

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 6126



Introduced by **Hon. Robert Ace S. Barbers**

**AN ACT MANDATING ALL PRISON AND DETENTION FACILITIES TO
IMPLEMENT CONTRABAND DETECTION AND CONTROL SYSTEM,
PROVIDING PENALTIES AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The proliferation of contraband in prison has remained a perennial problem in the country. Its never-ending presence inside the correctional facilities has now transformed our prison institutions into breeding grounds for continuing criminality.

In the recent Bureau of Corrections' "Oplan Galugad" operation, conducted last October 2022, government authorities were able to confiscate thousands of cans of beer and shabu inside the Maximum Security Compound of the New Bilibid Prison (NBP). The said operation yielded a total of 66, 241 various contraband goods, 7,512 liquors, P55,000 cash, 1142 communication devices including computers, 1,314 deadly weapons, 1,019 cigarettes or tobacco, 104 gambling materials, and 150 uncategorized contraband.

Likewise, the highly publicized investigation of Percy Lapid's murder case has uncovered that through the use of a cellphone, an inmate in Bilibid or NBP was able to hire gunmen from outside the prison in order to kill the victim.

It is very alarming that the persons who are supposed to be serving their sentences behind bars, still have the liberty to access gambling materials, dangerous drugs and deadly weapons, and can even use communication devices to continue their criminal activities outside of prison jails.

The situation that we have right now in our correctional institution runs counter to very foundations of our criminal justice system that mandates punishment, reformation and/or rehabilitation of offenders for their crimes.

This sinister activity of contraband smuggling in prison, if not properly addressed will not only undermine the safety and security of our penal facilities but also the public in general.

As such, this bill aims to put an end to these shenanigans by mandating all prison and detention facilities to implement an extensive contraband interdiction procedures through the employment of modern detection devices, units and

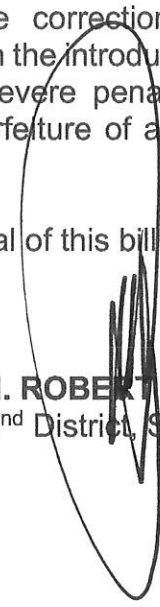
technologies in order to cut the flow of prohibited objects or items inside the penal institutions.

This measure also seeks to impose capital punishment of up to 40 years of imprisonment and a fine of Five Million Pesos (P5,000,000.00) to any person who shall introduce dangerous drugs and deadly weapons or those who will be caught in possession thereof in a prison facility.

The introduction or possession of other kinds of contraband in prison as defined under this Act shall be penalized by imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a fine of One Million Pesos (P1,000,000.00).

To wipeout graft and corruption inside the correctional institutions, jail authorities who shall be found facilitating or assisting in the introduction or conveyance of these prohibited items shall be punished with severe penalties, in addition to disqualification from holding public office and the forfeiture of all his/her retirement benefits.

In view of the foregoing, the immediate approval of this bill is earnestly sought.



HON. ROBERT ACE S. BARBERS
2nd District, Surigao del Norte

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*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-Proliferation of Contraband in Prison Act of 2022".

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the State to ensure that our Criminal Justice System is observed in enacting laws to achieve a just and orderly society. Among the five pillars of the justice system, it is the Corrections Pillar that is given the mandate to bring a about the correction, rehabilitation and reintegration of criminal offenders as law abiding and productive members of our society. However, recent inspections in our correctional facilities show that they have now transformed into breeding grounds for continuing criminality due to the proliferation of contraband or prohibited items inside the prison institutions. As such, the State shall strictly monitor and regulate the entry of persons and things in any prison and detention facility and impose the appropriate sanction on any person found to be violating the rules set forth herein.

SECTION 3. Definition of Terms. - As used in this Act:

(1) "Contraband Detection and Control System" shall mean a set of interdiction strategies or procedures involving the use of traditional search method and modern technology that focus on preventing contraband or prohibited items from entering prison and detention facilities or detecting and removing the same once they are already inside the said facilities.

(2) "Person" shall refer to natural persons and shall include private individuals as well as government/public official or employee in connivance or collusion with a prisoner;

(3) "Person Deprived of Liberty" means a person who has been held or detained in lawful custody or imprisoned in execution of a lawful sentence;

(4) "Prison" means a detention, correctional or penal facility or any prison, institution, or facility under the control and supervision of the Department of Justice (DOJ), Department of Interior and Local Government (DILG), Philippine National Police

(PNP), Philippine Drug Enforcement Agency (PDEA), Bureau of Corrections (BuCor), Bureau of Jail Management and Penology, and Local Government Units (LGUs) in which persons are held or detained in custody for violation of penal law;

(5) "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;

(6) ""Dangerous Drugs" 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;

(7) "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system, and includes, but is not limited to, transfer of that communication through the Internet.

(8) "Dangerous or Deadly Weapon" means any weapon, device, instrument, material, or substance, animate or inanimate that is used for or is readily capable of, causing death or serious bodily injury.

