND APPLICABLE LAWS, RULES AND REGULATIONS**

After presentation and thorough discussion by the Members, the EVSU-Academic Council on motion of \_\_\_\_\_ duly seconded by \_\_\_\_\_, hereby recommends EVSU Board of Regents, through the University President, for Approval/Adoption of 2017 Drug Testing of the Officials, Employees and Students of Eastern Visayas State University Manual or the EVSU-2017 DTOES Manual (*copy hereto attached as integral part hereof*), effective immediately upon approval, subject to applicable laws, rules and regulations.

Adopted this 22<sup>nd</sup> day of December 2017 during the Council Meeting of the EVSU-Academic Council held at Office of the University President, EVSU-Main Campus, Tacloban City.

**ATTESTED/APPROVED:**

**DOMINADOR O. AGUIRRE, JR., D.M.**  
*University President III*  
*Chair & Presiding Officer, EVSU-Academic Council*

Certified Correct:

**GREGORIA C. DE LA CRUZ, MAIS**  
*University Registrar III*  
*Secretary, Academic Council*

## **Brief History of the University**

The Eastern Visayas State University had its humble beginnings in 1907, as a part of the Provincial school. It became a separate educational entity in 1915 and was renamed as the Leyte Trade School funded by the Provincial government. In 1953, after thirty-eight years, it was renamed as the National Provincial Trade School by virtue of R.A. 406 funded jointly by the National and Provincial Government to cover a wider curricular area. In 1961, the Congress of the Philippines passed Republic Act 1516 converting it into the Leyte Regional Arts and Trades and authorizing it to become a training institution, for vocational and industrial education in Eastern Visayas. Finally, Republic Act 4572 enacted by the congress of the Philippines which took effect in the school year 1965-1966 further converting the school into a chartered college. It was renamed the Leyte Institute of Technology, an institute of higher learning committed to the service of a larger academic area of responsibility.

For SY 1999-2000, LIT has its satellite campus, the Ormoc satellite Campus. In 1999, pursuant to the provisions of RA 7722, 8292 and 8745 and Board Resolutions No. 59, Series of 1999, two CHED Supervised institutions (CSIs) in Leyte, namely the Leyte College of Arts and Trades and the Burauen Polytechnic College were integrated to LIT. The LIT Dulag Campus started in SY 2000-2001. The Carigara School of Fisheries was integrated to LIT, the second phase of CSIs institution to SUCs.

In 2002-2003, LIT had continued accomplishing its significant role and responsibility to the people in the region. The introduction of new programs, technological and business, the realignment of courses, and high-passing percentage of the engineering and other professional programs established a great challenge and gigantic responsibility to the institution.

Finally, in 2004, Republic Act 9311 converted the Leyte Institute of Technology, into Eastern Visayas State University, a challenge to serve Eastern Visayas, through academic excellence and technological development.

## **Vision, Mission, Philosophy of the University**

### **VISION**

Leading State University in Technological and Professional Education

### **MISSION**

Develop a Strong Technologically and Professionally Competent Productive  
Human Resource Imbued with Positive Values Needed to Propel  
Sustainable Development

### **PHILOSOPHY**

EVSU addresses its academic endeavors towards the development of the socio economic condition of region VIII by emphasizing the development of human resources and necessary input to production and growth. It plays a major role in providing the human resources for industrial agri-business enterprises as well as for the small, medium, and large-scale industries, which are the components for regional development



## **The University Hymn**

**Lyrics:** BELINDA C. LORA  
**Music:** BIATO C. AMBE, JR.

There's a dawn of a new day breaking  
There's a ray of light reaching  
Every corner of the land  
It's radiance keeps on spreading  
Bringing hope and strength and life

There's a flame that keeps on burning  
Touching the mind, the heart and the soul  
Sending Knowledge truth, love, and wisdom  
abundant blessings from GOD above

### **Refrain:**

Beloved Eastern Visayas State University  
Your blessed flame shall forever burn in our hearts  
We give you outmost commitment and dedication  
You shall shine with pride throughout the nation

### **Coda:**

Shine with gladsome light  
Oh alma mater dear  
Lead our steps to path of excellence  
Success, fulfillment and glory awaits.

## **The EVSU March**

You're the shining glory of love,  
You're the light that comes from above,  
You're the precious gift I have,  
I will treasure you in my heart.

You're an utmost shelter of mind,  
You're the greatest pride of mankind,  
You have the golden fruits to reap,  
You're the sweetest hope of land.

Oh dear Alma Mater,  
Eastern Visayas State University,  
Your name is ringing in my heart,  
There is love and joy from the start,  
The abundance of your foundation,  
Is a great help of our nation,  
For in you is the fountain of wisdom  
And your light is our shining freedom.

You're the precious gift from heaven,  
You're the sweetest hope of land.

## **The ASEAN Hymn**

ASEAN, Oh ASEAN  
Our voices rise as one  
From land to land  
From sea to sea  
Reach out for everyone

ASEAN, Oh ASEAN  
Let's link our arms and stand  
Behold the sun has risen to  
The level of our eyes

Behold the sun has risen to  
The level of our eyes

## **Acknowledgement**

The Eastern Visayas State University (EVSU), through its Board of Regents and the University President, wishes to extend its deepest appreciation and thanks to all persons, who in one way or another, helped craft, review, evaluate and polish this noble 2017 Drug Testing of the Officials, Employees and Students of Eastern Visayas State University Manual or the EVSU-2017 DTOES Manual.

Special thanks to the Officials and staff of the Civil Service Commission, Dangerous Drugs Board (DDB), Philippine Drugs Enforcement Agency (PDEA), Department of Budget and Management, and Commission on Higher Education, for painstakingly reviewing or evaluating, and immediate submission of inputs which were integrated to and surely made this Manual compliant to the pertinent laws, rules and regulations.

The EVSU Family is also grateful to the Board Committee on Draft Writing and Review of Policies and Rules (*formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees*) Chaired by Regent Daniel A. Ariaso Sr., for drafting the first ever EVSU-2017 DTOES Manual and for steering the Stakeholders' Consultation and Sectoral Focus Group Discussion (FGD); the Board Committee on Finance Chaired by Director Bonifacio G. Uy, and Board Committee on Academic and Administration Chaired by Director Edgardo M. Esperancilla for their immediate review and providing inputs which further strengthened this Manual.

We also would like to convey our sincerest thanks to all the Vice Presidents, Campus Directors, College Deans, Heads, Chiefs, Chairpersons and Coordinators as well as Faculty Members, Non-Teaching Personnel, Students, Alumni, and Industry and Community Partners for their active participation during the Stakeholders' Consultation and Sectoral Focus Group Discussion, indeed, their inputs had contributed in shaping this Manual to be responsive and embodying the ideals and aspirations of the EVSU Family.

May the God Almighty Bless you all!

EVSU Family

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Chapter I  
**PRELIMINARY PROVISIONS**

Article 1  
**Short Title, Legal Bases of Promulgation and Coverage**

Section 1. **Short Title.** – This shall be known as the 2017 Drug Testing of the Officials, Employees and Students of the Eastern Visayas State University, hereinafter referred to, as the 2017 Drug Testing of the Officials, Employees and Students of EVSU, or EVSU 2017 Drug Testing of the Officials, Employees and Students Manual, or the 2017 Drug Testing of the Officials, Employees and Students of the University Manual, or the EVSU-2017 DTOES Manual, or Manual, *for brevity*.

Section 2. **Legal Bases of Promulgation.** – This 2017 Drug Testing of the Officials, Employees and Students of the University Manual is promulgated pursuant to the powers and functions of the Board of Regents of the Eastern Visayas State University or EVSU Board of Regents as provided under paragraph 2, Section 5 of Article XIV of the 1987 Philippine Constitution<sup>1</sup>, Executive Order (E.O) No. 292<sup>2</sup>, Section 7 of R.A. No. 9311<sup>3</sup>, Section 4 of R.A. No. 8292<sup>4</sup> and its IRR<sup>5</sup>, Section 13 of Batas Pambansa No. 232<sup>6</sup>, Republic Act No. 9615<sup>7</sup>, DDB Board Regulation No. 6, s. 2003 promulgated August 1, 2003<sup>8</sup>, DDB Board Regulation No. 3, s. 2009 promulgated on June 3, 2009<sup>9</sup>, CSC Resolution No. 1700653 promulgated on March 15, 2017 and circularized per MC No. 13, s. 2017 dated April 19, 2017<sup>10</sup>, CSC

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<sup>1</sup> "All institutions of higher learning, public or private, shall enjoy academic freedom and institutional autonomy".

<sup>2</sup> "Administrative Code of the Philippines."

<sup>3</sup> "SEC. 7. *Powers and Duties of the Board of Regents.* – The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the Board of Directors of a corporation under existing laws:

Xxxxxxxxxx

(i) xxxxxxxxxxx and such other duties and conditions as it may deem proper; xxxxxxxxxxx and to remove them for cause in accordance with the requirements of due process of law;

(j) To approve the curricula, institutional programs and rules of discipline drawn by the Administrative and Academic Councils as herein provided;

(k) To set policies on admission and graduation of students;"

<sup>4</sup> "SEC. 4. *Powers and duties of Governing Boards.* – The governing board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the board of directors as a corporation under Section 36 of Batas Pambansa Blg. 68 otherwise known as the Corporation Code of the Philippines:

Xxxxxxxxxx

(h) xxxxxxxxxxx, and such other duties and conditions as it may deem proper; xxxxxxxxxxx; and to remove them for cause in accordance with the requirements of due process;

(i) to approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided;

(k) to set policies on admission and graduation of students;"

<sup>5</sup> CHED Memorandum Order No. 03, s. 2001 entitled, "Implementing Rules and Regulations of Republic Act No. 8292 issued in January 17, 2001."

<sup>6</sup> "An Act Providing for the Establishment and Maintenance of an Integrated System of Education".

<sup>7</sup> "Comprehensive Dangerous Drugs Act of 2002."

<sup>8</sup> "General Guidelines for the Conduct of Random Drug Testing for Secondary and Tertiary Students."

<sup>9</sup> "General Guidelines for the Conduct of Random Drug Testing for Students of r Secondary, Tertiary Vocational and Technical Schools, Amending Board Regulation No. 6, Series of 2003."

<sup>10</sup> "Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes."

Resolution No. 101359 promulgated on July 6, 2010 and circularized pursuant to MC No. 13, s. 2010<sup>11</sup>, CHED Commission *En Banc* Resolution No. 539-2017 promulgated on July 18 2017 and implemented pursuant to CHED Memorandum Order No. 64, s. 2017 dated August 2, 2017<sup>12</sup>, Section 687.45, Article 163 of the 2017 Revised University Code, pertinent laws, rules, regulations and jurisprudence promulgated by competent authority/ies.

Further, this 2017 Drug Testing of the Officials, Employees and Students of the University Manual shall be considered or recognized as a consequence of the elevation of then Leyte Institute of Technology (LIT) into a State University and henceforth, the nature of LIT has completely changed when it became EVSU pursuant to R.A. No. 9311. LIT did not just changed its name. The law created a university which, in effect, a new entity that is the EVSU<sup>13</sup>.

Section 3. **Coverage and Uniform Implementation.** – This 2017 Drug Testing of the Officials, Employees and Students of the University Manual shall cover and be implemented uniformly in the Eastern Visayas State University (EVSU) comprised of its Main Campus located in Tacloban City and its Integrated Campuses located in the City of Ormoc and Municipalities of Burauen, Carigara and Tanauan, and Community Satellite Campus in Dulag, all in the Province of Leyte.

## Article 2

### **Construction and Interpretation, Definition of Terms, and Supplementary Application of Relevant Laws, Rules and Regulations Promulgated by Competent Authorities**

Section 4. **Construction and Interpretation of the 2017 Drug Testing of the Officials, Employees and Students of the University Manual.** – All doubts in the implementation of any of the provisions of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual shall be interpreted and resolved in favor of the University.

*Provided,* that in matters affecting the welfare of a students all doubts in the implementation and interpretation of pertinent provisions of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual shall be resolved in favor of the student subject to applicable laws, rules and regulations.

Section 5. **Definition of Terms.** – Notwithstanding as may be provided in relevant laws, rules and regulations, the following terms are hereby defined as used in this 2017 Drug Testing of the Officials, Employees and Students of the University Manual:

5.1. *Academic Freedom* – the academic freedom shall be viewed or construed on the following manner:

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<sup>11</sup> "Guidelines for a Drug-Free Workplace in the Bureaucracy."

<sup>12</sup> "Policies, Guidelines and Procedures for Higher Education Institutions (HEIs), Requiring Drug Testing of Students."

<sup>13</sup> PSLMC Resolution No. 02, s. 2009 dated June 11, 2009.

- 5.1.1. For the University – as adverted to in the Constitution and in R.A. No. 8292 and R.A. No. 9311, and applying various jurisprudence, accords the right of the University to decide for itself its aims and objectives and how best to attain them. Certainly, the wide sphere of autonomy given to universities in the exercise of academic freedom extends to the right to confer academic honors. Thus, exercise of academic freedom grants the University the exclusive discretion to determine to whom among its graduates it shall confer academic recognition, based on its established standards.<sup>14</sup>

In addition, academic freedom encompasses freedom of the institution or the University to determine for itself, on academic grounds, who may teach, what may be taught, how it shall be taught, and who may be admitted to study<sup>15</sup>.

Moreover, it includes, among others, the right of the University to decide for itself, its aims and objectives, and how best to attain them - free from outside coercion or interference save possibly when the overriding public welfare calls for some restraint. It has a wide sphere of autonomy certainly extending to the choice of students,<sup>16</sup> to set academic standards to determine under what circumstances failing grades suffice for the expulsion of students,<sup>17</sup> the power of a University to revoke a degree or honor it has conferred to a student after it was found out that the student's graduation was obtained through fraud,<sup>18</sup> and to decide for itself the terms and conditions for hiring its teacher<sup>19</sup>.

- 5.1.2. For the Faculty and Instructional Staff – Each faculty member of the University shall enjoy academic freedom which relates to or involves or encompasses a "right by the accredited educator, as a teacher and as investigator, to interpret his findings and to communicate his conclusions without being subject to any interference, molestation or penalty because these conclusions are unacceptable to some constituted authority within or beyond the institution<sup>20</sup>."

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<sup>14</sup> **Morales v. The Board of Regents of the University of the Philippines**, G.R. No. 161172, December 13, 2004 citing *Garcia v. The Faculty Admission Committee, Loyola School of Theology*, G.R. No. L-40779, 28 November 1975, 68 SCRA 277, 284.

<sup>15</sup> **Benguet State University v. Commission on Audit**, G.R. No. 169637, June 8, 2007 citing *Vide: Camacho v. Coresis*, G.R. No. 134372, August 22, 2002, 387 SCRA 628, 637.

<sup>16</sup> **University of San Agustin, Inc., et al. v. Court of Appeals**, G.R. No. 100588, March 7, 1994, citing *Garcia v. The Faculty Admission Committee, et al. supra; Tangonan v. Pano, et al., supra*.

<sup>17</sup> **Non, et al. v. Mabini Colleges, Inc.**, G.R. No. 89317, May 20, 1990 citing *Villar v. Technological Institute of the Philippines*, G.R. No. 69198, April 17, 1985, 135 SCRA 706.

<sup>18</sup> **University of the Philippines v. Court of Appeals**, August 31, 1999, citing *The University of the Philippines v. Court of Appeals*, February 9, 1993, and *The University of the Philippines v. Hon. Ruben Ayson*, August 17, 1989.

<sup>19</sup> **Mercado, et al. v. AMA Computer College-Paranaque City, Inc.**, G.R. No. 183572, April 13, 2010.

<sup>20</sup> **Camacho v. Coresis**, G.R. No. 134372, August 22, 2002.

Academic freedom of faculty members refers to the freedom of teachers from control of thought or utterance of his academic research, findings or conclusions, and has nothing to do with the discretion of teachers to pass or fail any or all her students according to his discretion<sup>21</sup>.

Academic freedom is the right of the faculty member or teacher to teach the subject of his/her specialization according to his/her best lights; to hold in other subjects, such ideas he/she believes sincerely to be right; and to express his/her opinions on public questions in a manner that shall not interfere with his/her duties and functions as member of the faculty or jeopardize his/her loyalty and accountability to the University that employs him/her.

It also includes the right of the faculty or teacher or researcher to investigate and discuss the problems of his/her science and to express his/her conclusions, whether through publication or in the instruction of students, without interference from political or administrative officials of the University, unless his/her methods are found by competent authorities of his/her own profession, after due process, to be incompetent and contrary to professional ethics and generally accepted practices.

- 5.1.3. *Academic Freedom of Students* – Each student of the University shall enjoy academic freedom which shall consist of, but not limited to, the following rights:
- a. To choose a field of study and to pursue the quest for truth; to express their opinion on any subject of public or general concern which directly or indirectly affects the students or the educational system;
  - b. To conduct researches in connection with academic work, and to freely discuss and publish their findings and recommendations subject to the provisions of the Research and Development Services Manual and the Intellectual Property Protection and Technology Commercialization Manual of the University and relevant enabling laws thereof;
  - c. To conduct inquiry within the campus in curricular and extracurricular activities;
  - d. To express contrary interpretations or dissenting opinions inside and outside the classroom;

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<sup>21</sup> *St. Juse Catholic School v. Salgarino*, G.R. No. 164376, July 31, 2006 citing *Garcia v. The Faculty Admission Committee, Loyola School of Theology*, G.R. No. L-40779, November 28, 1975, 68 SCRA 277, 285.

- e. To invite off-campus speakers or resource persons to student-sponsored assemblies, *fora*, symposia, colloquies, and other activities of similar nature subject to relevant policies of the University;
  - f. To participate, through their duly elected officers or representatives in the drafting of Students' Handbook, new curriculum and such relevant policies, rules and regulations of the University and in the review or revision of the old versions thereof. Each student must be provided with a copy of the Students' Handbook of the University upon payment of reasonable fee thereof to be distributed during enrollment period or such schedule as may be determined by the University;
  - g. To be free from any form of indoctrination leading to imposed ideological homogeneity; and
  - h. To enroll in a review center/s of his/her own choice.
- 5.2. *Accreditation* – refers to the formal authorization issued by the DOH to an individual, partnership, corporation or association which has complied with all licensing requirements (inputs/structural standards) and accreditation requirements (process standards and outcome/output impact standards) as prescribed in the Manual of Operations for Drug Testing Laboratories issued by the DOG.
- 5.3. *Board* – refers to the Board of Regents of the Eastern Visayas State University.
- 5.4. *Chain of Custody* – refers to procedures to account for each specimen by tracking its handling and storage from point of collection to final disposal. These procedures require that the applicant's identity is confirmed and that a Custody and Control Form is used from time of collection to receipt by the laboratory. Within the laboratory, appropriate chain of custody records must account for the samples until disposal.
- 5.5. *Challenge Test* – A drug test conducted as a result of a challenge filed by a University official or employee who tested positive for drug use in a confirmatory test.
- 5.6. *CHED* – refers to the Commission on Higher Education created pursuant to Republic Act No. 7722.
- 5.7. *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.



- 5.8. *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.
- 5.9. *Confirmatory Drug Test* – refers to an analytical test using a device, tool or equipment with a different chemical or physical principles that is more specific which will validate and confirm the result of the screening test. It refers to a second or further analytical procedure to more accurately determine the presence of dangerous drugs in a specimen, which shall likewise be done by any government laboratory or by privately owned and operated drug testing laboratories accredited and monitored by the DOH having confirmatory test capabilities.
- 5.10. *Contract of Service/Job Order* – refers to employment covered by a contract pertaining to lump sum work or services such as janitorial, security, or consultancy services where no employer-employee relationship exists; piece of work or intermittent job of short duration not exceeding six months on a daily basis; all of which are not covered by Civil Service law, rules and regulations by covered by COA rules; and the University officials and employees involved do not enjoy the benefits received by University employees, including but not limited to, personal economic relief allowance, cost of living allowance, and representation and ravel allowance.
- 5.11. *Current Students* – refer to existing and currently enrolled students in tertiary and secondary programs.
- 5.12. *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, in accordance with Section 93 f R.A. No. 9165.
- 5.13. *DDB* – refers to Dangerous Drugs Board created pursuant to Section 77 of R.A. No. 9165 otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”
- 5.14. *DOH* – refers to the Department of Health created pursuant to Republic Act No. \_\_\_\_\_.
- 5.15. *DOH-Accredited Physician* – refers to a physician with background experience on psychological/behavioral medicine whose application has been approved and duly authorized by the DOH to conduct dependency examination and treatment on persons believed to be using dangerous drugs.
- 5.16. *Drug Abuser* – refers to a person who used or administers to himself/herself or allows others to administer dangerous drugs to himself/herself without medical approval. He belongs to any of the three categories:

- 5.16.1. The Experimenter – one who, out of curiosity, uses or administers to himself/herself or allows others to administer to him or her dangerous drugs once or a few times;
- 5.16.2. The Casual User – one who, from time to time, uses or administers or allows others to administer to him or her dangerous drugs and has acquired a marked psychological and/or physical dependence on the drugs which has gone beyond a state of voluntary control.
- 5.16.3. The Drug Dependent – one who regularly consumes or administers or allows others to administer to him or her dangerous drugs and has acquired a marked psychological and/or physical dependence on the drugs which has gone beyond state of voluntary control.
- 5.17. *Drug Dependency* – refers to a state of psychological and and/or physical dependence arising in a person following the administration or use of the drug on a periodic and continuous basis.
- 5.18. *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.
- 5.19. *Drug Dependent* – refers to a person who regularly consumes or administers or allows others to administer to him or her dangerous drugs and has acquired a marked psychological and/or physical dependence on the drugs which has gone beyond a state of voluntary control.
- 5.20. *"Drug-Free" Campus or Environment* – refers to the declaration of the government to the University as clear of drugs that has been subjected to the conduct of the drug testing and with the following parameters, among others:
  - 5.20.1. Non-availability of drug supply;
  - 5.20.2. Absence of drug user/dependent; and
  - 5.20.3. Existence of drug awareness, preventive education and information, and other related programs.
- 5.21. *Drug Test or Drug Testing* – the process undertaken to determine the presence of dangerous drugs in a person's system, to include both screening and confirmatory test.

