

SP file

Republic of the Philippines  
Province of Cebu  
CITY OF NAGA



Excerpt from the minutes of the Regular Session of the Sangguniang Panlungsod of the City of Naga, Cebu held on October 19, 2017 at the Session Hall, Legislative Building, City of Naga, Cebu.

Present:

- HON. OTHELLO M. CHIONG - Vice Mayor / Presiding Officer
- HON. AURELIO B. ALINSONORIN - Sangguniang Panlungsod Member
- HON. DELFIN R. SEÑOR - Sangguniang Panlungsod Member
- HON. AFSHIN MARK K. SEÑOR - Sangguniang Panlungsod Member
- HON. CARMELINO N. CRUZ, JR. - Sangguniang Panlungsod Member
- HON. RODRIGO A. NAVARRO - Sangguniang Panlungsod Member
- HON. PABLO A. ABANGAN - Sangguniang Panlungsod Member
- HON. LUZMINDA R. LAPITAN - Sangguniang Panlungsod Member
- HON. PORFERIO V. RESABA, JR. - Sangguniang Panlungsod Member

On Leave:

- HON. VIRGILIO M. CHIONG - Sangguniang Panlungsod Member
- HON. ALEXANDER R. LARA - Sangguniang Panlungsod Member

On Official Business:

- HON. JUSTINO L. DAKAY - ABC President



**ORDINANCE NO. 2017- 022**

**Hon. Virgilio M. Chiong - Sponsor**  
*SP Committee Chairman on Public Order and Safety*

**AN ORDINANCE PROHIBITING THE SNEAKING IN AND SMUGGLING OF CONTRABANDS IN DETENTION CELLS, JAILS, REFORMATORY CENTERS AND HALFWAY HOUSES IN THE CITY OF NAGA, CEBU, AND IMPOSING PENALTY FOR VIOLATION THEREFOR**

**EXPLANATORY NOTE**

The Bureau of Jail Management and Penology (BJMP) observed that the entry of contrabands in detention cells, jails, reformatory centers and halfway houses has long been a pervading concern of every individual. A perennial problem that has posed a deterrent in the full realization of the program thrusts of the government toward the ultimate reformation of inmates.

At present, reports still persist that couriers manage to sneak in contrabands in government-run detention facilities despite the institution of stringent security measures.

Thus, the BJMP, which manages the City Jail in Barangay Naalad, City of Naga, Cebu, sought the assistance of the City Government for the enactment of an ordinance prohibiting and preventing the entry of contrabands into the government reformatory centers.

The proposed measure comes with dual benefits: First, it will surely beef up the security of detention cells, jails reformatory centers, and halfway houses and rid it of any types of contraband. Second, it will generate revenues for the local government unit, as violators thereof shall pay the fine, as prescribed in the ordinance, to the City Treasurer.

**BE IT ORDAINED**, as it is hereby ORDAINED by the Sangguniang Panlungsod of the City of Naga Cebu, in session assembled, that:

**SECTION 1. TITLE.** This Ordinance shall be known as "AN ORDINANCE PROHIBITING THE SNEAKING IN AND SMUGGLING OF CONTRABANDS IN DETENTION CELLS, JAILS, REFORMATORY CENTERS AND HALFWAY HOUSES OF THE CITY OF NAGA, CEBU, AND IMPOSING PENALTY FOR VIOLATION THEREFOR."

*Quin*  
*Rosa Mira*  
12/1/2017

*BJMP -*  
*Miguel*

*Lara*  
*Kevin Langbid*

**SECTION 1. PURPOSE AND COVERAGE.** This Ordinance shall cover all detention cells, jails, reformatory centers and halfway houses situated within the jurisdiction of the City of Naga, Cebu.

**SECTION 2. DECLARATION OF POLICY.** The provisions of this Ordinance are in line with the City Government's commitment to good governance and upholding of public order and safety. The existence and proliferation of contrabands in the above mentioned facilities are prejudicial to public safety and counterproductive to rehabilitation programs of the government.

**SECTION 3. GOVERNING PRINCIPLES.** In an effort of preserving law and order inside jail facilities, it is imperative that stern measures are observed by personnel, clientele and jail visitors alike. This is geared to serve the tenets that:

3.1 One of the most important parts of the BJMP's total security is the identification and control of contrabands;

3.2 Contraband items threaten the overall security of the jail facility. It endangers jail officers/personnel, inmates and inmates' visitors as well as increase the likelihood of escape attempts.

3.3 Contraband control is a primary responsibility of the jail officers/personnel; and

3.4 Proper security in jail facility sets the pre-cursor for other programs to be started and prosper and for such other goals as rehabilitation to be realized.

#### **SECTION 4. OBJECTIVES.**

4. 1 Rid jails of materials/instruments that may be used by inmates to inflict physical harm to personnel, visitors or other inmates alike;

4. 2 Rid jails of materials/instruments that may be used by inmates to facilitate their attempt to escape;

4. 3 Rid jails of substances deemed contraband to include instruments/paraphernalia used for its dispensation/intake;

4. 4 Rid inmates of valuables or possession in excess of the allowable quantity; and

4. 5 Rid inmates of possessions that translate to a substantial increment in the operating expenses of the BJMP.

