

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

Sixteenth Congress
Second Regular Session
House Bill No. **5312**



Introduced by Honorable Roy M. Loyola

EXPLANATORY NOTE

"ONLY IN THE PHILIPPINES", a popular phrase often articulated not only by Filipinos but foreigners alike whenever something peculiar occurred or transpired that catches the attention of the public. It denotes something that can only happen here in the Philippines and not elsewhere.

Where can you find a blind man being issued a drivers license, a professional one at that? ONLY IN THE PHILIPPINES!

A blind man being issued a valid Firearms License? ONLY IN THE PHILIPPINES! Said phrase though funny at times should not be ignored. This is the kind of thing that puts a black mark on us as Filipinos and to the Philippines as a country.

Most recently, we were again a witness to one event that should even be recorded in the Guinness Book of World Records. Some of us were shocked, some were surprised and some of us were aghast at the temerity and boldness of some inmates in our National Penitentiary. We witnessed on how a group of law enforcement agencies swooped down on the Maximum Security detention facility in the New Bilibid Prisons and discovered that those who were supposed to be detained therein to atone for their sins were living like kings, and enjoying the luxuries they previously had prior to their incarceration.

We are living witness when the authorities discovered cash, drugs, firearms, entertainment equipment, air conditioning units, Jacuzzi baths, king size beds and other amenities fit for a royalty inside the said prison facility. With these, the said inmates are making a mockery of one of the pillars of our justice system whose main purpose is their reformation and eventual return to society.

Why is this so? Can this be done without the approval or consent of the prison authorities? Are the inmates in our prison system so drunk with power that they feel they can do everything? We have to put a stop to this before it is too late.

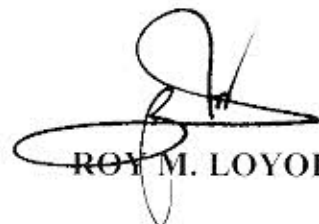
Patterned after Title 18, Part I Chapter 87 of the US Code Series of 1791, the proposal aims to put a stop to the shenanigans happening inside our prison facility by penalizing those who would provide, assist, aid or abet in the introduction of any prohibited object or contraband inside a prison facility, and the inmate who makes, possesses or obtains or attempts to make or obtain the same inside the prison facility and imposing a stiff penalty for its commission.

This representation believes that a stiff penalty is required in this circumstance in order to instill fear and be an effective hindrance to those contemplating of doing this crime in the future. Said penalty applies more so to government officials or employees in cahoots with the inmate or other private persons involved therein.

Not only will they suffer the same penalty, they shall likewise suffer the additional penalty of perpetual absolute disqualification from holding a public office and forfeiture of all his retirement benefits and all accrued leave credits. Thus, these people will have to rethink their decision on whether to go through with their plan of action or desist from doing it.

With these, it is the fervent hope of this representation that this proposal is the first step towards the needed reform in our prison system.

It is for this purpose that the approval of this bill is earnestly sought.



ROY M. LOYOLA

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AN ACT
PENALIZING ANY PERSON PROVIDING OR POSSESSING
CONTRABAND AND THOSE WHO SHALL AID OR ABET THE
INTRODUCTION OF THE SAME INSIDE ANY PRISON
FACILITY IN THE PHILIPPINES, PROVIDING PENALTIES
THEREFORE AND FOR OTHER PURPOSES

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

SECTION 1. Title. - This Act shall be known as the "*Anti-Contraband in Prison Act of 2015*".

SEC 2. Declaration of Policy. - The maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. To implement this policy, laws are enacted towards achieving a just and orderly society governed by rules and regulations made applicable to all and not just a chosen few. It appears however that recent developments particularly in our penal system show that some are indeed luckier than the others. In a fact finding report of the Department of Justice, persons incarcerated in our penal institutions continue to enjoy the luxuries they were accustomed to while they were outside the prison facility contrary to the purpose for which they are put there, i.e., for reformation to make him fit to re-enter society and retribution to make him suffer his transgression of the law. With this treatment, convicts cannot reform and society cannot have retribution.

To remedy this seeming inequity and to really implement the thrust of one of the five pillars of our justice system, a mechanism for the effective implementation of the goal of the said pillars i.e., reformation, and retribution should be instituted. Towards this end, the State shall

strictly monitor and regulate the ingress/egress of any person in any prison facility and provide the appropriate sanction to be imposed on any person found to be violating the rules set forth herein.

SEC 3. *Definition of Terms.* - As used in this section –

(1) the term "*Person*" shall refer to natural persons and shall include private individuals as well as government/public official or employee in cahoots with the prisoner;

(2) the term "*Prison*" means a correctional, detention or penal facility or any prison, institution, or facility under the control and supervision of the Department of Justice including the National Bureau of Investigation Lock Up Center, the Bureau of Immigration Detention Cells, the PNP custodial centers and lock ups, the Bureau of Jail Management and Penology and other prison facility in which persons are held in custody for violation of law or commission of a felony;

(3) the terms "*Firearms*" "*Ammunition*" and "*Explosive or Incendiary Device*" shall have the same meaning as that provided for in accordance with *Republic Act 10591*, otherwise known as the "*Comprehensive Firearms and Ammunition Regulations Act*" and *Section 3 of Presidential Decree 1866 as amended by Republic Acts 8294 and 9516*;