- 5.22. *Drug Test Coordinator* – refers to the point person, duly appointed by the University President tasked with handling drug test program in accordance with the provisions of this Manual, 2017 Revised University Students' Handbook and the 2017 Revised University Code.
- 5.23. *Duly Recognized Campus Student Council or Government* – is a student council established and recognized by the University where each Campus shall have only one (1) organization comprised of *bona fide* students from tertiary level programs of the University Campus.
- 5.24. *Duly Recognized Federation of Student Councils or Governments* – is the federation of the duly recognized student councils or governments in the different Campuses of the University which has been extended recognition by the EVSU Board of Regents.
- 5.25. *Employee* – refers to any faculty member, academic staff, non-teaching personnel or non-academic staff, and officials of the University, regardless of rank, salary and employment status.
- 5.26. *EVSU BOR* – refers to the Board of Regents of Eastern Visayas State University.
- 5.27. *Executive Official* – refers to the University President, any of the Vice Presidents and Campus Directors.
- 5.28. *Experimenter* – a person whose drug use began through exploration with limited exposure and no development of regular use or any related harm.
- 5.29. *Graduate Courses* – refer to higher education programs leading to a certificate, diploma, master's or doctorate degrees, as may be authorized by the EVSU Board of Regents
- 5.30. *Interventions* – are therapeutic programs appropriate for high-risk individuals/students who are using dangerous drugs and who need special assistance to recognize the signs and symptoms of initial drug use and dependency. It may include corrective or rehabilitative actions that may take the form of crisis intervention, peer counseling, peer leadership programs, parent/peer groups, or psychological counseling at the individual or family level and structured rehabilitation programs. It may also include medical intervention of the afflicted student whenever necessary. Four (4) modalities of intervention that can be given, as established by the Department of Health (DOH) are: (1) in-patient, (2) out-patient, (3) recover homes/half-way houses, and (4) community-based interventions.
- 5.31. *Laboratory* – refers to a DOH-Accredited private or government facility that is capable of testing a specimen to determine the presence of dangerous drugs therein.

- 5.32. *Mandatory Drug Testing* – refers to compulsory submission of a student for drug testing as required by R.A. No. 9165.
- 5.33. *Occasional User* – a person who indulges in drug use to create or enhance experience in any social setting.
- 5.34. *Official* – refers to a Regent, Executive Official, College Deans, Directors or Heads of Departments, Offices, Division, Centers of Branches, Chiefs, Coordinators or Chairpersons of Units or Sections of the academic and administrative branches of the University Campuses.
- 5.35. *OSA* – refers to Office of Student Affairs of the University Campuses.
- 5.36. *PDEA* – refers to Philippine Drugs Enforcement Agency created pursuant to Republic Act No. 82 of R.A. No. 9165 otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”
- 5.37. *Prevention* – is the promotion of drug-free lifestyle thru strategies such as advocacy, information, dissemination, and capability building through training.
- 5.38. *Random Drug Test* – refers to unannounced schedule of testing with each student having an equal chance of being selected for testing.
- 5.39. *Random Selection* – refers to unbiased process of selecting students who are to undergo drug testing.
- 5.40. *Random Testing* – a method of drug testing where the selection process results in equal probability that any employee from a group of employees will be tested, and without any prior notice of the date and venue.
- 5.41. *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 hum/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.
- 5.42. *SASO* – refers to Student Affairs and Services Office of the EVSU Main Campus and in External Campuses headed by a Director or Head, as the case may be subject to the provisions of the 2017 Revised University Code, 2017 SASO of the University Manual and 2017 Revised University Students’ Handbook.
- 5.43. *Screening Test* – a rapid test performed to establish potential/presumptive positive result. It refers to the immunoassay test to eliminate a “negative” specimen, i.e. one without the presence of dangerous drugs from further consideration and to identify the presumptively positive specimen that requires confirmatory test.

- 5.44. *Secondary Students* – refer to students enrolled in the Secondary Laboratory Department and/or K to 12 programs of the University;
- 5.45. *Student* – any person enrolled in and regularly attending school in any of the undergraduate courses, graduate courses, and K to 12 programs, including post graduate programs, vocational and technical education offered by the University Campuses upon authority by the EVSU Board of Regents.
- 5.46. *Student-Applicants* – refer to students who are applying for admission to the University either as freshmen or a transferee.
- 5.47. *School or University Campus* – The totality of all contiguous or proximate buildings, grounds and other facilities designated by the University as areas or facilities for the use of its students.
- 5.48. *Students' Handbook* – refers to the 2017 Revised Students' Handbook of Eastern Visayas State University or 2017 Revised Students' Handbook approved per Board Resolution No. 24, s. 2018.
- 5.49. *Supervising Agency* – refers to the Commission on Higher Education or CHED.
- 5.50. *Suspicion* – refers to the act of suspecting, or the state-of being suspected; imagination; generally of something ill; distrust; mistrust; doubt (McCalla v. State, 66 Ga. 348). The appreciation of something without proof or upon slight evidence (*State v. Hall*, Mo.App., 285 S.W. 1009, 1011). Suspicion implies a belief or opinion based upon facts or circumstances which do not amount to proof (*Burton v. McNeill*, 196 S. C. 250, 13 S.E.2d 10, 11, 133 A.L.R. 603)<sup>22</sup>.
- 5.51. *Suspicionless* – refers to absence or non-existence of suspicion or doubt or prejudice, to some extent. It implies the absence or non-existence of act/s or intent to suspect, distrust or mistrust, opinion or belief that will encourage or direct to believe, in whatever degree, that a person has committed or, intends to commit or on the process of committing any act, e.g. use, trade, peddle or, manufacture or produce any dangerous drugs or substances.
- 5.52. *Tertiary Education* – refers to the stage of education following the secondary cycle which subsumes post-secondary non-degree diploma, TVET and higher education programs, including graduate education of the University.
- 5.53. *Tertiary Programs* – refer to the post-secondary non-degree diploma, TVET and bachelor's and graduate degree or course, Ladderized

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<sup>22</sup> Black's Law Dictionary, 1968. Revised Fourth Edition, St. Paul, Minn. West Publishing Co.,

Education Program (LEP), and Open Distance Learning (ODL) offered by the University.

- 5.54. *Tertiary Students* – refer to current students enrolled in tertiary programs of the University.
- 5.55. *Undergraduate Courses* – refer to any program leading to a degree duly authorized by the EVSU Board of Regents.
- 5.56. *University* – refers to the Eastern Visayas State University. The word “University” can be interchangeably used or referred to “school.”
- 5.57. *University Campuses* – refers to the Campuses of the University comprised of the EVSU-Main (Tacloban City) Campus, integrated campuses such as, the EVSU-Ormoc City Campus, EVSU- Tanauan Campus, EVSU- Carigara Campus and EVSU- Burauen Campus, and the Dulag Community Satellite Campus located in the Province of Leyte.

*Provided*, that all terms defined under Section 5 of the 2017 Revised University Code<sup>23</sup>, and such terms provided under existing laws, rules and regulations promulgated by CHED, DDB, PDEA and DOH and subsequent issuances thereof, adopted by the EVSU Board of Regents are hereby deemed integrated to and shall be applied accordingly in this Manual.

### Article 3

## **Statutory Authority and Constitutionality of the Drug Testing**

Section 6. ***The Statutory Bases of the Drug Testing of the Officials, Employees and Students of the University.*** – The Drug Testing of the Officials, Employees and Students of the University are ambiguously mandated and authorized under the following statutes:

- 6.1. Section 36 of Republic Act No. 9615 specifically sub-Sections c and d thereof, provide:

“SEC. 36. *Authorized Drug Testing.* Authorized drug testing shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of the test results. x x x The drug testing shall employ, among others, two (2) testing methods, the screening test which will determine the positive result as well as the type of drug used and the confirmatory test which will confirm a positive screening test. x x x The following shall be subjected to undergo drug testing:

x x x x

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<sup>23</sup> Approved per Board Resolution No. 115, s. 2017 on April 19, 2017.

(c) Students of secondary and tertiary schools. Students of secondary and tertiary schools shall, pursuant to the related rules and regulations as contained in the schools student handbook and with notice to the parents, undergo a random drug testing x x x;

(d) Officers and employees of public and private offices. Officers and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo a random drug test as contained in the company's work rules and regulations, x x x 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 the Civil Service Law;"

- 6.2. CSC Resolution No. 1700653 promulgated on March 15, 2017 and circularized per MC No. 13, s. 2017 dated April 19, 2017 mandates, among others, the Mandatory Random Drug Test for Public Officials and Employees.
- 6.3. CSC Resolution No. 101359 promulgated on July 6, 2010 and circularized pursuant to MC No. 13, 2010 provides, among others, a Mandatory Drug Test (item 1).
- 6.4. CHED Commission en Banc Resolution No. 539-2017 promulgated on July 18 2017 and implemented pursuant CHED Memorandum Order No. 64, s. 2017 dated August 2, 2017 provides, among others, for Mandatory Random Drug Testing Program (Article VI) and Mandatory Drug Testing of Students in HEIs (Article VII).
- 6.5. The academic freedom and institutional autonomy of the University is guaranteed and mandated under Paragraph 2, Section 5, Article IV of the 1987 Philippine Constitution, Section 16 of Republic Act No. 9311 and Section 11 of Republic Act No. 8292<sup>24</sup>. As such the University shall enjoy academic freedom which shall be viewed or construed on the following manner:

"As adverted to in the Constitution and in R.A. No. 8292 and R.A. No. 9311, and applying various jurisprudence, accords the right of the University to decide for itself its aims and objectives and how best to attain them. Certainly, the wide sphere of autonomy given to universities in the exercise of academic freedom extends to the right to confer academic honors. Thus, exercise of academic freedom grants the

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<sup>24</sup> "All institutions of higher learning, public or private, shall enjoy academic freedom and institutional autonomy."

University the exclusive discretion to determine to whom among its graduates it shall confer academic recognition, based on its established standards.<sup>25</sup>

In addition, academic freedom encompasses freedom of the institution or the University to determine for itself, on academic grounds, who may teach, what may be taught, how it shall be taught, and who may be admitted to study<sup>26</sup>.

Moreover, it includes, among others, the right of the University to decide for itself, its aims and objectives, and how best to attain them - free from outside coercion or interference save possibly when the overriding public welfare calls for some restraint. It has a wide sphere of autonomy certainly extending to the choice of students,<sup>27</sup> to set academic standards to determine under what circumstances failing grades suffice for the expulsion of students,<sup>28</sup> the power of a University to revoke a degree or honor it has conferred to a student after it was found out that the student's graduation was obtained through fraud,<sup>29</sup> and to decide for itself the terms and conditions for hiring its teacher<sup>30</sup>;"

Section 7. **Drug Testing is Judicially Adjudicated as Constitutional.** – In **SJS v. PDEA**<sup>31</sup>, the Supreme Court instructively and clearly pronounced:

"The drug test prescribed under Sec. 36(c), (d), and (f) of RA 9165 for secondary and tertiary level students and public and private employees, while mandatory, is a random and suspicionless arrangement. The objective is to stamp out illegal drug and safeguard in the process the well being of [the] citizenry, particularly the youth, from the harmful effects of dangerous drugs. This statutory purpose, per the policy-declaration portion of the law, can be achieved via the pursuit by the state of an intensive and unrelenting

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<sup>25</sup> **Morales v. The Board of Regents of the University of the Philippines**, G.R. No. 161172, December 13, 2004 citing *Garcia v. The Faculty Admission Committee, Loyola School of Theology*, G.R. No. L-40779, 28 November 1975, 68 SCRA 277, 284.

<sup>26</sup> **Benguet State University v. Commission on Audit**, G.R. No. 169637, June 8, 2007 citing *Vide: Camacho v. Coresis*, G.R. No. 134372, August 22, 2002, 387 SCRA 628, 637.

<sup>27</sup> **University of San Agustin, Inc., et al. v. Court of Appeals**, G.R. No. 100588, March 7, 1994, citing *Garcia v. The Faculty Admission Committee, et al. supra; Tangonan v. Pano, et al., supra*.

<sup>28</sup> **Non, et al. v. Mabini Colleges, Inc.**, G.R. No. 89317, May 20, 1990 citing *Villar v. Technological Institute of the Philippines*, G.R. No. 69198, April 17, 1985, 135 SCRA 706.

<sup>29</sup> **University of the Philippines v. Court of Appeals**, August 31, 1999, citing *The University of the Philippines V. Court of Appeals*, February 9, 1993, and *The University of the Philippines v. Hon. Ruben Ayson*, August 17, 1989.

<sup>30</sup> **Mercado, et al. v. AMA Computer College-Paranaque City, Inc.**, G.R. No. 183572, April 13, 2010.

<sup>31</sup> **Social Justice Society (SJS) v. Dangerous Drugs Board and Philippine Drug Enforcement Agency (PDEA)**, G.R. No. 157870, *Atty. Manuel J. Laserna, JR. v. Dangerous Drugs Board and Philippine Drug Enforcement Agency*, G.R. No. 158633, and *Aquilino Q. Pimentel, Jr. v. Commission on Elections* G.R. No. 161658, November 3, 2008, citing, among others, *Vernonia School District 47J v. Acton*, 515 U.S. 646 (1995), 661; *Ople v. Torres*, G.R. No. 127685, July 23, 1998, 293 SCRA 141, 169; citing *Morfe v. Mutuc*, No. L-20387, January 31, 1968, 22 SCRA 424, 444-445; 536 U.S. 822 (2002); cited in 2 *Bernas, CONSTITUTIONAL RIGHTS AND SOCIAL DEMANDS* 224-227 (2004); *Tolentino v. Alconcel*, No. L-63400, March 18, 1983, 121 SCRA 92, 95-96; G.R. No. 158633; G.R. No. 157870; G.R. No. 158633; Ople, *supra* note 16, at 153; citing *Cooley on Torts*, Sec. 135, Vol. 1, 4th ed., [1932]; *Vernonia & Board of Education*, *supra* notes 15 & 18; *Skinner v. Railway Labor Executives Assn.*, 489 U.S. 602, 619 (1989); cited in *Vernonia*, *supra*; and *Tatad*, *supra* note 6, at 351.



campaign against the trafficking and use of dangerous drugs x x x through an integrated system of planning, implementation and enforcement of anti-drug abuse policies, programs and projects. The primary legislative intent is not criminal prosecution, as those found positive for illegal drug use as a result of this random testing are not necessarily treated as criminals. They may even be exempt from criminal liability should the illegal drug user consent to undergo rehabilitation. Secs. 54 and 55 of RA 9165 are clear on this point:

*Sec. 54. Voluntary Submission of a Drug Dependent to Confinement, Treatment and Rehabilitation.* A drug dependent or any person who violates Section 15 of this Act may, by himself/herself or through his/her parent, [close relatives] x x x apply to the Board x x x for treatment and rehabilitation of the drug dependency. Upon such application, the Board shall bring forth the matter to the Court which shall order that the applicant be examined for drug dependency. If the examination x x x results in the certification that the applicant is a drug dependent, he/she shall be ordered by the Court to undergo treatment and rehabilitation in a Center designated by the Board x x x.

x x x x

*Sec. 55. Exemption from the Criminal Liability Under the Voluntary Submission Program.* A drug dependent under the voluntary submission program, who is finally discharged from confinement, shall be exempt from the criminal liability under Section 15 of this Act subject to the following conditions:

x x x x

School children, the US Supreme Court noted, are most vulnerable to the physical, psychological, and addictive effects of drugs. Maturing nervous systems of the young are more critically impaired by intoxicants and are more inclined to drug dependency. Their recovery is also at a depressingly low rate.

The right to privacy has been accorded recognition in this jurisdiction as a facet of the right protected by the guarantee against unreasonable search and seizure under Sec. 2, Art. III of the Constitution. But while the right to privacy has long come into its own, this case appears to be the first time that the validity of a state-decreed search or intrusion through the medium of mandatory random drug testing among students and employees is, in this jurisdiction, made the focal point. Thus, the issue tendered in these proceedings is veritably one of first impression.

US jurisprudence is, however, a rich source of persuasive jurisprudence. With respect to random drug testing among school children, we turn to the teachings of *Vernonia School District 47J v. Acton (Vernonia)* and *Board of Education of Independent School District No. 92 of Pottawatomie County, et al. v. Earls, et al. (Board of Education)*, both fairly

pertinent US Supreme Court-decided cases involving the constitutionality of governmental search.

In *Vernonia*, school administrators in Vernonia, Oregon wanted to address the drug menace in their respective institutions following the discovery of frequent drug use by school athletes. After consultation with the parents, they required random urinalysis drug testing for the schools athletes. James Acton, a high school student, was denied participation in the football program after he refused to undertake the urinalysis drug testing. Acton forthwith sued, claiming that the schools drug testing policy violated, *inter alia*, the Fourth Amendment of the US Constitution.

The US Supreme Court, in fashioning a solution to the issues raised in *Vernonia*, considered the following: (1) schools stand *in loco parentis* over their students; (2) school children, while not shedding their constitutional rights at the school gate, have less privacy rights; (3) athletes have less privacy rights than non-athletes since the former observe communal undress before and after sports events; (4) by joining the sports activity, the athletes voluntarily subjected themselves to a higher degree of school supervision and regulation; (5) requiring urine samples does not invade a students privacy since a student need not undress for this kind of drug testing; and (6) there is need for the drug testing because of the dangerous effects of illegal drugs on the young. The US Supreme Court held that the policy constituted reasonable search under the Fourth and 14th Amendments and declared the random drug-testing policy constitutional.

In *Board of Education*, the Board of Education of a school in Tecumseh, Oklahoma required a drug test for high school students desiring to join extra-curricular activities. Lindsay Earls, a member of the show choir, marching band, and academic team declined to undergo a drug test and averred that the drug-testing policy made to apply to non-athletes violated the Fourth and 14th Amendments. As Earls argued, unlike athletes who routinely undergo physical examinations and undress before their peers in locker rooms, non-athletes are entitled to more privacy.

The US Supreme Court, citing *Vernonia*, upheld the constitutionality of drug testing even among non-athletes on the basis of the schools custodial responsibility and authority. In so ruling, said court made no distinction between a non-athlete and an athlete. It ratiocinated that schools and teachers act in place of the parents with a similar interest and duty of safeguarding the health of the students. And in holding that the school could implement its random drug-testing policy, the Court hinted that such a test was a kind of search in which even a reasonable parent might need to engage.

In sum, what can reasonably be deduced from the above two cases and applied to this jurisdiction are: (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.

Guided by *Vernonia* and *Board of Education*, the Court is of the view and so holds that the provisions of RA 9165 requiring mandatory, random, and suspicionless drug testing of students are constitutional. Indeed, 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.

The Court can take judicial notice of the proliferation of prohibited drugs in the country that threatens the well-being of the people, particularly the youth and school children who usually end up as victims. Accordingly, and 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. To borrow from *Vernonia*, [d]eterring drug use by our Nations schoolchildren is as important as enhancing efficient enforcement of the Nations laws against the importation of drugs; the necessity for the State to act is magnified by the fact that the effects of a drug-infested school are visited not just upon the users, but upon the entire student body and faculty. Needless to stress, the random testing scheme provided under the law argues against the idea that the testing aims to incriminate unsuspecting individual students.

Just as in the case of secondary and tertiary level students, the mandatory but random drug test prescribed by Sec. 36 of RA 9165 for officers and employees of public and private offices is justifiable, albeit not exactly for the same reason. The Court notes in this regard that petitioner SJS, other than saying that subjecting almost everybody to drug testing, without probable cause, is unreasonable, an unwarranted intrusion of the individual right to privacy, has failed to show how the mandatory, random, and suspicionless drug testing under Sec. 36(c) and (d) of RA 9165 violates the right to privacy and constitutes unlawful and/or unconsented search under Art. III, Secs. 1 and 2 of the Constitution. Petitioner Lasernas lament is just as simplistic, sweeping, and gratuitous and does not merit serious consideration. Consider what he wrote without elaboration:

The US Supreme Court and US Circuit Courts of Appeals have made various rulings on the constitutionality of mandatory drug tests in the school and the workplaces. The US courts have been consistent in their rulings that the mandatory drug tests violate a citizens constitutional right to privacy and right against unreasonable search and seizure. They are quoted extensively herein below.

The essence of privacy is the right to be left alone. In context, the right to privacy means the right to be free from unwarranted exploitation of one's person or from intrusion into one's private activities in such a way as to cause humiliation to a person's ordinary sensibilities. And while there has been general agreement as to the basic function of the guarantee against unwarranted search, translation of the abstract prohibition against unreasonable searches and seizures into workable broad guidelines for the decision of particular cases is a difficult task, to borrow from *C. Camara v. Municipal Court*. Authorities are agreed though that the right to privacy yields to certain paramount rights of the public and defers to the state's exercise of police power.

