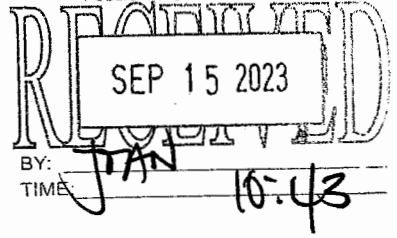




Republic of the Philippines
Supreme Court
Baguio City

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



EN BANC

NOTICE

Sirs/Mesdames:

*Please take notice that the Court en banc issued a Resolution dated **APRIL 18, 2023**, which reads as follows:*

“A.M. No. 23-02-11-SC

**GUIDELINES FOR THE IMPLEMENTATION OF A DRUG-FREE
POLICY IN THE PHILIPPINE JUDICIARY**

RESOLUTION

WHEREAS, Section 1, Article XI of the 1987 Constitution provides that “[p]ublic office is a public trust” and “[p]ublic officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives”;

WHEREAS, Section 6 of Article VIII of the 1987 Constitution provides that the Supreme Court exercises administrative supervision over all courts and the personnel thereof;

WHEREAS, Section 2 of Republic Act (R.A.) No. 9165, otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*, reaffirms the policy of the State to safeguard the “well-being of its citizenry[,] particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being”;

WHEREAS, Section 36(d) of Article III of the said law provides that officers and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo a random drug test, the cost of which shall be borne by the employer, for purposes of reducing the risk in the workplace;

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WHEREAS, drug abuse within the Philippine Judiciary would severely affect its honor, dignity, and integrity and impede the effectiveness and efficiency of the officials and employees thereof;

WHEREAS, any court employee found positive for the use of dangerous drugs shall be dealt with administratively, and such finding is a ground for suspension or termination, subject to the pertinent provisions of the Civil Service Law and A.M. No. 21-08-09-SC, entitled “Further Amendments to Rule 140 of the Rules of Court”;

WHEREAS, the Dangerous Drugs Board (*DDB*), pursuant to its role as the principal agency responsible for formulating policies and programs on drug prevention and control, has issued *DDB Regulation No. 2, series of 2004* or the *Guidelines for the Formulation and Implementation of a Drug-Free Workplace Program and the Conduct of Authorized Drug Testing by All Offices, Bureaus, and Agencies of the National and Local Governments, Government-Owned and [-]Controlled Corporations[,] and Other Institutes of Learning Including State Colleges and Universities*;¹

WHEREAS, in support of the said *Guidelines for a Drug-Free Workplace Program* of the *DDB*, this Court issued and adopted *Administrative Circular No. 21-2006* or the *Guidelines for the Implementation of the Drug Prevention Program for the First and Second Level Courts*, mandating the conduct of random drug testing to personnel of the first and second level courts, regardless of status of appointment;

WHEREAS, on April 19, 2017, the Civil Service Commission, as the central human resource institution of the government, issued and implemented *Memorandum Circular No. 13, series of 2017* or the *Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes*, mandating pre-employment drug testing as a requirement for initial entry to the government and initial and subsequent drug testing of public officials and employees;

WHEREAS, Section 3(l) of R.A. No. 10173, otherwise known as the *Data Privacy Act of 2012*, provides that information about an individual’s health is considered sensitive personal information;

WHEREAS, Section 11 of R.A. No. 10173 provides for the general data privacy principles of transparency, legitimate purpose, and proportionality for the processing of personal and sensitive personal information;

WHEREAS, Section 13(b) of R.A. No. 10173 permits the processing of sensitive personal information when the same is provided for by existing laws and regulations; *provided*, that such regulatory enactments guarantee

¹ Hereinafter referred to as *Guidelines for a Drug-Free Workplace Program*.

April 18, 2023

the protection of sensitive personal information and the privileged information; *provided, further*, that consent of the data subjects are not required by such law and regulation;

WHEREAS, the United Nations Office on Drugs and Crime (*UNODC*), together with the World Health Organization (*WHO*), provides that there should be a qualified, systematic, and science-based approach to drug dependence treatment as the development of such disease is a result of a complex multi-factorial interaction between repeated exposure to drugs, as well as biological and environmental factors;²

NOW, THEREFORE, acting on the Letter dated February 22, 2023 of Associate Justice Jhosep Y. Lopez, Chairperson of the Technical Working Group for the Drug-Free Judiciary in the Philippines, this Court **RESOLVES** to **APPROVE** the “GUIDELINES FOR THE IMPLEMENTATION OF A DRUG-FREE POLICY IN THE PHILIPPINE JUDICIARY.”

