



Republic of the Philippines  
NATIONAL POLICE COMMISSION  
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE  
OFFICE OF THE CHIEF, PNP  
Camp BGen Rafael T Crame, Quezon City

10 FEB 2021

**PNP MEMORANDUM CIRCULAR**

NO.: 2021-019

**PROVIDING FOR EXPEDITIOUS RESOLUTION OF CASES AGAINST PHILIPPINE NATIONAL POLICE (PNP) PERSONNEL FOUND POSITIVE FOR DRUG USE; THUS, REPEALING PNP MC NO. 2016-057 ENTITLED: "PRESCRIBING GUIDELINES IN THE CONDUCT OF RANDOM/MANDATORY DRUG TEST IN THE PHILIPPINE NATIONAL POLICE AND PROVIDING DISCIPLINARY AND ADMINISTRATIVE SANCTIONS FOR VIOLATION THEREOF" AND AMENDING CERTAIN PROVISIONS OF PNP MC NOS. 2016-062 ENTITLED, "PNP COMPREHENSIVE INTERNAL DISCIPLINARY MECHANISM"**

**1. REFERENCES:**

- a. Republic Act (RA) No. 9165, "Comprehensive Dangerous Drugs Act of 2002";
- b. RA No. 6975 as amended by RA No. 8551 dated February 25, 1998, and further amended by RA No. 9708;
- c. Office of the President of the Philippines, Memorandum Circular No. 89 dated December 17, 2015, entitled "Implementation of the National Anti-Drug Plan of Action";
- d. 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS) dated July 3, 2017;
- e. Civil Service Memorandum Circular No. 13 s. 2017 dated April 19, 2017 with subject, "Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for other purposes";
- f. NAPOLCOM Memorandum Circular (NMC) No. 2016-002 dated March 7, 2016, "Revised Rules of Procedure before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police as amended by NMC No. 2019-005";
- g. PNP Memorandum Circular No. 2016-062 dated October 3, 2016, "PNP Comprehensive Internal Disciplinary Mechanism"; and
- h. PNP Memorandum Circular No. 2016-057 dated August 17, 2015, "Prescribing Guidelines in the Conduct of Random/Mandatory Drug Test in the Philippine National Police and Providing Disciplinary and Administrative Sanctions for Violation Thereof".

**2. RATIONALE:**

This Memorandum Circular (MC) repeals PNP MC No. 2016-057 and provides amendment to certain provisions of PNP MC No. 2016-062 specifically on

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the guidelines and procedures to be undertaken by concerned PNP offices/units in the expeditious resolution of cases against PNP personnel who were found positive for drug use after the random/mandatory drug test.

### 3. SITUATION:

The PNP, in its relentless efforts to thwart the proliferation of illegal drugs in the country and in support of the government's Drug-Free Workplace Policy has issued PNP MC No. 2016-057 which provides policies and procedures in the conduct of drug test. Subsequently, PNP MC No. 2016-062 which institutionalized a comprehensive disciplinary mechanism was issued. Said MC provides that personnel subject to random drug testing and found positive thereon, shall be subjected to the provisions of NMC No. 2016-002 and PNP MC No. 2016-057 in relation to Section 15 and 28 or RA No. 9165 and shall be referred to the Internal Affairs Service (IAS) for investigation.


Despite these internal policies, the number of PNP personnel tested positive for illegal drug use increases. These cases, pursuant to the PNP MC No. 2016-057 are referred to IAS for the conduct of investigation before submitting its recommendation to the appropriate Disciplinary Authority. To expedite the resolution of said cases, the PNP must take a proactive stance by transferring the conduct of pre-charge investigation of these cases to the Directorate for Investigation and Detective Management (DIDM), National Support Units (NSUs) and its counterparts in the Police Regional Offices (PROs).

### 4. PURPOSE:

This MC provides for the expeditious resolution of cases against PNP personnel who were found positive for drug use after the random/mandatory drug test through the amendment of certain provisions of PNP MC No. 2016-062 and PNP MC No. 2016-057. It aims to:

- a. Transfer the task of conducting Pre-Charge Investigation and Summary Hearing Proceedings of PNP personnel who were found positive for the use of illegal drugs during random/mandatory drug test from the IAS to the DIDM for NHQ (D-Staff, P-Staff, and SPA to SILG) and NSUs and its counterparts in the PROs;
- b. Expedite the filing and resolution of the summary dismissal cases of PNP personnel who were found positive for the use of drugs;
- c. Update the guidelines in the conduct of drug test and treatment of drug test results, including the procedures in the conduct of challenge test;
- d. Harmonize the provisions of PNP MC Nos. 2016-062 and 057 as regards the policies and procedures in the filing and resolution of cases of drug use; and
- e. Attain a drug-free police force.

