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OFFICE OF THE PRESIDENT
COMMISSION ON HIGHER EDUCATION

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CHED MEMORANDUM ORDER (CMO)
No. 18
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SUBJECT: THE IMPLEMENTING GUIDELINES FOR THE CONDUCT OF DRUG TESTING OF STUDENTS IN ALL HIGHER EDUCATION INSTITUTIONS (HEIs)

In accordance with Section 8 (n) and (o) of RA 7722, the Higher Education Act of 1994 as amended, in relation to Section 36 (c) of RA 9165, the Comprehensive Dangerous Drugs Act of 2002, and pursuant to Commission en banc Resolution No. 539-2017 dated 18 July 2017, the Commission issues this "**IMPLEMENTING GUIDELINES FOR THE CONDUCT OF DRUG TESTING OF STUDENTS IN ALL HIGHER EDUCATION INSTITUTION (HEIs)**."

RULE I
RATIONALE AND BACKGROUND

Section 1. The drug problem in the Philippines continues to remain a serious national concern that permeates both the public and private sectors not only as a security issue, but also as a health concern that affects the social, emotional, psychological, as well as the economic well-being of the citizenry.

The Philippine Government recognizes the complimentary roles of public and private higher education institutions (HEIs) and shall exercise reasonable supervision and regulation thereof. Thus, all HEIs are enjoined to include in their student's handbook the conduct of mandatory random drug testing of students, with notice to the parents. Aside from random drug testing, a Higher Education Institution may, within the parameters of its institutional academic freedom, also include in its Student's Handbook a policy for the conduct of mandatory drug testing as a requirement for admission and retention, after observance of the consultation and other similar requirements.

RULE II
STATEMENT OF POLICIES

Section 2. The State recognizes the primary responsibility of the family and the complimentary role of the educational institutions and parents for the education and awareness of its members on the ill-effects of dangerous drugs;

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2.1. It is a government policy to foster a spirit of shared purposes and cooperation among the members and elements of the educational community and between the community and other sectors of society at

all times. Only in such atmosphere can the true goals and objectives of education be fulfilled.

2.2. The Commission on Higher Education (CHED), as part of its mandate, has the duty to continuously monitor the effectiveness of the dangerous drug abuse prevention program through their respective regional/field offices and may enlist the assistance of any government agency or instrumentality to carry out the objectives of the program.

2.3. The HEIs shall have mechanisms to promote healthy lifestyle such as but not limited to healthy diet, physical activities and no smoking and alcoholic drinking environment inside and outside the school campus as mandated in CHED Memorandum Order (CMO) No. 09, s. 2013.

2.4. The CHED recognizes the academic freedom of all HEIs, particularly in implementing a policy on mandatory random drug testing of their students or as part of the schools' admission and retention requirements.

In keeping with the dangerous drug abuse prevention program of the government, the Local Government Units (LGUs), the Philippine National Police (PNP), or any authorized law enforcement agency may carry out any legitimate drug-related operation within the school premises, provided that the same shall be coordinated to the concerned HEIs prior to the conduct thereof.

2.5. The conduct of random drug testing of students in tertiary schools is mandatory pursuant to Section 36(c) of RA 9165.

2.6. The random drug testing under Dangerous Drug Board (DDB) Regulation No. 6, s. 2003 and No. 3, s. 2009 shall ensure that such is implemented for drug prevention and rehabilitation purposes and shall guarantee and respect the personal privacy and dignity of the students. The drug test results shall be treated with utmost confidentiality and cannot be used in any criminal proceedings.

RULE III
OBJECTIVES

Section 3. These implementing guidelines specifically aim to:

3.1 promote a "drug-free" campus and further the legitimate interest of the government in preventing and deterring dangerous drug use among the youth;

3.2 instill in the minds of the students that dangerous drugs not only interfere in their ability to learn but also disrupt the teaching environment;

3.3 strengthen the collaborative efforts of concerned agencies (Dangerous Drugs Board (DDB), Department of Health (DOH), Philippine National Police (PNP), Philippine Drug Enforcement Agency (PDEA) against the

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use of illegal drugs and in the treatment of dangerous drug users and dependents;

3.4 establish a stronger partnership between the government and the HEIs in providing programs and activities intended to facilitate the holistic and well-rounded student development; and

3.5 ensure that the drug testing policies of HEIs are reasonable and not violative of the fundamental rights of the students.

