

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 482



Introduced by Representative Roman T. Romulo

EXPLANATORY NOTE

Despite existing regulations prohibiting the trade and possession of contrabands in our different correctional facilities, the menacing activity of contraband hoarding and the seeming ineptitude of prison authorities to put an end to this activity still plague our penal system.

The series of raids conducted by the Department of Justice together with the agents of the National Bureau of Investigation and the officers of the Bureau of Corrections (BuCor), the Philippine National Police, and the Philippine Drug Enforcement Agency proved that the New Bilibid Prison has become a hub of continuing criminality. In December 2014, authorities uncovered a cache of high-powered firearms and cash in the felons' quarters. Convicts, particularly high-profile drug dealers, also enjoy some amenities of private individuals like air-conditioned rooms with TV sets, Wi-Fi, refrigerators, Jacuzzis and sauna, hi-tech entertainment systems, concert equipment, aquariums, bar and kitchen and back-up power generators. They also sported pricey watches, and had wads of cash in their pockets, as if they were living in plush subdivisions and not in the national penitentiary.

Another publicized raid in November of 2015 revealed similar results wherein guns, bladed weapons, luxury items, and substantial amounts of money were found in the possession of inmates. The most recent raid conducted by the authorities last May still proved that contrabands are still rampant inside our national penitentiary. The proliferation of these contraband items inside our prisons appear to have been unaffected by the so-called "Oplan Galugad" of the BuCor.

The supposed heavy constraints and policing, stringent inspection, and eminent police presence inside the national penitentiary proved not to deter the temerity and boldness of inmates in hoarding, using and generating lots of money in contrabands.

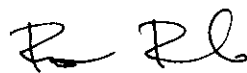
The seeming continued proliferation of contraband in prison is an appalling show of contempt for our justice system, whose main purpose is to reform and rehabilitate inmates for their eventual return to society. When a convicted criminal is still exposed to the very objects that had caused his incarceration, he resists reformation. Indeed, it would be difficult for an inmate to feel some remorse considering that he still has the comforts of home even when he is behind bars.

This proposal patterned after Title 18, Part I Chapter 87 of the U.S. Code Series of 1791, 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, along with 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.

A stiff penalty is required in this circumstance in order to instill fear and be an effective deterrence to those contemplating of doing this crime in the future. More importantly, the said penalty applies as well to government officials or employees who cooperate or co-opt with the inmate or other private persons involved therein.

Not only will the government officials and employees suffer the same penalty, but they shall also suffer the additional punishment of perpetual absolute disqualification from holding a public office and forfeiture of all retirement benefits and all accrued leave credits. Thus, these people will have to rethink getting involved in the said crime or desist from doing it.

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



ROMAN T. ROMULO
Lone District, Pasig City

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AN ACT
MANDATING ALL CORRECTIONAL, CUSTODIAL, AND DETENTION FACILITIES
TO IMPLEMENT A CONTRABAND DETECTION AND CONTROL SYSTEM, AND
PROVIDING PENALTIES FOR POSSESSING, INTRODUCING, OR AIDING AND
ABETTING THE ENTRY OF CONTRABAND INSIDE SUCH FACILITIES

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “Contraband
2 Detection Control Act”.

3 **SEC. 2. *Declaration of Policy.*** – It is the declared policy of the State to
4 maintain peace and order, to protect the life, liberty and property of its citizens, and to
5 promote the general welfare for the enjoyment by all Filipinos of the blessings of
6 democracy. The State also adheres to the policy that persons deprived of liberty are
7 entitled to the exercise and protection of fundamental rights under the Constitution,
8 subject to such restrictions and limitations in the interest of national security, public
9 order, public safety, or public health.

10 To this end, the State shall implement measures to strictly monitor and regulate
11 the entry of persons and things in correctional, custodial, and detention facilities, to
12 prevent the entry of contraband inside such facilities, and to provide sanctions for
13 violations of rules and regulations regarding the entry of contraband in these facilities.

14 **SEC. 3. *Definition of Terms.*** – As used in this Act:

- 15 (a) *Contraband or prohibited item* refers to any object, thing or article that
16 is prohibited by law, rules or regulations to be obtained or possessed
17 inside correctional, custodial, and detention facilities, or that could
18 endanger the safety or security of persons inside such facilities or to the
19 public. This shall include:
20