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## 5. DEFINITION OF TERMS:

- a. Authorized Drug Test – refers to the examination of a person's urine specimen to determine the presence of dangerous drugs which is done by the PNP Crime Laboratory (CL) or by any drug testing laboratories accredited and monitored by the Department of Health (DOH) to safeguard the quality of test results. It shall employ among others, two testing methods, the screening and confirmatory tests.
- b. Conduct Unbecoming of a Police Officer - refers to "any act or behavior of a police officer, irrespective of rank, done on his official or private capacity which, in dishonoring or disgracing himself as a police officer, seriously compromises his character and standing in the PNP in such a manner as to indicate vitiated or corrupt state of moral character which shows his unworthiness to remain in the police service".
- c. Confirmatory Test – an analytical test using a device tool or equipment with different chemical or physical principle that is more specific which will validate and confirm the result of the screening test. It refers to the second or further analytical procedure to more accurately determine the presence of dangerous drugs in a specimen.
- d. Dismissal – is the termination or the act of being discharged from employment or service for cause. It is the definite severance of a PNP personnel from the service based on the application of its existing disciplinary policies.
- e. Mandatory Drug Test – refers to the compulsory submission of PNP personnel for drug testing as required by Section 36 (e) of RA No. 9165 and other PNP rules and regulations.
- f. Random Drug Test – refers to the test performed on PNP personnel who are selected following no specific pattern and without prior notice.
- g. Termination - when a PNP member fails to satisfactorily complete or pass within a given period the requirements laid down to attain a certain status.
- h. Screening Test – A rapid test performed to establish a 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.
- i. Use of Dangerous Drugs – any act of injecting, intravenously or intramuscularly, or consuming, either by chewing, smoking, sniffing, eating, swallowing, drinking or otherwise introducing into the physiological system of the body any of the dangerous drugs.

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## 6. POLICIES:

- a. All Uniformed and Non-Uniformed Personnel (NUP) of the PNP shall be subject to annual mandatory drug testing. The selection of the personnel shall be done on a random basis but no personnel must be exempt from the annual mandatory drug testing.
- b. PNP personnel (Uniformed and NUP) shall also be subjected to a RANDOM drug test where the PNP personnel are selected by chance or in an unplanned way.
- c. In accordance with Section 36 of RA No. 9165, a drug testing shall employ among others, two testing methods, the screening test which will determine the positive result as well as the type of the drug used and the confirmatory test which will confirm a positive screening test.
- d. Any PNP member who, without any justifiable reason, refuses or fail to submit to a drug test when officially required shall be charged administratively and after notice and summary hearing, shall be penalized accordingly.
- e. Laboratory reports of positive confirmatory test results shall be treated with confidentiality and shall be disclosed in accordance with the PNP internal rules and regulations.
- f. If confirmed positive after confirmatory test, the same shall be prima facie evidence that such person has used dangerous drugs, which is without prejudice to the prosecution for other violation of the provision of RA No. 9165.
- g. Any PNP personnel found positive for the use of drugs after confirmatory test shall be charged with administratively for Conduct Unbecoming of a Police Officer pursuant to NMC No. 2016-002 for uniformed personnel and Grave Misconduct for NUP pursuant to Civil Service Commission's RACCS without prejudice to the filing of appropriate criminal charge/s under RA No. 9165 and other pertinent laws.
- h. Any PNP personnel who, without any valid reason, failed to submit himself/herself for mandatory/random drug test, shall be administratively charged with insubordination (for Uniformed Personnel) or Grave Misconduct (for NUP) in accordance with NMC No. 2016-002 or RACCS.
- i. Any PNP personnel found to have tampered the result of a drug test or interfered in the conduct of drug test or in the release of drug test results shall be charged administratively in accordance with the provisions of NMC No. 2016-002.

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## 7. PROCEDURES:

### a. Procedures in the conduct of drug testing:

- 1) The conduct of drug testing shall be initiated by the concerned PNP office/unit thru a written request addressed to PNP CL.
- 2) For purposes of identification, the PNP personnel shall present his/her PNP ID. The subject PNP personnel shall fill out and sign the consent and chain of custody form issued to them. PNP personnel who is taking medications during and/or prior to the conduct of drug test shall declare the same to the PNP CL personnel facilitating the drug test.
- 3) The authorized specimen collector will then ask the subject PNP personnel to remove any unnecessary outer garments such as coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the subject personnel's urine specimen. The authorized specimen collector will ensure that all belongings such as purse or briefcase remain with the outer garments.
- 4) 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 agent, or any other materials that could be used to adulterate the specimen.
- 5) The authorized specimen collector will give the subject PNP personnel a clean specimen container and directs him/her to go in the toilet facility for urination and to provide at least 60 ml of urine specimen. The subject PNP personnel may provide his/her specimen in a privacy of a toilet cubicle or otherwise partitioned area that allows for individual privacy.
- 6) Upon receiving the specimen from the subject PNP personnel, the authorized specimen collector will:
  - a) Check the volume of the urine sample in the specimen container;
  - b) Check the temperature of the urine specimen; and
  - c) Inspect the specimen to determine its color and appearance for any signs of contaminants. Any unusual findings will be noted on the chain of custody form.
- 7) Both subject PNP personnel and authorized specimen collector must keep the specimen container in full view at all times prior to the sealing of the urine specimen.
- 8) The urine specimen container will have an identification label that contains the pertinent information such as date and time of specimen

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collection, signature of the subject personnel and specimen ID number.