RULE IV
SCOPE AND COVERAGE

Section 4. These implementing guidelines for the conduct of drug testing of students in all HEIs shall follow the parameters laid down by Republic Act No. 9165, the Comprehensive Dangerous Drugs of 2002 and its Implementing Rules and Regulations (IRR), as well as the Dangerous Drugs Board (DDB) Regulation No. 6, Series of 2003, as amended by Dangerous Drugs Board (DDB) Regulation No. 3, Series of 2009".

RULE V
DEFINITION OF TERMS

Section 5. For purposes of these guidelines, the following terms are defined as follows:

5.1 Accreditation – refers to the formal authorization issued by the DOH to an individual, partnership, corporation or association which has complied with all licensing requirements (input/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 DOH.

5.2 Confirmatory drug test – refers to 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. It refers to the 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.

5.3 Current students – refer to existing and currently enrolled students in an authorized higher education institution.

5.4 Dangerous drugs – include those identified and listed in R.A. 9165 or the "Comprehensive Dangerous Drugs Act of 2002" and its annexes, subject to any reclassification, addition or removal of any drug from said

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list by the Dangerous Drugs Board, in accordance with Section 93 of R.A. No. 9165.

5.5 **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.

5.6 **Drug abuser** – refers to a person who uses or administers to himself or allows others to administer dangerous drugs to himself without medical approval. He belongs to any of the three categories:

- **The Experimenter** – one who, out of curiosity, uses or administers to himself or allows others to administer to him dangerous drugs once or a few times;
- **The Casual user** – one who, from time to time, uses or administers or allows others to administer to him dangerous drugs in an attempt to refresh his mind and body or as a form of play, amusement or relaxation; and
- **The Drug dependent** – one who regularly consumes or administers or allows others to administer to him dangerous drugs and has acquired a marked psychological and/or physical dependence on the drugs which has gone beyond a state of voluntary control.

5.7 **Drug dependency** – refers to a state of psychological and/or physical dependence on drugs arising in a person following the administration or use of the drug on a periodic and continuous basis.

5.8 **Drug dependency examination** – refers to a procedure conducted by a DOH-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.

5.9 **Drug dependent** – refers to a person who regularly consumes or administers or allows others to administer to him dangerous drugs and has acquired a marked psychological and/or physical dependence on the drugs which has gone beyond a state of voluntary control.

5.10 **"Drug-free" campus** – refers to the HEIs with intensive and unrelenting campaign against drug trafficking and use of dangerous drugs through an integrated system of planning, implementation and enforcement of anti-drug policies, programs and projects, as shown by the following:

- Non-availability of drug supply;
- Absence of drug user/dependent;
- Absence of drug pusher; and

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- Existence of drug awareness, preventive education and information, and other related programs.

5.11 Drug testing – the process undertaken to determine the presence of dangerous drugs in a person's system, to include both screening test and confirmatory test.

5.12 Drug Testing Coordinator – refers to the point person, duly appointed by the head of the HEI tasked with handling drug testing program.

5.13 Higher Education Institutions – refer to an institution of higher learning primarily offering bachelor and advanced degree programs.

5.14 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 of the individual or family level and structured rehabilitation programs. It may also include medical intervention of the afflicted student whenever necessary. Four (4) major 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.

5.15 Laboratory – refers to a private or government facility capable of performing a test on a specimen to determine the presence or absence of dangerous drugs therein.

5.16 Mandatory drug testing – refers to the compulsory submission of a student for drug testing in all HEIs as required in the school's student handbook and with notice to the parents.

5.17 Mandatory Random Drug Testing – refers to the compulsory conduct of random drug testing of students in all HEIs with each student having equal chance of being selected for testing.

5.18 Prevention – is the promotion of drug-free lifestyle through strategies such as advocacy, information, dissemination, and training for capability building.

5.19 Random drug testing – refers to unannounced conduct of actual drug testing of a student having an equal chance of being selected for testing.

5.20 Random selection – refers to the unbiased process of selecting students who are to undergo drug testing.

5.21 Screening drug test – refers to a rapid test performed to establish potential or presumptive positive result. It refers to the immunoassay test to eliminate a "negative" specimen, i.e. one without the presence of

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dangerous drugs from further consideration and to identify the presumptively positive specimen that requires confirmatory test.

