



Republika ng Pilipinas  
SANGGUNIANG PANLUNGSOD  
Lungsod ng Mandaluyong

ORDINANCE NO. 326, S-2005

AN ORDINANCE PROHIBITING CERTAIN ACTS OF GOVERNMENT EMPLOYEES, INCLUDING THOSE HOLDING CASUAL AND CONTRACTUAL APPOINTMENTS WITH THE CITY GOVERNMENT OF MANDALUYONG WHICH CAUSED OR LED TO THE DISMISSAL OF ANY DRUG RELATED CASES (VIOLATION OF REPUBLIC ACT 6425 AS AMENDED, "THE DANGEROUS DRUGS ACT") AND FOR OTHER PURPOSES

BE IT ORDAINED by the City Council of Mandaluyong in session duly assembled:

SECTION 1. DEFINITION OF TERMS. As used in this Ordinance, the term-

- a. "CITY GOVERNMENT EMPLOYEE" refers to any City officials or employees, including civilians holding casual or contractual appointments with the City Government, whose duties and functions involve mainly the enforcement of laws, rules and regulation on public order and safety.
- b. "PROSECUTION WITNESS" refers to any government employee, whose appearance and testimony, by reason of his duty and function, is material to the prosecution of any drug related case (violation of Republic Act 6425 as amended, "The Dangerous Drugs Act").

SECTION 2. PROHIBITED ACTS. In addition to acts or omissions of public employees already penalized by existing laws, it is hereby declared to be unlawful for any City Government employee who, after due notice, had failed, refused or otherwise neglected, without sufficient justification, to appear at the time of the hearing of a drug related case (violation of Republic Act 6425 as amended, "The Dangerous Drugs Act") in which such employee has to attend and give testimony as witness for the prosecution if it is proven in a proper administrative proceeding that said act caused and/or led to the dismissal of a drug related case;

SECTION 3. PENALTIES. For violation of this Ordinance, the City Government employee shall be meted with immediate dismissal from service and perpetual disqualification from public office and loss of all retirement or gratuity benefits.

SECTION 4. IMPLEMENTING AGENCY. The Mandaluyong Anti-Drug Abuse Council created under Ordinance No. 293, S-2004, is tasked and empowered to implement the objectives of this ordinance.

The Council shall have the power to conduct the investigation and adjudication of administrative case for violation of this ordinance against any City Government employee including complaints against civilians holding casual or contractual appointments with the City Government, whose duties and functions involve mainly the enforcement of laws, rules and regulations on public order and safety.

In the said proceedings, the respondent shall be accorded full opportunity to appear and defend himself in person or by counsel, to confront and cross-examine the witness against him and to require the attendance of witnesses and the production of documentary evidence in his favor through the compulsory process of *subpoena* or *subpoena duces tecum*.

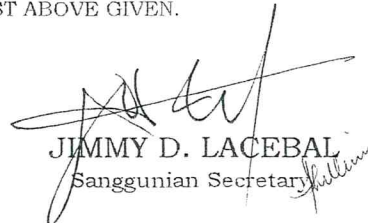
SECTION 5. PREVENTIVE SUSPENSION. Any City Government employee against whom an administrative case for violation of this Ordinance is pending shall be suspended preventively from his office when there is reasonable ground to believe that such employee has committed the act complained.

During the pendency of the administrative case, which shall not exceed three weeks from the time of the institution of the administrative complaint, the City Government employee shall not be entitled to any salary or compensation due from his office, but if he is acquitted, he shall then be entitled to reinstatement and to all the salaries and benefits which he failed to receive during suspension.


SECTION 6. EFFECTIVITY. This Ordinance shall take effect immediately upon approval.

ENACTED on this 5<sup>th</sup> day of December 2005 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED AND APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

  
JIMMY D. LACEBAL  
Sanggunian Secretary

ATTESTED:

  
JESUS C. CRUZ  
City Vice Mayor &  
Presiding Officer

APPROVED:

  
NEPTALI M. GONZALES II  
City Mayor

Date: DEC 12 2005