

Republic of the Philippines
Supreme Court
Manila

EN BANC

CARLITO P. SALOMON,
Petitioner,

G.R. No. 260742

Present:

-versus-

GESMUNDO, C.J.,
LEONEN, J.,
CAGUIOA,
HERNANDO,*
LAZARO-JAVIER,
INTING,*
ZALAMEDA,
LOPEZ, M.,
GAERLAN,**
ROSARIO,**
LOPEZ, J.,*
DIMAAMPAO,
MARQUEZ,**
KHO, JR., and
SINGH, JJ.***

THE CITY GOVERNMENT OF
MUNTINLUPA,
Respondent.

Promulgated:
May 20, 2025

X-----X

DECISION

LEONEN, J.:

The Philippines has historically aligned itself with the international policy of addressing the public health aspect of illegal drug use and addiction, instead of solely responding to such as crimes.¹ In this sense, the State

* On official business
** On official leave
*** On leave

“[r]ecognize[s] drug dependence as a complex, multifactorial health disorder” and has committed itself to treating and rehabilitating drug users of their addiction/dependence to reintegrate them into their workplaces and communities.²

This stance is embedded under Section 2(3) of Republic Act No. 9165, which mandates the State to “provide effective mechanisms or measures to re-integrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence through sustainable programs of treatment and rehabilitation.”³ It is also animated through the corresponding mandate for local government units, under Section 51 of the said Act, to “giv[e] priority to preventive or education programs and the rehabilitation or treatment of drug dependents.”⁴

It is further operationalized under interventions of Civil Service Commission (CSC) Memorandum Circular No. 13, Series of 2017, which—rather than call for drug users’ punishment through outright dismissal from service—first seeks to provide them with treatment and/or rehabilitation, giving them a recovery path back to fitness for public service.⁵

Taking these into consideration, ***government officials/employees’ drug use must still be sanctioned as an administrative offense. However, it does not merit their dismissal from office unless they do not cooperate with, or fail, the intervention program to which they are referred.***

¹ United Nations, *Single Convention on Narcotic Drugs*, March 30, 1961, available at https://treaties.un.org/doc/Treaties/1964/12/19641213%2002-14%20AM/Ch_VI_15.pdf (last accessed on February 6, 2025); United Nations, *1972 Protocol*, March 25, 1972, available at https://treaties.un.org/doc/Treaties/1975/08/19750808%2007-44%20PM/Ch_VI_17p.pdf (last accessed on January 20, 2025); United Nations, *1971 Convention on Psychotropic Substances*, February 21, 1971, available at https://treaties.un.org/doc/Treaties/1976/08/19760816%2008-16%20AM/Ch_VI_16p.pdf (last accessed on February 6, 2025); United Nations, *1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, December 20, 1988, available at https://treaties.un.org/doc/Treaties/1990/11/19901111%2008-29%20AM/Ch_VI_19p.pdf (last accessed on February 6, 2025).

² United Nations Office on Drugs and Crime, *Outcome Document of the 2016 United Nations General Assembly Special Session on the World Drug Problem*, June 2016, 6, available at <https://www.unodc.org/documents/postungass2016/outcome/V1603301-E.pdf> (last accessed February 6, 2025). (Emphasis supplied)

³ Republic Act No. 9165 (2002), sec. 2.

⁴ Republic Act No. 9165 (2002), sec. 51.

⁵ CSC Memorandum Circular No. 13, Series of 2017 (March 15, 2027). Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes.

This Court resolves a Petition for *Certiorari*⁶ assailing the Court of Appeals' Decision⁷ and Resolution,⁸ which affirmed the CSC's Decision⁹ dismissing Carlito P. Salomon (Salomon) from government service for committing grave misconduct over testing positive for methamphetamine hydrochloride, also known as *shabu*.

Salomon, an Engineer IV at the Muntinlupa City Office of the City Engineer, was the Officer-in-Charge of the Office of the Building Official. After Mayor Aldrin L. San Pedro (Mayor San Pedro) assumed office in 2007, Salomon was reassigned to the City Engineering Office with no specific duty assignment.¹⁰

On February 24, 2011, Mayor San Pedro implemented a Drug Testing Program under Executive Order No. 6, Series of 2011. The program, which aimed to establish the city government as a drug-free workplace, applied to all the city government's officials and employees. The program contained Pre-employment Testing and Random Drug Testing.¹¹

On March 2, 2011, the Muntinlupa Drug Test Laboratory (Muntinlupa Laboratory) administered random drug tests to the local chief executive, department heads, and other city government employees. Salomon was one of the 40 to 50 Engineering Department employees who were subjected to the drug test.¹²

Salomon later received a letter from Dr. Raquel Tolentino, the Department Head of the Muntinlupa City Drug Abuse Prevention and Control Office,¹³ stating that he had tested positive for drug use on the screening drug test, but that the confirmatory drug test, which made use of his urine sample, had "yielded a negative result."¹⁴

On May 31, 2011, the Muntinlupa City Drug Abuse Prevention and Control Office set another round of random drug testing for city government

⁶ *Rollo*, pp. 12-27.

⁷ *Id.* at 28-39. The October 11, 2017 Decision in C.A. G.R. SP No. 140823 was penned by Associate Justice Maria Filomena D. Singh (now a member of this Court) and concurred in by Associate Justices Ramon R. Garcia (Chairperson) and Edwin D. Sorongon of the Thirteenth Division of the Court of Appeals, Manila.

⁸ *Id.* at 41-46. The June 14, 2021 Resolution in C.A. G.R. SP No. 140823 was penned by Associate Justice Maria Filomena D. Singh (now a member of this Court) and concurred in by Associate Justices Ramon R. Garcia (Chairperson) and Edwin D. Sorongon of the Former Thirteenth Division of the Court of Appeals, Manila.

⁹ No copy of the May 26, 2015 Civil Service Commission Decision was annexed to the present Petition. Similarly, no copies of the following subjects of petitioner's appeal before the Civil Service Commission were annexed to the present Petition: (1) the March 30, 2012 Decision (Recommendation to the Local Chief Executive) of the Board of Discipline; (2) the June 8, 2012 Order of the said Board; and (3) the July 25, 2012 Memorandum Order/Decision of Muntinlupa City Mayor Aldrin L. San Pedro.

¹⁰ *Id.* at 28.

¹¹ *Id.* at 29.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

employees based on the "fish bowl raffle method." Dr. Tolentino also wrote to the Muntinlupa City Office of the City Engineer on June 1, 2011, requiring Salomon and four other employees to participate in the new round of drug testing.¹⁵

Urine samples were taken from Salomon and the other employees. However, Salomon's data was not entered in the Department of Health's Integrated Drug Test Operation and Management Information System (Information System), so he was told to return to the Muntinlupa Laboratory on June 3, 2011 for data re-entry.¹⁶

Three days after, or on June 6, 2011, Salomon came back to the Muntinlupa Laboratory. On that same date, the initial screening of Salomon's test yielded positive for methamphetamine hydrochloride, also known as *shabu*. This information was noted in the Screening Drug Test Report.¹⁷

Salomon's specimen was then forwarded to the National Reference Laboratory (National Laboratory) for a confirmatory test.¹⁸ The report affirmed Salomon's initial result. This information was also noted in the Confirmatory Drug Test Report, which the City Personnel Office sent to Salomon.¹⁹

Consequently, Salomon's case was set for preliminary investigation. He was subpoenaed to appear before the chairman of the Investigation Committee and submit a written explanation on why he tested positive for *shabu*. Salomon personally appeared before the Committee but did not file a written explanation.²⁰

Finding probable cause against Salomon, the Investigation Committee filed a Formal Charge with the Board of Discipline (Board).²¹

On September 20, 2011, Salomon received a Notice of Formal Charge dated June 20, 2011 for grave misconduct.²² The charge was based on the confirmatory test's positive result, which amounted to a violation of Republic Act No. 9165:

After finding prima facie case, Engr. Carlito Salomon, Office of the City Engineer of the City Government of Muntinlupa City is hereby formally charged of the following offense under the Civil Service Law, to

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 29-30. Salomon received the Confirmatory Drug Test Report on September 1, 2011.

²⁰ *Id.* at 30.

²¹ *Id.*

²² *Id.*

wit:

a. Grave Misconduct;

That after preliminary investigation, it was found that Engr. Carlito Salomon, on June 1, 2011 after conducting a random drug screening with positive confirmatory examination, violated R.A. 9165 which is tantamount to Grave Misconduct under the law.

Wherefore, respondent Engr. Carlito Salomon is hereby required to submit to the Board of Discipline, within seventy two (72) hours from receipt hereof his Answer, under oath (in seven (7) copies), to the charges and to present whatever evidence in support of his defense. Respondent is hereby advised of his right to counsel and to indicate in his answer whether or not a formal investigation of the charge/s is requested.²³

On January 16, 2012, Salomon was placed under a 60-day preventive suspension. Two days later, the Board heard his case and Salomon questioned the Board's jurisdiction over his case's subject matter.²⁴

A few days later, or on January 24, 2012, Salomon filed an Omnibus Motion to Dismiss. Afterward, he filed a Motion to Drop Case with Motion to Withdraw Omnibus Motion to Dismiss, to which the prosecutor filed a comment.²⁵

In its February 14, 2012 Order, the Board resolved both motions by upholding its jurisdiction over Salomon's case. It further declared that his motion was "deemed to be his Answer" since he did not file his Answer. The Board then set the case for a February 22, 2012 preliminary conference.²⁶

Salomon and the prosecutor filed their respective Position Papers.²⁷ Salomon also filed a Reply to the prosecutor's Position Paper.²⁸

Salomon alleged that: (1) there was a failure to comply with the procedural requirements in the conduct of the random drug testing and the investigation on his administrative case; (2) the complaint against him was invalid;²⁹ and (3) the Board had no jurisdiction over his case.³⁰

In a March 30, 2012 Decision (Recommendation to the Local Chief Executive), the Board recommended Salomon's termination from service:

²³ *Id.*

²⁴ *Id.* at 30-31.