(9) "Contraband" or "Prohibited Item" means any article or thing that a prisoner confined in a prison facility is prohibited by law, rule or policy from obtaining or possessing and the use of which could endanger the safety or security of the correctional facility, any person therein or the public, such as but not limited to:

(A) any firearm, ammunition, or dangerous/deadly weapon, including but not limited to explosives or combustibles or materials that may be used in the making or manufacturing of such weapons, explosives or devices;

(B) dangerous drugs as defined under RA 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002";

(C) any alcoholic or intoxicating beverage and cigarette or tobacco products;

(D) gambling materials;

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

(F) electronic communication equipment or gadget such as but not limited to cell phone, laptop computer, accessories thereof, 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;

(G) luxury items such as but not limited to electronic devices, jewelry or any other objects of such nature that should otherwise not be found inside the penal institution; and

(H) Any other object or instrument intended or reasonably likely to be used in the planning or aiding in an escape or attempted escape from a prison facility.

SECTION 4. Implementation of Contraband Detection and Control System. - All prison and detention facilities shall set up interdiction measures necessary to combat the proliferation of contraband through the employment of modern technology, devices or units, such as but not limited to:

- a) Hand-held Metal Detectors;
- b) Walk-through Metal Detectors;
- c) X-ray security scanners;
- d) K-9 units specializing in cellphones/gadgets and narcotics detection; and
- e) Signal jammers for cellphones, drones and other similar gadgets or technologies.

All prison officials or officers in charge of manning the entrance of any prison and detention facility shall conduct a series of contraband detection and control procedure using the above-mentioned devices in addition to traditional search method to any visitor or any person deprived of liberty including his/her personal effects or belongings before they can be allowed to enter into the said facility.

SECTION 5. Disclosure of Visitor's Information. - Any person intending to visit a prisoner or detainee shall, before entering a prison or detention facility, accomplish before any prison officer therein a registration form which shall disclose: (a) the visitor's full name and complete address; and (b) description of things or items he/she is bringing to the person to be visited.

Visitor/s shall also be required to present his/her proof of identity such as valid identification card with photograph and signature simultaneous to the submission of registration form.

SECTION 6. Routine Search and Seizure Operations. - All officials and employees of a penal institution shall regularly conduct search and seizure operations in all prison cells and quarters every month to eradicate contraband trafficking inside the prison facilities. All the prohibited items that will be seized shall be recorded and disposed of in accordance with existing laws and regulations.

SECTION 7. Introduction, Conveyance, or Possession of Contraband in Prison Facilities. - Any person who shall knowingly commit any of the following prohibited acts, except as authorized by law, rules or regulations, shall be punished in accordance with the preceding section:

- (A) Introduce, convey or attempt to introduce or convey contraband into a prison or detention facility; or
- (B) Facilitate, assist or abet in the introduction or conveyance of contraband into a prison or detention facility; or
- (C) Possess or attempt to possess contraband, while being a person deprived of liberty confined in a prison or detention facility.

SECTION 8. Penal Provisions. - (a) Any person who shall commit a violation of Sec. 7 (A) shall suffer a penalty of imprisonment ranging from Twenty Years and One Day (20 years, 1 day) to Forty Years (40 years) and a fine of Five Million Pesos (P5,000,000.00) if the prohibited object or contraband involved is covered by Section 3 (9)(a)(b).

If the prohibited object or contraband involved is other than the abovementioned, the penalty shall be six years and one day (6 years, 1 day) to twelve years (12 years) and a fine of one million pesos (P1,000,000.00). These penalties shall be served consecutively after the service of sentence imposed by the court on the possession of the prohibited object or contraband.

(b) For violation of Sec. 7 (B). The penalty of imprisonment ranging from Twelve Years and One Day (12 years, 1 day) to Twenty Years (20 years) and a fine of Three Million Pesos (P3,000,000.00) if the prohibited object or contraband is covered by Sec. 3 (9)(a)(b). Otherwise, the penalty shall be six years and one day (6 years, 1 day) to twelve years (12 years) and a fine of one million pesos (P1,000,000.00).

(c) For violation of Sec. 7 (C). The penalty of imprisonment ranging from Twenty Years and One Day (20 years, 1 day) to Forty Years (40 years) and a fine of Five Million Pesos (P5,000,000.00) if the prohibited object or contraband is covered by Sec. 3 (9)(a)(b). Otherwise, the penalty shall be six years and one day (6 years, 1 day) to twelve years (12 years) and a fine of one million pesos (P1,000,000.00). The said penalty shall be in addition to the original penalty to which the inmate was sentenced to serve. 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.

SECTION 9. Implementing Rules and Regulations. - Within sixty (60) days from the approval of this Act, the Department of Justice

(DOJ) in coordination with the Department of Interior and Local Government (DILG), Bureau of Jail Management and Penology (BJMP), Bureau of Corrections (BuCor), Philippine National Police (PNP), Philippine Drug Enforcement Agency (PDEA), and the local government units (LGUs) concerned shall promulgate the necessary rules and regulations to implement its provisions.

SECTION 10. Repealing Clause. - All laws, orders, issuances, rules and regulations or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

SECTION 11. 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.

SECTION 12. Effectivity. - This Act shall take effect after the IRR's approval by Congress and 15 days after their publication.

Approved,