April 18, 2023, Baguio, Philippines

(Original signed)

ALEXANDER G. GESMUNDO

Chief Justice

(Original signed)

MARVIC M.V.F. LEONEN

Senior Associate Justice

(Original signed)

ALFREDO BENJAMIN S. CAGUIOA

Associate Justice

(Original signed)

RAMON PAUL L. HERNANDO

Associate Justice

(Original signed)

AMY C. LAZARO-JAVIER

Associate Justice

(Original signed)

HENRI JEAN PAUL B. INTING

Associate Justice

(Original signed)

RODIL V. ZALAMEDA

Associate Justice

(Original signed)

MARIO V. LOPEZ

Associate Justice

(Original signed)

SAMUEL H. GAERLAN

Associate Justice

² UNODC and WHO, Principles of Drug Dependence Treatment: A Discussion Paper (2009). Retrieved from <https://www.unodc.org/docs/treatment/Principles_of_Drug_Dependence_Treatment_and_Care.pdf> Last accessed on September 27, 2022.

(Original signed)
RICARDO R. ROSARIO
Associate Justice

(Original signed)
JHOSEP Y. LOPEZ
Associate Justice

(Original signed)
JAPAR B. DIMAAMPAO
Associate Justice

(Original signed)
JOSE MIDAS P. MARQUEZ
Associate Justice

(Original signed)
ANTONIO T. KHO, JR.
Associate Justice

(Original signed)
MARIA FILOMENA D. SINGH
Associate Justice

**GUIDELINES FOR THE IMPLEMENTATION OF A DRUG-FREE
POLICY IN THE PHILIPPINE JUDICIARY**

SECTION 1. Objectives.

1. To ensure that the Judiciary remains drug-free by (a) requiring drug testing as part of the pre-employment requirement, (b) subjecting its employees to a random mandatory drug test during the course of employment, and (c) encouraging the treatment and rehabilitation of those under the use of dangerous drugs;
2. To impose disciplinary sanctions and establish administrative procedures and remedies in cases where an employee is found positive for dangerous drug use;
3. To enhance awareness about the use, abuse, and adverse effects of dangerous drugs among the Judiciary's officials and employees through information dissemination and periodic random drug testing;
4. To institute other measures that address drug abuse among the Judiciary's employees; and
5. To observe gender, cultural, indigenous, and religious sensitivities and accessibility of persons with disabilities in the implementation of this *Guidelines* as regards the Judiciary's employees.

SECTION 2. Definition of Terms.

1. *Area* – refers to the court-designated drug testing area.

2. *Challenge test* – a drug test conducted as a result of a challenge filed by a public official or employee who tested positive for drug use in a confirmatory test.
3. *Chronic User/Drug Dependent* – a person identified to be using drugs/other substances (mind-altering or otherwise) without medical need, over a period of time long enough to threaten the quality of life or health and safety of the user or others.
4. *Confirmatory test* – an analytical test using a device, tool, or equipment with a different chemical or physical principle that is more specific and will validate and confirm the result of the screening test.
5. *Custody and Control Form (CCF)* – a form approved by the Department of Health (DOH) that is used to document the collection, transport, security, and test results of the specimen.
6. *Dangerous Drugs* – include those identified and listed in R.A. No. 9165 and its annexes, subject to any reclassification, addition, or removal of any drug from the said list by Congress or by DDB, in accordance with Section 93 of R.A. No. 9165.
7. *DOH Accredited Physician* – a physician with background experience in 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.
8. *Drug Dependency Examination* – refers to the examination conducted by an accredited physician to evaluate the extent of drug abuse and to determine whether a person 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.
9. *Drug Test* – refers to the laboratory examination of the urine specimen of an employee to determine possible drug use through the detection of the presence of dangerous drugs in the body fluid.
10. *Experimenter* – a person whose drug use began through exploration with limited exposure and did not develop into regular use or any related harm.
11. *Occasional User* – a person who indulges in drug use to create or enhance experience in any social setting.