5.22 Student-Applicants – refer to students who are applying for admission to a higher education institution either as freshman or a transferee of an authorized higher education institution (HEI).

5.23 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.

RULE VI
DRUG TESTING OF STUDENTS IN ALL HEIs

Section 8. Pursuant to Section 36 (c) of RA 9165, all HEIs are mandated to implement a mandatory random drug testing of their students, consistent with these implementing guidelines and other relevant rules and regulations, after observance of consultation and other similar requirements. For purposes of this Section, the respective Governing Boards of all HEIs shall incorporate in the Student's Handbook a policy for the conduct of mandatory random drug testing of the students including the manner and procedures thereof in line with the DDB Regulation No. 3, s. 2009, the General Guidelines for the Conduct of Random Drug Testing of Students for xxx Tertiary Schools, amending DDB Regulation No. 6, s. 2003.

Section 9. Institutional Policy. The conduct of mandatory random drug testing of students in all HEIs must have prior approval of the school's governing boards and passed through the necessary consultation process.

Section 10. Consultation. In the absence of a student council/government in an HEI, representatives of not more than ten (10) shall be selected by the HEI from the recognized student organizations to participate in the consultation.

Section 12. The HEIs shall present at the consultation the policy requiring mandatory random drug testing of students.

Section 13. Consultation Period. The consultation must be completed not later than the end of February of the Academic Year preceding the year that the intended mandatory testing will be implemented.

Section 14. Only DOH-accredited drug facility, physician or private medical practitioners shall conduct the necessary drug testing. If the HEI does not have an accredited clinic, the HEI should partner with a DOH-accredited drug facility, physician or private medical practitioners duly accredited to administer drug testing.

Section 15. Drug Testing as a requirement for admission and retention. Aside from mandatory random drug testing, a Higher Education Institution may in the exercise of its institutional academic freedom include in the Student's Handbook a policy of mandatory drug testing of students as part of the school's admission and retention policies, after observance of consultation and other similar requirements. In case the drug test yielded positive results, the HEI concerned is not barred from admitting the

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student/applicant, unless there is a valid reason not to admit such student/applicant on grounds other than the positive findings as a result of the drug test.

Section 16. Conditions for Drug Testing as a requirement for admission and retention. All HEIs may implement a mandatory drug testing as part of the school's admission and retention policy, provided that:

16.1. 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;

16.2. In case the test result is confirmed positive, the Drug Testing Coordinator shall conduct a conference and inform both the parent and the student concerned;

16.3. The confirmed positive result shall not be a basis for disciplinary action, unless the student concerned is held liable for some other violations of the schools' internal rules and regulations; and

16.4. If the student is found to be drug dependent, the appropriate sanction, intervention, and/or rehabilitation, shall be imposed in accordance with the schools' Student Handbook and other applicable laws, rules and regulations.

RULE VII
CONFIDENTIALITY CLAUSE

Section 17. All HEIs shall guarantee the strict confidentiality and integrity of the drug test results.

17.1 All records must strictly be held confidential as provided for under the pertinent provisions of RA 9165. The HEIs should also ensure the provision of non-discriminatory intervention services.

17.2 In relation to Rule VIII hereof, the pertinent provisions of RA No. 10173 otherwise known as the "Data Privacy Act of 2012" and its Implementing Rules and Regulations (IRR) shall be observed specifically Chapter III of the Act which pertains to the "Processing of Personal Information" to protect vital important interests of the data subject, including his life and health.

RULE VIII
SANCTIONS

Section 18. In order to ensure compliance with this CMO, the Commission en banc may, upon the recommendation of CHED Legal and Legislative Services (LLS), impose appropriate sanctions depending on the nature and seriousness of the violations thereof, in accordance with applicable laws, rules and regulations.

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Section 19. Any member of the faculty, administrator, or employee of the HEI who violates the rules of confidentiality of the results of the drug tests shall, in addition to the sanctions provided in the school policy, be liable under Section 72 of RA No. 9165 and other applicable laws.

Section 20. The refusal of the student to undergo drug testing under this CMO shall be subject to appropriate actions in accordance with the schools' Student Handbook, provided that in no case shall such refusal to undergo drug testing give rise to a presumption of drug use or dependency.