²⁵ *Id.* at 31.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

Therefore, this BOARD recommends to the Honorable Aldrin L. San Pedro, being the disciplining authority, to terminate the services of respondent from government service for the reason that his being found to be positively tested for methamphetamine is considered under the URACCS (now RRACCS) as a grave misconduct which penalty is outright dismissal from service.

SO ORDERED.³¹

Salomon moved for reconsideration, which the Board denied through its June 8, 2012 Order:

As correctly pointed out by the prosecution following Rule 56 of the RRACCS, the Motion for Reconsideration of the Respondent is wrongly filed. It must be filed with the disciplining authority who in this case should have been the Local Chief Executive being the disciplining authority in administrative cases. After filing the same, said motion may *motu proprio* be denied by the City Mayor or he may direct it back to the Board of Discipline for further action on the matter. Thus, for filing the motion with this Board and not with the City Mayor, then the Motion for Reconsideration is dismissed outright.³²

Subsequently, Mayor San Pedro issued on July 25, 2012 a Memorandum Order/Decision, terminating Salomon from service for grave misconduct:

Therefore, upon the recommendation of the BOD, I, ALDRIN L. SAN PEDRO, being the disciplining authority, after complying with the due process requirements, metes the penalty of termination from service to Engr. Carlito P. Salomon, herein respondent from government service for the reason that his being found to be positively tested for methamphetamine is considered under the RRACSS as a grave misconduct which penalty is outright dismissal from service.

SO ORDERED.³³

Salomon thus filed an appeal before the CSC on June 25, 2012.³⁴

In its May 26, 2015 Decision, the CSC dismissed Salomon's appeal and affirmed Mayor San Pedro's Memorandum Order/Decision:

WHEREFORE, the instant appeal of Carlito P. Salomon, Engineer IV, Office of the City Engineer, City Government of Muntinlupa, is hereby DISMISSED. Accordingly, the Decision dated July 25, 2012 issued by then Mayor Aldrin L. San Pedro of the same City Government, dismissing Salomon from government service for Grave Misconduct for having

³¹ *Id.* at 31–32.

³² *Id.* at 32.

³³ *Id.*

³⁴ *Id.*

positively tested for methamphetamine, is **AFFIRMED**. The accessory penalties of forfeiture of retirement benefits, disqualification from reemployment in the government service, cancellation of civil service eligibility and bar from taking civil service examinations are likewise imposed. However, Salomon's terminal leave benefits and personal contribution to the GSIS, if any, are not forfeited.

Copies of this Decision shall be furnished to the Commission on Audit (COA)-City Government of Muntinlupa, and the Government Service Insurance System (GSIS), for their reference and appropriate action.

Quezon City.³⁵

Aggrieved, Salomon filed a Petition for Review under Rule 43 of the Rules of Court before the Court of Appeals.³⁶ He argued that the case against him was a form of political harassment,³⁷ with Mayor San Pedro supposedly manipulating the drug test results.³⁸ Salomon also claimed that since his urine sample was taken at the Muntinlupa City Hall's Audio-Visual Room instead of at the Muntinlupa Laboratory, "the procedure in Dangerous Drug Board Regulation No. 2 S-2004 was not followed" and his specimen "could have been tainted."³⁹ Lastly, he averred that "he tested negative for methamphetamine when he submitted himself to a voluntary drug test in another drug testing laboratory."⁴⁰

In its assailed October 11, 2017 Decision,⁴¹ the Court of Appeals upheld Salomon's termination from service for grave misconduct:

WHEREFORE, the petition is **DENIED**. The Decision promulgated by the Civil Service Commission Number 150322, promulgated on May 26, 2015, is **AFFIRMED**.

SO ORDERED.⁴² (Emphasis in the original)

The Court of Appeals found Salomon's allegation of political harassment to be unsubstantiated.⁴³ It also ruled out procedural errors in the drug tests, pointing out that since the collection of urine samples was administered by the authorized representatives of the Mandaluyong Laboratory, following their standard operating procedure and using DOH-approved testing paraphernalia, there is a presumption that the testing was done properly in observance of the prescribed rules and regulations in Executive Order No. 6, S-2011 and Section 36 of R.A. No. 9165.⁴⁴

³⁵ *Id.* at 33.

³⁶ *Id.* at 28.

³⁷ *Id.* at 35.

³⁸ *Id.* at 36.

³⁹ *Id.* at 35-36.

⁴⁰ *Id.* at 36.

⁴¹ *Id.* at 28-39.

⁴² *Id.* at 38.

⁴³ *Id.* at 35.

⁴⁴ *Id.* 35-36.

The Court of Appeals also did not attach any weight to Salomon's test results from a private laboratory, anchoring on the possibility that "a different urine sample was used." It further stressed that the presence or absence of *shabu* in Salomon's system "could not be gainsaid" and it was likely that the private test "would yield different results" as it was done on a different date.⁴⁵

Salomon moved for reconsideration, with a prayer to inhibit the Court of Appeals' Thirteenth Division.⁴⁶ He mainly argued that the Screening Drug Test and Confirmatory Drug Test Reports, showing that he tested positive for *shabu*, had been nullified by the Department of Health – Bureau of Health Facilities and Services (Bureau) in its May 2, 2014 Resolution.⁴⁷ In the said Resolution, the Bureau suspended the Muntinlupa Laboratory's accreditation for 60 days for "commit[ing] numerous violations of the required administrative protocols."⁴⁸

In its assailed June 14, 2021 Resolution, the Court of Appeals denied Salomon's motion and prayer for inhibition.⁴⁹ It found his argument to be unmeritorious because the suspension period did not cover the dates when Salomon was tested by the Muntinlupa Laboratory, and the Bureau did not declare in the Resolution that all examinations conducted by the Muntinlupa Laboratory and the results were nullified or ineffective.⁵⁰

The Court of Appeals added that the CSC had been similarly unmoved by the above argument. In its Decision, the CSC stated that Salomon's reliance on the Bureau's Resolution amounted to raising conjectures without showing evidence that the Muntinlupa Laboratory had "committed grave errors or manipulated the results of its findings."⁵¹

Hence, Salomon filed the present Petition. He argues that the contested Screening Drug Test and Confirmatory Drug Test Reports were insufficient basis for him to be held liable for grave misconduct⁵² since there is no finding of: (1) corruption by virtue of his public office; (2) clear willful intent to violate the law or flagrant disregard of established rules; (3) refusal to undergo, or failure to complete, treatment or rehabilitation; (4) habitual absenteeism from work or going on absence without leave for extended periods; or (5) gross inefficiency in the performance of official duties.⁵³

⁴⁵ *Id.* at 36.

⁴⁶ *Id.* at 45.

⁴⁷ *Id.* at 41–42.

⁴⁸ *Id.* at 42.

⁴⁹ *Id.* at 45–46.

⁵⁰ *Id.* at 44.

⁵¹ *Id.* at 43–44.

⁵² *Id.* at 21, 12.

⁵³ *Id.* at 21–22.

In its April 17, 2023 Resolution,⁵⁴ this Court required respondent the City Government of Muntinlupa to file a comment on the Petition.

In compliance, the City Government of Muntinlupa, through the City Legal Office, filed its Comment⁵⁵ dated August 7, 2023, adopting the February 8, 2018 Comment that it had filed before the Court of Appeals.

Preliminarily, the City Government of Muntinlupa states that the present administration has no personal knowledge about Salomon's case as it was filed by the previous administration of Mayor San Pedro.⁵⁶ Still, it agreed with Salomon that his case "has no merit, but [is] a mere product of political fiasco brought about by the change of administration."⁵⁷ In connection, it filed an Omnibus Manifestation and Comment dated March 5, 2015, supporting the validity and credibility of Salomon's June 1, 2011 negative drug test result conducted by the Drug Probe Testing Center.⁵⁸

The City Government of Muntinlupa further avers that the Bureau's Resolution should be accorded weight, arguing that the Muntinlupa Laboratory had committed 28 violations and that that alone lends credence to Salomon's claim that his June 1, 2011 drug test result was tainted with anomaly leading to the manipulation of his drug test by changing its transaction date to June 6, 2011 to make it appear that he underwent drug test on June 6, 2011. On this note, it supported Salomon's view that the Bureau's Resolution had rendered the Screening Drug Test Report null and void.⁵⁹

With respect to the Court of Appeals' adoption of the CSC's appreciation of the Bureau's Resolution (that it has no probative value), the City Government of Muntinlupa states that the court should not have deemed itself bound by the CSC's findings.⁶⁰

Lastly, the City Government of Muntinlupa contends that the Court of Appeals wrongly disregarded Salomon's private drug test result. It stated that it was "pure speculation, surmises[,] and conjecture" for the court to say that Salomon could have possibly used a different urine sample taken on a different date for that private test.⁶¹

⁵⁴ *Id.* at 60–61. In the same Resolution, this Court also required Salomon to fully comply with the 2019 Amended Rules of Court by submitting: (1) a verified statement of the material dates of receipt of the assailed Decision and filing of the motion for reconsideration in accordance with Sections 4[b] and 5, Rule 45 in relation to Section 5[d], Rule 56 of the Rules; and (2) one additional copy of the petition pursuant to Section 4, Rule 45 of the Rules, as amended by Section 5 of A.M. No. 11-9-4-SC [Efficient Use of Paper Rule].

Salomon filed a Compliance with Manifestation dated July 31, 2023. (*Id.* at 62–66).

⁵⁵ *Id.* at 111–117. It is no longer under Mayor San Pedro.

⁵⁶ *Id.* at 111.

⁵⁷ *Id.* at 112.

⁵⁸ *Id.*

⁵⁹ *Id.* 112–113.

⁶⁰ *Id.* at 115.

⁶¹ *Id.* at 113–114.

This Court noted the City Government of Muntinlupa's Comment in its November 13, 2023 Resolution.⁶²

Thus, for this Court's resolution is the issue of whether the Court of Appeals erred in finding the dismissal of petitioner Carlito P. Salomon from service proper.

This Court grants the Petition.

In observance of the bounds of judicial review, the Court adopts the CSC's factual findings that petitioner twice tested positive for methamphetamine or *shabu*—first through the Muntinlupa Laboratory's initial screening, and then through the National Laboratory's confirmatory testing.