As the warrantless clause of Sec. 2, Art III of the Constitution is couched and as has been held, reasonableness is the touchstone of the validity of a government search or intrusion. And whether a search at issue hews to the reasonableness standard is judged by the balancing of the government-mandated intrusion on the individual's privacy interest against the promotion of some compelling state interest. In the criminal context, reasonableness requires showing of probable cause to be personally determined by a judge. Given that the drug-testing policy for employees and students for that matter under RA 9165 is in the nature of administrative search needing what was referred to in *Vernonia* as swift and informal disciplinary procedures, the probable-cause standard is not required or even practicable. Be that as it may, the review should focus on the reasonableness of the challenged administrative search in question.

The first factor to consider in the matter of reasonableness is the nature of the privacy interest upon which the drug testing, which effects a search within the meaning of Sec. 2, Art. III of the Constitution, intrudes. In this case, the office or workplace serves as the backdrop for the analysis of the privacy expectation of the employees and the reasonableness of drug testing requirement. The employee's privacy interest in an office is to a large extent circumscribed by the company's work policies, the collective bargaining agreement, if any, entered into by management and the bargaining unit, and the inherent right of the employer to maintain discipline and efficiency in the workplace. Their privacy expectation in a regulated office environment is, in fine, reduced; and a degree of impingement upon such privacy has been upheld.

Just as defining as the first factor is the character of the intrusion authorized by the challenged law. Reduced to a question form, is the scope of the search or intrusion clearly set forth, or, as formulated in *Ople v. Torres*, is the enabling law authorizing a search narrowly drawn or narrowly focused?

The poser should be answered in the affirmative. For one, Sec. 36 of RA 9165 and its implementing rules and regulations (IRR), as couched, contain provisions specifically directed towards preventing a situation that would unduly embarrass the employees or place them under a humiliating experience. While every officer and employee in a private establishment is

under the law deemed forewarned that he or she may be a possible subject of a drug test, nobody is really singled out in advance for drug testing. The goal is to discourage drug use by not telling in advance anyone when and who is to be tested. And as may be observed, Sec. 36(d) of RA 9165 itself prescribes what, in *Op/le*, is a narrowing ingredient by providing that the employees concerned shall be subjected to random drug test as contained in the company's work rules and regulations x x x for purposes of reducing the risk in the work place.

For another, the random drug testing shall be undertaken under conditions calculated to protect as much as possible the employees privacy and dignity. As to the mechanics of the test, the law specifies that the procedure shall employ two testing methods, i.e., the screening test and the confirmatory test, doubtless to ensure as much as possible the trustworthiness of the results. But the more important consideration lies in the fact that the test shall be conducted by trained professionals in access-controlled laboratories monitored by the Department of Health (DOH) to safeguard against results tampering and to ensure an accurate chain of custody. In addition, the IRR issued by the DOH provides that access to the drug results shall be on the need to know basis; that the drug test result and the records shall be [kept] confidential subject to the usual accepted practices to protect the confidentiality of the test results. Notably, RA 9165 does not oblige the employer concerned to report to the prosecuting agencies any information or evidence relating to the violation of the *Comprehensive Dangerous Drugs Act* received as a result of the operation of the drug testing. All told, therefore, the intrusion into the employees privacy, under RA 9165, is accompanied by proper safeguards, particularly against embarrassing leakages of test results, and is relatively minimal.

To reiterate, RA 9165 was enacted as a measure to stamp out illegal drug in the country and thus protect the well-being of the citizens, especially the youth, from the deleterious effects of dangerous drugs. The law intends to achieve this through the medium, among others, of promoting and resolutely pursuing a national drug abuse policy in the workplace via a mandatory random drug test. To the Court, the need for drug testing to at least minimize illegal drug use is substantial enough to override the individual's privacy interest under the premises. The Court can consider that the illegal drug menace cuts across gender, age group, and social- economic lines. And it may not be amiss to state that the sale, manufacture, or trafficking of illegal drugs, with their ready market, would be an investors dream were it not for the illegal and immoral components of any of such activities. The drug problem has hardly abated since the martial law public execution of a notorious drug trafficker. The state can no longer assume a laid back stance with respect to this modern-day scourge. Drug enforcement agencies perceive a mandatory random drug test to be an effective way of preventing and deterring drug use among employees in private offices, the threat of detection by random testing being higher than other modes. The Court holds that the chosen method is a reasonable and enough means to lick the problem.

Taking into account the foregoing factors, i.e., the reduced expectation of privacy on the part of the employees, the compelling state concern likely to be met by the search, and the well-defined limits set forth in the law to properly guide authorities in the conduct of the random testing, we hold that the challenged drug test requirement is, under the limited context of the case, reasonable and, *ergo*, constitutional.

Like their counterparts in the private sector, government officials and employees also labor under reasonable supervision and restrictions imposed by the Civil Service law and other laws on public officers, all enacted to promote a high standard of ethics in the public service. And if RA 9165 passes the norm of reasonableness for private employees, the more reason that it should pass the test for civil servants, who, by constitutional command, are required to be accountable at all times to the people and to serve them with utmost responsibility and efficiency.

Petitioner SJS next posture that Sec. 36 of RA 9165 is objectionable on the ground of undue delegation of power hardly commends itself for concurrence. Contrary to its position, the provision in question is not so extensively drawn as to give unbridled options to schools and employers to determine the manner of drug testing. Sec. 36 expressly provides how drug testing for students of secondary and tertiary schools and officers/employees of public/private offices should be conducted. It enumerates the persons who shall undergo drug testing. In the case of students, the testing shall be in accordance with the school rules as contained in the student handbook and with notice to parents. On the part of officers/employees, the testing shall take into account the company's work rules. In either case, the random procedure shall be observed, meaning that the persons to be subjected to drug test shall be picked by chance or in an unplanned way. And in all cases, safeguards against misusing and compromising the confidentiality of the test results are established.

Lest it be overlooked, Sec. 94 of RA 9165 charges the DDB to issue, in consultation with the DOH, Department of the Interior and Local Government, Department of Education, and Department of Labor and Employment, among other agencies, the IRR necessary to enforce the law. In net effect then, the participation of schools and offices in the drug testing scheme shall always be subject to the IRR of RA 9165. It is, therefore, incorrect to say that schools and employers have unchecked discretion to determine how often, under what conditions, and where the drug tests shall be conducted.

The validity of delegating legislative power is now a quiet area in the constitutional landscape. In the face of the increasing complexity of the task of the government and the increasing inability of the legislature to cope directly with the many problems demanding its attention, resort to delegation of power, or entrusting to administrative agencies the power of subordinate legislation, has become imperative, as here.

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In the case of students, the constitutional viability of the mandatory, random, and suspicionless drug testing for students emanates primarily from the waiver by the students of their right to privacy when they seek entry to the school, and from their voluntarily submitting their persons to the parental authority of school authorities. In the case of private and public employees, the constitutional soundness of the mandatory, random, and suspicionless drug testing proceeds from the reasonableness of the drug test policy and requirement.”

The Supreme Court concluded and declared:

**“WHEREFORE,** the Court resolves xxxxxxxxxxxx to **PARTIALLY GRANT** the petition in G.R. Nos. 157870 and 158633 by declaring **Sec. 36(c) and (d) of RA 9165 CONSTITUTIONAL** xxxxxxxxxxxx.”

Chapter II  
**GUIDELINES IN THE MANDATORY, RANDOM DRUG TEST FOR THE OFFICIALS AND EMPLOYEES OF THE UNIVERSITY**

Article 4  
**Declaration of Policies**

Section 8. **Declaration of Policy.** – The University shall strictly observe the following:

8.1. The University shall adhere to the policies declared by the State under Section 2 of Republic Act No. 9165 and its IRR, to wit:

“It is the policy of the State to safeguard the integrity of its territory and the well-being of its citizenry particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation. In view of the foregoing, the State needs to enhance further the efficacy of the law against dangerous drugs, it being one of today’s more serious social ills.”

8.2. *Involvement of the Family.* – The family being the basic unit of the Filipino society shall be primarily responsible for the education and awareness of the members of the family on the ill effects of dangerous drugs and close monitoring of family members who may be susceptible to drug abuse<sup>32</sup>.

8.3. *Heads, Supervisors, and Teachers of Schools.* – For the purpose of enforcing the provisions of Article II of this Act, all school heads, supervisors and teachers shall be deemed persons in authority and, as

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<sup>32</sup> Section 41, Article IV of R.A. No. 9165.

such, are hereby empowered to apprehend, arrest or cause the apprehension or arrest of any person who shall violate any of the said provisions, pursuant to Section 5, Rule 113 of the Rules of Court. They shall be deemed persons in authority if they are in the school or within its immediate vicinity, or even beyond such immediate vicinity if they are in attendance at any school or class function in their official capacity as school heads, supervisors, and teachers<sup>33</sup>.

Any teacher or school employee, who discovers or finds that any person in the school or within its immediate vicinity is liable for violating any of said provisions, shall have the duty to report the same to the school head or immediate superior who shall, in turn, report the matter to the proper authorities.

Failure to do so in either case, within a reasonable period from the time of discovery of the violation shall, after due hearing, constitute sufficient cause for disciplinary action by the school authorities

- 8.4. *Drug-Free Workplace.* – The University shall be a drug-free workplace and shall be governed with the provisions of Dangerous Drugs Board Regulation No. 2, s. 2004<sup>34</sup>, CSC Memorandum Circular No. 13, s. 2010, issuances by the President of the Philippines, and policies as the EVSU Board of Regents may promulgate upon the recommendation by the University President.
- 8.5. *EVSU as a Drug-Free Campus or Environment.* – It is hereby declared policy that the Eastern Visayas State University shall be a drug-free environment.

Section 9. ***Drug Test as a Condition for Pre-Employment and Continuous Employment at the University.*** – The following shall strictly be observed:

- 9.1. *Drug Test as a Pre-employment Requirement.* – All applicants for any vacant position/s in the University shall undertake and submit negative results of the drug test during submission of application and pertinent documents and within fifteen (15) days prior to actual interview. *Provided,* that any applicant who tested positive shall automatically be disqualified from proceeding in the next selection process and henceforth be immediately be expunged from the list of applicants and denied entry to the University<sup>35</sup>.
- 9.2. *Drug Test as Requirement for Continuous Employment.* – All officials and employees of the University shall be subjected and undertake a random mandatory drug test as a condition for continuous employment at the University. Those tested positive shall be subjected to disciplinary

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<sup>33</sup> Section 44, Article IV of R.A. No. 9165.

<sup>34</sup> "Guidelines for the Formulation and Implementation of a Drug-Free Workplace Program."

<sup>35</sup> Item IV of CSC MC. No. 13, 2. 2017



action pursuant to the provisions of the 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees of the University<sup>36</sup>, CSC Resolution No. 101359 promulgated on July 6, 2010 and circularized pursuant to MC No. 13, s. 2010, 2017 Administrative Services of the University Manual<sup>37</sup>, 2017 Human Resource Merit Promotion and Selection for Faculty Members and Academic Non-Teaching Staff (HRMPS-FANTS) of the University Manual<sup>38</sup>, 2017 Human Resource Merit Promotion and Selection for Administrative or Non-Teaching Personnel (HRMPS-ANTP) of the University Manual<sup>39</sup> and applicable laws, and jurisprudence.

## Article 5 Coverage and Exemptions

Section 10. **Coverage.** – The random mandatory drug test shall cover the following:

- 10.1. Applicants in any vacancies in the EVSU Board of Regents, faculty or academic, and non-teaching and non-academic, consultants, and confidential employees of the University.
- 10.2. All incumbent officials comprised of the Regents, University President, Vice Presidents, Campus Directors, College Deans, Directors and Heads of Departments or Centers, Chiefs, Coordinators and Chairs of Units and Sections in the different administrative and academic branches or functions of the University Campuses.
- 10.3. All incumbent faculty members, academic staff, non-teaching personnel and non-academic staff of the different University Campuses.

Section 11. **Exemptions.** – The random mandatory drug test shall exempt the contract of service or job order employees, *provided, however*, that a drug use policy clause shall be integrated in their contract. *Provided, further*, that in the said policy, the employee shall undertake under oath that he/she is not engaged in any illegal drug use, production, sale, peddling and other activities and violation/s thereof shall automatically be a ground for the termination or non-renewal of the contract.

## Article 6 Initial and Subsequent Drug Testing of the University Officials and Employees

Section 12. **Conduct of a Mandatory, Random and Suspicionless Drug Testing**<sup>40</sup>. – Within six (6) months from the effectivity CSC MC No. 13, s. 2017 and

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<sup>36</sup> Approved per Board Resolution No. 29, s. 2018.

<sup>37</sup> Approved per Board Resolution No. 31, s. 2018.

<sup>38</sup> Approved per Board Resolution No. 27, s. 2018.

<sup>39</sup> Approved per Board Resolution No. 28, s. 2018.

<sup>40</sup> Item V of CSC MC No. 13, s. 2017.

every year thereafter and/or as frequent as may be deemed necessary duly approved by the University President upon the recommendation by the Drug-Free Committee, the University shall conduct a mandatory, random and suspicionless drug testing of all incumbent officials and employees as a condition for retention in the University. *Provided*, that the subsequent random testing shall take into consideration, among others, the number of the University officials and employees, nature of work being discharged, funding, and other logistics.

Section 13. **General Guidelines.** – The University shall conduct the drug tests with the procedures set forth by the Dangerous Drugs Board, which shall be disseminated to the University Officials and employees or personnel, to include but not limited to the following:

- 13.1. The drug test 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);
- 13.2. The randomly selected University officials and employees will fill out and sign a chain of custody form issued to them.
- 13.3. The specimen bottles must be properly labeled and taking of specimen samples for screening test must be done in an area where manipulation (e.g. adding of water) is not possible.
- 13.4. Specimen samples found positive in the screening test shall be submitted for confirmatory testing within the same day.

Section 14. **Required Notice of the Drug Test Positive Results and Remedies**<sup>41</sup>. – The following shall strictly be observed:

- 14.1. A positive drug test result from the confirmatory test shall immediately be made known to the University President, or to the person designated by the University President and/or EVSU Board of Regents, who shall notify the concerned University official or employee.
- 14.2. The said University official or employee shall have fifteen (15) days from receipt of notice to challenge the result of the confirmatory test.
- 14.3. The challenge test shall be conducted, using the same specimen, by a government drug testing laboratory or by a drug testing laboratory duly authorized and accredited by the Department of Health (DOH).
- 14.4. Failure to file a challenge within the prescribed period shall make the positive drug test result from the confirmatory test final and the University shall then take the appropriate action provided in the succeeding section.

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<sup>41</sup> Item V, 4<sup>th</sup>-6<sup>th</sup> para. of CSC MC No. 13, s. 2017.

- 14.5. A positive drug test result from the challenge test is deemed final and the public official or employee shall be immediately subject to the provisions in the succeeding section.
- 14.6. The drug test result shall be attached to the 201 file of the University official or employee. All drug test results and records must strictly be held confidential as provided for under pertinent provisions of R.A. No. 9165.

## Article 7 **Intervention Programs**

Section 15. **Types of Interventions and Expenses**<sup>42</sup>. – The following interventions shall be undertaken:

- 15.1. *Treatment and Rehabilitation Program*. – University officials and employees who are found positive of dangerous drugs at the first instance after the challenge test, or after positive drug test result from a confirmatory test should the concerned University official or employee fail to challenge said result, shall undergo a Drug Dependency Examination conducted by the DOH or by any medical practitioner accredited by the DOH to conduct said examination and shall be subjected to the following treatment and rehabilitation program:
  - 15.1.1. *Experimenter* – Outpatient, guidance counseling for six (6) months.
  - 15.1.2. *Occasional User* – Outpatient, guidance counseling and regular monthly drug testing for six (6) months which shall be at the personal expense of the University official or employee concerned.
  - 15.1.3. *Chronic User/Drug Dependent* – Mandatory continuous treatment and rehabilitation for a minimum period of six (6) months in a government rehabilitation center, a DOH-accredited private rehabilitation center, or through a community rehabilitation program sanctioned under the rules of the Dangerous Drugs Board.
- 15.2. *Expenses*. – A University official or employee found to be an Experimenter shall shoulder the expense of his/her guidance counseling. The same rule shall also apply to a University official or employee found to be an Occasional User, who shall undergo the guidance counseling and regular monthly drug testing.

Section 16. **Charging from the Leave Credits and Entitlement to Leave Without Pay of Time Spent During Counseling and Regular Drug Testing of**

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<sup>42</sup> Item VI of CSC MC No. 13, s. 2017.

**an Experimenter.** – Time spent for counseling and regular monthly drug testing, if done during office hours, shall be charged against the University official or employee’s leave credits. For this purpose, the University official or employee’s leave credits shall be utilized and when exhausted, vacation leave credits may be utilized for the purpose. If all leave credits are used, absence shall be leave without pay.

Section 17. **Charging from the Leave Credits and Entitlement to Leave Without Pay of Time Spent During Mandatory Rehabilitation Program of a Chronic User/Drug Dependent and Obligations Thereof.** – Any University official or employee to be a Chronic User/Drug Dependent, based on the results of the Drug Dependency Examination (DDE), and who will undergo a mandatory rehabilitation program for a minimum period of six months shall be considered on sick leave for the entire period of his/her rehabilitation. When the concerned University official or employee’s sick leave is exhausted, his/her vacation leave credits may be utilized for the purpose. If all leave credits are used, absence shall be leave without pay.

*Provided,* that the University official or employee shall undertake the processing of his or her admission to a rehabilitation center in accordance with the provisions of R.A. No. 9165 and existing rules of the Dangerous Drugs Board.

*Provided, further,* that the University official or employee concerned shall shoulder the expenses of his/her rehabilitation, which shall commence within fifteen (15) days from receipt of Drug Dependency Examination results, to give way to the processing of the necessary clearances.

Section 18. **Proof of Successful Completion.** – As proof of successful completion of the intervention program, the following shall be secured:

- 18.1. *For an Experimenter or Occasional User.* – A University official or employee assessed as an Experimenter or Occasional User shall secure a Certificate of Completion issued by his/her attending guidance counselor.
- 18.2. *For a Chronic User/Drug Dependent.* – A University official or employee concerned shall issue 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.

*Provided,* that said University official or employee shall not be allowed to report back to work without first submitting to the University the said Certification for Experimenter and Occasional Under and both the Certification and clearance in case of the Chronic User/Drug Dependent.

*Provided, further,* that the University official or employee concerned shall execute an undertaking duly sworn and subscribed to before a notary public, stating, among others, that he/she shall no longer engage in using, peddling, selling, trading, or producing of any dangerous or illegal drugs, as the case may be.

Article 8  
**Administrative Liability and General Policies**

Section 19. **Administrative Offense.** – The following administrative offenses shall be charged accordingly:

- 19.1. *Grave Misconduct*<sup>43</sup>. – Any University official or employee shall be charged with grave misconduct for the commission of any of the following act/s or tort/s:
  - 19.1.1. If he/she has been found to have used dangerous drugs during the prescribed period of their intervention or rehabilitation; or
  - 19.1.2. If he/she has not been issued with a Certificate of Completion (in case of experimenter or occasional user) or a certificate of completion or clearance (in the case of a chronic user/drug dependent); or
  - 19.1.3. If he/she, after being tested positive of drugs use, shall refuse to undergo treatment or rehabilitation, or fails to complete his/her treatment or rehabilitation program;
  - 19.1.4. If he/she 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 used dangerous drugs during the prescribed period of intervention or rehabilitation;

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<sup>43</sup> In **Michaelina Ramos Balasbas v. Patricia B. Monayao**, G.R. No. 190524, February 17, 2014 citing *Japson v. Civil Service Commission*, G.R. No. 189479, April 12, 2011, 648 SCRA 532, 543-544; *Jowett K. Golangco v. Atty. Jone B. Fung*, G.R. No. 147640, and *Office of the Ombudsman v. Hon. Court of Appeals*, G.R. No. 147762, October 12, 2006 citing *Vertudes v. Buenaflor*, G.R. No. 153166, 16 December 2005, 478 SCRA 210, 233-234, and *Glenda Rodriguez-Angat V. Government Service Insurance System*, G.R. No. 204738, July 29, 2015 citing *Government Service Insurance System (GSIS) v. Mayordomo*, supra note 43, at 683, the Supreme Court ruled:

“Grave misconduct is a transgression of some established or definite rule of action, is a forbidden act, is a dereliction of duty, is willful in character, and implies wrongful intent and not mere error in judgment. More particularly, it is an unlawful behavior by the public officer x x x.

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It as an intentional wrongdoing or deliberate violation of a rule of law or standard of behavior, especially by a government official. As differentiated from simple misconduct, in grave misconduct the elements of corruption, clear intent to violate the law or flagrant disregard of established rule, must be manifest.

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Misconduct shall be considered grave only in cases where the elements of “corruption, willful intent to violate the law or to disregard established rules [are proven] by substantial evidence.” The misconduct must imply wrongful intention and not a mere error of judgment. Corruption as an element of grave misconduct consists in the act of an official or employee who unlawfully or wrongfully uses her station or character to procure some benefit for herself or for another, at the expense of the rights of others. Nonetheless, “a person charged with grave misconduct may be held liable for simple misconduct if the misconduct does not involve any of the additional elements to qualify the misconduct as grave. Grave misconduct necessarily includes the lesser offense of simple misconduct.

