

[PNP CIRCULAR NO. DIDM03-02, July 16, 2003]

**PROVIDING FOR THE STANDARD GUIDELINES IN THE CONDUCT
OF INVESTIGATION AND HEARING AGAINST PNP PERSONNEL
FOUND USING ILLEGAL DRUGS**

1. REFERENCES:

- a. Republic Act 6975 as amended by RA8551
- b. RA9165 Otherwise known as the Dangerous Drugs Act of 2002;
- c. Requiring The Administration of Drug Test on All PNP Uniformed Personnel and Imposing Penalties Thereof (NAPOLCOMMC 98 008). (Tab A)

2. BACKGROUND:

it has been the policy of the State to promote a high standard of ethics in public service, which requires utmost integrity and strictest discipline. Thus, a public servant must exhibit at all times the highest sense of honesty and integrity not only in the performance of his official duties but in his personal and private dealings with other people. No less than the Constitution sanctifies the principle that a public office is a public trust and enjoins all public officers and employees to serve with the highest degree of responsibility, integrity, loyalty, and efficiency. Thus, every illegal act and misdeed of PNP personnel undermines public faith in the police service and, ultimately, in law enforcement as one of the pillars of criminal justice system. Among the recent findings is the use of illegal drugs that makes PNP personnel unfit as a law enforcer. It is necessary and proper that PNP personnel must adhere to the high ethical standards of public service.

3. RATIONALE:

To implement and institutionalize this avowed policy and the given primary responsibility for effective and responsible PNP there is a need to provide a guide for the fair adjudication of PNP personnel found positive for use of illegal drugs who are considered HIGH RISK in the organization and the implementation of a more detailed procedures to preserve/observe their rights under the law.

4. LEGAL BASES:

- a. Section 2(2) of RA 8551 provides that the PNP shall be a community and service oriented agency responsible for the maintenance of peace and order and public safety.
- b. Section 26 of RA 6975 provides that the Chief of the PNP shall have the power to issue detailed implementing policies and instructions regarding personnel and such other matters as may be necessary to effectively carry out the functions, powers and duties of the Bureau.

c. Section 28 of RA 9165 provides that the maximum penalties of the unlawful acts, such as the illegal use of drugs, shall be imposed upon government officials and employees in addition to their absolute perpetual disqualification from any public office.

d. Section 36 (d) of RA 9165 provides that 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 existing Civil Service Laws.

e. Section 36 (e) of RA 9165 provides that all officers and members of the police and other law enforcement agency shall undergo mandatory drug test.

5. PROCEDURES/STANDARD GUIDELINES:

A. Screening and Confirmatory Tests

(1) For the purpose of reducing the risk in the performance of duty as peace officers during the discharge of official duties or at workplace/office and pursuant to existing policy and laws, all PNP personnel shall be subjected to a surprise or unannounced random drug test.

(2) The PNP personnel subject of unannounced random drug test shall annually be furnished with a copy of an undertaking by the PNP Crime Laboratory and should sign and manifest that he is not using any illegal drugs or if taking regulated drugs shall so declare for such use as duly prescribed by a competent physician.

(3) If found positive, the result of the screening laboratory examination or test may be challenged within fifteen (15) days after receipt of the result. For the purpose, a confirmatory test may be conducted by PNP Crime Laboratory or in any accredited analytical laboratory equipped with a gas chromatograph/mass spectrometry equipment or some such modern and accepted method. (*Section 38, Article HI, IRR of RA 9165*).

(4) The conduct of screening and confirmatory tests shall be subjected to a strict regulation approved and prescribed by competent authorities.

(5) Should the drug test yield positive results without being challenged pursuant to para 3 above, a mandatory confirmatory test shall be conducted by the PNP Crime Laboratory within five (5) days after the lapse of the period to challenge the result.

(6) If officially confirmed that subject PNP member is positive for illegal drugs, it shall be a prima facie evidence that such PNP personnel has used illegal/dangerous drugs.

B. Pre Charge Investigation

(1) Those PNP personnel found positive for use of illegal drugs shall be subjected to a pre-Charge Investigation to be conducted by the DIDM at the national level; by the respective RHD in the regions; other DHD at the district level and other investigating arms of the PNP as designated by the proper PNP Disciplinary Authorities.