Venadas v. Bureau of Immigration,⁶³ citing *Miro v. Vda. de Erederos*,⁶⁴ sets forth this Court's guidelines for the judicial review of decisions rendered by administrative agencies in the exercise of their quasi-judicial powers:

First, the burden is on the complainant to prove by substantial evidence the allegations in his complaint. Substantial evidence is more than a mere scintilla of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, even if other minds equally reasonable might conceivably opine otherwise. Second, *in reviewing administrative decisions of the executive branch of the government, the findings of facts made therein are to be respected so long as they are supported by substantial evidence. Hence, it is not for the reviewing court to weigh the conflicting evidence, determine the credibility of witnesses, or otherwise substitute its judgment for that of the administrative agency with respect to the sufficiency of evidence.*

Third, *administrative decisions in matters within the executive jurisdiction can only be set aside on proof of gross abuse of discretion, fraud, or error of law. These principles negate the power of the reviewing court to re-examine the sufficiency of the evidence in an administrative case as if originally instituted therein*, and do not authorize the court to receive additional evidence that was not submitted to the administrative agency concerned.⁶⁵ (Emphasis supplied, citation omitted)

Furthermore, specifically as to the CSC, this Court declared in *Civil Service Commission v. Fuentes*⁶⁶ that its factual findings as an administrative

⁶² *Id.* at 119. In the same Resolution, this Court also noted Salomon's Compliance with Manifestation.

⁶³ 876 Phil. 433 (2020) [Per J. Reyes, J., Jr., First Division].

⁶⁴ *Miro v. Vda. de Erederos*, 721 Phil. 772, 787 (2013) [Per J. Brion, Second Division], citing *Montemayor v. Bundalian*, 453 Phil. 158, 167 (2003) [Per J. Puno, Third Division].

⁶⁵ *Venadas v. Bureau of Immigration*, 876 Phil. 433, 447 (2020) [Per J. Reyes, J., Jr., First Division].

⁶⁶ 932 Phil. 899 (2023) [Per J. Lopez, J., *En Banc*].

agency “are controlling on the reviewing court” if such are “based on substantial evidence.”⁶⁷ *Fuentes* explained:

[F]indings of facts of administrative agencies, such as the CSC, if based on substantial evidence, are controlling on the reviewing court. The CSC are better equipped [to] handl[e] cases involving the employment status of employees in the Civil Service since it is within the field of their expertise. Moreover, it is not the function of the Supreme Court in a Rule 45 petition to analyze and weigh all over again the evidence presented before the lower court, tribunal or office.

....

[A]dministrative agencies have special knowledge and expertise over matters falling within their jurisdiction. Naturally, they would be in a better position to pass judgment on such matters, and accordingly, the courts accord great respect — even finality — to administrative agencies' findings of fact. As long as these findings are supported by substantial evidence, the findings of fact of administrative agencies must be respected. As the Court has declared, “[i]t is not the task of an appellate court to weigh once more the evidence submitted before the administrative body and to substitute its own judgment for that of the administrative agency in respect of sufficiency of evidence.”⁶⁸ (Citations omitted)

*Civil Service Commission v. Jacoba*⁶⁹ even reinforced that last point:

The Civil Service Commission is the government’s Human Resource Department as it is the “central personnel agency of the Government” and is empowered to “discipline its officials and employees in accordance with law” to ensure that only persons with proven integrity and fitness get the privilege of serving the public. Hence, as the acknowledged expert in its field, the Civil Service Commission's findings of fact should be binding on the courts when supported by substantial evidence.⁷⁰ (Citations omitted)

In fine, the CSC’s factual findings are binding on this Court when they are supported by substantial evidence and affirmed by the Court of Appeals.⁷¹ The standard of substantial evidence—“the least demanding in the hierarchy of evidence”⁷²—is met “when there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant.”⁷³

⁶⁷ *Id.* at 928.

⁶⁸ *Id.* at 928–929.

⁶⁹ 943 Phil. 138 (2023) [Per A.C.J. Leonen, *En Banc*].

⁷⁰ *Id.* at 152.

⁷¹ See *Barcelona v. Lim*, 734 Phil. 766, 792–793 (2014) [Per C.J. Sereno, *En Banc*]; *Suriaga v. Commissioner Dela Rosa-Bala*, 860 Phil. 1007, 1015 (2019) [Per J. A. Reyes, Jr., Third Division]; *Ramos v. Rosell*, 885 Phil. 703, 712 (2020) [Per J. Lopez, First Division].

⁷² *Salvador v. Philippine Mining Service Corp.*, 443 Phil. 878, 889 (2003) [Per J. Puno, Third Division].

⁷³ *Marcelo v. Bungbung*, 575 Phil. 538, 557 (2008) [Per J. Chico-Nazario, Third Division]. (Citations omitted)

There are exceptions⁷⁴ to the above rule, but it holds firm “absent any clear showing of abuse, arbitrariness, or capriciousness committed on the part of the lower tribunal.”⁷⁵ As was emphasized in *Dadulo v. Court of Appeals*:⁷⁶

In reviewing administrative decisions, it is beyond the province of this Court to weigh the conflicting evidence, determine the credibility of witnesses, or otherwise substitute its judgment for that of the administrative agency with respect to the sufficiency of evidence. *It is not the function of this Court to analyze and weigh the parties' evidence all over again except when there is serious ground to believe that a possible miscarriage of justice would thereby result. Our task in an appeal by petition for review on certiorari is limited, as a jurisdictional matter, to reviewing errors of law that might have been committed by the Court of Appeals.*⁷⁷ (Emphasis supplied, citations omitted)

As applied to this case, the CSC's factual findings must be upheld because it was supported by substantial evidence, affirmed by the Court of Appeals, and unaffected by the recognized exceptions to the subject rule. Taken together, the Screening Drug Test and Confirmatory Drug Test Reports constitute substantial evidence of petitioner having tested positive for *shabu*. As the Court of Appeals held, the collection of urine samples was administered by the authorized representatives of the Muntinlupa Laboratory, following their standard operating procedure and using testing paraphernalia approved by the Department of Health.⁷⁸ Therefore, there is a presumption that the testing was done properly by observing the prescribed rules and regulations set forth for the conduct of drug testing.⁷⁹

Consequently, with the two test reports “adequate[ly] support[ing] the conclusion that acts constitutive of the administrative offense have been performed,”⁸⁰ the Court sustains CSC and Court of Appeals' similar conclusion that petitioner has administrative liability.

On this note, petitioner's administrative liability cannot be erased by the Bureau's Resolution, which states that:

⁷⁴ “The following are the exceptions, to wit: (1) when the findings are grounded entirely on speculation, surmises, or conjectures; (2) when the inference made is manifestly mistaken, absurd, or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of fact are conflicting; (6) when the findings went beyond the issues of the case or are contrary to the admissions of the parties to the case; (7) when the findings are contrary to those of the trial court or the administrative agency; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the pleadings are not disputed; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when certain relevant facts not disputed by the parties were manifestly overlooked, which, if properly considered, would justify a different conclusion.” (*Bascos, Jr. v. Taganahan*, 599 Phil. 123, 143 (2009) [Per J. Chico-Nazario, Third Division])

⁷⁵ *Department of Justice v. Nuqui*, 914 Phil. 177, 184-185 (2021) [Per J. Leonen, Third Division]. (Citation omitted)

⁷⁶ 549 Phil. 872 (2007) [Per J. Ynares-Santiago, Third Division].

⁷⁷ *Id.* at 878.

⁷⁸ *Rollo*, p. 35.

⁷⁹ *Id.* at 36.

⁸⁰ *Miro v. Dosono*, 634 Phil. 54, 62 (2010) [Per J. Carpio, Second Division]. (Citation omitted).

Disputable. . . is the fact that the positive drug test report with a transaction date of 6 June 2011 issued by [the Muntinlupa Laboratory] was based on a test using the urine sample collected from [petitioner] on 1 June 2011, only some five (5) hours after he underwent a drug test at Drug Probe Testing Center with a negative result. . .

It is to be noted also that the [Muntinlupa Laboratory] committed numerous violations of the required administrative protocols, for which the [Bureau]...suspend[ed] its accreditation for [60] days, ordering it to cease and desist from operating, and disconnecting it from IDTOMIS during the suspension period. These violations, particularly of Administrative Order No. 2008-0025 [*Guidelines on the Implementation of the Integrated Drug Test Operations and Management Information System (IDTOMIS) for Screening and Confirmatory Drug Test Laboratory Operation*] and Board Resolution No. 8, series of 2007 (*Amending Board Regulation No. 2, series of 2003 entitled "Implementing Rules and Regulations Governing Accreditation of Drug Testing Laboratories in the Philippines"*), merit ground to nullify the positive drug test result issued to [petitioner] with a transaction date of 6 June 2011.

Moreover, it is very highly probable that the positive drug test result issued to [petitioner] is false, fraudulent, or not his, partly due to the fact that there was no required four-copy Custody and Control Form duly accomplished by the [Muntinlupa Laboratory] personnel and signed by [petitioner]. The chain of custody may have been broken, casting a doubt as to the identity of the client/donor/subject and the integrity of the specimen.

WHEREFORE, in view of the foregoing, the positive drug test report with a transaction date of 6 June 2011 issued by [the Muntinlupa Laboratory] to [petitioner] is hereby declared null and void.

SO ORDERED.⁸¹ (Emphasis in the original)

To be sure, the Resolution is not the absolute rebuttal evidence that petitioner makes it out to be.

First, the Screening Drug Test Report was not the only basis for his administrative liability; there was the Confirmatory Drug Test Report, which was conducted, not by the Muntinlupa Laboratory, but by the National Laboratory.⁸² Remarkably, the Bureau did not spot any issues regarding the positive result of the confirmatory test; it also did not flag the National Laboratory for any procedural lapses or violations.⁸³

Second, the Bureau found the notion that the Screening Drug Test used petitioner's specimen, which the Muntinlupa Laboratory collected on June 1, 2011, "disputable" simply because the positive results came out, and were entered into the Information System on June 6, 2011.⁸⁴ But this was already

⁸¹ *Rollo*, p. 56.

⁸² *Id.* at 29.

⁸³ *Id.* at 55–56.