19.1.5. If he/she is caught using or peddling drugs, without prejudice to the filing of appropriate criminal charge/s under R.A. 9165 and other pertinent laws.

19.2. *Gross Insubordination*<sup>44</sup>. – Any University official or employee who refuses, without any valid reason, to submit himself/herself for drug testing, shall be charged with the administrative offense of Gross Insubordination.

Section 20. **Penalty.** – The following penalties shall be imposed based on the administrative offense provided above:

20.1. For *Grave Misconduct*. – Grave misconduct is considered or classified as grave offense and shall be punishable by dismissal from the service<sup>45</sup>.

20.2. For *Gross Insubordination*. – Gross insubordination is considered or classified as grave offense and shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense.<sup>46</sup>

Section 21. **General Policies.** – In the exercise of its academic freedom and institutional autonomy, pertinent provisions of R.A. No. 8292 and R.A. No. 9311, and relevant laws and jurisprudence, the University hereby adopts the following policies for the strict compliance of all concerned:

21.1. *Adoption, Application and Liberal Interpretation of CSC Resolution No. 1701077 promulgated on July 3, 2017*<sup>47</sup>, *Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees of the University, Jurisprudence and Applicable Laws and Relevant and Subsequent Issuances Thereof.* – The pertinent provisions of CSC Resolution No. 1701077 promulgated on July 3, 2017, 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees of the University, jurisprudence and applicable laws and related and subsequent issuances thereof are hereby adopted as provided herein which shall be liberally construed, applied and interpreted to promote their objective in obtaining just, speedy, and inexpensive disposition of administrative cases<sup>48</sup>.

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<sup>44</sup> **Juliet G. Apacible v. Multimed Industries Incorporated**, G.R. No. 178903, May 30, 2011 citing *Bascon v. Court of Appeals*, G.R. No. 144899, February 5, 2004, 422 SCRA 122, the Supreme Court held:

*Gross Insubordination* – refers to willful disobedience of the employer's lawful orders envisage the concurrence of at least two requisites: (1) the employees assailed conduct must have been willful, that is, characterized by a wrongful and perverse attitude; and (2) the order violated must have been reasonable, lawful, made, known to the employee and must pertain to the duties which he had been engaged to discharge.

<sup>45</sup> Section 50(A)(3), Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017 entitled, "2017 Rules on Administrative Cases in the Civil Services," and Section 30.1.3 of the Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees of the University.

<sup>46</sup> Section 50(B)(9), Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017 entitled, "2017 Rules on Administrative Cases in the Civil Services," and Section 30.2.6 of the Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees of the University.

<sup>47</sup> 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).

<sup>48</sup> Section 3, Rule 1 of CSC Resolution No. Resolution No. 1701077 promulgated on July 3, 2017.

- 21.2. *Compliance of Administrative Exhaustion.* – University Officials or employees shall comply with administrative exhaustion in seeking for resolution of their complaint/s or issues as elucidated in ***Republic of the Philippines v. Lacap***<sup>49</sup>, the Supreme Court unequivocally held:

“The general rule is that before a party may seek the intervention of the court, he should first avail of all the means afforded him by administrative processes. The issues which administrative agencies are authorized to decide should not be summarily taken from them and submitted to a court without first giving such administrative agency the opportunity to dispose of the same after due deliberation.

Corollary to the doctrine of exhaustion of administrative remedies is the doctrine of primary jurisdiction; that is, courts cannot or will not determine a controversy involving a question which is within the jurisdiction of the administrative tribunal prior to the resolution of that question by the administrative tribunal, where the question demands the exercise of sound administrative discretion requiring the special knowledge, experience and services of the administrative tribunal to determine technical and intricate matters of fact.”

Further, in ***COA v. CA***<sup>50</sup>, the Supreme ruled:

“The failure to fulfill the requirements of Rule 65 disallows the CA from taking due course of the Petition; otherwise appeals and motions for reconsideration would be rendered meaningless, as stated time and again by this Court:

If resort to a remedy within the administrative machinery can still be made by giving the administrative officer concerned every opportunity to decide on a matter that comes within his or her jurisdiction, then such remedy should be exhausted first before the court's judicial power can be sought. The premature invocation of the intervention of the court is fatal to one's cause of action. The doctrine of exhaustion of administrative remedies is based on practical and legal reasons. The availment of administrative remedy entails lesser

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<sup>49</sup> ***Republic of the Philippines, Represented by the Department of Public Works and Highways, Commission on Audit and the National Treasurer v. Carlito Lacap***, G.R. No. 158253, March 2, 2007 citing *ACWS, Ltd. v. Dumlao*, 440 Phil. 787, 801-802 (2002); *Zabat v. Court of Appeals*, 393 Phil. 195, 206 (2000); *Paloma v. Mora*, G.R. No. 157783, September 23, 2005, 470 SCRA 711, 725; and *Fabia v. Court of Appeals*, 437 Phil. 389, 403 (2002).

<sup>50</sup> ***The Special Audit Team, Commission on Audit v. Court of Appeals and Government Service Insurance System***, G.R. No. 174788, April 11, 2013 citing *William Golangco Construction Corporation, v. Ray Burton Development Corporation*, G.R. NO. 163582, 9 August 2010, 627 SCRA 74, 82-83; *Dimarucot v. People*, G.R. NO. 183975, 20 September 2010, 630 SCRA 659, 668-669; *Domdom v. Third and Fifth Divisions of Sandiganbayan*, G.R. Nos. 182382-83, 24 February 2010, 613 SCRA 528; *Ongsuco v. Malones*, G.R. NO. 182065, 27 October 2009, 604 SCRA 499, 511-512, *Fua, Jr. v. Commission on Audit*, G.R. NO. 175803, 4 December 2009, 607 SCRA 347; *Addition Hills Mandaluyong Civic & Social Organization Inc. v. Megaworld Properties and Holdings Inc.*, G.R. NO. 175039, 18 April 2012, 670 SCRA 83, 89; and *Atty. Sanchez v. Judge Vestil*, 358 Phil. 477, 481 (1998).

expenses and provides for a speedier disposition of controversies. Furthermore, the courts of justice, for reasons of comity and convenience, will shy away from a dispute until the system of administrative redress has been completed and complied with, so as to give the administrative agency concerned every opportunity to correct its error and dispose of the case. x x x.

Moreover, courts have accorded respect for the specialized ability of other agencies of government to deal with the issues within their respective specializations prior to any court intervention. The Court has reasoned thus:

We have consistently declared that the doctrine of exhaustion of administrative remedies is a cornerstone of our judicial system. The thrust of the rule is that courts must allow administrative agencies to carry out their functions and discharge their responsibilities within the specialized areas of their respective competence. The rationale for this doctrine is obvious. It entails lesser expenses and provides for the speedier resolution of controversies. Comity and convenience also impel courts of justice to shy away from a dispute until the system of administrative redress has been completed.  
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Once again, the Court must remind the parties to judicial disputes to adhere to the standards for litigation as set by procedural rules. These rules exist primarily for the benefit of litigants, in order to afford them both speedy and appropriate relief from a body duly authorized by law to dispense the remedy. If a litigant prematurely invokes the jurisdiction of a court, then the potential result might be a deafening silence. Although we recognize that justice delayed is justice denied, we must also bear in mind that justice in haste is justice defiled.”

- 21.3. *Requirements of Administrative Due Process.* – No Official or employee of the University shall be removed or suspended except for cause as provided under this Manual or 2017 Revised University Code, CSC Resolution No. CSC Resolution No. 1701077 promulgated on July 3, 2017<sup>51</sup>, 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees (CCRADCOE) of the University Manual, 2017 Administrative Services of the University Manual, and such applicable laws, jurisprudence and after due process of law. As enunciated in **Fontanilla v. COA**<sup>52</sup>, the Supreme Court

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<sup>51</sup> 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).

<sup>52</sup> **Raphael C. Fontanilla v. The Commission Proper, Commission on Audit**, G.R. No. 209714, June 21, 2016 citing *Basaga v. Spouses Acosta*, G.R. No. 194061, April 20, 2015 citing *Vivo V. Pagcor*, G.R. No. 187854, November 12, 2013, 709 SCRA 276, 281; *Air Manila, Inc. v. Hon. Balatbat, et al.*, 148 Phil. 502 (1971); *Garcia v.*



instructively declared:

“Time and again, we have ruled that the essence of due process is the *opportunity to be heard*. In administrative proceedings, one is heard when he is accorded a *fair and reasonable opportunity* to explain his case or is given the chance to have the ruling complained of reconsidered.

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We stress that administrative due process also requires the following: 1) A finding or decision by a competent tribunal that is supported by ***substantial evidence***, either presented at the hearing or at least contained in the records of disclosed to the parties affected: 2) The tribunal must act on its own independent consideration of the law and facts of the controversy and ***not simply accept the view of a subordinate in arriving at a decision***; and 3) The tribunal should in all controversial questions, render its decision ***in such a manner that the parties to the proceedings can know the various issues involved*** and the reason for the decision rendered.”

In ***Montoya v. Varilla***<sup>53</sup>, the Supreme Court instructively held:

“Though procedural rules in administrative proceedings are less stringent and often applied more liberally, administrative proceedings are not exempt from basic and fundamental procedural principles, such as the right to due process in investigations and hearings. The right to substantive and procedural due process is applicable to administrative proceedings.

Well-settled is the rule that the essence of due process is simply an opportunity to be heard or, as applied to administrative proceedings, an opportunity to explain ones side or an opportunity to seek a reconsideration of the action or ruling complained of. Unarguably, this rule, as it is stated, strips down administrative due process to its most fundamental nature and sufficiently justifies freeing administrative proceedings from the rigidity of procedural requirements. In particular, however, due process in administrative proceedings has also been recognized to include the following: (1) the right to actual or

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*Executive Secretary*, 116 Phil. 344 (1962); and *Ang Tibay v. Court of Industrial Relations*, 69 Phil. 635, 642-644 (1940).

<sup>53</sup> ***P02 Ruel C. Montoya v. Police Director Reynaldo P. Varilla***, G.R. No. 180146, December 18, 2008 citing *Civil Service Commission v. Lucas*, 361 Phil. 486, 491 (1999); *Westmont Pharmaceuticals, Inc. v. Samaniego*, G.R. Nos. 146653-54, 20 February 2006, 482 SCRA 611, 619; and *Fabella v. Court of Appeals*, 346 Phil. 940, 952-953 (1997).

constructive notice of the institution of proceedings which may affect a respondents legal rights; (2) a real opportunity to be heard personally or with the assistance of counsel, to present witnesses and evidence in ones favor, and to defend ones rights; (3) a tribunal vested with competent jurisdiction and so constituted as to afford a person charged administratively a reasonable guarantee of honesty as well as impartiality; and (4) a finding by said tribunal which is supported by substantial evidence submitted for consideration during the hearing or contained in the records or made known to the parties affected.”

Relatedly, in **Ray Peter O. Vivo v. PAGCRO**<sup>54</sup>, the Supreme Court enunciated:

“The essence of due process is to be heard, and, as applied in to administrative proceedings, this means a fair a reasonable opportunity to explain one’s side, or an opportunity to seek a reconsideration of the action or ruling complained of.”

Further, in **LTO v. Gutierrez**<sup>55</sup>, the Supreme Court declared:

“The sense of procedural due process is embodied in the basic requirements of notice and a real opportunity to be heard. In administrative proceedings, xxxxxxxx, procedural due process simply means the opportunity to explain one’s side or the opportunity to seek a reconsideration of the action or ruling complained of. To be heard does not mean only verbal arguments in court; one may also be heard thru pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process. This was extensively discuss in **Vivo v. Philippine Amusement and Gaming Corporation**, as follows:

“The observance of fairness in the conduct of any investigation is at the very heart of procedural due process. The essence of due process is to be heard, and, as applied to administrative proceedings, this means a fair and reasonable opportunity to explain one’s side, or an opportunity to seek a reconsideration of the action or ruling complained of. Administrative due process cannot be fully equated with due process in its strict judicial sense, for in the former a formal trial-type hearing is not

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<sup>54</sup> **Ray Peter O. Vivo v. PAGCOR**, G.R. No. 187854, November 12, 2013.

<sup>55</sup> **Disciplinary Board, Land Transportation v. Mercedita E. Gutierrez**, G.R. No. 224395, July 3, 2017, citing *Ebdane, Jr. v. Apurillo*, G.R. No. 204172, December 9, 2015 777 SCRA 324, 332, citing *Department of Agrarian Reform v. Samson*, 577 Phil. 370, 380 (2008); and *Vivo v. Philippine Amusement and Gaming Corporation*, 721 Phil. 34 (2013).

always necessary, and technical rules of procedure are not strictly applied. *Ledesma v. Court of appeals* [(565 Phil. 731, 740 [2007])] elaborates on the well-established meaning of due process in administrative proceedings in this wise:

x x x Due process, as a constitutional precept, does not always and in all situations require a trial-type proceeding. Due process is satisfied when a person is notified of the charge against him and given an opportunity to explain or defend himself. In administrative proceedings, the filing of charges and giving reasonable opportunity for the person so charged to answer the accusations against him constitute the minimum requirements of due process. The essence of due of process is simply to be heard, or as applied to administrative proceedings, an opportunity to explain one's side, or an opportunity to seek a reconsideration of the action or ruling complained of."

- 21.4. *Responsibility on the Burden of Proof.* – The complainant has the burden of proof of proving by substantial evidence the allegations in his complaint. The basic rule is that mere allegation is not evidence and is not equivalent to proof. Charges based on a mere suspicion and speculation likewise cannot be given credence. Hence, when the complainant relies on mere conjectures and suppositions, and fails to substantiate his allegations, the administrative complaint must be dismissed for lack of merit<sup>56</sup>.

In a "**Letter of Rafael Dimaano Requesting Investigation of the Alleged Illegal Activities Purportedly Perpetrated by Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City and Unsworn Complaint Rosa Abdulharan Against Associate Justice Jane Aurora C. Lantion Jane of the Court of Appeals, Cagayan De Oro City**"<sup>57</sup>, the Supreme Court clearly held:

"In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or that amount of relevant evidence that a reasonable mind might

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<sup>56</sup> *Dr. Castor C. de Jesus v. Rafael D. Guerero III, et al.*, G.R. No. 171491, September 4, 2009 citing *Manalabe v. Cabie*, A.M. No. P-05-1984, July 6, 2007, SCRA 582, 589; *Adajar v. Develos*, A.M. No. P-05-2056, November 18, 2005, 475 SCRA 361, 376-377; *Ong v. Rosete*, A.M. No. MTJ-04-1538, October 22, 2004, SCRA 150, 160; and *Datuin, Jr. v. Soriano*, A.M. No. TRJ-01-1640, October 15, 2002, 391 SCRA 1, 5.

<sup>57</sup> *In Letter of Rafael Dimaano Requesting Investigation of the Alleged Illegal Activities Purportedly Perpetrated by Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City*, A.M. No. 17-03-03-CA and *Unsworn Complaint Rosa Abdulharan Against Associate Justice Jane Aurora C. Lantion Jane of the Court of Appeals, Cagayan De Oro City*, IPI No. 17-258-CA-J, July 11, 2017 citing *Complaint of Imelda D. Ramil against Stenographer Evelyn Antonio*, 552 Phil. 92, 100 (2007); *Dayag v. Judge Gonzales*, 526 Phil. 48, 57 (2006); and *Alfonso v. Igancio*, 487 Phil. 1,7 (2004).

accept as adequate to support a conclusion. It must be stressed that the burden of substantiating the charges in an administrative proceeding falls on the complainant, who must be able to prove the allegations in the complaint with substantial evidence. Reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on.”

- 21.5. *Requirement of Substantial Evidence.* – As pronounced by the Supreme Court in ***Ombudsman v. Torres***<sup>58</sup>, the requirement of administrative culpability of any Official or employee of the University shall be as follows:

“To sustain a finding of administrative culpability only substantial evidence is required, not overwhelming or preponderant, and very much less than proof beyond reasonable doubt as required in criminal cases. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”

In ***Civil Service Commission v. Herminigildo L. Andal***, the Supreme Court held:

“Substantial evidence, which is the quantum of proof required in this administrative case, the amount of relevant evidence that a reasonable mind might accept as adequate to justify a conclusion. This standard is satisfied in the present case so long as there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if the evidence may not be overwhelming or even preponderant.”<sup>59</sup>

- 21.6. *Resignation Not a Way Out to Evade Administrative Liability.* – Resignation is not a way out to evade administrative liability when facing administrative sanction. The resignation of a public servant does not preclude the finding of any administrative liability to which he or she shall still be answerable.<sup>60</sup>

However, an Official/officer or employee under investigation may be allowed to resign pending decision of his case without prejudice to the continuation of the proceedings until finally terminated.<sup>61</sup>

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<sup>58</sup> ***Office of the Ombudsman v. Marian D. Torres and Maricar D. Torres***, G.R. No. 168309, January 29, 2008 citing *Apolinario v. Flores*, G.R. No. 152780, January 22, 2007, 512 SCRA 113, 119; *Resngit-Marquez v. Judge Llamas, Jr.*, 434 Phil. 184, 203 (2002), *Mariano v. Roxas*, 434 Phil. 742, 749 (2002), and *Liguil v. Camano, Jr.*, 435 Phil. 695, 706 (2002).

<sup>59</sup> ***Civil Service Commission v. Herminigildo L. Andal***, A.M. No. SB-12-19-P (Formerly OCA IPI No. 10-26-SB-P), November 18, 2014 citing *Jallorina v. Taneo-Regner*, A.M. No. P-11-2948, 23 April 2012, 670 SCRA 301.

<sup>60</sup> ***Esther S. Pagano v. Juan Nazarro, Jr., et al.***, G.R. No. 149072, September 21, 2007 citing *Baquerfo v. Sanchez*, A.M. No. P-05-1974, 6 April 2005, 455 SCRA 13, 19-20.

<sup>61</sup> ***Light Rail Transit Authority V. Aurora A. Salvaña***, G.R. No. 192074, June 10, 2014.

- 21.7. *Effects of Desistance by the Complainant.* – The settled rule is that the filing of an affidavit of desistance by complainant for lack of interest does not *ipso facto* result in the termination of an administrative case against the respondent<sup>62</sup>. In **Pastor C. Pinlac v. Oscar T, Llamas**<sup>63</sup>, the Supreme Court ruled:

“We reiterate the settled rule that administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, accept and condone what it otherwise detestable.”

However, well-established is the rule in administrative proceedings that the burden of proof rests on the complainant, who must be able to support and prove by substantial evidence his accusations against respondent<sup>64</sup>.

- 21.8. *Hearsay.* – Evidence is hearsay when its probative force depends in whole or in part on the competency and credibility of some persons other than the witness by whom it is sought to produce. However, while the testimony of a witness regarding a statement made by another person given for the purpose of establishing the truth of the fact asserted in a statement is clearly hearsay evidence, it is otherwise if the purpose of placing the statement on record is merely to establish the fact that the statement, or the tenor of such statement, was made. Regardless of the truth or falsity of a statement, when what is relevant is the fact that such statement has been made, the hearsay rule does not apply and the statement may be shown. As a matter of fact, evidence as to making of the statement is not secondary but primary, for the statement itself may constitute a fact in issue or is circumstantially relevant as to the existence of such a fact. This is known as the doctrine of independently relevant statements.<sup>65</sup>
- 21.9. *Limitations on the Application of Technical Rules Obtaining to Cases in Ordinary Court of Law, and Formal and Trial-Type Hearing is Not Necessary.* – The administrative cases and proceedings against any Official or employee of the University shall not be bound by the strict technical rules obtaining cases in ordinary court of law<sup>66</sup>. In **Augusto Samalio v. Court of Appeals**<sup>67</sup>, the Supreme Court clearly pronounced:

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<sup>62</sup> **Leonila S. Raymundo v. Enrique M. Calaguas**, A.M. No. P-01-1496, 28 January 2005, 449 SCRA 437, citing **Teodoro v. Carpio**, A.M. No. MTJ-O2-1416, 27 February 2004, 424 SCRA 56.

<sup>63</sup> **Pastor C. Pinlac v. Oscar T. Llamas**, A.M. No. P-10-2781 (Formerly OCA IPI No. 02-1419-P), November 24, 2010.

<sup>64</sup> **Antonino Monticalbo v. Judge Crescente F. Mraya, Jr.**, A.M. No. RTJ-09-2197, 13 April 2011, 648 SCRA 573, citing **Office of the Court of Administrator v. Lopez**, A.M. No. P-10-2788, January 18, 2011.

<sup>65</sup> **Jose Espineli v. People of the Philippines**, G.R. No. 179535, June 9, 2014, citing **Republic v. Heirs of Felipe Alejaga, Sr.**, Phil. 656, 672 (2002).

<sup>66</sup> CSC Decision No. 150715 dated September 22, 2015.

<sup>67</sup> **Augusto Samalio v. Court of Appeals, et al.**, G.R. No. 140079, March 31, 2005.

“Further, administrative bodies are not bound by the technical niceties of law and procedure and the rules obtaining in courts of law. Administrative tribunals exercising quasi-judicial powers are unfettered by the rigidity of certain procedural requirements, subject to the observance of fundamental and essential requirements of due process in justiciable cases presented before them. In administrative proceedings, technical rules of procedure and evidence are not strictly applied and administrative due process cannot be fully equated with due process in its strict judicial sense.”