RULE IX
MONITORING AND REPORTING

The implementation of this CMO shall be periodically monitored by the concerned CHED Regional Offices (CHEDROs) which shall thereafter submit a corresponding report to CHED Central Office (CHED-CO) to ensure that the goal for a "drug-free" environment in the campus is met.

Section 21. Higher Education Institutions (HEIs)

21.1 For regulatory purposes, subject to the provisions of the Data Privacy Act of 2012 and its Implementing Rules and Regulations (IRR), all HEIs shall submit to CHEDROs a compliance report on the drug testing activities conducted on the students, indicating the names and number of students who have already undergone testing, including among others the names of the drug testing laboratories that conducted the test, as well as the summary of the drug test results.

21.2 All HEIs shall establish a Drug-Free Committee (DFC) which shall formulate their internal drug testing rules, which shall provide among others, the drug education/awareness, prevention and control initiatives.

21.3 The HEIs through the Drug-Free Committee (DFC) shall monitor their students to protect them from engaging in dangerous drug-related activities, as well as those undergoing interventions, treatment or rehabilitation.

21.4 The HEI shall designate the head of the DFC and the drug testing coordinator (DTC) who shall implement the drug testing program in the campus. The names and composition of the DFC shall be submitted to CHEDROs.

21.4.1 The DFC shall have the following responsibilities:

1. Compose the Selection board for the conduct of the drug testing in the campus, with representation from the students, faculty and parents as members.

2. Closely coordinate with the concerned agencies to access official list of DOH-accredited drug facilities, physicians or private medical

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practitioners duly accredited to administer drug testing, and to establish appropriate institution-level interventions if needed.

3. Ensure the confidentiality and integrity of the drug test results and handles the reportorial requirements and any relevant information for submission to the CHEDROs.

4. Recommend to the school's governing board the appropriate interventions, depending on the results of the drug testing.

5. The DFC and the Guidance Counselors of HEIs shall be trained for the purpose of enhancing their skills in handling the problems on dangerous drug abuse.

RULE X
THE IMPLEMENTATION AND REPORTORIAL REQUIREMENTS UNDER THESE GUIDELINES

Section 22. All heads of public and private HEIs, in collaboration with the concerned CHEDROs, shall ensure and oversee the implementation of Mandatory Random Drug Testing in accordance with these Guidelines.

Section 23. The CHEDROs shall prepare and submit reports annually, or at any time **if needed**, to the Office of Student Development and Services (OSDS) through the Office of the Executive Director (OED) on the implementation of this CMO.

Section 24. The CHEDROs are mandated to disseminate these implementing guidelines to the HEIs, conduct school visits, and monitor the conduct of actual drug testing.

RULE XI
FEE REQUIREMENT

Section 25. In relation to this CMO, all fees shall be in accordance with pertinent DOH and DDB rules and regulations.

Section 26. The fee for drug testing **prior to admission** will be borne by the student-applicant. The student-applicant may choose to be tested in any DOH-accredited drug facility or in the authorized facility of the HEI if any.

Section 27. In cases of drug testing in DOH-accredited HEI Clinic, the HEI may determine the permissible rate for the drug testing fee, in accordance with the DDB Regulation No. 01, s. 2004 entitled "Prescribed Drug Test Fee for Government-Owned and Private Drug Testing Laboratories Accredited by the Department of Health" and DDB Regulation No. 09, s. 2007 "Amending Board Regulation No. 01, s. 2004."

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RULE XII
EFFECTIVITY

Section 30. This CMO shall take effect beginning Academic Year (AY) 2019-2020, after fifteen (15) days of its publication in the Official Gazette or in newspaper of general circulation. The required copies of this CMO shall be filed with the Office of the National Administrative Register (ONAR) of the U.P. Law Center. This CMO shall remain in force and effect until revoked or amended.

RULE XIII
TRANSITORY PROVISION

Section 31. All existing Higher Education Institutions (HEIs) shall be required to fully comply with the provisions of this CMO beginning Academic Year (AY) 2019-2020. A Higher Education Institution (HEI) operating after the start of AY 2019-2020 shall comply with the provisions of this CMO, within one (1) year after the start of the school year of its operation.

Issued this October 26, 2018, Quezon City, Philippines.

For the Commission:

J. PROSPERO E. DE VERA III, DPA
Chairperson

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