⁸⁴ *Id.* at 56.

explained in the Muntinlupa Laboratory's December 6, 2011 Letter to the Bureau.⁸⁵ There, they clarified that the urine collection was actually done on June 1, 2011 but due to systems problems with the Information System, the data of six clients, including those of petitioner, were cancelled.⁸⁶ They then asked those six individuals to return for data re-entry on the following day but petitioner only came back on June 6, 2011.⁸⁷

Thus, there is no showing that petitioner—whether before the Bureau, the CSC, or the Court of Appeals—was ever able to present evidence refuting the Muntinlupa Laboratory's narration. It bears stressing that the delay in encoding or reporting the positive screening test results was not due to machinations of the Muntinlupa Laboratory, but to the Information System and petitioner's own choice to return for re-entry five days later instead of on the following day, like he was asked to.⁸⁸

Lastly, as the CSC highlighted and as the Court of Appeals noted, the Bureau made a conjectural leap in its Resolution, from finding that there was no required four-copy Custody and Control Form to concluding that "it is very highly probable that the positive drug test result issued to [petitioner] is false, fraudulent, or not his."⁸⁹ The CSC and the Court of Appeals did not err in finding the Bureau's conclusion unsound, and more of a speculation, for being unsupported by "any specific facts" showing how the Muntinlupa Laboratory could have "committed grave errors or manipulated the results of its findings that [petitioner] is positive for methamphetamine."⁹⁰ As the Court of Appeals aptly observed, petitioner failed to show that his screening drug test was invalid for having been executed during the time that the Muntinlupa Laboratory was incurring procedural lapses, for which the Bureau suspended it, or during the laboratory's suspension period.⁹¹

Neither can the new Muntinlupa City mayoral administration's claims about political persecution accomplish for petitioner what the Bureau's Resolution could not.

Petitioner tested positive for the use of *shabu* during the March 2011 screening drug test, yet the confirmatory test yielded a negative result. With this, the Department Head of the Muntinlupa City Drug Abuse Prevention and Control Office required petitioner to take a second test (the June 1, 2011 screening drug test). Petitioner then tested positive even up to the confirmatory test conducted by the National Laboratory—a duly accredited Department of Health confirmatory laboratory.⁹²

⁸⁵ *Id.* at 55.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.* at 43–44.

⁹⁰ *Id.* at 44–45.

⁹¹ *Id.*

⁹² *Id.* at 35.

Afterward, the Board gave petitioner a chance to explain why he should not be charged with grave misconduct over the positive screening and confirmatory drug tests, but petitioner inexplicably failed to explain. The Board thus found petitioner liable for grave misconduct and recommended to the Office of the Muntinlupa City Mayor to terminate him from service.⁹³

It was only following all those events that Mayor San Pedro dismissed petitioner from service for grave misconduct.⁹⁴ In effect, Mayor San Pedro's act (his Memorandum Order/Decision) is imbued with the presumption of regularity, there being no question that it was executed in the performance of his official duties. Petitioner simply failed to present clear and convincing proof to overthrow the presumption of regularity.⁹⁵

Nonetheless, this Court rules that the Court of Appeals erred in concluding that it was valid for Mayor San Pedro and the CSC to outrightly dismiss petitioner from service, without first giving him recourse to appropriate intervention as a chance for recovery and reintegration, solely because of petitioner's administrative liability. The Court grants this present petition to rectify this error.

Petitioner cites the first paragraph of Article VII(3) of CSC Memorandum Circular No. 13, Series of 2017, which states that "[a]ny public official or employee who, after being tested positive of drug use, shall refuse to undergo treatment or rehabilitation, or fails to complete his/her treatment or rehabilitation program, shall be charged with the administrative offense of [g]rave [m]isconduct."⁹⁶ In connection, he avers that the Board and Mayor San Pedro never gave him the opportunity to undergo treatment or rehabilitation after the screening and confirmatory drug tests yielded positive results.⁹⁷ Thus, petitioner argues that he may only be terminated from service as a penalty for grave misconduct if he refuses to undergo or fails to complete treatment or rehabilitation, assuming the drug tests conducted on him were in order.⁹⁸

Petitioner's argument is well-taken. The Court agrees that there must first be an opportunity for the public officer to undergo rehabilitation before the penalty of dismissal is considered, since drug use, and resultant addiction or dependence, is considered a sickness or disease rather than simply a crime.

⁹³ *Id.* at 30.

⁹⁴ *Id.* at 32.

⁹⁵ *Id.* at 37.

⁹⁶ *Id.* at 22.

⁹⁷ *Id.*

⁹⁸ *Id.*

Under the 1961 Single Convention on Narcotic Drugs,⁹⁹ as amended by the 1972 Protocol,¹⁰⁰ the 1971 Convention on Psychotropic Substances,¹⁰¹ and the 1988 United Nations (UN) Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,¹⁰² **the Philippines is tasked with addressing the public health aspect of illegal drug use and addiction.**

⁹⁹ United Nations, *Single Convention on Narcotic Drugs*, March 30, 1961, 98, available at https://treaties.un.org/doc/Treaties/1964/12/19641213%2002-14%20AM/Ch_VI_15.pdf (last accessed on February 6, 2025), art. 38 provides:

ARTICLE 38

Treatment of drug addicts

1. *The Parties shall give special attention to the provision of facilities for the medical treatment, care and rehabilitation of drug addicts.*

2. If a Party has a serious problem of drug addiction and its economic resources permit, it is desirable that it establish adequate facilities for the effective treatment of drug addicts. (Emphasis supplied)

¹⁰⁰ United Nations, *1972 Protocol*, March 25, 1972, available at https://treaties.un.org/doc/Treaties/1975/08/19750808%2007-44%20PM/Ch_VI_17p.pdf (last accessed on February 6, 2025), arts. 14, and 15, which amended arts. 36 and 38 of the 1961 Single Convention on Narcotic Drugs, respectively, provides:

[ARTICLE 36]

[Penal provisions]

1. (a) Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such Party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty.

(b) Notwithstanding the preceding sub-paragraph, *when abusers of drugs have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to conviction or punishment, that such abusers shall undergo measures of treatment, education, after-care, rehabilitation and social reintegration* in conformity with paragraph 1 of article 38. (Emphasis supplied)

[ARTICLE 38]

Measures against the Abuse of Drugs

1. *The Parties shall give special attention to and take all practicable measures for the prevention of abuse of drugs and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved and shall co-ordinate their efforts to these ends.*

2. The Parties shall as far as possible promote the training of personnel in the treatment, after-care, rehabilitation and social reintegration of abusers of drugs.

3. The Parties shall take all practicable measures to assist persons whose work so requires to gain an understanding of the problems of abuse of drugs and of its prevention, and shall also promote such understanding among the general public if there is a risk that abuse of drugs will become widespread. (Emphasis supplied)

¹⁰¹ United Nations, *1971 Convention on Psychotropic Substances*, February 21, 1971, 120, available at https://treaties.un.org/doc/Treaties/1976/08/19760816%2008-16%20AM/Ch_VI_16p.pdf (last accessed on February 6, 2025), art. 20. This provision echoes the 1961 Single Convention on Narcotic Drugs' directive for party-states to "take all practicable measures for the prevention of [substance] abuse and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved."

The 1971 Convention's Article 22(b) (Penal provisions) also mirrors the 1961 Single Convention, in saying that party-states "may provide, either as an alternative to conviction or punishment or in addition to punishment, that... abusers undergo... treatment, education, after-care, rehabilitation and social reintegration."

¹⁰² United Nations, *1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, December 20, 1988, available at https://treaties.un.org/doc/Treaties/1990/11/19901111%2008-29%20AM/Ch_VI_19p.pdf (last accessed on February 6, 2025), art. 3(4) provides:

Article 3

OFFENCES AND SANCTIONS

....

4.

(b) The Parties may provide, in addition to conviction or punishment, for an offence established in accordance with paragraph 1 of this article, that the offender shall undergo measures such as treatment, education, aftercare, rehabilitation or social reintegration.

Against such a backdrop, Republic Act No. 9165 (the Comprehensive Dangerous Drugs Act of 2002) came into being. The said **health, recovery, and reintegration-centered drug policy** formed by the said three international instruments (subject policy) is encapsulated in the Act's Section 2(3):

SECTION 2. *Declaration of Policy.*— It is the policy of the State to safeguard the integrity of its territory and the well-being of its citizenry particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation. In view of the foregoing, the State needs to enhance further the efficacy of the law against dangerous drugs, it being one of today's more serious social ills.

Toward this end, the government shall pursue an intensive and unrelenting campaign against the trafficking and use of dangerous drugs and other similar substances through an integrated system of planning, implementation and enforcement of anti-drug abuse policies, programs, and projects. The government shall however aim to achieve a balance in the national drug control program so that people with legitimate medical needs are not prevented from being treated with adequate amounts of appropriate medications, which include the use of dangerous drugs.

*It is further declared the policy of the State to provide effective mechanisms or measures to re-integrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence through sustainable programs of treatment and rehabilitation.*¹⁰³ (Emphasis supplied)

Also in the same Act, the subject policy is translated into a mandate for local government units to focus on rehabilitation:

SECTION 51. *Local Government Units' Assistance.* — Local government units shall appropriate a substantial portion of their respective annual budgets to assist in or enhance the *enforcement of this Act giving priority to preventive or educational programs and the rehabilitation or treatment of drug dependents.*¹⁰⁴ (Emphasis supplied)

With Republic Act No. 9165 in place, the Philippines in 2009 reiterated its commitment to the subject policy by joining the other UN member-states in adopting the Political Declaration and Plan of Action on International Cooperation Towards an Integrated and Balanced Strategy to Counter the

(c) Notwithstanding the preceding sub-paragraphs, *in appropriate cases of a minor nature, the Parties may provide, as alternatives to conviction or punishment, measures such as education, rehabilitation or social reintegration, as well as, when the offender is a drug abuser, treatment and aftercare.*

(d) The Parties may provide, *either as an alternative to conviction or punishment, or in addition to conviction or punishment of an offence established in accordance with paragraph 2 of this article, measures for the treatment, education, aftercare, rehabilitation or social reintegration of the offender.* (Emphasis supplied)

¹⁰³ Republic Act No. 9165 (2002), sec. 2.