In ***Lastimoso v. Asayo***<sup>68</sup>, the Supreme Court held:

“It is a settled jurisprudence that in administrative proceedings, technical rules of procedure and evidence are not strictly applied. In *Land Bank of the Philippines v. Celada*, the Court stressed thus:

After all, technical rules of procedure are not ends in themselves but are primarily devised to help in the proper and expedient dispensation of justice. In appropriate cases, therefore, the rules may be construed liberally in order to meet and advance the cause of substantial justice.”

Further, in ***Imperial v. GSIS***<sup>69</sup>, the Supreme Court declared:

“Procedural due process is the constitutional standard demanding that notice and an opportunity to be heard be given before judgment is rendered. As long as a party is given the opportunity to defend his interests in due course, he would have no reason to complain; the essence of due process is in the opportunity to be heard. A formal or trial-type hearing is not always necessary.”

21.10. *Restrictions and Application of “No Work No Pay” Policy.* – The following rules shall strictly be implemented:

21.10.1. *Restriction in Reporting to Work.* – Any University official or employee undergoing treatment or intervention as provided under this Manual and CSC MC No. 13, s. 2017 shall be

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<sup>68</sup> ***Deputy Director General Roberto Lastimoso v. P/Senior Inspector Jose J. Asayo***, G.R. NO. 154243, December 4, 2007 citing G.R. No. 164876, January 23, 2006, 479 SCRA 495; and *Casimiro v. Tandog*, G.R. No. 146137, June 08, 2005, 459 SCRA 624, 631; *Samalio v. Court of Appeals*, supra note 1, at 471.

<sup>69</sup> ***Monico K. Imperial, Jr. v. Government Service Insurance System***, G.R. No. 191224, October 4, 2011 citing *Catmon Sales International Corporation v. Yngson, Jr.*, G.R. No. 179761, January 15, 2010, 610 SCRA 236, 244; and *Cuenca v. Atas*, G.R. No. 146214, October 5, 2007, 535 SCRA 48, 72.

restricted from reporting to work<sup>70</sup>.

21.10.2. *Imposition of Preventive Suspension for Grave Offense of Grave Misconduct.* – Any official or employee who have been found committed and charged with act/s or tort/s of misconduct provided under item VII (1,2,3, and 5) of CSC MC No. 13, s. 2017 and sub-Section 19.1 hereof, being grave offense, shall be imposed a preventive suspension<sup>71</sup>.

21.10.3. *Application of "No Work No Pay" Policy.* – The "No Work No Pay" policy shall strictly be applied to those University officials or employee while undergoing treatment or intervention who does not earn leave credits.

21.11. *EVSU Board of Regents' Original and Concurrent Jurisdiction with the CSC.* – The EVSU Board of Regents or University President in so far as authorized by the Board shall have original concurrent jurisdiction of with the CSC over the Officials and employees of the University. Its decisions shall be final in case the penalty imposed is suspension for not more than thirty (30) days or fine in an amount not exceeding thirty (30) days salary subject to Section(A)(5) of the 2017 RACCS. In case the decision rendered by the EVSU Board of Regents and/or University President is appealable to the Commission, the same may be initially appealed to the EVSU Board of Regents and finally to the Commission and pending appeal, the same shall be executory except when the penalty is dismissal from the service, in which case the same shall be executory only after confirmation by the EVSU Board of Regents<sup>72</sup>.

21.11.1. *Concurrent Jurisdiction of CSC with the EVSU Board of Regents.* – The CSC shall have concurrent jurisdiction<sup>73</sup> with the EVSU Board of Regents over the disciplinary action/s against any official or employees of the University<sup>74</sup>.

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<sup>70</sup> Item VIII (3) of CSC MC No. 13, s. 2017.

<sup>71</sup> Section 26 (A) (3), Rule 7 of CSC Resolution No. 1101502 promulgated on November 8, 2011 entitled, "Revised Rules on Administrative Cases in the Civil Services," and Section 27.2.1 (3) of the Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees of the University.

<sup>72</sup> Section 9, Rule 2 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

<sup>73</sup> **Alberto Pat-og, Sr. v. Civil Service Commission**, G.R. No. 198755, June 5, 2013, citing *Puse v. Santos-Puse*, supra note 10, at 513, the Supreme Court ruled:

"Concurrent jurisdiction is that which is possessed over the same parties or subject matter at the same time by two or more separate tribunals. When the law bestows upon a government body the jurisdiction to hear and decide cases involving specific matters, it is to be presumed that such jurisdiction is excludes unless it be proved that another body is likewise vested with the same jurisdiction, in which case, both bodies have concurrent jurisdiction over the matter."

<sup>74</sup> **CSC v. Court of Appeals**, G.R. No. 176162, October 9, 2012 citing G.R. No. 179452, June 11, 2009, 589 SCRA 88, G.R. No. 168766, May 22, 2008, 554 SCRA 160, and *Civil Service Commission v. Alfonso*, supra note 31.

**"CSC has concurrent original jurisdiction with the Board of Regents over administrative cases**

It is the Court's position that the Uniform Rules did not supplant the law which provided the CSC with original jurisdiction. While the Uniform Rules may have so provided, the Court invites attention to the cases of *Civil Service Commission v. Alfonso* and *Civil Service Commission v. Sojor*, to be further discussed in the course of this decision, both of which buttressed the pronouncement that

- 21.11.2. *Jurisdiction of the Civil Service Commission.* – The Civil Service Commission shall hear and decide administrative cases or matters instituted by or brought before it, directly or on appeal, including contested appointments, and review decisions and actions of its offices and other government agencies<sup>75</sup>.

## Article 9 Responsibilities of Agencies

Section 22. **Responsibilities of the University.** – The University shall, through the University President:

- 22.1. Submit a regular report to the DDB on the conduct of drug tests and number of officials and employees who tested positive for drug use or such reports<sup>76</sup> as may be requested by CSC, DDB or government agencies concerned;
- 22.2. Coordinate with and submit to the DOH on the accreditation of its facilities, services and/or employees in the conduct of drug testing and interventions programs, subject to the standards, policies and requirements prescribed under existing laws, rules and regulations;
- 22.3. In close coordination with the DDB and such concerned government agencies and non-government organizations (NGOs) or civil society organizations (CSOs), conduct capability trainings and information and education campaign (IECS) and related positive actions or programs at least a semestral and/or as frequent as deemed necessary;
- 22.4. Update its policies and services' manuals to ensure that these are consistent with existing laws, rules, regulations and jurisprudence. *Provided*, that the failure to update the said policies or services'

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the Board of Regents shares its authority to discipline erring school officials and employees with the CSC. It can be presumed that, at the time of their promulgation, the members of this Court, in Alfonso and Sojor, were fully aware of all the existing laws and applicable rules and regulations pertaining to the jurisdiction of the CSC, including the Uniform Rules.

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We are not unmindful of certain special laws that allow the creation of disciplinary committees and governing bodies in different branches, subdivisions, agencies and instrumentalities of the government to hear and decide administrative complaints against their respective officers and employees. Be that as it may, we cannot interpret the creation of such bodies nor the passage of laws such as – R.A. Nos. 8292 and 4670 allowing for the creation of such disciplinary bodies – as having divested the CSC of its inherent power to supervise and discipline government employees, including those in the academe. To hold otherwise would not only negate the very purpose for which the CSC was established, i.e. to instill professionalism, integrity, and accountability in our civil service, but would also impliedly amend the Constitution itself.

Based on all of the foregoing, the inescapable conclusion is that the CSC may take cognizance of an administrative case filed directly with it against an official or employee of a chartered state college or university. This is regardless of whether the complainant is a private citizen or a member of the civil service and such original jurisdiction is shared with the Board of Regents of the school."

<sup>75</sup> Section 5, Rule 2 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

<sup>76</sup> Item VIII(1) of CSC MC No. 13, s. 2017.



manuals shall not affect the implementation of any applicable laws, rules and regulations or jurisprudence; and

- 22.5. Perform such obligations as may be provided in relevant laws, rules and regulations.

Section 23. **Responsibilities of the Department of Health.** – The DOH shall:

- 23.1. Conduct the necessary trainings for physicians of the University on administering the Drug Dependency Examination; and
- 23.2. Subject to the standards, policies and requirements prescribed under existing laws, rules and regulations, conduct the accreditation of the University's facilities, services and/or employees in the conduct of drug testing and intervention programs.

#### Article 10 **Funds**

Section 24. **Expenses for the Conduct of the Screening and Confirmatory Drug Test**<sup>77</sup>. – The expenses for the conduct of the screening and confirmatory drug test of the University officials and employees shall be charged against the annual appropriations and/or income on health and wellness or human resource development of the University, subject to the existing, budgeting, accounting and auditing rules and regulations.

Section 25. **Inclusion of the Health and Wellness in the Annual Budget Proposal and/or Supplemental Budget.** – The University shall include in its annual budget proposal for employee's health and wellness<sup>78</sup> and/or in its supplemental budgets as may be deemed necessary.

Section 26. **Expenses for the Conduct of the Challenge to the Drug Test Results**<sup>79</sup>. – Drug test conducted as a result of a challenge to the positive drug test result from the confirmatory test shall be charged to the personal expense of the concerned University official or employee.

#### Article 11 **Adoption and Suppletory Application of Relevant, Laws, Rules, Regulations and Jurisprudence**

Section 27. **Adoption and Suppletory Application of Relevant, Laws, Rules, Regulations and Jurisprudence.** – Relevant laws, rules and regulations, such as, but not limited to, Republic Act No. 9165 and its IRR, DDB Board Regulation

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<sup>77</sup> Item IX of CSC MC No. 13, s. 2017.

<sup>78</sup> Item IX of CSC MC. No. 13, s. 2017.

<sup>79</sup> Item IX of CSC MC No. 13, s. 2017.

No. 6, s. 2003 promulgated August 1, 2003, DDB Board Regulation No. 3, s. 2009 promulgated on June 3, 2009, CSC Resolution No. 1700653 promulgated on March 15, 2017 and circularized per MC No. 13, s. 2017 dated April 19, 2017, CSC Resolution No. 101359 promulgated on July 6, 2010 and circularized pursuant to MC No. 13, s. 2010, CHED Commission *En Banc* Resolution No. 539-2017 promulgated on July 18, 2017 and implemented pursuant to CHED Memorandum Order No. 64, s. 2017 dated August 2, 2017, and CSC Resolution No. 1701077 promulgated on July 3, 2017, Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees of the University, 2017 Administrative Services of the University Manual, 2017 Human Resource Merit Promotion and Selection for Faculty Members and Academic Non-Teaching Staff (HRMPS-FANT) of the University Manual, 2017 Human Resource Merit Promotion and Selection for Administrative or Non-Teaching Staff (HRMPS-ANTP) of the University Manual, relevant services' manuals duly approved by the EVSU Board of Regents, and such jurisprudence and subsequent issuances thereof, are hereby adopted and shall serve the governing guidelines of this Chapter and such provision of this Manual.

### Chapter III

## **GUIDELINES IN THE MANDATORY, RANDOM DRUG TEST FOR THE STUDENTS OF THE UNIVERSITY**

### Article 12

### **Declaration Principles, Purposes and Policies**

Section 28. ***Guiding Principles in the Implementation of Random Drug Testing in the University and Management of Drug Test Results***<sup>80</sup>. – Taking into consideration the implanting mechanism provided under Section 216, Article 63 of the 2017 Revised University Students' Handbook<sup>81</sup> and Section \_\_\_\_, Article \_\_\_\_ of the 2017 Revised University Code, the following are the guiding principles in the

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<sup>80</sup> Item A of DDB Board Resolution No. 6, series of 2003 adopted on August 1, 2003.

<sup>81</sup> "Article 63. Implementing Mechanism

Section 216. ***Mandatory Drug Testing.*** – Students of secondary and tertiary programs of the University shall, pursuant to related rules and regulations as contained in this University's Students' Handbook and/or Drug Testing for the Officials, Employees and Students of the University Manual approved by the EVSU Board of Regents, and with notice to the parents, undergo a random drug testing: *Provided*, that all drug testing expenses will be borne by the government.

*Provided, further*, that the guidelines under Dangerous Drugs Board (DDB) Resolution No. 6, s. 2003<sup>81</sup> and CHED Memorandum Order No. 64, s. 2017<sup>81</sup> shall strictly be observed subject to proper coordination with the officials of the University.

*Provided, furthermore*, That the drug testing and its results shall be subject to the following conditions:

- 216.1. Random sampling must be employed with full knowledge as to the purpose, however, the identified samples and victims of drug abuse must be treated with highest confidentiality;
- 216.2. Processing of test samples shall be administered by accredited personnel and facilities in accordance with pertinent standards and procedures under pertinent laws, rules and regulations;
- 216.3. Test results shall not be used or be exposed or revealed to any party/ies that may directly or indirectly constitute discrimination or oppression to the rights and welfare of the students concerned who are victims of drug abuse;
- 216.4. Drug testing shall be conducted for health intervention and assistance for students who are victims of drug abuse. For this purpose, the University shall formulate and implement comprehensive and positive initiatives, intervention and rehabilitation programs that would promote reintegration to mainstream society; and
- 216.5. The University shall ensure the conduct of regular anti-drug abuse programs."

implementation of random drug testing in the University and management of drug test results:

- 28.1. The Government or University recognizes the primary responsibility of the family, particularly the parents for the education and awareness of its members of the ill effects of dangerous drugs;
- 28.2. Parental involvement shall be maximized in the implementation of drug education, random drug testing, treatment and rehabilitation of drug users and dependents;
- 28.3. The University, with the assistance of the Local Government Units (LGUs) and other agencies where the University campuses are located, has the obligation to employ every reasonable means to provide a healthy and drug-free environment to its populace;
- 28.4. Cognizant of the right of the students to continue and complete their studies, the government and the University shall give emphasis to implementation of measures aimed at guidance and counseling together with the treatment and rehabilitation of any student found to have used or to be dependent on dangerous drugs;
- 28.5. Academic freedom of the University shall be respected in the implementation of random drug testing and all other pertinent provisions of R.A. No. 9165;
- 28.6. The implementation of drug abuse prevention and education programs in the University shall be intensified as an integral part of the over-all demand reduction efforts of the government;
- 28.7. The random drug testing shall be implemented as a collaborative undertaking of the government, the University, the students and their parents. The whole process shall not in any manner be utilized to harass the students;
- 28.8. Random drug testing shall be implemented primarily the prevention and rehabilitation;
- 28.9. The drug-testing program shall guarantee and respect the personal privacy and dignity of the student;
- 28.10. The drug test results shall be treated with utmost confidentiality; and
- 28.11. The test results shall not be used in any criminal proceedings.
- 28.12. Random drug testing for students is considered by the government as entirely a "health" issue and aims to provide appropriate interventions,

to those who will be tested positive for dangerous drug use, which will help the student stop further use and/or abuse of the substance<sup>82</sup>.

Section 29. **Purposes of Random Drug Testing.** – The purposes of random drug testing shall be as follows:

- 29.1. To determine the prevalence of drug users among the students;
- 29.2. To assess the effectiveness of University-based and community-based prevention programs;
- 29.3. To deter the use of illegal drugs;
- 29.4. To facilitate the rehabilitation of drug users and dependents; and
- 29.5. To strengthen the collaboration efforts of identified agencies against the use of illegal drugs and in the rehabilitation of drug users and dependents.

Section 30. **Mandatory Drug Testing and Drug Test as an Entrance Requirement, Retention, Conferment of Honors and Recognition**<sup>83</sup>. – In the exercise of academic freedom of the University, the following shall strictly be observed:

- 30.1. *Mandatory Drug Test as Admission or Entrance Requirement*<sup>84</sup>. – All applicants to any curricular programs or degrees, regardless of classification, shall submit a drug test result taken within seven (7) days prior to the submission of entrance of admission requirements. *Provided*, that if found positive with confirmatory, the University shall not be precluded from admitting the student-applicant subject to the provisions of this Manual.
- 30.2. *Mandatory Drug Test as a Requirement for Retention*<sup>85</sup>. – All current students enrolled in all curricular programs or degrees, regardless of classification, shall submit a drug test result taken within seven (7) days prior to the submission of entrance of admission requirements subject to the following rules:
  - 30.2.1. The mandatory drug testing shall be conducted in the same manner as the random drug testing under DDB Board Regulation No. 6, s. 2003 and No. 3, s. 2009 and under this Manual;

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<sup>82</sup> Section 2 of DDB Board Regulation No. 3, Series of 2009 adopted on June 3, 2009.

<sup>83</sup> Section 9 of the 2017 Revised University Students' Handbook.

<sup>84</sup> Section 15 of CHED Memorandum Order No. 64, s. 2017.

<sup>85</sup> Section 15 of CHED Memorandum Order No. 64, s. 2017.

- 30.2.2. In case the test result is positive, the Drug Testing Coordinator shall inform both the parent and the student concerned that a confirmatory test shall be conducted;
  - 30.2.3. The University Drug Testing Coordinator shall conduct a conference with the parent and student where the information and process of the confirmatory test shall be discussed.
  - 30.2.4. If the confirmatory test yielded a positive result, the same shall not be a basis for disciplinary action unless the said student is held liable for some other violations of the 2017 Revised University Students' Handbook; and
  - 30.2.5. If the student is found to be drug dependent, the appropriate sanction, intervention, and/or rehabilitation shall be imposed on the student as may be provided in the 2017 Revised University Students' Handbook, under this Manual and/or other University Policies duly approved by the EVSU Board of Regents upon the recommendation by the University President.
- 30.3. *Drug Test as a Requirement for Conferment with Honors and Recognition and Awards.* – All candidates for graduation for conferment with honors (*Summa Cum Laude, Magna Cum Laude* and *Cum Laude*), and nominees or applicants for recognition and awards (leadership, Organizations and Co-curricular activities) as provided under the pertinent provisions of the 2017 Revised University Students' Handbook and such policies of the University duly approved by the EVSU Board of Regents shall be required to submit a drug test result taken within seven (7) days prior to the conduct of screening or validation process. *Provided*, that those candidates, nominees or applicants who are tested positive shall be disqualified, denied or stripped off the conferment of honors, recognition or awards subject to the provisions of this Manual.

*Provided*, that the conduct of the mandatory drug testing shall be in accordance with the pertinent provisions of CHED Memorandum Order No. 64, s. 2017, Section 32 of R.A. No. 9165 and its IRR, Dangerous Drugs Board (DDB) Board Regulation No. 6, s. 2003 and No. 3, s. 2009, the 2017 Revised University Code, and/or Drug Testing Manual of the University duly approved by the EVSU Board of Regents upon the recommendation by the University President.

Article 13  
**Procedures and Requirements in the Conduct of Random<sup>86</sup>  
and Mandatory<sup>87</sup> Drug Testing**

Section 31. **Procedures.** – The following procedures shall strictly be observed:

31.1. *Notification:*

31.1.1. The Supervising Agency through the appropriate order<sup>88</sup> that includes these guidelines on random drug testing, shall inform all schools under its supervision about the government's actions against illegal drugs.

The University's administration shall be required to explain these provisions and their procedures to the University community and when applicable, include these in the University's handbook or listing of procedures.

31.1.2. 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 any time during the academic term. Failure to return the acknowledgement receipt shall not bar the conduct of the drug testing.

31.2. *Samples:*

31.2.1. The Supervising Agency shall inform randomly selected University on their inclusion in the random drug testing program.

31.2.2. The whole student population of the University selected shall be included in the random sampled.

31.2.3. The number of samples should yield a statistical ninety five percent (95%) confidence level for the whole student population.

31.3. *Selection of Samples:*

31.3.1. The University Drug Testing Coordinator (UDTC) shall convene the Selection Board within five (5) days from the receipt of notice from the Supervising Agency stating that the University is included in the Program.

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<sup>86</sup> Item D of DDB Board Resolution No. 6, series of 2003 adopted on August 1, 2003.

<sup>87</sup> Article VII of CHED Memorandum Order No. 64, s. 2017.

<sup>88</sup> CHED Memorandum Order No. 64, s. 2017.

- 31.3.2. On the day of the testing, the Selection Board shall conduct the random selection of those to be tested.
  - 31.3.3. The Selection Board shall ensure the confidentiality and integrity of the random selection process.
  - 31.3.4. The selection process shall be random through a lottery, which may be computerized, or in any other manner that shall be agreed upon by the Board.
  - 31.3.5. The random selection of students and the drug testing shall be done on the same day.
  - 31.3.6. Prior to testing, the selected students shall be asked to reveal the prescription medicines, vitamins, food supplements that they had ingested within the past five (5) days. The Drug Testing Coordinator shall keep the listing and utilize this in the evaluation of the confirmatory drug test.
  - 31.3.7. The laboratory shall follow the DOH prescribed guidelines in the collection of urine specimens. Universal precautions shall be observed at all times. DOH Prescribed Guidelines shall be posted in strategic places/visible areas of the University.
  - 31.3.8. The monitor assigned to ensure the integrity of the collection process should be of the same sex as the student.
  - 31.3.9. The drug testing shall be done in the University and conducted by a duly accredited drug-testing laboratory. The University, through its health personnel and/or accredited personnel, shall assist the Drug Testing Laboratory in the conduct of the drug testing.
  - 31.3.10. The Drug Testing Coordinator shall ensure the confidentiality and integrity of the random drug testing for the students, officials, faculty members, non-teaching personnel or employees of the University. It is strongly recommended that the drug testing for students, officials, faculty members, non-teaching personnel or employees of the University be done simultaneously.
- 31.4. *Treatment of Random Drug Test Results:*
- 31.4.1. The results of the test shall be strictly confidential. The University shall not publish or post results whether positive or negative.
  - 31.4.2. Any person who violates the rules of confidentiality of the results and selection shall be liable under sub-Section 54.2

hereof and/or Section 72 of RA 9165 and such other applicable laws.