- (1) Any ammunition, firearm, light weapon, small arms, or thermal Weapon as defined in Republic Act No. 10591, or the "Comprehensive Firearms and Ammunition Regulation Act";
- (2) Explosives or incendiary devices as defined in Section 3 of Presidential Decree No. 1866, as amended by Republic Act No. 9516;
- (3) Dangerous drugs, illegal substances, equipment, instruments, apparatus and other paraphernalia, as defined in and prohibited by Republic Act No. 9165, or the "Comprehensive Dangerous Drugs Act of 2002", and other drugs producing similar effects or 1that may be prohibited by law;
- (4) Dangerous or deadly weapons as defined in this Section;
- (5) Any alcoholic or intoxicating beverage;
- (6) Cigarettes and other tobacco products, including heated tobacco products (HTP), HTP devices, HTP systems, nicotine mixtures/shots, novel tobacco products, refills, vapor products, vapor product devices, vapor product systems, and vaporized nicotine and non-nicotine products, as defined in Republic Act No. 11900, or the "Vaporized Nicotine and Non-Nicotine Products Regulation Act";
- (7) All forms of currency and monetary instruments, whether local or foreign denominated, including drafts, checks, notes, securities, negotiable instruments, bonds, commercial papers, deposit and trust certificates, and other similar instruments where title thereto passes to another by endorsement, assignment or delivery;
- (8) Electronic communication devices or equipment such as cellphones, laptops and other personal computers, modems, routers, satellite receivers, digital storage devices, and accessories thereof, capable of storing, receiving, or transmitting information, including text, voice, video, and other forms of data;
- (9) Signal jammers and similar devices capable of blocking, detecting, or intercepting electronic or radio signals and transmissions;
- (10) Luxury items such as appliances, electronic devices, gambling or gaming equipment, jewelry, or any other object of such nature that otherwise should not be found inside detention facilities, correctional facilities, and penal institutions; and

(11) Any other object that is capable of threatening the safety, security, or health of persons inside or around the detention facility, correctional facility, or penal institution, or that is capable of being used in planning, aiding, or executing the escape from such facilities or institutions;

(b). *Correctional facility* or *penal facility* refers to any facility, institution, penitentiary, prison, penal farm, colony, or security camp where persons deprived of liberty are serving their sentence;

(c) *Custodial facility* refers to any cell, facility, or place utilized to hold persons under investigation or lawful custody;

(d) *Detention facility* refers to any jail, cell, facility or place where persons deprived of liberty are being lawfully confined or held in custody while awaiting or undergoing investigation or trial, or while pending transfer to a correctional facility or to a medical institution;

(e) *Dangerous or deadly weapon* refers to any animate or inanimate object, instrument, material, substance, or device that is capable of being used in a way that is likely to cause death or serious bodily injury;

(f) *Electronic communication* refers to the transfer of signs, signals, writing, images, sounds, data, or information of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo optical system, including wireless network protocols;

(g) *Person deprived of liberty (PDL)* refers to a detainee, inmate, prisoner or any other person under lawful confinement or custody.

SEC. 4. Establishment and Implementation of Contraband Detection and Control System. – All government agencies and local government units that operate and maintain correctional, custodial, or detention facilities shall establish and implement a Contraband Detection and Control System (CDCS) to prevent the entry and proliferation of contraband inside such facilities. The CDCS shall include the use of modern technology, devices, or units such as handheld and walk-through metal detectors, X-ray scanners, and K9 units, that would assist in the effective implementation of this Act.

All personnel in charge of the entry to correctional, custodial or detention facilities shall conduct an effective contraband detection and control procedure using CDCS technologies and devices, in addition to the traditional methods of searching any person, including their personal effects and belongings, entering such facilities.

SEC. 5. Registration Requirement for Visitors and Other Persons Entering the Facilities. – All persons entering a correctional, custodial or detention facility shall,

1 before or during the actual visit, accomplish a registration form which shall contain the
2 following information, and present the following proof of identity:

- 3 (a) Full name and complete address of the person entering the facility;
- 4 (b) The relationship to the person to be visited;
- 5 (c) Description of the things or objects the person is bringing to the person to
6 be visited;
- 7 (d) The purpose of the visit, unless the person is a relative or the counsel on
8 record of the person to be visited;
- 9 (e) Any of the following valid identification cards (ID) within its validity
10 period and bearing the name, photograph and signature of the person
11 entering the facility:
 - 12 (1) Company/Employee ID;
 - 13 (2) Driver's License;
 - 14 (3) Government Service Insurance System ID/ E-Card / Unified Multi-
15 Purpose ID (UMID);
 - 16 (4) Integrated Bar of the Philippines ID;
 - 17 (5) Passport;
 - 18 (6) Pag-IBIG Membership ID;
 - 19 (7) Pantawid Pamilya Pilipino Program (4Ps) ID;
 - 20 (8) Persons with Disability (PWD) ID;
 - 21 (9) PhilHealth ID;
 - 22 (10) PhilID or ePhilID;
 - 23 (11) Philippine Postal ID;
 - 24 (12) Professional Regulation Commission ID;
 - 25 (13) School ID;
 - 26 (14) Senior Citizen's ID;
 - 27 (15) Social Security System ID;
 - 28 (16) Solo Parent ID;
 - 29 (17) Tax Identification Number (TIN) / Bureau of Internal
30 Revenue(BIR) ID;
 - 31 (18) Voter's ID/COMELEC ID/COMELEC Registration Form;
 - 32 (19) Other valid government-issued IDs or documents with picture and
33 signature.