12. *Out-patient Guidance Counselling* – refers to the periodic intervention, covering a minimum period of six (6) months, given by a trained Counselor to an employee who was found to be an experimenter or occasional user.
13. *Random Drug Test* – refers to the mandatory, methodical, and unannounced conduct of drug test using an appropriate scientific random sampling technique based on time, area, and/or subjects, with each employee having an equal probability of being selected for testing.
14. *Treatment* – is the medical service rendered to a patient for the effective management of physical and mental conditions arising from his/her drug use.
15. *Rehabilitation* – a dynamic process including aftercare and follow-up treatment directed towards the physical, emotional, psychological, vocational, social, and spiritual change of drug dependents to enable them to live without dangerous drugs, enjoy the fullest life compatible with their potentials, and become law-abiding and productive members of the community.
16. *Screening Test* – a rapid test performed to establish potential or presumptive positive result and for the determination of the type of drug(s) used by the subject.
17. *Return-to-Work Order* – refers to the document issued by the appropriate Drug-Free Workplace Committee (DFWC) to any court employee after having undergone rehabilitation, stating that they can re-assume their post at their respective office based on medical findings and recommendations.
18. *Voluntary Submission* – refers to the act of an employee to submit himself/herself, of his/her own volition, for the treatment and rehabilitation of his/her drug-taking habit prior to the selection for any random drug test.
19. *First level courts* – refers to the Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court, Municipal Circuit Trial Court, and the *Shari'a* Circuit Court.
20. *Second level courts* – refers to the Regional Trial Court and the *Shari'a* District Court.
21. *Court employees* – refers to all officials or personnel of the Judiciary regardless of status of appointment, employed at the Supreme Court (SC), the Court of Appeals (CA), the Sandiganbayan (SB), and the Court of Tax Appeals (CTA), and the first and second

level Courts under the direct supervision of the Office of the Court Administrator (*OCA*).

SECTION 3. Coverage.

This *Guidelines* shall cover:

(1) All court employees in all the courts in all levels, without distinction as to status or position, including those who will apply for positions in the courts in accordance with Civil Service Rules and Regulations. This shall also include employees in the Judicial and Bar Council, Judicial Integrity Board, Philippine Judicial Academy (*PhilJA*), Office of the Judiciary Marshals, Mandatory Continuing Legal Education Office, and all other offices that are placed under the supervision of the SC.

(2) All other workers detailed or working in the courts such as but not limited to:

(a) security and janitorial services personnel hired through service contracts; and

(b) employees detailed as members of the Senate Electoral Tribunal (*SET*) and House of Representatives Electoral Tribunal (*HRET*).

SECTION 4. Pre-employment Drug Testing.

A negative drug test result within one (1) year from the application date shall be a requirement for initial entry to the Judiciary. For this purpose, all courts reserve the right to require applicants to disregard an earlier drug test result and to undergo a new drug test in a government-accredited drug testing laboratory of the court's own choice.

SECTION 5. Mechanics for the Implementation of the Drug Prevention Program.

A. Creation of a Drug-Free Judiciary Committee

1. *Composition* – Drug-Free Workplace Committees (*DFWCs*) for the SC, CA, SB, CTA, and the OCA, respectively, are hereby created with the following composition:

a. Head of the SC, CA, SB, CTA, and OCA or their respective representative;

b. Representative from the Personnel Division or their equivalent;

- c. Head of the Medical Department or a representative; and
- d. Representative from the Employee's Association, if there is any;

1.1 *Functions* – The DFWC shall:

- (a) Determine the area and time to conduct mandatory random drug tests using appropriate random sampling techniques.
- (b) Oversee the conduct of the mandatory random drug tests for court employees.
- (c) Make recommendations on the administrative liabilities or interventions, as the case may be, to their respective personnel divisions regarding court employees (i) who voluntarily admit that they use dangerous drugs without undergoing the screening test, (ii) who yield positive drug test results without challenging it, and (iii) whose challenge and confirmatory test results also yielded positive for drug use.
- (d) Evaluate the fitness of a court employee to return to work after having undergone rehabilitation on the basis, among others, of a Certificate of Completion of their rehabilitation program.
- (e) Act on all concerns that may arise in connection with the actual conduct of the mandatory random drug test.
- (f) Initiate awareness activities and/or conduct continuing education on drug prevention programs for judicial employees. The DFWCs shall coordinate with PhilJA to create and implement a program that will raise the awareness of court employees on the adverse effects of dangerous drugs.
- (g) Consolidate the data on the number of personnel who had undergone testing, the dates, and the drug testing laboratories that conducted the tests into an annual report, which shall be submitted to the DDB. Such reports shall not include names and other personal information or sensitive personal information.
- (h) Coordinate with the respective personnel divisions, as the case may be, to require the contracts of services of individuals and third-party service providers to include an anti-drug use policy clause consistent with the provisions of this *Guidelines*.

B. Initial and Subsequent Drug Testing of Officials and Employees

1. Within six (6) months from the effectivity of this *Guidelines*, the DFWCs shall conduct an initial mandatory, random, and suspicionless³ drug testing of its incumbent court employees.
2. Subsequent drug testing shall be periodically conducted in an interval not exceeding two (2) years, taking into consideration the number of court employees discharged from dangerous drug use and other logistical requirements.

C. Random Selection of Subject Personnel

The DFWCs shall conduct the random drug testing on testing subjects equivalent to at least 5% of their respective court employees' total population and determine the appropriate method to randomly select the personnel for random drug test, as well as the area for the conduct of the said test. The DFWCs may increase the percentage of the sample size on a given testing cycle as they deem necessary.

As far as practicable, the selection process and conduct of the random drug test shall be made on the same day.

D. Random Drug Testing

1. Procedure

- (a) The DFWC of the SC, CA, SB, CTA, and OCA shall authorize a drug-testing team that shall include a specimen collector duly authorized by the DOH.
- (b) Selected court employees shall immediately proceed to the venue except for extraordinary circumstances causing the court employee's unavailability, such as an approved leave. Legitimate reasons for an employee's unavailability, such as a prior approved leave, shall be documented by the DFWC of the SC, CA, SB, CTA, and OCA.
- (c) At the time of the drug test, the court employee shall present his or her office Identification Card. The court employee shall fill out and sign the CCF issued to them. Court employees taking medications during or prior to the conduct of the drug test shall declare the same before the drug test commences.
- (d) The authorized specimen collector shall direct the court employee to remove any unnecessary garments such as coats and jackets that might conceal items or substances, which could be used to tamper with or adulterate the court employee's urine specimen.

³ In accordance with the Court's pronouncement in *Social Justice Society v. Dangerous Drugs Board*, G.R. Nos. 157870, 158633, and 161658, November 3, 2008 [Per J. Velasco, *En Banc*].

(e) The taking of the urine sample shall be done in the presence of the authorized specimen collector and must be done in an area where there is no access to any unregulated source of water, soap, dispenser cleaning agents, or any other materials that could be used to adulterate the specimen.

(f) The authorized specimen collector shall provide a clean specimen container before directing the court employee to go in the toilet to provide at least 60 ml of urine specimen. The court employee may undergo the test in the privacy of a toilet cubicle or a partitioned area that allows privacy.

(g) Upon receiving the specimen from the court employee, the authorized specimen collector shall:

- i. Ensure that the subject court employee hands over the specimen before flushing the toilet;
- ii. Examine the volume of the urine sample in the specimen container;
- iii. Check the temperature of the urine specimen;
- iv. Inspect the specimen to determine its color and appearance for any signs of contaminants; and
- v. Note any unusual entries in the chain of custody form.

(h) Before the urine specimen container is sealed and labeled, both the subject court employee and the authorized specimen collector shall keep the said container within sight of the team.

- i. The specimen container shall have an identification label with the following entries: (i) name of the subject court employee; (ii) date of the specimen collection; (iii) signature of the subject court employee; and (iv) specimen identification number.
- ii. The authorized specimen collector shall fill out all information required in the CCF and ensure that each copy shall be given to the DFWC.
- iii. The DFWC shall have custody of the results of the screening test, which shall be treated as strictly confidential unless its contents are duly required to be disclosed in an appropriate proceeding.