- 9) No further action is needed when the result is negative in the Screening Test.
- 10) The urine specimen/sample which tested positive after the screening test must be properly labeled and must be kept separately from the samples that tested negative for dangerous drugs.
- 11) All screened positive urine samples shall be subjected for confirmatory test.
- 12) After the confirmatory test, the same urine sample must be kept for the purpose of challenging the result.

b. Treatment of Drug Test Results:

- 1) The laboratory report of the result of PNP personnel found positive after a confirmatory test shall immediately be furnished to the Head of the requesting office and copy furnished the DPRM and DIDM.
- 2) After receipt of the drug test result by the requesting office, the Head of the requesting office shall within 24 hours, inform the subject personnel who tested positive through any fastest means of communication such as but not limited to text message, viber, messenger, email, and/or any other electronic means. The subject personnel may challenge such test within 15 calendar days from receipt thereof by signifying in writing his/her intention to challenge the test results directly to the concerned CL office which issued the result. The requesting office shall notify the concerned CL office that the subject personnel was duly notified of such positive result.
- 3) The submission or endorsement of the urine sample to the chosen laboratory shall be made within 15 calendar days from receipt of the written request to challenge. Any unjustifiable delay not attributable to the fault of the concerned CL office may result to the denial of the request for challenge if the challenging party failed to facilitate the endorsement of the urine specimen to the chosen laboratory within 15 days.
- 4) The choice of laboratory that will conduct the challenge test shall be specified by the PNP personnel challenging the result. The challenge test may be conducted by any drug testing laboratories accredited and monitored by the DOH or by the National Reference Laboratory provided that said laboratory has Gas Chromatograph-Mass Spectrometer or High Performance Liquid Chromatography-Mass Spectrometer equipment or other similar equipment to ensure a result that is free from human intervention, and, provided further that, the same specimen submitted for random/mandatory test on which the PNP

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personnel was found positive for the use of dangerous drugs shall be brought personally by the examiner-on-case of the PNP CL and the personnel who requested. Payment of the challenge test shall be at the expense of the challenging party.

- 5) Results of the challenged tests shall not be subject to cut-off concentration levels that were established from the same tested confirmed specimen. Results of the challenge test shall be the basis for the final determination of the drug test result.

c. Filing of Administrative Case:

- 1) The PNP personnel with a positive result after the confirmatory test shall be immediately endorsed by concerned PNP office/unit for the conduct of Pre-Charge Investigation to DIDM for National Headquarters and NSU personnel or its counterparts in PROs, except cases of drug use committed by IAS personnel. In such case, IAS shall take cognizance of the pre-charge investigation and summary hearing proceedings.
- 2) For this purpose, Paragraph 8(2) Investigation Stage, items (k and l) and Paragraph 8(3) Prosecution and Adjudication Stage, items (g, h, i, and z) of PNP MC No. 2016-062 referring to IAS all cases of drug use, are hereby amended. Thus, all PNP offices/units shall take cognizance of cases involving a PNP personnel who were found positive for drug use after confirmatory test during the random/mandatory drug test.
- 3) The IAS is tasked primarily to investigate, prosecute, and summarily resolve all administrative cases involving grave offenses under the Revised Penal Code and special laws in addition to the offenses/circumstances which the IAS has motu proprio authority to investigate as provided under RA No. 8551, except cases of dangerous drugs use by a PNP personnel. In such cases, the DIDM or its counterparts in PROs and NSUs shall take cognizance of the pre-charge investigation and must prioritize its submission for resolution before DPRM or to the concerned Regional Personnel and Records Management Division/Administrative and Records Management Division.
- 4) All personnel subjected to random/mandatory drug testing and found positive thereon, shall constitute as prima facie evidence for the administrative case of Conduct Unbecoming of a Police Officer for uniformed personnel pursuant to NMC No. 2016-002 and Grave Misconduct for NUP as provided under the 2017 RACCS.

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- 5) All newly-appointed police commissioned officers and police trainees under temporary status, and PNP cadets shall be proceeded with in accordance with the applicable NAPOLCOM and PNP rules and procedures.

**8. ADMINISTRATIVE SANCTIONS:**

Any PNP personnel found violating the provisions of this MC shall be held administratively liable in accordance with applicable penal laws and under

NAPOLCOM Memorandum Circular No. 2016-002 and other applicable administrative issuances.

**9. REPEALING CLAUSE:**

This MC amends Paragraph 8(2) Investigation Stage, items k and l) and Paragraph 8(3) Prosecution and Adjudication Stage, items (g, h, i, and z) of PNP MC No. 2016-062 and repeals PNP MC No. 2016-057 dated August 17, 2015. All previous PNP issuances and/or circulars inconsistent with the provisions of this MC are hereby rescinded or modified accordingly.


**10. EFFECTIVITY:**

This MC shall take effect 15 days from filing a copy thereof at the UP Law Center in consonance with Section 3, Chapter 2, Book VII of Executive Order No. 292 otherwise known as the "Revised Administrative Code of 1987," as amended.

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