¹⁰⁴ Republic Act No. 9165 (2002), sec. 51.

World Drug Problem.¹⁰⁵ In the document, as part of their political declaration, the member-states recommit themselves to:

... *promote, develop, review or strengthen effective, comprehensive, integrated drug demand reduction programmes, based on scientific evidence and covering a range of measures, including primary prevention, early intervention, treatment, care, rehabilitation, social reintegration and related support services, aimed at promoting health and social well-being among individuals, families and communities* and reducing the adverse consequences of drug abuse for individuals and society as a whole, taking into account the particular challenges posed by high-risk drug users, in full compliance with the three international drug control conventions and in accordance with national legislation, and...to investing increased resources in ensuring access to those interventions on a non-discriminatory basis, including in detention facilities, bearing in mind that those interventions should also consider vulnerabilities that undermine human development, such as poverty and social marginalization[.]¹⁰⁶ (Emphasis supplied)

Additionally, as part of their plan of action, the member-states recognized the “insufficient emphasis on *human rights and dignity* in the context of drug demand reduction efforts, *in particular regarding access to the highest attainable standard of health services*.”¹⁰⁷ The member-states also found “a need for an improved understanding of addiction and the growing recognition of it as a chronic but treatable multifactorial health disorder.”¹⁰⁸ In that vein, the member-states determined that, among other steps, they should each “[e]nsure that drug demand reduction measures respect human rights and the inherent dignity of all individuals and facilitate *access for all drug users to prevention services and health-care and social services, with a view to social reintegration*.”¹⁰⁹

In 2016, the Philippines renewed its commitment to the subject policy by participating in the UN General Assembly Special Session on the World Drug Problem,¹¹⁰ which produced the document, “Our Joint Commitment to

¹⁰⁵ United Nations Office on Drugs and Crime, *Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem*, March 2009, available at <https://www.unodc.org/documents/ungass2016/V0984963-English.pdf> (last accessed on February 6, 2025). The 2009 Political Declaration and Plan of Action was adopted by representatives from 132 UN member-states, at the high-level segment of the 52nd session of the Commission on Narcotic Drugs, which was held on March 11-12, 2009. See also United Nations - Economic and Social Council Official Records, *Report on the 52nd Session*, Supplement No. 8, March 2009, available at <https://documents.un.org/doc/undoc/gen/v09/825/56/pdf/v0982556.pdf> (last accessed on February 6, 2025); United Nations, *General Assembly Resolution No. 64/182*, International cooperation against the world drug problem, A/RES/64/182, March 20, 2010, available at <https://documents.un.org/doc/undoc/gen/n09/472/75/pdf/n0947275.pdf> (last accessed on February 6, 2025).

¹⁰⁶ United Nations Office on Drugs and Crime, *Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem*, March 2009, 11, available at <https://www.unodc.org/documents/ungass2016/V0984963-English.pdf> (last accessed on February 6, 2025).

¹⁰⁷ *Id.* at 20. (Emphasis supplied)

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* (Emphasis supplied)

¹¹⁰ United Nations, *Resolution adopted by the General Assembly on 20 December 2012*, International cooperation against the world drug problem, A/RES/67/193, April 23, 201, available at

Effectively Addressing and Countering the World Drug Problem.”¹¹¹ The Philippines and other member-states explicitly (1) “[r]ecognize[d] **drug dependence as a complex, multifactorial health disorder** characterized by a chronic and relapsing nature with social causes and consequences that can be prevented and treated through, inter alia, effective scientific evidence-based drug treatment, care and rehabilitation programmes, including community-based programmes,” and (2) committed to “*strengthen [their] capacity for aftercare for and the rehabilitation, recovery and social reintegration of individuals with substance use disorders, including, as appropriate, through assistance for effective reintegration into the labour market and other support services[.]*”¹¹²

Thus, in line with the subject policy, the CSC issued CSC Memorandum Circular No. 13, Series of 2017, providing Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes.¹¹³ The guidelines are clearly animated by the policy of remedying drug use or addiction as an ailment, instead of merely punishing it as an offense. The guidelines also do not just push for drug users’ outright or immediate dismissal from service. Though administrative liability attaches once drug use is proven, the guidelines still (1) distinguish between experimenters, occasional users, and chronic users/drug dependents, (2) prioritize the provision of appropriate treatment and/or rehabilitation for each group, and (3) set up a recovery process for all groups to become fit to return to their posts and resume their duties. The pertinent portions of the said CSC Memorandum read:

VI. INTERVENTIONS

1. *Public officials and employees who are found positive of dangerous drugs* at the first instance after the challenge test, or after positive drug test result from a confirmatory test should the concerned public official or employee fail to challenge said result, *shall undergo a Drug Dependency Examination* conducted by the DOH or by any medical practitioner accredited by the DOH to conduct said examination and shall be subjected to following treatment and rehabilitation program:

a. **Experimenter** — *Outpatient, guidance counselling* for six (6) months.

<https://documents.un.org/doc/undoc/gen/n12/490/18/pdf/n1249018.pdf> (last accessed on January 21, 2025).

¹¹¹ United Nations, *Resolution adopted by the General Assembly on 19 April 2016*, Our joint commitment to effectively addressing and countering the world drug problem, A/RES/S-30/1, May 4, 2026, available at <https://documents.un.org/doc/undoc/gen/n16/110/24/pdf/n1611024.pdf> (last accessed on February 6 2025).

¹¹² United Nations Office on Drugs and Crime, Outcome Document of the 2016 United Nations General Assembly Special Session on the World Drug Problem, April 2016, 6, available at <https://www.unodc.org/documents/postungass2016/outcome/V1603301-E.pdf> (last accessed February 6, 2025). (Emphasis supplied)

¹¹³ CSC Memorandum Circular No. 13, Series of 2017 (March 15, 2017), Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes.

b. **Occasional User** — *Outpatient, guidance counselling and regular monthly drug testing for six (6) months which shall be at the personal expense of public official or employee concerned.*

c. **Chronic User/Drug Dependent** — *Mandatory continuous treatment and rehabilitation 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 Dangerous Drugs Board.*

2. A public official or employee found to be an **Experimenter** shall shoulder the expenses of his/her guidance counselling. The same rule shall also apply to a public official or employee found to be an **Occasional User**, who shall undergo the guidance counselling and regular monthly drug testing. *Time spent for counselling and regular monthly drug testing, if done during office hour[s], shall be charged against [a] public official or employee's leave credits. For this purpose, the public official or employee's leave credits shall be utilized and when exhausted, vacation leave credits may be utilized for the purpose. If all leave credits are used, absence shall be on leave without pay.*

As proof of successful completion of the intervention program, a public official or employee assessed as an Experimenter or Occasional User shall secure a certification of completion issued by his/her attending guidance counsellor.

3. Any public official or employee found to be a **Chronic User/Drug Dependent**, based on the results of the Drug Dependency Examination, and who will undergo a mandatory rehabilitation program for a minimum period of six months shall be considered *on sick leave for the entire period of his/her rehabilitation. When the concerned public official or employee's sick leave is exhausted, his/her vacation leave credits may be utilized for the purpose. If all leave credits are used, his/her absence shall be on leave without pay.*

The public official or employee shall undertake the processing of his admission to a rehabilitation center in accordance with the provisions of R.A. No. 9165 and existing rules of the Dangerous Drugs Board.

The public official or employee concerned shall shoulder the expenses of his/her rehabilitation, which shall commence within fifteen (15) days from receipt of Drug Dependency Examination results, to give way to the processing of the necessary clearances.

The public official or employee concerned shall secure a certificate of completion of his/her rehabilitation program and clearance from his/her attending physician that he/she has been successfully rehabilitated and is now fit to return to work. Said public official or employee shall not be allowed to report back to work without first submitting said certification and clearance to his/her agency.

VII. ADMINISTRATIVE LIABILITY

1. Public officials and employees found to have *used dangerous drugs during the prescribed period of their intervention or rehabilitation* shall be charged with the administrative offense of **Grave Misconduct**.

2. Public officials and employees who are *not issued a certificate of completion* (in the case of experimenter and occasional user) *or a certificate of completion with clearance* (in the case of a chronic user/drug dependent), shall be charged with the administrative offense of **Grave Misconduct**.

3. Any public official or employee who, *after being tested positive* of drug use, shall *refuse to undergo treatment or rehabilitation*, or *fails to complete* his/her treatment or rehabilitation program, shall be charged with the administrative offense of **Grave Misconduct**.

The charge of Grave Misconduct shall be grounded on the fact that said public official or employee was tested positive of drug use and not on his/her refusal to undergo or failure to complete his/her treatment.

5. Public officials and employees who for the *second time have tested positive* in a random drug test *after completion of his/her treatment and/or rehabilitation program* or shall be found to have *used dangerous drugs during the prescribed period of intervention or rehabilitation*, shall be charged with the administrative offense of **Grave Misconduct**.¹¹⁴ (Emphasis supplied, citation omitted)

It is important to note that the CSC Memorandum Circular No. 13, Series of 2017 superseded¹¹⁵ CSC Memorandum Circular No. 13, Series of 2010.¹¹⁶ The latter did not have a section on interventions¹¹⁷ and had instead provided only that “any official or employee found positive for use of dangerous drugs shall be subjected to disciplinary/administrative proceedings with a penalty of dismissal from the service at first offense pursuant to Section 46 (19) of Book V of Executive Order 292 and Section 22 (c) of its Omnibus Rules.”¹¹⁸

For its part, the Court also acknowledged the subject policy, as well as the protectiveness of Republic Act No. 9165 over drug users and possessors, who are regarded as victims, in contrast to “drug traffickers and pushers [who

¹¹⁴ *Id.* at 5–7.

¹¹⁵ *Id.* This provision contains a repealing clause, which states that “[a]ll memoranda, orders, instructions, and circulars inconsistent with [it] shall be deemed accordingly repealed.”

¹¹⁶ CSC Resolution No. 101359, Guidelines for a Drug-Free Workplace in the Bureaucracy, July 6, 2010. See CSC Memorandum Circular No. 13-10, Guidelines for a Drug-Free Workplace in the Bureaucracy, July 28, 2010.