- 31.4.3. In case the test result is 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.
- 31.4.4. If a student is "confirmed" to be using a dangerous drug, the following shall be observed:
  - 31.4.4.1. The Laboratory places the results in a sealed envelope for transmission to the Central Office of the Commission on Higher Education.
  - 31.4.4.2. The Commission on Higher Education shall then transmit the results to the University by informing the particular University's random drug testing (RDT) Coordinator previously assigned by the Selection Board.
    - a. The CHED shall remind the University Drug Testing Coordinator of the confidential nature of the results and strict handling of the "chain of custody" of the information should be observed.
  - 31.4.4.3. The University's Drug Testing Coordinator shall then inform the parent and the student of the results and how the information is regarded with utmost secrecy and confidentiality.
    - a. The University Drug Testing Coordinator shall remind the student that divulging the results with anybody will be at his/her own risk; and
    - b. If possible, the information should remain in the confines of their house.
  - 31.4.4.4. The parent, the University Drug Testing Coordinator and the student shall then prepare for a case conference to discuss issues of drug use and possible dependency.
  - 31.4.4.5. The University Drug Testing Coordinator shall refer the student and his/her parent to government-owned DOH-accredited facility or DOH-accredited government physician to determine the student's dependency level.



- 31.4.4.6. The date and venue shall be selected for the case conference.
- a. Date should be agreeable to all concerned in the case conference (Parent, Student, RDT Coordinator and the DOH Accredited Physician).
  - b. Venue should have a semblance of privacy (preferably in a room, with an office table where group discussions and individual sessions can be done).
  - c. Whichever is more convenient to the student, and parent, venue could be as follows:
    1. Regional office or hospital of the DOH.
    2. CHED Regional Office No. VIII.
    3. Other designated venue which can assure privacy.
- 31.4.4.7. The University Drug Testing Coordinator shall inform CHED Central Office Coordinator on the possible dates and venue for further discussions of options.
- 31.4.4.8. Once, finalized, the group shall proceed as planned with the case conference.
- a. Drug dependency level of the student shall be evaluated;
  - b. Cross reference of information shall be validated from the parent and University Drug Testing Coordinator;
  - c. Treatment planning for the student shall be discussed and presented to the student and parent;
  - d. Options for treatment should be presented to the parent and student;
  - e. If a student (below 18 years of age) is found to be a drug dependent, the University authority shall refer him/her to the Department of Social Welfare and Development (DSWD) or a local social worker for counseling and other intervention;

- f. The parent and the 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.
    - 1. If child/student opts for government service, the DOH treatment and rehabilitation center nearest to the area can provide services;
    - 2. If the parent and student would opt for private services, appropriate referrals will be done, taking note of the progress of treatment on a regular basis;
  - g. Trained guidance counselors can also be utilized.
- 31.4.5. If a student is "confirmed" negative from dangerous drug use, the following shall be observed:
- 31.4.5.1. Names per University Campus of all who tested negative will be summarized in a result form.
  - 31.4.5.2. The Summarized result form shall be transmitted to the CHED.
  - 31.4.5.3. CHED Central Office shall forward the same to the University's Drug Testing Coordinator.
  - 31.4.5.4. The University Drug Testing Coordinator and/or faculty/teacher adviser and/or guidance counselor shall individually inform each student and parent concerned regarding the results.
- 31.4.6. Positive confirmatory drug test under this Manual and /or DDB Board Regulation No. 3, s. 2009 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 liability.

Likewise, consistent with the requirements of confidentiality, the results of drug tests conducted pursuant to this Manual and/or DDB Board Regulation No. 3, s. 2009, 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.

- 31.4.7. The student shall then undergo the prescribed 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 counseling shall be done in coordination with the Drug Counselor of the University.
- 31.4.8. If the student shows no signs of improvement, recovery or fails the drug test the second time, the DOH-accredited facility or physician, may make a recommendation to the student, parent, and Drug Testing 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 University shall proceed in accordance with Section 61, R.A. 9165.
- 31.4.9. If the parents refuse to act, the University shall proceed in accordance to Sec. 61<sup>89</sup> of RA 9165 without prejudice to the provision of Section 73<sup>90</sup>, R.A. 9165.

31.5. *Reportorial Requirements of Results of the Random Drug Testing:*

- 31.5.1. The University Drug Testing Coordinator, Drug Counselor and employees of DOH-accredited facilities, testing laboratories, shall not reveal the names of the students or test results to any other persons except to the student concerned or his/her parents.

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<sup>89</sup> "**Section 61. Compulsory Confinement of a Drug Dependent Who Refuses to Apply Under the Voluntary Submission Program.** – Notwithstanding any law, rule and regulation to the contrary, any person determined and found to be dependent on dangerous drugs shall, upon petition by the Board or any of its authorized representative, be confined for treatment and rehabilitation in any Center duly designated or accredited for the purpose.

A petition for the confinement of a person alleged to be dependent on dangerous drugs to a Center may be filed by any person authorized by the Board with the Regional Trial Court of the province or city where such person is found.

After the petition is filed, the court, by an order, shall immediately fix a date for the hearing, and a copy of such order shall be served on the person alleged to be dependent on dangerous drugs, and to the one having charge of him.

If after such hearing and the facts so warrant, the court shall order the drug dependent to be examined by two (2) physicians accredited by the Board. If both physicians conclude that the respondent is not a drug dependent, the court shall order his/her discharge. If either physician finds him to be a dependent, the court shall conduct a hearing and consider all relevant evidence which may be offered. If the court finds him a drug dependent, it shall issue an order for his/her commitment to a treatment and rehabilitation center under the supervision of the DOH. In any event, the order of discharge or order of confinement or commitment shall be issued not later than fifteen (15) days from the filing of the appropriate petition."

<sup>90</sup> "**Section 73. Liability of a Parent, Spouse or Guardian Who Refuses to Cooperate with the Board or any Concerned Agency.** – Any parent, spouse or guardian who, without valid reason, refuses to cooperate with the Board or any concerned agency in the treatment and rehabilitation of a drug dependent who is a minor, or in any manner, prevents or delays the after-care, follow-up or other programs for the welfare of the accused drug dependent, whether under voluntary submission program or compulsory submission program, may be cited for contempt by the court."

31.5.2. The aggregate test results from the University which shall not include the identities of the students tested, shall be submitted by the University President to the Regional Director of the Commission on Higher Education (CHED)-Regional Office No. VIII for consolidation for the purpose of evaluating the efficacy and effectiveness of drug abuse prevention programs.

31.6. *Training of Guidance Counselors:*

The Department of Education, Commission on Higher Education, Technical Education and Skills Development authority, the Philippine Drug Enforcement Agency and Dangerous Drugs Board in coordination with each other, shall formulate the conduct of training program for guidance counselors for the purpose of enhancing their skills in handling drug abuse prevention programs and handling drug dependency cases. The University guidance counselors and other qualified medical personnel and faculty members shall be encouraged to undergo DOH accreditation.

31.7. *Expenses of the Program:*

The Department of Health, in coordination with the Commission on Higher Education shall designate the drug testing laboratories that shall be utilized for the purposes of the program.

Payment of testing fees shall be borne by the government through Department of Health to the Drug Testing Laboratories.

31.8. *Enforcement of Compliance:*

31.8.1. Students who refuse to undergo random drug testing shall be dealt with in accordance with the rules and regulations of the University; *provided*, that at no time shall refusal to undergo testing give rise to a presumption of drug use or dependency; *provided, further*, that the University may implement interventions on such refusal other than the offense of drug use or dependency. Interventions should be consistent with the provisions of this Manual and/or DBB Board Regulation No. 3, s. 2009 and its guiding principles.

31.8.2. Any University officials or employees who refuses to implement the random drug testing program shall be liable under sub-Section 54.1 hereof and/or Section 32 of R.A. 9165 without prejudice to other administrative sanctions imposed by the CHED. The CHED shall report the same to the Philippine Drug Enforcement Agency (PDEA) and the Dangerous Drugs Board (DDB).

- 31.8.3. The mandatory drug testing implemented in the University pursuant to CHED Memorandum Order No. 13, s. 2017 and under this Manual shall be over-and-above the random drug testing program conducted by the government. The CHED and the DOH should help build up capacities of the University to achieve competencies and self-reliance on random or mandatory drug testing. The University shall report to CHED on all similar drug testing activities conducted by the University for proper accreditation of the Department of Health.

Section 32. **Submission of the Certificate of Completion.** – The DOH-Accredited Physician, Practitioner or Guidance Counselor shall issue the appropriate Certificate of Completion stating, among others, that concerned student has undergone and successfully completed the intervention program and fit to pursue and complete his/her studies in the University. The original copy of the said Certification shall be submitted by the concerned student to the Office of the Drug Testing Coordinator who shall recommend to the University President for the issuance of the re-integration order upon receipt thereof.

Section 33. **Fee Requirement.** – All fees shall be authorized based on CHED, DOH and DBB rules and regulations<sup>91</sup>. Henceforth, the following rules shall be observed:

- 33.1. *For Student-Applicants.* – The fee for drug testing shall be borne by the student-applicant. The student-applicant may choose to be tested in any DOH-accredited drug facility or in DOH-accredited drug facility of the University, if any, the fee of which shall be paid directly by the student-applicant to the facility<sup>92</sup>.
- 33.2. *Current Students* – Students subject of random drug testing, as per Article III, Section 36 (c) of R.A. No. 9165, the testing expenses shall be supported by the government, subject to the usual government rules in accounting and auditing<sup>93</sup>.

Section 34. **Trust Fund on Drug Test Fee and Inclusion in the Miscellaneous and Other Fees.** – The following shall be implemented:

- 34.1. *Drug Fund on Drug Test Fee and its Amount.* – A drug test fee in the amount of One thousand Pesos (Php1,000.00) shall be collected from each student-applicant and current students of the University which shall be held and recorded as a separate trust fund to be utilized and disbursed for the following expenses:
- 34.1.1. Fifty percent (50%)- for payment of drug test; and

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<sup>91</sup> Section 23, Article XII of CHED Memorandum Order No. 64, s. 2017.

<sup>92</sup> Section 24, Article XII of CHED Memorandum Order No. 64, s. 2017.

<sup>93</sup> Section 25, Article XII of CHED Memorandum Order No. 64, s. 2017.

- 34.1.2. Fifty Percent (50%)- for the Personnel Services, MOOE and capital outlay of the University's drug testing facility, intervention programs and capability building trainings and Information and Education Campaigns (IECs) of its Officials, employees or personnel and students.
- 34.2. *Requirements.* – The following requirements shall be complied with by the University to fully implement the provision of this Section:
  - 34.2.1. The fees for implementation of a mandatory drug testing of students in the University shall be party of the miscellaneous and other fees charged subject to existing consultation and other requirements of the CHED for enforceability and collectability of fees<sup>94</sup>.
  - 34.2.2. If DOH will accredit the University's clinic or facility, CHED will allow the University to determine the permissible rate for the drug testing fee<sup>95</sup>.
  - 34.2.3. The University may collect the drug testing fee for drug testing administered by government-owned and private drug testing laboratories accredited by the DOH subject to the provisions of the contract executed between the University and the proper officer of such laboratory and existing laws, rules and regulations.

#### Article 14

### **Flow Charts on Random and Mandatory Drug Testing and Intervention and Re-integration**

Section 35. ***The Random and Mandatory Drug Testing Flow Chart.*** – Notwithstanding as may be provided under existing laws, rules and regulations, the following flow chart shall strictly be observed:

#### **PRE-SPECIMEN COLLECTION PHASE**

CHED requires the creation of "Selection Board" or the University creates the "Selection Board" pursuant to the Manual approved by the EVSU Board of Regents duly reviewed by the CHED, DDB, PDEA and DOH after proper consultations with the students, parents, alumni and other stakeholders.  
Orientation on the roles and responsibilities including preparation documents (e.g. masterlist)

<sup>94</sup> Section 26, Article XII of CHED Memorandum Order No. 64, s. 2017.

<sup>95</sup> Section 27, Article XII of CHED Memorandum Order No. 64, s. 2017.

CHED through the "Selection Board", informs the parents/families of students on the Conduct of Mandatory or Random Drug Testing pursuant to CHED Memorandum Order No. 64, s. 2017 and Drug Testing for the Officials, Employees and Students of the University Manual approved by the EVSU Board of Regents.

CHED and the Department of Health prepare and plan the conduct of Drug Testing and convene the Team

### **SPECIMEN COLLECTION PHASE**

RDT Team meets with the Selection Board of the University, pays courtesy call and does orientation, while simultaneously preparing the collection site.

RDT Team and Selection Board of the University following set of procedures, randomly select the students to be tested from the masterlist provided by the University through the Office of the University Registrar.

RDT Team orients the student on the process of drug testing and other frequently asked topics.

The students shall then be requested to accomplish a drug testing form

Students who are prepared to give urine specimens shall approach the analyst table and select a specimen bottle.

To safeguard the integrity of the urine sample, the student will be accompanied by a specimen collector of the same gender to the collection site.

The student will be asked to thoroughly wash and dry hands, empty pockets and remove outer garments (jackets, gowns, etc.) if any. A body search may also be done when necessary.

Observed collection of urine will then be done.

Student submits urine to specimen collector who then examines, in his/her presence, if urine collected can be accepted for testing.

Student and specimen collector go back to the analyst table. The student affixes his/her signature, date and time of collection to the "sealing tape."

The specimen collector "seals" the specimen bottle in the presence of the student.

The specimen collector and student affix final signatures in the drug testing form attesting to the validity of the procedures done.

## **POST COLLECTION PHASE**

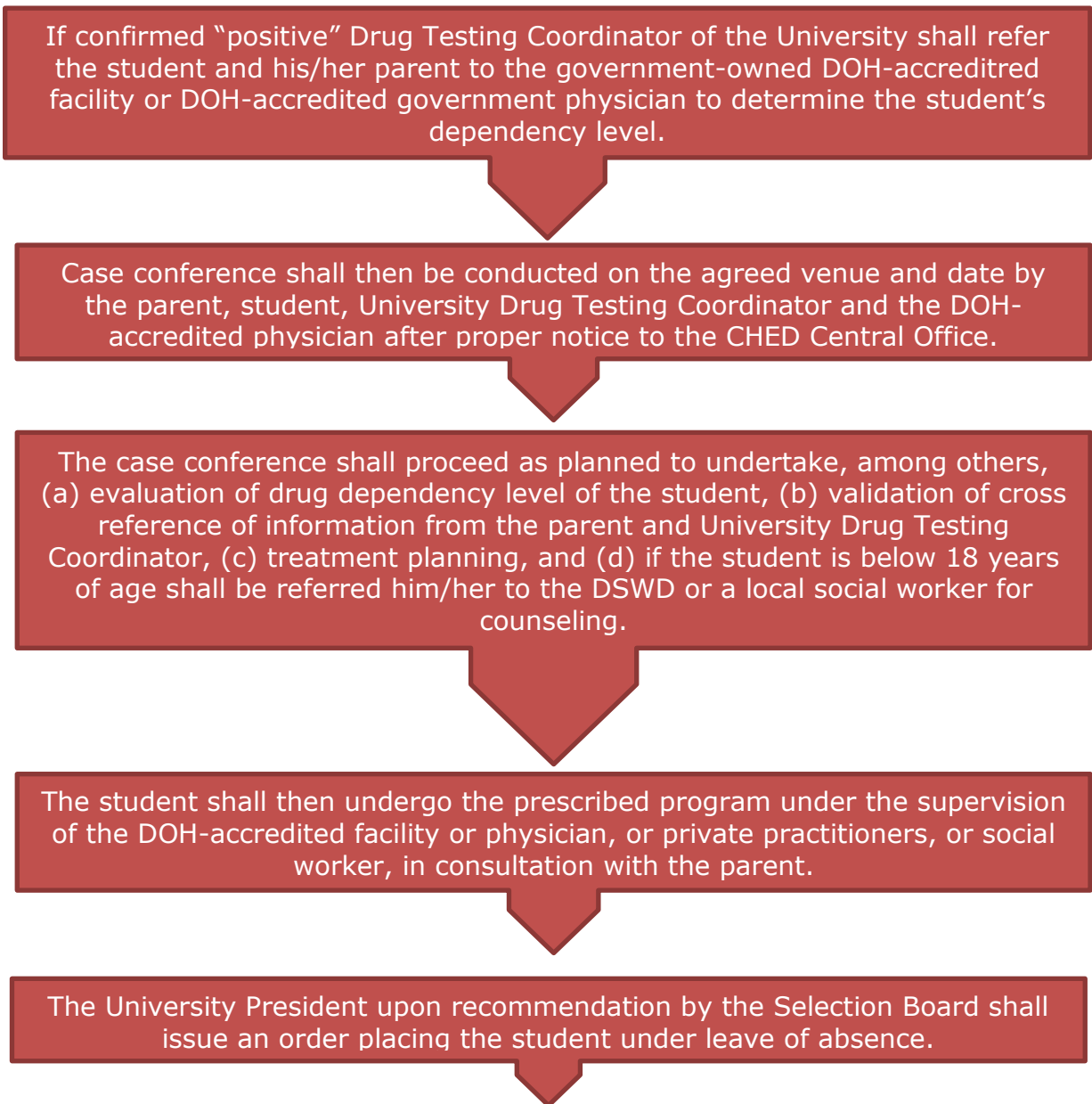
The Analyst prepares the specimen for analysis in an accredited facility.

Results will be forwarded to the CHED who will coordinate with the University Drug Testing Coordinator. If confirmed positive, the laboratory shall forward a sealed copy to the CHED to ensure confidentiality.

The University Drug Testing Coordinator shall personally inform the parent and the student about the result and appropriate intervention.



Section 36. **Intervention and Re-integration Flow Chart.** – The following flow chart on intervention and re-integration shall be observed:



The DOH-accredited facility or physician, or private practitioners, or social worker shall submit monthly or periodic progress report of the concerned students.

The student shall submit a Certificate of Completion duly issued by the attending DOH-Accredited Physician or practitioners or guidance counselor stating among, others, that he/she has undergone and successfully completed the intervention program and fit to pursue or complete his/her studies in the University. Upon receipt of the Certification, the University President shall, without delay, issue an order for the re-integration of the concerned student.

## Article 15 **Establishment, Management of the University Drug Testing Office (UDTO)**

Section 37. **Establishment and Management of the University Drug Testing Office (UDTO).** – There is hereby a University Drug Testing Office (UDTO) under the direct supervision of the Office of the University President.

Section 38. **Management of the University Drug Testing Office (UDTO).** – The Office of the Drug Testing shall be headed by a Coordinator whose position is equivalent to a Director as provided for under the 2017 Revised University Code. The Coordinator shall be assisted by the Chairpersons of Drug Testing of the University Campuses, administrative staff, and duly DOH-Accredited medical personnel, guidance counselors and faculty members or practitioners designated by the University President.

38.1. **Duties and Functions.** – The duties and functions of the Coordinator and Staff of the UDTO shall be as follows:

38.1.1. University Drug Testing Coordinator shall:

1. Provide progress leadership of the Office;
2. Discharge the duties and responsibilities as specifically provided under this Manual and relevant rules and regulations promulgated by CHED, DDB, PDEA, DOH and such policies approved by the EVSU Board of Regents;
3. Closely coordinate with the duly constituted RDT/MDT, PDEA, DDB, CHED, DOH and such concerned agencies to ensure effective, efficient and meaningful implementation of the provisions of this Manual;

4. Recommend to the University President the accreditation of the University's medical personnel, guidance counselors and faculty members;
  5. Recommend the hiring of office staff and directly supervises their performance including other employees of the University that directly relates to their obligations under this Manual;
  6. Prepare and recommend to the University President long-term, medium-term and short-term plans that are incidental to the attainment of the different principles, programs, and activities subject to the approval by the EVSU Board of Regents;
  7. Recommend to the University President for the procurement of equipment, supplies and materials deemed necessary in the conduct of drug testing activities, intervention programs and trainings;
  8. Prepare the annual budgets including supplemental budgets as may be deemed necessary for the operations of the Office as well as the conceptualization, implementation, evaluation and monitoring of the different drug testing activities, intervention programs, trainings and capability building activities for the guidance counselors, officials and employees of the University;
  9. Submit such recommendations to further strengthen the any part/s of this Manual subject to pertinent provisions hereof; and
  10. Performs such related tasks as the University President may determine from time to time.
- 38.1.2. The Chairperson of Drug Testing of the University Campus shall:
1. Discharge the duties and functions of the Drug Testing Coordinator in the respective Campuses as expressly provided under this Manual and relevant laws, rules and regulations;
  2. Provide progressive leadership of the Office of Drug Testing of the Campus;
  3. Prepare and submit the necessary reports required under this Manual and relevant rules and regulations;

4. Recommend procurement of equipment, facilities, supplies and materials for use of the Office of the Drug Testing of the Campus;
  5. Under the direction of the Drug Testing Coordinator of the University, undertake intervention programs and activities as well as action plans duly approved by the University President; and
  6. Perform such related tasks as the Drug Testing Coordinator and/or University President may determine from time to time.
- 38.1.3. DOH-Accredited Medical Personnel, Guidance Counselors and Faculty Members of the University shall:
1. Discharge the duties and responsibilities as expressly provided under this Manual and relevant laws, rules and regulations;
  2. Perform professional services and assistance to any persons concerned subject to the limitations provided under the accreditation by the DOH;
  3. Assist in the formulation, implementation, evaluation and monitoring of the intervention programs, projects and activities as well the actions and procurement of equipment, facilities, supplies and materials as may be deemed necessary to ensure proper, efficient, effective and meaningful execution of the provisions of this Manual and applicable laws, rules and regulations; and
  4. Perform such related tasks as the Drug Testing Coordinator and/or University President may determine from time to time.
- 38.1.4. Office/Administrative staff shall:
1. Perform the administrative services of the Office of the Drug Testing of the University;
  2. Assist the Drug Testing Coordinator of the University and Chairpersons of the University Campuses, as the case may be, in the formulation, implementation, evaluation and monitoring of the intervention programs, action plans and such activities as provided under this Manual and applicable laws, rules and regulations;
  3. Ensure proper safekeeping and maintenance of the office equipment, facilities, and supplies and materials;

4. Discharge such other specific duties and responsibilities as may be provided under their respective job description and/or as may authorized under existing laws and University policies duly approved by the EVSU Board of Regents; and
5. Perform such related tasks as the Drug Testing Coordinator and/or University President may determine from time to time.