#### **SECTION 5. DEFINITION OF TERMS**

Contraband - any article inside the jail facility which was neither issued to the inmate by the BJMP nor purchased or allowed through approved channels;

Nuisance contraband - items, through authorized, are already in excessive quantities to become a fire hazard, a threat to security or has become causative in making the place unsanitary.

Paraphernalia - any instrument or contraption used for the dispensation or intake of harmful substances especially illegal drugs.

Erring Personnel - any personnel of the detention cells, jails, reformatory centers and halfway houses who shall sneak in/smuggle contrabands inside jail facilities and or in cahoots with perpetrators therefor.

The following are categorized as contrabands: prohibited drugs and paraphernalia deadly/bladed weapons other contrabands such as;

1. Cellular/Mobile Phones
2. Video Camera/Still camera
3. Pointed/Sharpened objects
4. Electric appliances
5. Excess clothing
6. Cigarettes
7. Others

**SECTION 6. POSSESSION OF PROHIBITED DRUGS.** In addition to the penalties imposed herein, any person who shall possess or use any dangerous drugs upon entering, and or while inside detention cells, jails, reformatory centers and halfway houses violates the provision of Republic Act 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002, without prejudice to the filing of appropriate administrative charges against personnel involved.

**SECTION 7. POSSESSION OF DEADLY WEAPON.** Consonant to this ordinance, any person who shall possess deadly weapon shall be penalized accordingly in accordance with the provision of PD 1866 as amended by 8294 or BP 6 in case the confiscated contraband is a bladed weapon. Deadly weapon confiscated shall be disposed pursuant to pertinent laws.

**SECTION 8. PROCEDURE OF THE CONTRABANDS.**

**8.1** A visitor who shall sneak in/smuggle inside the detention cells, jails, reformation centers and halfway houses, the above-enumerated contrabands or inmates or wards who shall possess the same shall be meted with a penalty of fine, to wit:

**First Offense** - P1,000.00 and community service;

**Second Offense** - P3,000.00 and forfeiture of the confiscated contraband and community service; and

**Third Offense** - P5,000.00 and forfeiture of the confiscated contraband and community service

If the convicted offender refuses or is unable to pay the fine, he/she shall be subjected to subsidiary imprisonment. In the case of an inmate, he/she shall be required to render community service within the jail facility where he/she is currently confined. The above amounts shall be paid at the Local Treasurer's Office and for subsidiary imprisonment. In the event that fine is not paid in accordance with Article 39 of the Revised Penal Code.

**8.2** Personnel of detention cells, jails, reformatory centers and halfway houses who shall condone and/or supply the visitors or inmates any of the afore-cited contrabands shall be charge administratively and criminally.

**SECTION 9. PROCEDURE.**

**9.1** After confiscation of the afore-mentioned contrabands. The warden, wardress his/her authorize representative shall cause the preparation of a report address to the Office of the Mayor informing the letter that a violation thereof has been committed.

**9.2** The warden, wardress, or his/her authorized representative shall issue receipt evidencing offender's ownership of the same.

**9.3** The confiscated cellular/mobile phone shall be placed in the custody of the warden/wardress of his/her authorized representative for safekeeping and shall be released of (in the case of a first time offender) after payment shall have been made.

**SECTION 10. DISPOSAL OF SEIZED CONTRABAND.** Confiscated contraband not deemed illegal or which are object of law commerce, shall be sold by auction by the LGU thirty (30) days after judgment has been rendered by the court where the case is pending or after the same is disposed of by said competent court. Proceeds of which shall remitted to the City Treasurer.

**SECTION 11. SEPARABILITY CLAUSE.** If any provision of this Ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, the other provisions unaffected shall remain valid and subsisting.

**SECTION 12. REPEALING CLAUSE.** All ordinances, resolutions, orders, issuances, rules, regulations, or parts thereof, which are inconsistent with any of the provisions of this Ordinance are hereby repealed accordingly.




**SECTION 13. COPIES FURNISHED CLAUSE.** Let copies of this Ordinance be furnished the BJMP and all government offices concerned for their information, reference, guidance, and documentation.

**SECTION 14. EFFECTIVITY.** This Ordinance shall take effect immediately upon approval in accordance with law.


**UNANIMOUSLY APPROVED** this 19<sup>th</sup> day of October 2017, on motion of Hon. Pablo A. Abangan, seconded by Hon. Porferio V. Resaba, Jr.

CERTIFIED CORRECT:




**GARRY A. CABOTAJE**  
Secretary to the Sanggunian

ATTESTED BY



**OTHELLO M. CHONG**  
Vice Mayor/Presiding Officer

APPROVED BY:



**K.V.C.**  
10-23-17  
**KRISTINE VANESSA T. CHIONG**  
City Mayor