2. Specimen samples found positive in the screening test shall be submitted for a confirmatory test within the same day.
3. No further action is needed in case of a negative drug test result and such will be filed in the employee's 201 file.
4. The authorized team shall provide a report on the personnel who have undergone testing, the results thereof, the dates, and the authorized drug testing team who conducted the test to the DFWC within ten (10) calendar days.

In turn, the DFWC shall prepare a summary report, specifying the dates, venue, and manner the drug test was conducted as well as the statistical results but excluding any personal or sensitive information.

This summary report shall be submitted as a yearly compliance report to the DDB and shall be furnished to the Office of the Chief Justice, Office of the Presiding Justices of the CA, SB, and CTA, and the OCA.

E. Challenge Test

1. A positive drug test result from a confirmatory test shall immediately be made known to the DFWC, which shall then notify the concerned court employee within twenty-four (24) hours through the fastest means of communication, including but not limited to text message, online messenger, e-mail, or any other electronic means.
2. A court employee has fifteen (15) calendar days from receipt of notice to file a request to assail the result of the confirmatory test through a challenge test at his or her expense. The challenge test shall be conducted by a government drug testing laboratory or by a drug testing laboratory duly authorized and accredited by the DOH using the same specimen.

Failure of a court employee to file a request for a challenge test within the prescribed period shall make the positive drug test result from the confirmatory test final, and the respective DFWC shall then take the appropriate action(s) as provided in the succeeding section: "Administrative Liability."

3. The choice of laboratory that will conduct the challenge test shall be specified in the request filed by the court employee challenging the result. The challenge test may be conducted by any drug testing laboratory, accredited and monitored by the DOH or by the National Reference Laboratory provided that said laboratory is equipped with a Gas Chromatograph-Mass Spectrometer or High Performance Liquid Chromatograph-Mass Spectrometer equipment or

other similar equipment to ensure a result that is free from human intervention. The same specimen submitted for random drug test shall be brought personally by a representative from the medical department of the SC, CA, SB, CTA, or OCA, and the concerned court employee.

4. Payment for the challenge test shall be at the expense of the concerned court employee.

5. A positive drug test result from the challenge test is deemed final and the court employee shall be subjected to the provisions of the succeeding section: "Administrative Liability."

6. No further action is needed in case of a negative drug test result from the challenge test and such negative drug test result shall be filed in the employee's 201 file.

SECTION 6. Administrative Liability.

A. Court Employees

- i. A positive confirmatory result or challenge test result for drug use, except as provided under Section 7, shall constitute as basis for an administrative charge of *Possession and/or Use of Illegal Drugs or Substances*, which is considered a serious charge under Section 14(o) of Rule 140 of the Rules of Court, as amended by A.M. No. 21-08-09-SC (Rule 140).
- ii. The following acts shall also constitute *Gross Misconduct* under Section 14 (a) of Rule 140:
 1. Tampering with any result of a drug test;
 2. Interfering in the conduct of the drug test or in the release of drug test results; and
 3. Refusing to undergo or complete their treatment or rehabilitation as provided under Section 8 hereof, once found positive for use of dangerous drugs.
- iii. The failure of a court employee, without a valid reason, to undergo mandatory drug testing after being randomly selected under Section 5(D) shall constitute *Gross Insubordination* under Section 14(n) of Rule 140.
- iv. The procedure under Rule 140 of the Rules of Court shall govern the institution of administrative proceedings under these *Guidelines*.

B. Contract of Service/Job Order Personnel

The services of contractual/job order personnel of the Judiciary who are found positive for dangerous drugs after the challenge test or after an unchallenged confirmatory drug test result shall be terminated after due notice.

C. Security, Janitorial, and Agency Personnel

Security, janitorial, and agency personnel of the Judiciary who are found positive for dangerous drugs after the challenge test or after an unchallenged confirmatory test shall be immediately referred to their respective employer-agencies to undergo administrative proceedings or intervention programs in accordance with the latter's anti-drug use policy; provided that said personnel shall be immediately replaced upon notice to the agency management or its duly authorized representative and shall be prohibited from being assigned to the Judiciary, without prejudice to any liability of the agency under the Contract of Services entered into with the Judiciary.

SECTION 7. Voluntary Submission.