¹¹⁷ *Id.* CSC Memorandum Circular No. 13, Series of 2010 only stated:

Hence, in consonance with MC No. 34, s. 1997, all officials and employees entering the government service shall be required to undergo drug test, as follows:

a. Authorized drug testing shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. The list of accredited centers may be accessed through <http://www.lto.gov.ph/DrugTestCenters/As%20of%20May%202005.pdf>

b. The drug testing shall employ, among others, two (2) 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.

c. Drug test certificates issued by accredited drug testing centers shall be attached to the revised CSC Form 211 (Medical Certificate for Employment).

¹¹⁸ CSC Resolution No. 101359, Guidelines for a Drug-Free Workplace in the Bureaucracy, July 6, 2010, citing ADM. CODE (1987), Book V, Title I (A), Chapter 7, sec. 46; OMNIBUS RULES IMPLEMENTING THE ADM. CODE (1987), Book V, Rule XIV, sec. 22(c).

are considered] predators.”¹¹⁹ The Court has accounted for the subject policy in both administrative and criminal drug cases.

In *Office of the Court Administrator v. Reyes*,¹²⁰ where a Regional Trial Court clerk tested positive for marijuana and *shabu*, the Court dismissed the clerk from service. Still, it acknowledged the policy of prioritizing the drug users’ treatment and rehabilitation in this wise:

Two justices disagree with the majority opinion. They opine that the Court’s action in this case contravenes an *express public policy*, i.e., “*imprisonment for drug dealers and pushers, rehabilitation for their victims*.” They also posit that De Guzman’s failure to properly perform his duties and promptly respond to Court orders precisely springs from his drug addiction that requires rehabilitation. Finally, they state that the Court’s real strength is not in its righteousness but in its willingness to understand that men are not perfect and that there is a time to punish and a time to give a chance for contrition and change.

However, *the legislative policy as embodied in Republic Act No. 9165 in deterring dangerous drug use by resort to sustainable programs of rehabilitation and treatment* must be considered in light of this Court’s constitutional power of administrative supervision over courts and court personnel. The legislative power imposing policies through laws is not unlimited and is subject to the substantive and constitutional limitations that set parameters both in the exercise of the power itself and the allowable subjects of legislation. As such, it cannot limit the Court’s power to impose disciplinary actions against erring justices, judges and court personnel. Neither should such policy be used to restrict the Court’s power to preserve and maintain the Judiciary’s honor, dignity and integrity and public confidence that can only be achieved by imposing strict and rigid standards of decency and propriety governing the conduct of justices, judges and court employees.

Likewise, we cannot subscribe to the idea that De Guzman’s irrational behavior stems solely from his being a drug user. Such queer behavior can be attributed to several factors. However, it cannot by any measure be categorically stated at this point that it can be attributed solely to his being a drug user.

Finally, *it must be emphasized at this juncture that De Guzman’s dismissal is not grounded only on his being a drug user*. His outright dismissal from the service is *likewise anchored on his contumacious and repeated acts of not heeding the directives of this Court*. As we have already stated, such [an] attitude betrays not only a *recalcitrant streak of character*, but also *disrespect for the lawful orders and directives of the Court*.¹²¹ (Emphasis supplied, citation omitted)

In *Dela Cruz v. People*,¹²² where the petitioner was acquitted because his positive drug test was inadmissible in evidence, the Court also took its

¹¹⁹ *Padua v. People*, 581 Phil. 489, 502 (2008) [Per J. Quisumbing, Second Division].

¹²⁰ *Office of the Court Administrator v. Reyes*, 635 Phil. 490 (2010) [Per Curiam, En Banc].

¹²¹ *Id.* at 501–502.

¹²² 739 Phil. 578 (2014) [Per C.J. Sereno, First Division].

opportunity to explain how Republic Act No. 9165 operates to secure drug users in treatment and rehabilitation:

A charge for violation of Section 15 of R.A. 9165 is seen as expressive of the *intent of the law to rehabilitate persons apprehended or arrested for the unlawful acts enumerated above instead of charging and convicting them of other crimes with heavier penalties*. The essence of the provision is more clearly illustrated in *People v. Martinez* as follows:

On a final note, this Court takes the opportunity to be instructive on Sec. 11 (Possession of Dangerous Drugs) and Sec. 15 (Use of Dangerous Drugs) of R.A. No. 9165, with regard to the charges that are filed by law enforcers. *This Court notes the practice of law enforcers of filing charges under Sec. 11 in cases where the presence of dangerous drugs as basis for possession is only and solely in the form of residue, being subsumed under the last paragraph of Sec. 11. Although not incorrect, it would be more in keeping with the intent of the law to file charges under Sec. 15 instead in order to rehabilitate first time offenders of drug use, provided that there is a positive confirmatory test result as required under Sec. 15.* The minimum penalty under the last paragraph of Sec. 11 for the possession of residue is imprisonment of twelve years and one day, while *the penalty under Sec. 15 for first time offenders of drug use is a minimum of six months rehabilitation in a government center. To file charges under Sec. 11 on the basis of residue alone would frustrate the objective of the law to rehabilitate drug users and provide them with an opportunity to recover for a second chance at life.*

[T]o effectively fulfill the intent of the law to rehabilitate drug users, this Court thus calls on law enforcers and prosecutors in dangerous drugs cases to exercise proper discretion in filing charges *when the presence of dangerous drugs is only and solely in the form of residue and the confirmatory test required under Sec. 15 is positive for use of dangerous drugs*. In such cases, *to afford the accused a chance to be rehabilitated, the filing of charges for or involving possession of dangerous drugs should only be done when another separate quantity of dangerous drugs, other than mere residue, is found in the possession of the accused as provided for in Sec. 15.*¹²³ (Emphasis supplied, citation omitted)

In a Concurring Opinion in *Estipona, Jr. v. Lobrigo*¹²⁴—a case where the Court struck down Republic Act No. 9165's Section 23 as unconstitutional (for contravening the Court's rule-making authority) and allowed plea bargaining in drugs cases—it was stressed that the Act embraces the policy of “aim[ing] to rehabilitate, not punish, those offenders.”¹²⁵

¹²³ *Id.* at 587–588.

¹²⁴ J. Leonen, Separate Concurring Opinion in *Estipona v. Judge Lobrigo*, 816 Phill. 789 (2017) [Per J. Peralta, *En Banc*].

¹²⁵ *Id.* at 818.

Later, in *Sayre v. Judge Xenos*,¹²⁶ which dealt with DOJ Circular No. 27 or the “internal guideline for prosecutors to observe before they may give their consent to proposed plea bargains” in drug cases,¹²⁷ the Court espoused and expanded upon this view:

We adopt the view of Justice Marvic Mario Victor F. Leonen in his Separate Opinion in *Estipona v. Lobrigo* that the aim is to rehabilitate, not punish, drug offenders. Citing his *ponencia* in *People v. Holgado*, he stated:

It is lamentable that while our dockets are clogged with prosecutions under Republic Act No. 9165 involving small-time drug users and retailers, we are seriously short of prosecutions involving the proverbial ‘big fish.’ We are swamped with cases involving small fry who have been arrested for miniscule amounts. While they are certainly a bane to our society, small retailers are but low-lying fruits in an exceedingly vast network of drug cartels. Both law enforcers and prosecutors should realize that the more effective and efficient strategy is to focus resources more on the source and true leadership of these nefarious organizations. Otherwise, all these executive and judicial resources expended to attempt to convict an accused for 0.05 gram of shabu under doubtful custodial arrangements will hardly make a dent in the overall picture. It might in fact be distracting our law enforcers from their more challenging task: to uproot the causes of this drug menace. We stand ready to assess cases involving greater amounts of drugs and the leadership of these cartels.

While it is the government's mandate to ‘pursue an intensive and unrelenting campaign against the trafficking and use of dangerous drugs and other similar substances,’ it is equally important to highlight ‘the policy of the State to provide effective mechanisms or measures to re-integrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence. In consonance with the *State policy of restorative and compassionate justice*, the confusion created by DOJ Circular No. 27 must immediately be clarified in order to guide the trial courts in addressing offers of the accused to plea bargain in drug[] cases and afford offenders an opportunity to rehabilitate and become productive members of society again.¹²⁸ (Emphasis supplied, citations omitted)

More recently, in *Court of Appeals v. Labitoria*,¹²⁹ the Court opted to suspend a Court of Appeals clerk only for a year, instead of outrightly dismissing him from service, after he tested positive for *shabu*. The Court also referred him to a drug rehabilitation facility.¹³⁰ The Court’s resolution of the case was expressly anchored on the subject policy:

¹²⁶ *Sayre v. Judge Xenos*, 871 Phil. 86 (2020) [Per J. Carandang, *En Banc*].

¹²⁷ *Id.* at 113.

¹²⁸ *Id.* at 110–111.

¹²⁹ 948 Phil. 90 (2023) [Per J. Singh, *En Banc*].

¹³⁰ *Id.* at 98–99.

In the 2021 case of *Re: Alleged Smoking and Possible Drug Use of Louie Mark U. De Guzman (De Guzman)*, the Court dismissed the respondent from the service after he tested positive for the use of marijuana by a drug test administered by the National Bureau of Investigation, and by his own admission[.]

....

The Court nevertheless directed *De Guzman* to be referred to a suitable drug rehabilitation facility where he may be able to undertake programs for his rehabilitation at his own expense.

....

The Court notes that Labitoria underwent and completed the mandatory drug rehabilitation, alleging that he has yielded two (2) consecutive negative results since, and has spent thirty-one (31) years in government service. The Court likewise takes note that Labitoria has another administrative case for Habitual Tardiness pending before the Court.

On April 18, 2023, the Court En Banc approved A.M. No. 23-02-11-SC or the Guidelines for the Implementation of a Drug-Free Policy in the Philippine Judiciary (Guidelines), that took effect on September 17, 2023. These Guidelines reaffirm R.A. No. 9165, Section 2, which mandates that it is the State's policy to provide effective mechanisms or measures to reintegrate into society individuals who have fallen victim to drug abuse or dependence through sustainable treatment and rehabilitation programs.

....