(4) the term "*Dangerous Drugs*", "*Controlled Percursors and Essential Chemicals*", "*Laboratory Equipments*" and "*Other Drug Paraphernalia*" shall have the same meaning as that provided for in *Republic Act 9165*, otherwise known as the "*Comprehensive Dangerous Drugs Act of 2002*" and all other illegal substances prohibited therein including but not limited to Ecstasy, Methamphetamine Hydrochloride or Shabu and other drugs producing similar effects;

(5) the term "*Prohibited Object or Contraband*" means –

(A) a firearm, ammunition and explosives or incendiary device or as defined herein;

(B) dangerous drugs, controlled Percursors and essential chemicals, laboratory equipment, and other drug paraphernalia as defined herein;!

(C) any object that is designed or intended to be used as a weapon or to facilitate the detained persons escape from prison;

(D) any alcoholic or intoxicating beverage;

(E) any money whether Philippine or Foreign denominated currency;

(F) a cell phone, laptop computer or any device used for purposes of communicating with the outside world for commercial purposes including signal jammers to prevent the authorities from determining their use of the aforementioned devices; and

(G) any other object that threatens the order, discipline, or security of a prison, or the life, health, or safety of an individual detained therein.

SEC 4. Registration Requirement. - All persons desiring to visit his/her relative detained in any prison facility shall, before or during the actual visit, prepare and accomplish before any prison official in charge of manning the entrance of the said facility a registration form which shall contain the following information:

(a) Full name and complete address of the visitor which shall be accompanied by any of the following documents, to wit:

1. A Valid Identification Card with photograph;
2. A Valid Passport;
3. Driver's License;
4. Social Security System Identification Card;
5. Company Identification Card;
6. Government Service Insurance System identification Card;
7. Voter's Identification Card;
8. Senior's Citizen Card;
9. School Identification Card

(b) His/her relationship to the person to be visited;

(c) The things or objects he/she is bringing to the person to be visited; and

(d) Unless related to the detained person or the latter's counsel of record, the purpose of said visit.

SEC 5. *Prohibited Acts.* - It shall be unlawful for any person to commit any of the following prohibited acts –

(A) In violation of any law or any rules and regulations issued in relation thereto or any rules and regulations implemented by prison authorities of the penal facility, provides to an inmate of a prison any prohibited objects or contraband, or attempts to do so; or

(B) Being an inmate of a prison makes, possesses or obtains, or attempts to make or obtain a prohibited object or contraband;

(C) Any person who introduces or brings into any prison any prohibited object or contraband for delivery to the inmate; or

(D) Assists, aids or abets in the procurement by an inmate of the prohibited objects or contraband defined herein

shall be punished in accordance with the next preceding section.

SEC 6. *Penal Provisions.* - (a) *For Failure to Comply with the Registration Requirement:* Any person who shall commit a violation of Sec. 4 hereof shall suffer the penalty of imprisonment ranging from one (1) day to five (5) days or a fine of One Thousand Pesos, (P1,000);

(b) *For violation of Secs 5 (A)* - The penalty of imprisonment ranging from Twenty Years and One Day (20 yrs, 1 day) to Forty Years (40 yrs) and a fine of Ten Million Pesos (P10,000,000.00). The said penalty shall be in addition to the original penalty to which the inmate was sentenced to serve subject to the rule regarding service of sentence.

(c) *For violation of Sec 5 (B).* - The penalty of imprisonment ranging from Twenty Years and One Day (20 yrs, 1 day) to Forty Years (40 yrs) and a fine of Ten Million Pesos (P10,000,000.00). The said penalty shall be in addition to the original penalty to which the inmate was sentenced to serve subject to the rule regarding service of sentence.

(d) *For Violation of Sec 5 (C).* - The penalty of imprisonment ranging from Twelve Years and One Day (12 yrs, 1 day) to Twenty Years (20 yrs) and a fine of Five Million Pesos (P5,000,000.00). The said penalty shall be in addition to the original penalty to which the inmate was sentenced to serve subject to the rule regarding service of sentence.

(d) *For violation of Sec 5 (D).* - The penalty of imprisonment ranging from Twelve Years and One Day (12 yrs, 1 day) to Twenty Years (20 yrs) and a fine of Five Million Pesos (P5,000,000.00). The said penalty shall be in addition to the original penalty to which the inmate was sentenced to serve subject to the rule regarding service of sentence.

If the offender is a public official or employee, he shall, in addition to the penalties herein provided, suffer the additional penalty of absolute perpetual disqualification from holding public office and the forfeiture of all his retirement benefits and accrued leave credits.

SEC 7. *Implementing Rules and Regulations.* - Within sixty days from the approval of this Act, the Department of Justice in coordination with the Department of Interior and Local Government, the Bureau of Jail Management and Penology and the Bureau of Corrections shall issue the necessary rules and regulations to implement its provisions.

SEC 8. *Separability Clause.* - If, for any reason, any provision or section of this Act shall be held to be unconstitutional or invalid, the other provisions or sections hereof which are not affected thereby shall continue to be in full force and effect.

SEC 9. *Effectivity.* - This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in at least two (2) newspaper of general circulation.

Adopted,