38.2. *Terms of Office and Hold Over Capacity.* – The following shall be enforced:

- 38.2.1. The term of office of the University Drug Testing Coordinator and the Chairpersons of the Drug Testing of the University Campuses shall be five (5) years renewable at the discretion of the University President subject to the confirmation of the EVSU Board of Regents.
- 38.2.2. The DOH-Accredited Medical Personnel, Guidance Counselors, Practitioners and Faculty Members of the University shall serve as provided under their respective accreditation or authority by the DOH duly approved by the EVSU Board of Regents upon the recommendation of the University President.

*Provided,* that the University President may rescind, revoke or terminate the designation of Drug Testing Coordinator of the University and the Chairpersons of the Drug Testing of the University Campuses and the services of any DOH-Accredited Medical Personnel, Practitioners, Guidance Counselors and Faculty Members of the University subject to the confirmation by the EVSU Board of Regents.

*Provided, further,* that they shall be authorized to hold over after the expiration of their term office, with all the rights, duties and entitlements, unless their respective successors are duly designated and qualified to assume the position.

38.3. *Entitlements.* – The following shall be observed:

- 38.3.1. *The University Drug Testing Coordinator* shall be entitled to the following:
  1. The designated Coordinator shall be entitled to subject or teaching deloading of not less than six (6) units per semester within the period of his/her designation. Henceforth, his/her normal reduced teaching load shall not be more than nine (9) units per semester;

2. Honorarium of not less than Five Thousand Pesos (Php5,000.00) per month and communication allowance of not less than Two Thousand Pesos (Php2,000.00) per month; and
  3. Reimbursement of actual expenses incurred during official functions.
- 38.3.2. *The Chairpersons of the Drug Testing of the University Campuses, DOH- Accredited Guidance Counselors and Faculty Members* shall be entitled to the following:
1. The designated Coordinator shall be entitled to subject or teaching deloading of not less than nine (9) units per semester within the period of his/her designation. Henceforth, his/her normal reduced teaching load shall not be more than twelve (12) units per semester; and
  2. Honorarium of not less than Two Thousand Pesos (Php2,000.00) per month and communication allowance of not less than Two Thousand Pesos (Php2,000.00) per month.
- 38.3.3. *Credit Recognition of the Services Rendered in the Drug Testing Program under the Program on Awards and Incentives for Service Excellence (PRAISE) System of Eastern Visayas State University Manual.* – The services rendered by the Drug Testing Coordinator of the University, Chairpersons of the Drug Testing of the University Campuses, and DOH-Accredited Medical Personnel, Practitioners, Guidance Counselors and Faculty Members in the Drug Testing Program authorized under this Manual and applicable laws, rules and regulations shall be credited and recognized with appropriate awards and incentives under the Program on Awards and Incentives for Service Excellence (PRAISE) System of Eastern Visayas State University Manual approved pursuant to Board Resolution No. 116, s. 2017 and applicable CSC laws, rules and regulations.

## Article 16 **The Selection Board**

Section 39. **Composition.** – The Selection Board for the Drug Testing of the University hereinafter referred to as the USBDT shall be composed of the following:

- (1) Drug Testing Coordinator, *Chairperson*;
- (2) President of the Federation of Student Councils/Governments and/or his/her authorized representative, *Member*;

- (3) President of the Federation of Faculty Associations and/or his/her authorized representative, *Member*; and
- (4) Parents' Sector representative designated by the University President upon recommendation by the SASO Director, *Member*.

*Provided*, that the Secretary shall be the Head of Office of Student Affairs (in case the Drug Testing for Students) or the HRMD Officer (in case of Drug Testing for the Officials and Employees).

Section 40. ***Duties and Functions.*** – The duly constituted Selection Board shall perform the following duties and functions:

- 40.1. Discharges the duties and functions expressly provided under this Manual and relevant policies promulgated by CHED, DDB, PDEA and DOH;
- 40.2. Recommends to the University President the conduct of the drug testing for the Officials, Employees and Students in close coordination with the CHED, DDB, PDEA and DOH;
- 40.3. Assists the Drug Testing Coordinator in the formulation of intervention plans, programs, projects and activities including the procurement of equipment, supplies and materials related to drug testing program of the University and of the government; and
- 40.4. Performs such tasks and responsibilities as may be determined by the University President and/or as authorized under relevant laws, rules and regulations.

Section 41. ***Meetings and Quorum.*** – The Selection Board for the Mandatory or Random Drug Testing of the University shall meet at least once a month or as often as may be called by its Chairperson and/or upon a petition of at least three (3) Members. The specific venue, date and time of every meeting shall be determined by the Chairperson of the USBDT.

The quorum shall be fifty percent plus one (50% + 1) of the total membership of the USBDT.

Section 42. ***Terms of Office and Hold Over Capacity.*** – The term of office of the Chairperson, Vice Chairperson and Members of the USBDT shall be five (5) years renewable at the discretion of the University President subject to the confirmation of the EVSU Board of Regents. *Provided*, that the University President may rescind, revoke or terminate the designation Chairperson, Vice Chairperson and Members of the USBDT subject to the confirmation by the EVSU Board of Regents. *Provided, further*, that they shall be authorized to hold over after the expiration of their term office, with all the rights, duties and entitlements, unless their respective successors are duly designated and qualified to assume the position.

Section 43. **Internal Rules of Procedures.** – The duly constituted USBMDRT shall formulate its internal rules of procedures, necessary to ensure effective and efficient discharge of its duties and functions, subject to the approval by the University President.

#### Article 17

### **Drug-Free Workplace Mechanism**

Section 44. **Creation of the Drug-Free Workplace Review Committee.** – The Drug-Free Workplace Review Committee (DFWRC) is hereby established which shall formulate and put in place the University’s Drug-Free Workplace Program and such policies which shall be in accordance with the pertinent provisions of Republic Act No. 9165 and its Implementing Rules and Regulations (IRR), CSC Resolution No. 1700653 promulgated on March 15, 2017 and circularized per MC No. 13, s. 2017 dated April 19, 2017, CSC Resolution No. 101359 promulgated on July 6, 2010 and circularized pursuant to MC No. 13, s. 2010, CHED Commission en Banc Resolution No. 539-2017 promulgated on July 18 2017 and implemented pursuant CHED Memorandum Order No. 64, s. 2017 dated August 2, 2017.

Drug-Free Workplace Review Committee (DFWRC) of the University shall be composed of the following:

- 44.1. *University-wide DFWRC.* – The University-wide DFWRC shall be composed as follows:

Chairperson: University President  
Co-Chair: Vice President for Academic Affairs  
Vice-Chairs: University Drug Testing Coordinator  
Vice President for Administration and Finance  
Members: Director for Student Affairs and Services Office  
Director for Administrative Services  
Two (2) representatives from the rank-and-file employees chosen through a general assembly or by the officers or board of the association’s concerned or designated by the union in the absence of an accredited union (one from the first level and one from the second level).  
President of the Federation of Students’ Councils  
President of the Federation of Non-Teaching Personnel  
Representative of the Philippine Drugs Enforcement Agency (PDEA)

- 44.2. *University Campus DFWRC.* – Each Campus of the University shall have a DFWRC composed of the following:

Chairperson: Campus Head or Campus Director or his/her authorized representative who shall hold at least a Department Head position



- Vice-Chair: Chairperson of the Drug Testing of the Campus  
Members: Head of Academic Department  
Administrative Officer or Head for Administrative Services  
Two (2) representatives from the rank-and-file employees chosen through a general assembly or by the officers or board of the association's concerned or designated by the union in the absence of an accredited union (one from the first level and one from the second level).  
President of the Student Councils  
President of the Non-Teaching Personnel  
Representative of the Philippine Drugs Enforcement Agency (PDEA)

Section 45. **Duties and Functions.** – The Drug-Free Workplace Review Committee (DFWRC) shall:

- 45.1. Compose the Selection Board for the conduct of the drug testing with the Drug Testing Coordinator (DTC) as the Chairperson, one representative each from the students, faculty and parents, as members<sup>96</sup>;
- 45.2. Closely coordinate with identified partner agencies to access official list of DOH-accredited drug facilities, physicians or private medical practitioners duly accredited to administer drug testing shall conduct the necessary drug testing<sup>97</sup>;
- 45.3. Always ensure the confidentiality and integrity of the drug test results and handles the reportorial requirements and any relevant information that is needed for submission to the CHED-Regional Office No. VIII<sup>98</sup>;
- 45.4. Determine the level of preparedness of the University in terms of the provision of interventions which depends on the results of the drug testing<sup>99</sup>.
- 45.5. Closely coordinate with identified partner agencies to establish appropriate University-level interventions and referrals<sup>100</sup>;
- 45.6. Monitor the students especially in preventing them to engage in dangerous drug-related activities and those undergoing appropriate interventions for the intention of treating and rehabilitating them<sup>101</sup>;

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<sup>96</sup> Section 21.3.1.d.1 of CHED Memorandum Order No. 64, s. 2017 dated August 2, 2017.

<sup>97</sup> Section 21.3.1.d.2 of CHED Memorandum Order No. 64, s. 2017 dated August 2, 2017.

<sup>98</sup> Section 21.3.1.d.3 of CHED Memorandum Order No. 64, s. 2017 dated August 2, 2017.

<sup>99</sup> Section 21.3.1.d.4 of CHED Memorandum Order No. 64, s. 2017 dated August 2, 2017.

<sup>100</sup> Section 21.3.1.d.5 of CHED Memorandum Order No. 64, s. 2017 dated August 2, 2017.

<sup>101</sup> Section 21.3.1.d.6 of CHED Memorandum Order No. 64, s. 2017 dated August 2, 2017.

- 45.7. Oversees the conduct of the mandatory or random testing program and activities of the University<sup>102</sup>; and
- 45.8. Formulate appropriate policies relative to the following:
  - 45.8.1. Advocacy, Education and Training<sup>103</sup>;
  - 45.8.2. General Health and Well-being Programs of the University<sup>104</sup>.

Section 46. **Meetings and Quorum.** – The DFWRC shall meet at least once every quarter or as often as may be called by its Chairperson and/or upon a petition of at least three (3) Members. The specific venue, date and time of every meeting shall be determined by the Chairperson of the DFWRC.

The quorum shall be fifty percent plus one (50% + 1) of the total membership of the DFWRC.

Section 47. **Terms of Office and Hold Over Capacity.** – The term of office of the Chairperson, Vice Chairperson and Members of the DFWRC shall be five (5) years renewable at the discretion of the University President subject to the confirmation of the EVSU Board of Regents. *Provided*, that the University President may rescind, revoke or terminate the designation Chairperson, Vice Chairperson and Members of the DFWRC subject to the confirmation by the EVSU Board of Regents. *Provided, further*, that they shall be authorized to hold over after the expiration of their term office, with all the rights, duties and entitlements, unless their respective successors are duly designated and qualified to assume the position.

Section 48. **Internal Rules of Procedures.** – The duly constituted USBMDRT shall formulate its internal rules of procedures, necessary to ensure effective and efficient discharge of its duties and functions, subject to the approval by the University President.

Section 49. **University Drug-Free Day.** – The EVSU Board of Regents shall, upon the recommendation of the University President and proper consultations with the duly constituted Drug-Free Workplace Review Committee, declare and authorize the conduct of the University Drug-Free Day.

*Provided*, that the duly constituted Drug-Free Workplace review Committee shall prepare and execute such plans and activities subject to the approval by the University President and proper coordination with the CHED, DDB, PDEA, DOH and such other concerned government agencies and non-government organizations (NGOs) or civil society organizations (CSOs).

*Provided, further*, that the funds necessary to finance the programs, activities, projects, prizes and awards during the University Drug-Free Day celebration shall be

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<sup>102</sup> Item 1 of CSC MC No. 13, s. 2010.

<sup>103</sup> Item 2 of CSC MC No. 13, s. 2010.

<sup>104</sup> Item 3 of CSC MC No. 13, s. 2010.

charged from the appropriate fund/s and/or income of the University subject to usual auditing and accounting rules and regulations, and applicable laws and policies.

Article 18

**Organizational Structure, Office Space, Facilities, Equipment, Supplies and Materials**

Section 50. **Organizational Structure.** – The organizational structure of the University Drug Testing Office (UDTO) shall be as provided in **Annex A** which made as integral part hereof.

Section 51. **Office Space.** – The University President shall, upon the recommendation by the Drug Testing Coordinator and in close coordination with the University officials concerned, allocate adequate office space dedicated for the administrative functions, meetings and activities by the Office of the Drug Testing of the University.

Section 52. **Facilities, Equipment, Supplies and Materials.** – The University shall, procure, install and maintain state-of-the-art facilities, equipment, supplies and materials to ensure effective, efficient and meaningful discharge of the mandates, functions, programs, projects and activities of the Office of Drug Testing of the University and its personnel.

Article 19

**Primary and Priority in the Discharge of Duties and Functions**

Section 53. **Primary Duties and Functions.** – The University Drug Testing Coordinator, Guidance Counselors, Practitioners and Faculty Members who are DOH-accredited practitioners shall perform in such capacities as their primary duties and functions within the effectivity of their designations. *Provided,* that the teaching deloading/reduced load provided under Section 36 hereof, Sub-Section 422.2 of the 2017 Revised University Code and Section \_\_\_\_ of the 2017 Human Resource Merit Promotion and Selection for Faculty Members and Academic Non-Teaching Staff (HRMPS-FANTS) of the University Manual shall strictly be observed.

Section 54. **Priority in the Discharge of Duties and Functions.** The duties and functions of the Chairpersons, Vice Chairpersons, and Members of Selection Board, Drug-Free Workplace Review Committee and such committees or boards created herein shall take priority or precedence over other the duties and tasks assigned to their respective positions and/or offices.

Chapter IV

**MISCELLANEOUS PROVISIONS**

Article 20

**Integration of Illegal Drugs Prevention**

Section 55. **Integration of Illegal Drugs Prevention.** – The University shall integrate lessons on the prevention of illegal drugs in the different curricular offerings subject to the contents and standards developed by competent authority/ies and/or promulgated by the CHED in so far expressly authorized by the University President. Instruction on drug abuse prevention and control shall be integrated in the elementary, secondary and tertiary curricula of all public and private schools, whether general, technical, vocational or agro-industrial as well as in non-formal, informal and indigenous learning systems. Such instructions shall include<sup>105</sup>:

- 55.1. Adverse effects of the abuse and misuse of dangerous drugs on the person, the family, the school and the community;
- 55.2. Preventive measures against drug abuse;
- 55.3. Health, socio-cultural, psychological, legal and economic dimensions and implications of the drug problem;
- 55.4. Steps to take when intervention on behalf of a drug dependent is needed, as well as the services available for the treatment and rehabilitation of drug dependents; and
- 55.5. Misconceptions about the use of dangerous drugs such as, but not limited to, the importance and safety of dangerous drugs for medical and therapeutic use as well as the differentiation between medical patients and drug dependents in order to avoid confusion and accidental stigmatization in the consciousness of the students.

Section 56. **Student Councils and Campus Organizations.** – All elementary, secondary and tertiary schools' student councils and campus organizations shall include in their activities a program for the prevention of and deterrence in the use of dangerous drugs, and referral for treatment and rehabilitation of students for drug dependence<sup>106</sup>.

## Article 21

### **Data Privacy and Protection**

Section 57. **Declaration of Policy.** – The University shall conform to the declared State policies under Section 2 of Republic Act No. 10173<sup>107</sup>, to wit:

It is hereby the policy of the State to protect the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth. The state recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information in information and

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<sup>105</sup> Section 41, Article IV of R.A. 9165.

<sup>106</sup> Section 42, Article IV of R.A. No. 9165.

<sup>107</sup> An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for this Purpose a National Privacy Commission, and for Other Purposes."

communications systems in the government and in the private sector are secured and protected.

Section 58. **Scope**<sup>108</sup>. – This Article shall, in conformity with Republic Act No. 10173, apply to the processing of all types of personal information to any natural and juridical person involved in personal information processing including those personal controllers and processors who, although not found or established in the Philippines, use equipment that are located in the Philippines or those who maintain an office, branch or agency in the Philippines subject ,to the immediately succeeding paragraph: *Provided*, that the requirements of Section of R.A. No. 10173 are complied with.

Section 59. **Rights of the Data Subject**<sup>109</sup>. – The data subject<sup>110</sup> is entitled to:

- 59.1. Be informed whether personal information pertaining to him or her, shall be, are being or have been processed;
- 59.2. Be furnished the information indicated hereunder before the entry of his or personal information into the processing system of the personal information controller, or at the next practical opportunity;
  - a. Description of the personal information to be entered into the system;
  - b. Purposes for which they are being or are to be processed;
  - c. Scope and method of the personal information processing;
  - d. The recipients or classes of recipients to whom they are or may be disclosed;
  - e. Methods utilized for automated access, if the same is allowed by the data subject, and the extent to which such access is authorized.
  - f. The identity and contact details of the personal information controller or its representative;
  - g. The period for which the information will be stored; and
  - h. The existence of their rights, i.e., to access, correction, as well as the right to lodge a complaint before the Commission<sup>111</sup>.

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<sup>108</sup> Section 4 of Republic Act No. 10173 otherwise known as the Data Privacy Act of 2012.”

<sup>109</sup> Section 16, Chapter IV of Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012.”

<sup>110</sup> Refers to an individual whose personal information is processed as provided under Section 3(c) of Republic Act No. 10173. In the University, it shall refer to officials, faculty members or non-teaching personnel or employees and students.

<sup>111</sup> Refers to the National Privacy Commission created pursuant to Chapter II of Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012.”

Any information supplied or declaration made to the data subjects on these matters shall not be amended without prior notification of data subject: Provided, That the notification under subsection (b) shall not apply should the personal information be needed pursuant to a subpoena or when the collection and processing are for obvious purposes, including when it is necessary for the performance of or in relation to a contract or service or when necessary or desirable in the context of an employer-employee relationship, between the collector and the data subject, or when the information is being collected and processed as a result of legal obligation;

- 59.3. Reasonable access to, upon demand, the following:
  - a. Contents of his or her personal information that were processed;
  - b. Sources from which personal information were obtained;
  - c. Names and addresses of recipients of the personal information;
  - d. Manner by which such data were processed;
  - e. Reasons for the disclosure of the personal information to recipients;
  - f. Information on automated processes where the data will or likely to be made as the sole basis for any decision significantly affecting or will affect the data subject;
  - g. Date when his or her personal information concerning the data subject were last accessed and modified; and
  - h. The designation, or name or identity and address of the personal information controller.
- 59.4. Dispute the inaccuracy or error in the personal information and have the personal information controller correct it immediately and accordingly, unless the request is vexatious or otherwise unreasonable. If the personal information have been corrected, the personal information controller shall ensure the accessibility of both the new and the retracted information and the simultaneous receipt of the new and the retracted information by recipients thereof; Provided, That the third parties who have previously received such processed personal information shall be informed of its inaccuracy and its rectification upon reasonable request of the data subject;
- 59.5. Suspend, withdraw or order the blocking, removal or destruction of his or her personal information from personal information controller's filing system upon discovery and substantial proof that the personal information are incomplete, outdated, false, unlawfully obtained, used

for unauthorized purposes or are no longer necessary for the purposes for which they were collected. In this case, the personal information controller may notify third parties who have previously received such processed personal information;

- 59.6. Be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal information.

Section 60. **Right to Data Portability**<sup>112</sup>. – The data subject shall have the right, where personal information is processed by electronic means and in a structured and commonly used format, to obtain from the personal information controller a copy of data undergoing processing in an electronic or structured format, which is commonly used and allows for further use by the data subject. The Commission may specify the electronic format referred to above, as well as the technical standards, modalities and procedures for their transfer.