34 Any person who refuses to divulge any information required in this Section, or
35 fails to present a valid ID listed above, shall not be allowed entry into such facility.

36 **SEC. 6. Search and Seizure Operations.** – The government agency or local
37 government unit operating and maintaining a correctional, custodial or detention
38 facility shall conduct regular and random search and seizure operations in all areas
39 inside such facilities, including the immediate area surrounding the perimeter thereof.
40 All contraband seized during such operations shall be duly inventoried, recorded and
41 disposed of in accordance with existing laws, rules and regulations.

1 **SEC. 7. Prohibited Acts.** – Any person who commits any of the following
2 prohibited acts shall be punished in accordance with the provisions of this Act:

- 3 (a) Introduce, convey, or attempt to introduce or convey, any contraband into
4 a correctional, custodial or detention facility;
- 5 (b) Facilitate, assist, or abet in the introduction or conveyance, or in the
6 attempt thereof, of contraband into a correctional, custodial or detention
7 facility;
- 8 (c) Possess, obtain, or attempt to possess or obtain, contraband while being
9 confined or detained, or while serving sentence in a correctional, custodial
10 or detention facility; and
- 11 (d) Failure to register prior to entering a correctional, custodial or detention
12 facility as required in this Act.

13 **SEC. 8. Penalties.** – The following penalties shall be imposed on persons who
14 violate the provisions of this Act, without prejudice to any liability for violation of any
15 provision of the Revised Penal Code, as amended, or other special laws:

- 16 (a) Any person who shall commit any of the prohibited acts under Section 7
17 (a) of this Act shall suffer the penalty of imprisonment of twenty (20) years
18 and one (1) day up to forty (40) years and a fine of not less than Five
19 million pesos (₱5,000,000.00) but not more than Ten million pesos
20 (₱10,000,000.00), if the contraband involved is any of those mentioned in
21 paragraphs (1), (2) and (3) of Section 3(a) of this Act.

22 If the contraband involved is other than those abovementioned, the
23 penalty shall be imprisonment of six (6) years and one (1) day up to twelve
24 (12) years, and a fine of not less than One million pesos (₱1,000,000.00)
25 but not more than Five million pesos (₱5,000,000.00).

26 The penalty of imprisonment shall be served consecutively after the
27 service of the sentence imposed by the court with respect to the
28 possession of the prohibited object or contraband.

- 29 (b) Any person who shall commit any of the prohibited acts under Section 7
30 of this Act shall suffer the penalty of imprisonment of twelve (12) years and
31 one (1) day up to twenty (20) years and a fine of not less than Three million
32 pesos (₱3,000,000.00) but not more than Five million pesos
33 (₱5,000,000.00), if the contraband involved is any of those mentioned in
34 paragraphs (1), (2) and (3) of Section 3(a) of this Act; otherwise, the
35 penalty shall be imprisonment of six (6) years and one (1) day up to twelve
36 (12) years, and a fine of One million pesos (₱1,000,000.00).

(c) Any person who shall commit any of the prohibited acts under Section 7 of this Act shall suffer the penalty of imprisonment of twenty (20) years and one (1) day up to forty (40) years and a fine of not less than Five million pesos (P5,000,000.00) but not more than Ten million pesos (P10,000,000.00), if the contraband involved is any of those mentioned in paragraphs (1), (2) and (3) of Section 3(a) of this Act; otherwise, the penalty shall be imprisonment of six (6) years and one (1) day up to twelve (12) years, and a fine of not less than One million pesos (P1,000,000.00) but not more than Five million pesos (P5,000,000.00).

The penalty of imprisonment shall be served consecutively after the service of the sentence imposed by the court, if any, with respect to the possession of the prohibited object or contraband and shall also be in addition to the original penalty for which the PDL is serving or will be sentenced to serve.

(d) Any person who enters a correctional, custodial or detention facility without complying with the registration requirements under Section 5 of this Act, or who provides any false information or submits a falsified ID or document, shall suffer the penalty of imprisonment of one (1) day up to five (5) days, or a fine of One thousand pesos (P1,000.00), or both.

(e) In addition to the penalties provided in paragraphs (a) – (c) of this Section, the additional penalty of perpetual absolute disqualification from holding public office and the forfeiture of all retirement benefits and accrued leave credits shall be imposed if the offender is a public official or employee.

SEC. 9. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the Secretaries of the Department of Justice and the Department of the Interior and Local Government, in coordination with the Director General of the Bureau of Corrections, the Chiefs of the Philippine National Police and the Bureau of Jail Management and Penology, shall issue the necessary rules and regulations to implement the provisions of this Act.

SEC. 10. Separability Clause. – Should any provision of this Act be declared invalid, the remaining provisions shall continue to be in force and effect.

SEC. 11. Repealing Clause. – All laws, decrees, orders, rules, regulations or parts thereof inconsistent with this Act are hereby amended, repealed, or modified accordingly.

SEC. 12. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,