Considering that this is Labitoria's first offense, his[31]years in government service, and his completed drug rehabilitation program, testing negative for the use of drugs two consecutive times, the Court finds these mitigating circumstances applicable to impose the lower penalty of suspension for one (1) year, in lieu of the recommended dismissal from the service, pursuant to Section 20 Rule 140.

ACCORDINGLY...

The Court finds. . . Labitoria ***GUILTY of Possession and/or Use of Illegal Drugs or Substances***, a serious charge under Section 14 (o) of Rule 140 of the Rules of Court, as amended by A.M. 21-08-09-SC and orders his ***SUSPENSION from office without salary and other benefits for one (1) year***. He is ***STERNLY WARNED*** that *a repetition of a similar violation* will be dealt with the penalty of *dismissal from service*. This Resolution is immediately executory.

The Supreme Court Medical and Dental Services is directed to *refer. . . Labitoria to a suitable drug rehabilitation facility* where he may be able to undertake programs for his *continued rehabilitation during the period of his suspension*, at his own expense.



SO ORDERED.¹³¹ (Emphasis supplied, citations omitted)

In light of the foregoing, the Court holds that petitioner's outright dismissal from service is invalid because: (1) it runs counter to the State's health, recovery, and reintegration-centered drug policy, which impels the state to treat drug use, dependence, or addiction as an illness and not just punish it as a crime; and (2) it is violative of the provisions and intent of CSC Memorandum Circular No. 13, Series of 2017.

While it is indisputable that petitioner tested positive for *shabu*, and that alone makes him administratively liable for grave misconduct under the said CSC Memorandum, he should not have been outrightly dismissed from service. Further, he should have instead been promptly subjected to the appropriate intervention process outlined in the same circular.

Having petitioner undergo treatment and/or rehabilitation—once it was determined whether he was an experimenter, occasional user, or chronic user/drug dependent—would not have run counter to Rule 10, Section 50(A)(3) of the Revised Uniform Rules on Administrative Cases in the Civil Service (RRACS), which classifies grave misconduct as a grave offense that “shall be punishable by dismissal from the service.”¹³² There is also no real conflict between the interventions under the said CSC Memorandum Circular and the penalization of grave misconduct with dismissal at the first offense under RRACS. The two policies may be harmonized in this way:

- 1) A public official or employee who tests positive for dangerous drugs becomes liable for one count of grave misconduct;
- 2) It must then be determined whether they are an experimenter, occasional user, or chronic user/drug dependent;
- 3) Once their classification is determined, they should be informed of it, as well as of the corresponding treatment and/or rehabilitation measures;
- 4) If they (a) refuse to undergo treatment or rehabilitation, (b) fail to complete such course, (c) are not issued a certificate of completion or clearance, (d) test positive again after completion of treatment and/or rehabilitation, or (e) are found to have used dangerous drugs during the intervention period, then they become liable for additional count/s of grave misconduct;
- 5) Their nonsubmission to intervention or their failure to emerge from the intervention as having successfully done away with their drug

¹³¹ *Id.* at 95–99.

¹³² CSC Resolution No. 1701077 (July 3, 2017), The 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).

use will be the basis for their dismissal from service, on the grounds of grave misconduct, even if it should in effect be dismissal at the first offense;

- 6) On the other hand, if they submit themselves to the intervention, and apply themselves to the recovery process, thus regaining their fitness to discharge their official duties, then they may resume reporting for work. The penalty for their commission of grave misconduct (referring to their having tested positive for drugs) shall be the overall cost they bore for the intervention, *i.e.*, charges to their leave credits and vacation leave credits, utilization of their sick leave, placement on leave without pay, and the reflection of their offense on their professional record.

In this way, drug-positive public officials or employees will be protected by the State's policy of addressing drug use and addiction as an ailment and will be afforded an opportunity for recovery and reintegration. Consequently, they will still be held accountable for having used drugs in violation of the law and conduct standards for civil service.

Testing positive for drugs is still a grave misconduct, but given the subject policy, it should be treated differently from other acts constituting or counting as grave misconduct in a way that dismissal will not be *outright* but could still be imposed *on the first offense*, subject to the public official or employee's submission to intervention and dedication to its entailed recovery process.

Finally, it is important to settle the matter of the retroactive application of CSC Memorandum Circular No. 13, Series of 2017 to petitioner's case.

In criminal cases, there is the principle, "*favorabilia sunt amplianda adiosa restringenda*[,] [p]enal laws which are favorable to accused are given retroactive effect."¹³³ This Court has acknowledged this principle as early as 1932:

[A]s far back as the year 1884, when the Penal Code took effect in these Islands until the 31st of December, 1931, the principle underlying our laws granting to the accused in certain cases an exception to the general rule that laws shall not be retroactive when the law in question favors the accused, has evidently been carried over into the Revised Penal Code at present in force in the Philippines through [A]rticle 22. . . This is an exception to the general rule that all laws are prospective, not retrospective, variously contained in the following maxims: *Lex prospicit, non respicit* (the law looks forward, not backward); *lex de futuro, judex de præterito* (the law provides for the future, the judge for the past); and adopted in a modified form with a prudent limitation in our Civil Code (article 3). Conscience and

¹³³ *People v. Talaro*, 684 Phil. 507, 524 (2012) [Per J. Peralta, *En Banc*].

good law justify this exception, which is contained in the well-known aphorism: *Favorabilia sunt amplianda, odiosa restringenda*. As one distinguished author has put it, the exception was inspired by sentiments of humanity, and accepted by science.¹³⁴ (Emphasis in the original)

It has continued to uphold this principle well into the modern era:

Jurisprudence has consistently established that the principle of retroactivity of penal laws that are favorable to the accused is founded on principles of strict justice:

As a general rule, penal laws should not have retroactive application, lest they acquire the character of an *ex post facto* law. An exception to this rule, however, is when the law is advantageous to the accused. According to Mr. Chief Justice Araullo, this is “not as a right” of the offender, “but founded on the very principles on which the right of the State to punish and the commination of the penalty are based, and regards it not as an exception based on political considerations, but as a rule founded on principles of strict justice.”

Jurisprudence likewise ratiocinates that “[c]onscience and good law justify this exception, which is contained in the well-known aphorism: *Favorabilia sunt amplianda, odiosa restringenda*. As one distinguished author has put it, the exception was inspired by sentiments of humanity, and accepted by science.”¹³⁵ (Emphasis in the original, citations omitted)

The Court valued this principle and its founding considerations strongly that it has extended this principle’s application to special laws:

[T]he rule on retroactivity applies not just to felonies under the RPC, but also to special laws, allowing its application to election-related laws such as in this case. This was established as early as 1923, when this Court recognized the penal nature of Spanish electoral laws for purposes of applying the retroactivity, citing that this is supported “both by reason and by authorities.”¹³⁶ (Citations omitted)

The Court also adopted this approach in administrative cases, specifically those involving court personnel:

[T]he Court gave an edifying explication in the same case on the proper application of Rule 140 of the Rules of Court to personnel of the Judiciary, as follows:

¹³⁴ *Laceste v. Santos*, 56 Phil. 472, 475 (1932) [Per J. Romualdez, *En Banc*].

¹³⁵ *Bargado v. People*, G.R. No. 271081, July 29, 2024 [Per J. J.Y. Lopez, Second Division] at 11. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

¹³⁶ *Id.* See also *Ortega v. People*, 584 Phil. 429, 453 (2008) [Per J. Nachura, Third Division]; *Inmates of the New Bilibid Prison v. De Lima*, 854 Phil. 675, 705–706 (2019) [Per J. Peralta, *En Banc*].

In the interest of a uniform application of charges and imposition of penalties in administrative cases involving Judiciary personnel, we will apply Rule 140 of the Revised Rules of Court since it is the prevailing rule at present, unless the retroactive application of Rule 140 would not be favorable to the employee. Otherwise stated, if the application of Rule 140, as amended would be prejudicial to the employee, then the framework of rules prevailing at the time of the commission of the offense should apply (*e.g.*, the URACCS in this case). This mirrors the rule in Criminal Law that penal laws shall have a retroactive effect if the same is favorable to the accused — which the Court, as a matter of policy now adopts.¹³⁷

Hence, this principle can also be used in administrative cases involving government personnel outside of the Judiciary. This would allow CSC Memorandum Circular No. 13, Series of 2017 to be retroactively applied to petitioner's case, to his benefit.

The Court highlights one of the key principles for the treatment of drug use disorders, as discussed in the International Standards for the Treatment of Drug Use Disorders – Revised Edition incorporating results of field-testing,¹³⁸ which the World Health Organization (WHO) jointly prepared with the UN Office on Drugs and Crime:

Principle 3

Promoting treatment for drug use disorders through effective coordination between the criminal justice system and health and social services

Drug use disorders should be considered primarily as health problems rather than criminal behaviours and as a rule, people with drug use disorders should be treated in the health care system rather than the criminal justice system....It is important to consider drug use by people with drug use disorders exclusively as a primarily health issue requiring access to appropriate support and treatment, where required, rather than criminal

¹³⁷ *Abella v. Parfan*, 922 Phil. 85, 95 (2022) [*Per Curiam, En Banc*], citing *Dela Rama v. De Leon*, 897 Phil. 561, 571–572 (2021) [*Per Curiam, En Banc*]. See also *Brasales v. Borja*, 904 Phil. 290, 297 (2021) [*Per J. M.V. Lopez, Second Division*]; *Cobarrubias-Nabaza v. Lavandero*, 920 Phil. 787, 794–795 (2022) [*Per J. Perlas-Bernabe, Second Division*].

¹³⁸ World Health Organization and United Nations Office on Drugs and Crime, *International standards for the treatment of drug use disorders – Revised edition incorporating results of field-testing*, available at https://www.unodc.org/documents/drug-prevention-and-treatment/UNODC_WHO_International_Standards_Treatment_Drug_Use_Disorders_April_2020.pdf (last accessed on February 7, 2025). After the 2009 Political Declaration and Plan of Action came into being, UNODC and WHO developed the International Standards for the Treatment of Drug Use Disorders, by jointly establishing a Global Programme on Drug Dependence Treatment and Care. Their approach was putting together treatment policies, practices, strategies, and intervention in the same way that health systems are “provided...for any other chronic disease.” Their 2016 draft of the standards was released for field-testing, around which time the 2016 outcome document from the UN General Assembly Special Session on the World Drug Problem “reiterated the importance of disseminating the Standards to promote a balanced and health-centered approach to drug use disorders.” The field-testing followed, with the participation of more than 1200 health professionals, as well as of professional and civil-society organizations. The field-test results were then used to revise the standards. (*Id.* at 2-3.)

sanctions....In all justice-related cases people should receive treatment and care of a standard equal to the treatment offered in the community.

