

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2106



Introduced by Honorable Antonio V. Cuenco

EXPLANATORY NOTE

This bill seeks to prohibit the possession or use of mobile or cellular telephones by convicted prisoners and individuals while incarcerated in detention centers, city, provincial or municipal jails, or in national penal institutions and penalizing any public officer or employee who allows the possession or use of the same.

As a matter of fact, unannounced inspections conducted by officials of penal facilities revealed that some prisoners serving sentence in the national penitentiary and detained persons in city jails have in their possession, cellular phones which they used to contact persons and associates outside the jail where they are confined. The unrestricted use of mobile phones had enabled convicted drug traffickers to direct the operation of their nefarious trade from within the confines of their jail cells, a task almost impossible to perform without these high-tech telecommunication gadgets.

The Standard Minimum Rules for the Treatment of Prisoners issued by the United Nations which the Philippines is a member of, states that "prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits." In this day and age of modern technology, communications is made easier through cellular and mobile phones. However, under the aforementioned rules, prisoners and detainees are allowed communication only with their families and reputable friends and only through correspondence and visits. It is high time that the said rule be enforced by Philippine authorities.

Jail and prison officials are constrained to regulate communication through cellular or mobile phones between prisoners or detained persons and the outside world because there is no prohibition, either by law or regulation, on the use of such telephones by convicted prisoners or detained persons.

Hence, this bill, the approval of which is highly recommended.


ANTONIO V. CUENCO

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AN ACT
PROHIBITING THE POSSESSION OR USE OF MOBILE OR CELLULAR
TELEPHONE BY CONVICTED PRISONERS AND INDIVIDUALS WHILE
INCARCERATED AND PROVIDING PENALTIES THEREFOR.

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. The possession or use of a mobile or cellular telephone by convicted prisoners or individuals while incarcerated in any detention center, provincial, city, or municipal jail as well as in any national penal institution, is hereby prohibited.

SECTION. 2. Any public officer or employee who shall permit any convicted prisoner or detained person to possess or use a mobile or cellular telephone shall be dismissed from the service and shall lose all rights to retirement pay, separation pay, or any benefits earned from any office previously held, as well as pay a fine of Five Thousand Pesos (P5,000.00), but not more tha Fifteen Thousand Pesos (P15,000.00).

SECTION 3. The Department of Justice and the Department of Interior and Local Government shall promulgate such rules and regulations as will effectively carry out the provisions of this Act.



SECTION 4. Any provision of law, decree, order, rule or regulation inconsistent with the provisions of this act are hereby repealed or modified accordingly.

SECTION 5. This Act shall take effect upon its approval.

Approved,

A handwritten signature in black ink, appearing to be the initials 'A2' or a stylized 'A' followed by a '2'.