The DFWC of the SC, CA, SB, CTA, or OCA, as the case may be, shall provide a mechanism for court employees to willingly submit themselves, of their own volition, for the treatment and rehabilitation of existing drug-taking habits. Voluntary submission for drug testing may be done any time prior to the date of the random drug testing as may be fixed by the DFWC. This notwithstanding, the procedure for the conduct of drug testing under the voluntary submission mechanism shall follow Section 5(D) and (E) in this *Guidelines*.

An initial positive drug test result arising from this voluntary mechanism shall not be a ground for administrative proceedings or liability. The DFWC of the SC, CA, SB, CTA, or OCA, as the case may be, shall follow the provisions on "Interventions for Court Employees" under Section 8 of this *Guidelines* for the treatment and rehabilitation of the employees under the voluntary submission mechanism.

Court employees who have completed the treatment and/or rehabilitation program under the voluntary submission mechanism but test positive again in subsequent voluntary submission mechanisms are no longer qualified to undergo treatment and/or rehabilitation under paragraph (ii) of this Section and shall be charged with *Possession and/or Use of Illegal Drugs or Substances* under Section 14(o) of Rule 140.

SECTION 8. Interventions for Court Employees Under the Voluntary Submission Mechanism.

1. Any court employee found positive for the use of dangerous drugs at the first instance, under the Voluntary Submission mechanism, shall undergo a Drug Dependency Examination conducted by the DOH or by any DOH-accredited physician. The treatment and rehabilitation program shall be conducted according to the assessed drug dependency:

A. *Experimenter* – Out-patient guidance counseling for a period of six (6) months at the personal expense of the employee concerned.

B. *Occasional User* – Out-patient guidance counseling and regular monthly drug testing for a period of six (6) months, both of which shall be conducted at the personal expense of the employee concerned.

C. *Chronic User/Drug Dependent* – Mandatory continuous treatment 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 DDB. The court employee concerned shall shoulder the expenses of his or her rehabilitation.

A court employee shall undertake the processing of their admission to a rehabilitation center in accordance with the provisions of R.A. No. 9165 and existing rules of the DDB.

Time spent on counseling and regular monthly drug testing shall be charged against the said court employee's leave credits. For this purpose, the court employee's sick leave credits shall be utilized. In case of exhaustion of the court employee's sick leave credits, vacation leave credits may be utilized for the purpose. If all leave credits are used, any absence shall be on leave without pay.

As proof of successful completion of the intervention program, the court employee assessed as an *Experimenter* or *Occasional User* shall secure a certification of completion issued by their attending guidance counselor.

The court employee assessed as a *Chronic User/Drug Dependent* shall commence rehabilitation within fifteen (15) days from receipt of Drug Dependency Examination results to give way to the processing of the necessary clearances.

Following the completion of their rehabilitation program, the concerned court employee shall secure a certificate of completion and a clearance from their attending physician.

Within ten (10) days from the issuance of the certificate of completion and clearance, the DFWC shall evaluate the fitness of a court employee to



return to work and thereafter, issue a Return-to-Work Order upon a finding of a successful rehabilitation and the employee's fitness to work.

Court employees found to have used dangerous drugs during the prescribed period of their intervention or rehabilitation shall also be charged with the administrative offense of *Gross Misconduct*, a serious charge under Section 14(a) of Rule 140.

SECTION 9. Advocacy, Education, and Training.

Preventive measures and programs shall be provided by the DFWC to all court employees to inform them of the ill effects of dangerous drugs. These may include the following:

- i. Display a billboard or posters in conspicuous places within the workplace with a standard message such as "This is a drug-free workplace: Let's keep it this way!" or other messages of similar import; and
- ii. Develop a training curriculum and provide seminars on drug abuse prevention in the workplace in coordination with the PhilJA, DDB, Philippine Drug Enforcement Agency, UNODC, WHO, DOH, and other appropriate agencies.

SECTION 10. Confidentiality of Records.

The court employee's drug test result shall be attached to his or her 201 File. All drug test results and records must strictly be held confidential by the personnel division of the SC, CA, SB, CTA, and the OCA, as provided for by the pertinent provisions of R.A. No. 9165 and R.A. No. 10173.

For purposes of strict confidentiality, only the following shall have access to the personal and sensitive personal information of the employees who were chosen to undergo the drug tests:

- i. The DFWC; and
- ii. The team authorized by the DFWC to conduct the drug test, whose access shall be limited only during the conduct thereof.