STANDARDS

3.1 *Treatment for drug use disorders should be provided predominantly in health and social-care systems.* Effective coordination mechanisms with the criminal justice system should be in place to facilitate access to treatment and social care services for people in contact with the criminal justice system.

3.2 *Effective treatment should be available to people who offend and have drug use disorders and, where appropriate, be a partial or complete alternative to conviction or punishment.*¹³⁹ (Emphasis supplied)

The above principle is rooted in the human right “to the highest attainable standard of physical and mental health.”¹⁴⁰ It is also elaborated upon in the International Guidelines on Human Rights and Drug Policy,¹⁴¹ a document prepared by the WHO, the UN Development Programme, the UN Programme on HIV/AIDS, the UN Human Rights – Office of the High Commissioner, and the International Centre on Human Rights and Drug Policy:

In accordance with this right, States should:

- i. Take deliberate, concrete, and targeted steps to *ensure that drug-related and other health care goods, services, and facilities are available on a non-discriminatory basis* in sufficient quantity; financially and geographically accessible; acceptable in the sense of being respectful of medical ethics, cultural norms, age, gender, and the communities being served; and of good quality (that is, with a solid evidence base).
- ii. *Address the social and economic determinants that support or hinder positive health outcomes related to drug use, including stigma and discrimination of various kinds, such as against people who use drugs.*

....

The right to health as applied to drug policy includes access to evidence-based drug dependence treatment on a voluntary basis.

In accordance with their right to health obligations, States should:

- i. *Ensure the availability and accessibility of drug treatment services that are acceptable, delivered in a scientifically sound and medically appropriate manner, and of good quality (that is, with a strong evidence base and independent oversight)[.]*

....

¹³⁹ *Id.* at 10.

¹⁴⁰ United Nations Development Programme, *International Guidelines on Human Rights and Drug Policy*, 7, available at https://www.humanrights-drugpolicy.org/site/assets/files/1640/hrdp_guidelines_2020_english.pdf (last accessed on February 7, 2025).

¹⁴¹ *Id.*

iii. *Ensure that non-compliance with programme rules, such as failed drug tests, do not lead to automatic involuntary discharge or temporary expulsion as a disciplinary measure[.]*¹⁴² (Emphasis supplied)

The Court addresses the pressing practical aspects of this case. Given that almost 14 years have passed since petitioner's last drug testing, it is necessary to first confirm whether he actually still suffers from drug use or addiction.

To conclusively determine this, petitioner will have to undergo retesting.

If petitioner tests positive, he should then undergo a Drug Dependency Examination, so that he can be admitted to the intervention program corresponding to his classification as an experimenter, occasional user, or chronic user/drug dependent. *But if retesting produces negative results*, petitioner should not have to go through a costly and unnecessary drug treatment or rehabilitation program.

ACCORDINGLY, the Petition is **GRANTED**. The October 11, 2017 Decision and June 14, 2021 Resolution of the Court of Appeals in CA-G.R. SP No. 140823 are **AFFIRMED with MODIFICATION**. Petitioner Carlito P. Salomon is **GUILTY** of grave misconduct for testing positive for methamphetamine hydrochloride or *shabu*.

The Court **LIFTS** the imposition of penalties upon Salomon and, considering the lapse of almost 14 years since his last drug testing, **ORDERS** his retesting.

If the retesting should yield a negative result, indicating that treatment is no longer necessary, then the CSC may already reassess (1) the release of Salomon's benefits as a former Engineer IV of the City Government of Muntinlupa; and (2) his qualifications and fitness for future public service.

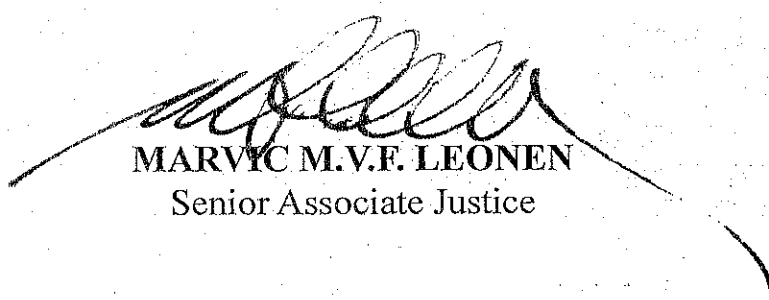
On the other hand, if the retesting yields a positive result, then the City Government of Muntinlupa shall, in accordance with CSC Memorandum Circular No. 13, Series of 2017: (1) subject Salomon to a Drug Dependency Examination; and (2) admit him to the intervention program corresponding to his classification as an experimenter, occasional user, or chronic users/drug dependent. The imposition of the penalties upon him shall be suspended, subject to his willingness to submit to, and successfully complete, the drug intervention program.



¹⁴² *Id.* at 7-8.

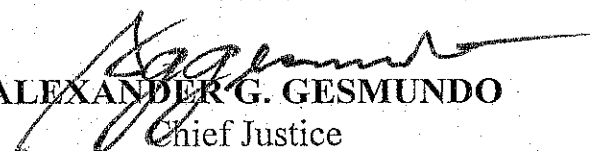
Under the second scenario, after Salomon completes the intervention program, he is required to secure either a certificate of completion from his attending guidance counsellor, or a certificate of completion of his rehabilitation program and clearance from his attending physician that he has been fully rehabilitated and is fit to discharge his previous duties as Engineer IV, whichever is applicable. He is further required to report to the CSC with the said proof of recovery. After, the CSC shall assess (1) the release of his benefits; and (2) his qualifications and fitness for future public service.

SO ORDERED.

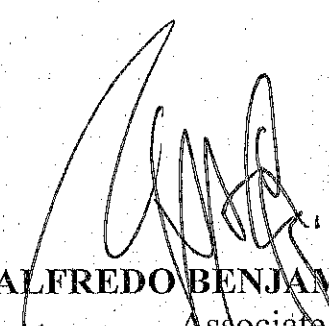


MARVIC M.V.F. LEONEN
Senior Associate Justice

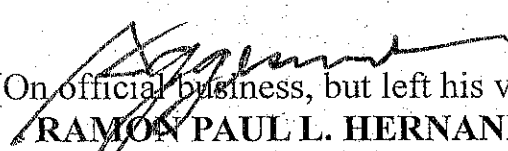
WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice



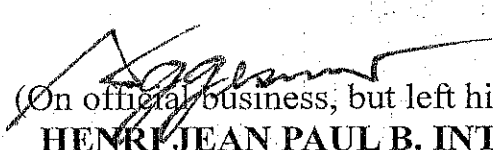
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



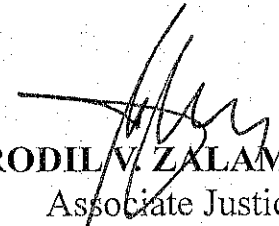
(On official business, but left his vote)
RAMON PAUL L. HERNANDO
Associate Justice



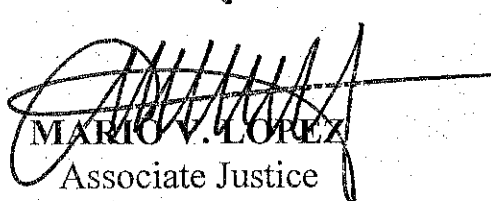
AMY C. LAZARO-JAVIER
Associate Justice



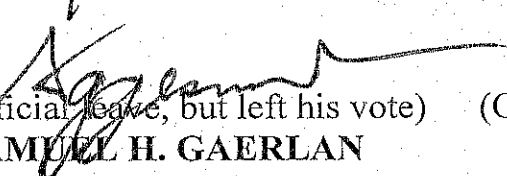
(On official business, but left his vote)
HENRI JEAN PAUL B. INTING
Associate Justice



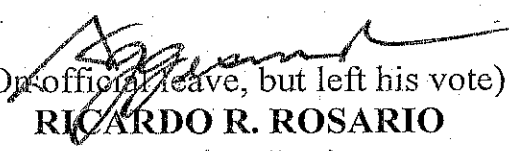
RODIL V. ZALAMEDA
Associate Justice



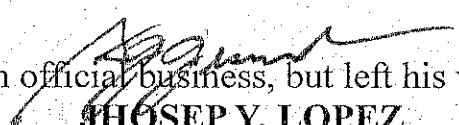
MARIO V. LOPEZ
Associate Justice



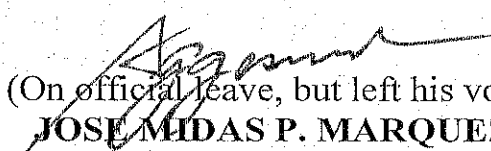
(On official leave, but left his vote)
SAMUEL H. GAERLAN
Associate Justice

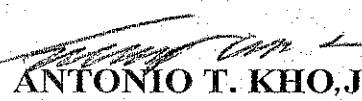


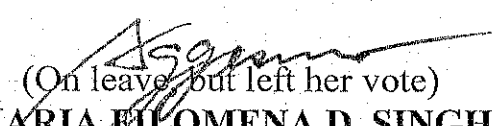
(On official leave, but left his vote)
RICARDO R. ROSARIO
Associate Justice


(On official business, but left his vote)
JOSE P. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

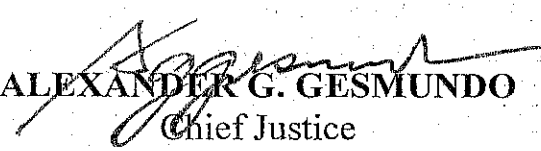

(On official leave, but left his vote)
JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


(On leave, but left her vote)
MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.


ALEXANDER G. GESMUNDO
Chief Justice