Section 61. **Non-Applicability**. – The immediately preceding sections are not applicable if the processed personal information as used only for the needs of scientific and statistical research and, on the basis of such, no activities are carried out and no decisions are taken regarding the data subject:

*Provided*, that the personal information shall be held under strict confidentiality and shall be used only for the declared purpose. Likewise, the immediately preceding sections are not applicable.

Section 62. **Adoption and Suppletorily Application of Republic Act No. 10173 and Relevant Laws, Rules and Regulations**. – The pertinent provisions of R.A. No. 10173 and such relevant laws, rules and regulations duly approved by the EVSU Board of Regents are hereby adopted and shall apply suppletorily and serve as the governing guidelines of this Article.

## Article 22 Penal Clause

Section 63. **Penal Provisions**. – Violation/s of any of the provisions of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual shall be dealt with and proper penalties be imposed accordingly as provided under existing laws, rules and regulations, and jurisprudence, among others, to wit:

- 63.1. **Liability to a Person Violating Any Regulation Issued by the Board**. – The penalty of imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any person found violating any regulation duly issued by the

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<sup>112</sup> Section 18 of Republic Act No. 10173 otherwise known as the Data Privacy Act of 2012.

Board pursuant to this Act<sup>113</sup>, in addition to the administrative sanctions imposed by the Board<sup>114</sup>.

- 63.2. *Liability of a Person Who Violates the Confidentiality of Records.* – The penalty of imprisonment ranging from six (6) months and one (1) day to six (6) years and a fine ranging from One thousand pesos (P1,000.00) to Six thousand pesos (P6,000.00), shall be imposed upon any person who, having official custody of or access to the confidential records of any drug dependent under voluntary submission programs, or anyone who, having gained possession of said records, whether lawfully or not, reveals their content to any person other than those charged with the prosecution of the offenses under this Act<sup>115</sup> and its implementation. The maximum penalty shall be imposed, in addition to absolute perpetual disqualification from any public office, when the offender is a government official or employee. Should the records be used for unlawful purposes, such as blackmail of the drug dependent or the members of his/her family, the penalty imposed for the crime of violation of confidentiality shall be in addition to whatever crime he/she may be convicted of<sup>116</sup>.
- 63.3. *Issuance of False or Fraudulent Drug Test Results*<sup>117</sup>. – Any person authorized, licensed or accredited under this Act<sup>118</sup> and its implementing rules to conduct drug examination or test, who issues false or fraudulent drug test results knowingly, willfully or through gross negligence, shall suffer the penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00).

An additional penalty shall be imposed through the revocation of the license to practice his/her profession in case of a practitioner, and the closure of the drug testing center.

## Article 23

### **Adoption and Suppletory Application of Relevant Laws, Rules, Regulations and Jurisprudence**

**Section 64. *Adoption and Suppletory Application of CSC Resolution No. 1700653 Promulgated on March 15, 2017 and Circularized per MC No. 13, s. 2017, CHED Commission En Banc Resolution No. 539-2017 Promulgated on July 18 2017 and Implemented pursuant CHED Memorandum Order No. 64, s. 2017 Dated August 2, 2017 dated April 19, 2017, DDB Board Regulation***

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<sup>113</sup> R.A. No. 9165.

<sup>114</sup> Section 32, Article III of R.A. No. 9165.

<sup>115</sup> R.A. No. 9165.

<sup>116</sup> Section 72, Article IV of R.A. No. 9165.

<sup>117</sup> Section 37, Article III of R.A. No. 9165.

<sup>118</sup> R.A. No. 9165.



**No. 3, s. 2009 Promulgated on June 3, 2009, DDB Board Regulation No. 6, s. 2003 Promulgated on August 1, 2003, as Amended, and such Applicable Laws and Jurisprudence.** – The provisions of CSC Resolution No. 1700653 promulgated on March 15, 2017 and circularized per MC No. 13, s. 2017 dated April 19, 2017<sup>119</sup>, CSC Resolution No. 101359 promulgated on July 6, 2010 and circularized pursuant to MC No. 13, s. 2010<sup>120</sup>, CHED Commission *en Banc* Resolution No. 539-2017 promulgated on July 18 2017 and implemented pursuant CHED Memorandum Order No. 64, s. 2017 dated August 2, 2017<sup>121</sup>, DDB Board Regulation No. 6, s. 2003 promulgated August 1, 2003<sup>122</sup>, DDB Board Regulation No. 3, s. 2009 promulgated on June 3, 2009<sup>123</sup>, and such applicable laws and jurisprudence are hereby adopted and shall be applied suppletorily and serve as governing guidelines of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual.

## Chapter V **FINAL PROVISIONS**

### Article 24

#### **Reproduction, Distribution and Payment of Copies of the 2017 Drug Testing of the Officials, Employees and Students of the University Manual, and Formulation or Design of the Different Forms**

Section 65. **Reproduction.** – This 2017 Drug Testing of the Officials, Employees and Students of the University Manual shall be reproduced according to the number of Officials, employees and students of the University Campuses and/or the demand for copies to be determined by the Director for SASO.

Section 66. **Distribution and Payment.** – This 2017 Drug Testing of the Officials, Employees and Students of the University Manual shall be distribution to all students provided that they shall pay the amount Two Hundred Pesos (Php200.00) per copy or such amount as the University President may prescribe upon the recommendation by the Committee on Fees and Charges composed of the Vice President for Administration and Finance as Chairperson, Vice President for Academic Affairs as Vice Chairperson, Director of SASO, Director of Finance Services, and President of the Federation of Student Councils, as Members.

*Provided,* that replacement of the copies shall only be made upon payment by the student considered of the amount provided above.

Section 67. **Formulation or Design of the Different Forms.** – Unless as expressly provided under this 2017 Drug Testing of the Officials, Employees and Students of the University Manual, the duly constituted University Selection Board

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<sup>119</sup> "Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes."

<sup>120</sup> "Guidelines for a Drug-Free Workplace in the Bureaucracy."

<sup>121</sup> "Policies, Guidelines and Procedures for Higher Education Institutions (HEIs), Requiring Drug Testing of Students."

<sup>122</sup> "General Guidelines for the Conduct of Random Drug Testing for Secondary and Tertiary Students."

<sup>123</sup> "General Guidelines for the Conduct of Random Drug Testing for Students of r Secondary , Tertiary Vocational and Technical Schools, Amending Board Regulation No. 6, Series of 2003."

for Drug Testing (USBDT) shall formulate or prescribe the design of the forms necessary in the registration, admission, enrollment and other academic and non-academic transaction of students of the University. Further, the USBDT may also undertake amendment/s to and revision of the different forms of the University subject to the approval of the University President upon the recommendation by the duly constituted University Drug-Free Review Committee (UDFRC).

## Article 25

### **Parity Clause and Prohibition Against Diminution and Elimination**

Section 68. **Parity Clause.** – All other powers, functions and privileges, responsibilities and limitations to state universities and/or their officials under existing laws shall be deemed granted to or imposed upon the University and/or its officials or officers, faculty members, non-teaching personnel or employees and students whenever appropriate.

Section 69. **Prohibition Against Diminution and/or Elimination.** – Nothing in this 2017 Drug Testing of the Officials, Employees and Students of the University Manual shall be construed to eliminate or in any way diminish rights, benefits, privileges, powers, duties and functions, as the case may be, being enjoyed by the officials or officers, faculty members, non-teaching personnel or employees and students of the University at the time of the effectivity of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual.

## Article 26

### **Transitory Provisions**

Section 70. **Preparatory Activities.** – Subject to the provisions of this Manual and applicable laws, rules and regulations, within fifteen (15) days after the approval of this Manual the following activities shall be undertaken:

- 70.1. The University Selection Board for Drug Testing and the University Drug Free in a Workplace Committee shall be constituted by the University President.
- 70.2. All applicants for any positions in the University who undergone selection process and their appointments have not been signed by the University President shall undergo the drug testing.
- 70.3. All applicants for any positions who still need to undergo the selection process shall be subjected to the mandatory drug testing.
- 70.4. The duly constituted University Selection Board for Drug Testing shall start exploratory discussions with CHED, DOH, PDEA and DDB on the inter-agency protocol.

Section 71. **Mandatory Drug Testing to All Incumbent Officials and Employees of the University.** – The mandatory Drug Testing for all incumbent

officials and employees of the University shall be done within six (6) months upon approval of this Manual. Thereafter, the mandatory drug testing shall be conducted every year thereafter as provided under this 2017 Drug Testing of the Officials, Employees and Students of the University Manual.

Section 72. **Random Drug Testing to Current of the University.** – The random drug testing for all current students of the University shall be done within six (6) months upon approval of this Manual. Thereafter, the mandatory drug testing shall be conducted every year thereafter as provided under this 2017 Drug Testing of the Officials, Employees and Students of the University Manual.

Section 73. **Mandatory Drug Testing of the Students-Applicants of the University.** – The mandatory Drug Testing for all student-applicants of the University shall be done effective first semester of School Year 2018-2019 and every school year thereafter.

## Article 27 **Implementing Guidelines**

Section 74. **Rule-Making Authority.** – The University President shall, upon recommendation by the proper Council or committee duly constituted for the purpose, and stakeholders of the University, formulate such implementing guidelines deemed necessary and incidental to ensure proper, effective and efficient implementation or execution of the provisions of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual. *Provided*, that the failure of the University President and/or EVSU Board of Regents to promulgate the guidelines shall not prevent or delay the effectivity and implementation of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual in accordance with effectivity date provided under Section 81 hereof.

Section 75. **Review and Ratification of Implementing Guidelines.** – The implementing guidelines of any and/or all of the provisions of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual may be submitted to the Board for review and ratification.

## Chapter VI **FINAL CLAUSES**

### Article 28 **Amendment and Revision**

Section 76. **Amendment.** – Any provision/s or part/s of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual may be amended by the EVSU Board of Regents upon the recommendation of the University President and the appropriate Board Committee. *Provided*, that the University Selection Board for Drug Testing (USBTD), University Drug-Free Review Committee (UDFRC) and stakeholders of the University concerned are properly consulted.

Section 77. **Revision.** – This 2017 Drug Testing of the Officials, Employees and Students of the University Manual may be revised by the EVSU Board of Regents upon the recommendation of the University President and the appropriate Board Committee. *Provided*, that the University Selection Board for Drug Testing (USBTD), University Drug-Free Review Committee (UDFRC) and stakeholders of the University concerned are properly consulted.

Section 78. **Updating and Review of the 2017 Drug Testing of the Officials, Employees and Students of the University Manual.** – It shall be the responsibility of the University President with the assistance of the Board and University Secretary to ensure periodic updating of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual taking into account the subsequent policies approved by the EVSU Board of Regents and such rules and regulations promulgated by competent authorities in so far as expressly adopted or authorized by the Board.

*Provided*, that any and/or all provisions of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual shall be reviewed by the EVSU Board of Regents every three (3) years after its approval based on the rules it may promulgate.

## Article 29 **Repealing, Separability and Effectivity**

Section 79. **Repealing, Supplementary, Clarificatory and Modification Clause.** – Pertinent provisions of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual shall supplement, clarify or amend to or modify pertinent provisions of the 2017 Revised University Code approved per Board Resolution No. 115, s. 2017 and such service manuals or previous policies approved by the EVSU Board of Regents as the case may be. In case of conflict, the pertinent provisions of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual shall prevail over the pertinent provisions of previous policies or issuances as enunciated under ***Mecano v. COA***<sup>124</sup>.

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<sup>124</sup> ***Antonio A. Mecano v. Commission on Audit***, G.R. No. G.R. No. 103982 December 11, 1992 citing *Posadas vs. National City Bank*, 296 U.S. 497, 80 L. Ed. 351 (1935); *Maceda v. Macaraig*, 197 SCRA 771 (1991); and *Villegas v. Subido*, 41 SCRA 190 (1971), the Supreme Court clearly ruled:

“Repeal by implication proceeds on the premise that where a statute of later date clearly reveals an intention on the part of the legislature to abrogate a prior act on the subject, that intention must be given effect. Hence, before there can be a repeal, there must be a clear showing on the part of the lawmaker that the intent in enacting the new law was to abrogate the old one. The intention to repeal must be clear and manifest; otherwise, at least, as a general rule, the later act is to be construed as a continuation of, and not a substitute for, the first act and will continue so far as the two acts are the same from the time of the first enactment.

There are two categories of repeal by implication. The first is where provisions in the two acts on the same subject matter are in an irreconcilable conflict, the later act to the extent of the conflict constitutes an implied repeal of the earlier one. The second is if the later act covers the whole subject of the earlier one and is clearly intended as a substitute, it will operate to repeal the earlier law.

Implied repeal by irreconcilable inconsistency takes place when the two statutes cover the same subject matter; they are so clearly inconsistent and incompatible with each other that they

Further, the existing University's Administrative Manual and all Board Resolutions, manuals, orders, issuances, rules and regulations and policies of the University, or parts thereof, inconsistent with the provisions of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual are hereby amended or repealed accordingly.

Section 80. **Separability Clause.** – The provisions of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual are hereby declared separable. In the event that any provision hereof is rendered unconstitutional, those that are not affected shall remain valid and effective.

Section 81. **Effectivity.** – This 2017 Drug Testing of the Officials, Employees and Students of the Eastern Visayas State University Manual shall take effect immediately upon approval by the Board of Regents of the Eastern Visayas State University.

**Adopted/Approved** this 21<sup>st</sup> day of March 2018 pursuant to Board Resolution No. 33, s. 2018 approved during the 74<sup>th</sup> Regular Board Meeting (First Quarter, CY 2018) held at the at the Commission on Higher Education, Conference Room, 4<sup>th</sup> Floor, Higher Education Development Center Building, C.P. Garcia Ave., UP Campus, Diliman, Quezon City.

**APPROVED:**

**J. PROSPERO E. DE VERA III, D.P.A.**  
Commissioner  
Commission on Higher Education  
**Chairperson, EVSU Board of Regents**

**DOMINADOR O. AGUIRRE, JR., D.M.**  
University President III  
**Vice Chair, EVSU Board of Regents**

**FRANCIS JOSEPH G. ESCUDERO**  
Chair, Committee on Education  
Senate of the Philippines  
**Member**

*Represented by:*

**ANN K. HOFER**  
Chair, Committee on Higher & Tech. Education  
House of Representatives  
**Member**

*Represented by:*

**FRANCES ANN BASILIO PETILLA**

**FLORENCIO "BEM" GABRIEL NOEL**

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cannot be reconciled or harmonized; and both cannot be given effect, that is, that one law cannot be enforced without nullifying the other."

**EDGARDO M. ESPERANCILLA, CESO II**  
Regional Director, DOST-Region VIII  
**Member**

**BONIFACIO G. UY, CESO IV**  
Regional Director, NEDA-Region VIII  
**Member**

**ROGELIO D. BASAS**  
President, Federation of EVSU Faculty Association, Inc.  
**Member**

**MICHAEL L. MUZONES**  
President, Federation of Student Governments of EVSU  
**Member**

**RAUL S. SOLIVA**  
President, Federation of Alumni Associations of EVSU, Inc.  
**Member**

**PACIENTE A. CORDERO, JR., D.Sc.**  
Private Sector Representative  
**Member**

**DANIEL A. ARIASO SR., CESO II**  
Private Sector Representative  
**Member**

**I hereby certify to the correctness of the foregoing Resolution No. 33, s. 2018 as duly adopted by unanimous/affirmative vote by the EVSU Board of Regents during the 74<sup>th</sup> Regular Board Meeting (First Quarter, CY 2018) held on March 21, 2018, as indicated above.**

Certified Correct:

**ANALYN C. ESPAÑO, M.A.**  
*Associate Professor III*  
**Board/University Secretary**

## **COMMITMENT**

I hereby commit to implement and abide by the provisions of this 2017 Drug Testing of the Officials, Employees and Students of the Eastern Visayas State University Manual approved per Board Resolution No. 33, s. 2018 and its subsequent issuances thereof.

**DOMINADOR O. AGUIRRE, JR., DM**  
University President III

\_\_\_\_\_  
(Date)

**OWNER'S INFORMATION:**

*(Please accomplish this form/portion within seven (7) days upon receipt and submit a certified photocopy to the University Drug Testing Office)*

**This 2017 Drug Testing of the Officials, Employees and Students of the University Manual belongs to:**

\_\_\_\_\_  
*Name of the Student*

\_\_\_\_\_  
*Course/Year/Section*

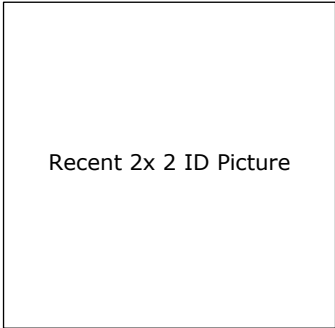
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*Contact Numbers*

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*Email Address*

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*Parents/Guardian's Name & Address*

X-----X



**STUDENT'S UNDERTAKING**

I hereby undertake that I will read, comprehend, internalize and abide by the provisions of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual. Further, I shall exercise my rights and duties to the utmost of my abilities.

\_\_\_\_\_  
*Signature over printed name*

\_\_\_\_\_  
*Date*

**PARENT'S/GUARDIAN'S UNDERTAKING**

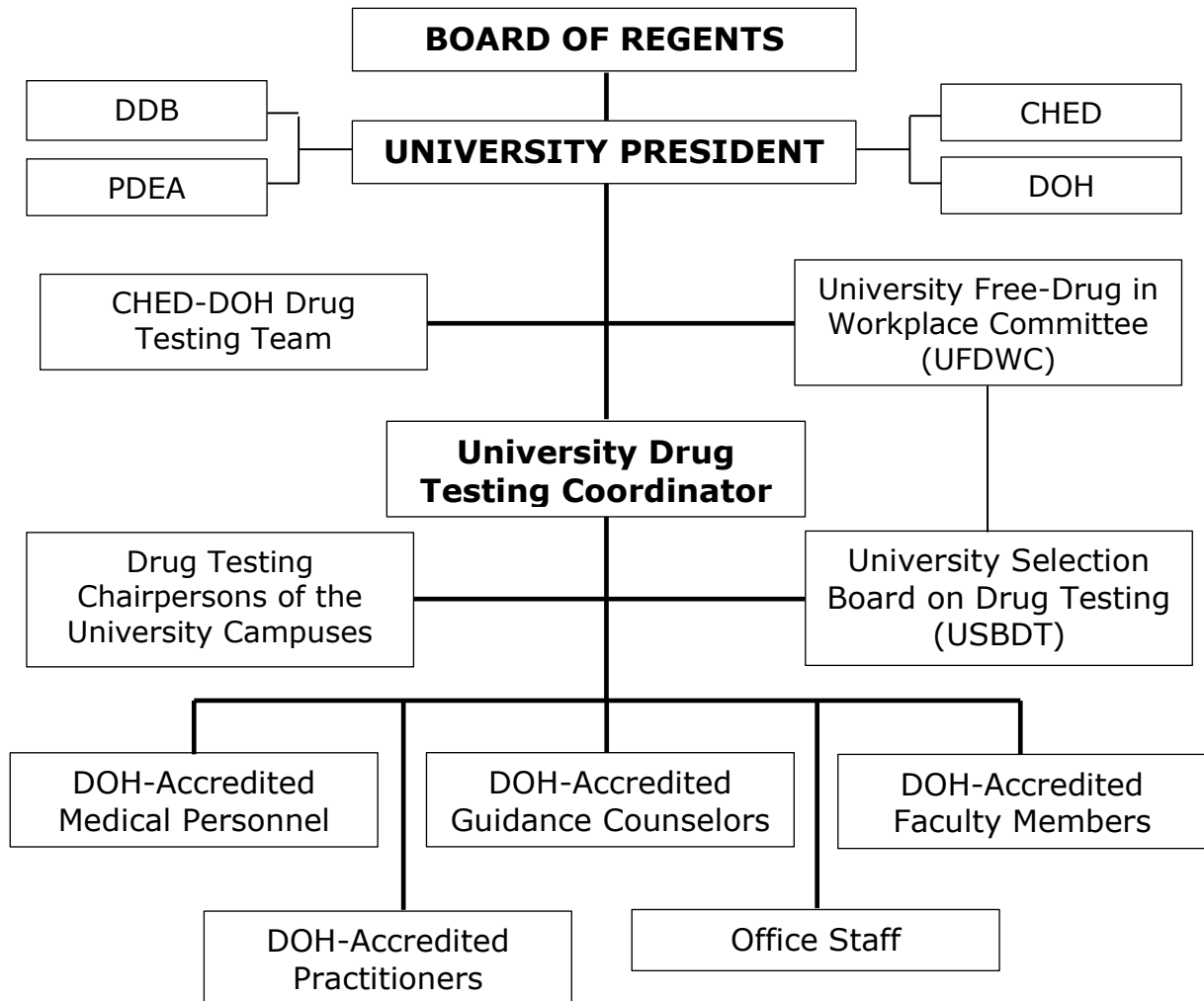
I, WE hereby undertake that We/I have read, comprehended, internalized and shall abide by the provisions of this 2017 Drug Testing of the Officials, Employees and Students of the University Manual. Further, I/We shall exercise our rights and duties to the utmost of my abilities.

\_\_\_\_\_  
*Signature over printed name*

\_\_\_\_\_  
*Date*



## Annex A ORGANIZATIONAL STRUCTURE OF THE UNIVERSITY DRUG TESTING OFFICE (UDTO)



**Annex B**  
**RE-INTEGRATION ORDER**