After every testing cycle, the DFWCs shall provide a report to the DDB, which shall consist only of statistical results and anonymized data. The names and other personal information of the tested court employees shall not be disclosed.

All government officials, employees, and/or any person who shall breach the confidentiality of any drug test shall be charged in accordance with Section 72 of R.A. No. 9165 or Section 28 of R.A. No. 10173.

Similarly, any member of the DFWC and court employees who shall prematurely disclose the date, venue, testing center or laboratory, and the name/s of the employee or official to be subjected to random drug testing shall be charged in accordance with Section 72 of R.A. No. 9165 and other related administrative sanctions under Rule 140 of the Rules of Court, as amended by A.M. No. 21-08-09-SC.

SECTION 11. Funding.

The costs of random drug testing and confirmatory tests, if necessary, of court employees shall initially be funded from the available Maintenance and Other Operating Expenses of the Judiciary until such item can be included in the general appropriations law for the next fiscal year.

SECTION 12. Affirmation and Commitment to the Guidelines.

All court employees are required to read this “Guidelines for the Implementation of a Drug-Free Policy in the Philippine Judiciary” and to submit a signed Confirmation/Affirmation and Commitment to the *Guidelines* to the same.

SECTION 13. Repealing Clause.

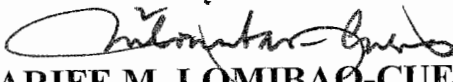
All other issuances contrary to or inconsistent with this *Guidelines* are deemed repealed or modified accordingly.

SECTION 14. Effectivity.

This *Guidelines* shall take effect immediately after publication in a newspaper of general circulation.

This *Guidelines* shall likewise be published on the official website of the Supreme Court (<https://sc.judiciary.gov.ph>).” (11)

By authority of the Court:


MARIFE M. LOMIBAO-CUEVAS
Clerk of Court *ja*

HON. ALEXANDER G. GESMUNDO (x)
Chief Justice
HON. MARVIC MARIO VICTOR F. LEONEN (x)
Senior Associate Justice
HON. ALFREDO BENJAMIN S. CAGUIOA (x)
HON. RAMON PAUL L. HERNANDO (x)
HON. AMY C. LAZARO-JAVIER (x)
HON. HENRI JEAN PAUL B. INTING (x)
HON. RODIL V. ZALAMEDA (x)
HON. MARIO V. LOPEZ (x)
HON. SAMUEL H. GAERLAN (x)
HON. RICARDO R. ROSARIO (x)
HON. JHOSEP Y. LOPEZ (x)
HON. JAPAR B. DIMAAMPAO (x)
HON. JOSE MIDAS P. MARQUEZ (x)
HON. ANTONIO T. KHO, JR. (x)
HON. MARIA FILOMENA D. SINGH (x)
Associate Justices
Supreme Court

OFFICE OF THE CLERK OF COURT-EN BANC (x)
Supreme Court

ATTY. MARIA TERESA B. SIBULO (x)
Division Clerk of Court
OCC - First Division
Supreme Court

ATTY. TERESITA A. TUAZON (x)
Division Clerk of Court
OCC - Second Division
Supreme Court

ATTY. MISAEL DOMINGO C. BATTUNG III (x)
Division Clerk of Court
OCC - Third Division
Supreme Court

ATTY. BASILIA T. RINGOL (x)
Deputy Clerk of Court and
Chief, Judicial Records Office
Supreme Court

ATTY. AMOR P. ENTILA (x)
Officer-in-Charge
Office of the Bar Confidant
Supreme Court

ATTY. JED SHERWIN G. UY (x)
Deputy Clerk of Court and
Chief Technology Officer
Management Information Systems Office
Supreme Court

HON. ROSMARI D. CARANDANG [Ret.] (x)
Chancellor
PhilJA, Supreme Court

HON. ROMEO J. CALLEJO, SR. (x)
Chairperson
HON. ANGELINA SANDOVAL-GUTIERREZ (x)
Vice Chairperson
HON. SESINANDO E. VILLON (x)
First Regular Member
HON. RODOLFO A. PONFERRADA (x)
Second Regular Member
HON. CIELITO N. MINDARO-GRULLA (x)
Third Regular Member
Judicial Integrity Board
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