

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 917



Introduced by **Hon. Bernadette S. Barbers**

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

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 contrabands.

Likewise, the much-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. What is happening right now runs counter to very foundations of our criminal justice system that include punishment, reformation and/or rehabilitation of offenders for their crimes.

This unlawful activity of contraband smuggling in prison, if not properly addressed would 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 procedure 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 punished 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 dealt 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. BERNADETTE S. BARBERS
2nd District, Surigao del Norte

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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:

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

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

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

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

- (a) *Contraband or prohibited item* refers to any object, thing or article that is prohibited by law, rules or regulations to be obtained or possessed inside correctional, custodial, and detention facilities, or that could endanger the safety or security of persons inside such facilities or to the public. This shall include:
 - (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 that 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, before or during the actual visit, accomplish a registration form which shall contain the following information, and present the following proof of identity:

- (a) Full name and complete address of the person entering the facility;
- (b) The relationship to the person to be visited;
- (c) Description of the things or objects the person is bringing to the person to be visited;
- (d) The purpose of the visit, unless the person is a relative or the counsel on record of the person to be visited;

(e) Any of the following valid identification cards (ID) within its validity period and bearing the name, photograph and signature of the person entering the facility:

- (1) Company/Employee ID;
- (2) Driver's License;
- (3) Government Service Insurance System ID/ E-Card / Unified Multi-Purpose ID (UMID);
- (4) Integrated Bar of the Philippines ID;
- (5) Passport;
- (6) Pag-IBIG Membership ID;
- (7) Pantawid Pamilya Pilipino Program (4Ps) ID;
- (8) Persons with Disability (PWD) ID;
- (9) PhilHealth ID;
- (10) PhilID or ePhilID;
- (11) Philippine Postal ID;
- (12) Professional Regulation Commission ID;
- (13) School ID;
- (14) Senior Citizen's ID;
- (15) Social Security System ID;
- (16) Solo Parent ID;
- (17) Tax Identification Number (TIN) / Bureau of Internal Revenue (BIR) ID;
- (18) Voter's ID/COMELEC ID/COMELEC Registration Form;
- (19) Other valid government-issued IDs or documents with picture and signature.

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

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

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

- (a) Introduce, convey, or attempt to introduce or convey, any contraband into a correctional, custodial or detention facility;
- (b) Facilitate, assist, or abet in the introduction or conveyance, or in the attempt thereof, of contraband into a correctional, custodial or detention facility;
- (c) Possess, obtain, or attempt to possess or obtain, contraband while being confined or detained, or while serving sentence in a correctional, custodial or detention facility; and

- (d) Failure to register prior to entering a correctional, custodial or detention facility as required in this Act.

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

- (a) Any person who shall commit any of the prohibited acts under Section 7 (a) 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 (₱5,000,000.00) but not more than Ten million pesos (₱10,000,000.00), if the contraband involved is any of those mentioned in paragraphs (1), (2) and (3) of Section 3(a) of this Act.

If the contraband involved is other than those abovementioned, 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 (₱1,000,000.00) but not more than Five million pesos (₱5,000,000.00).

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

- (b) Any person who shall commit any of the prohibited acts under Section 7 (b) of this Act shall suffer the penalty of imprisonment of twelve (12) years and one (1) day up to twenty (20) years and a fine of not less than Three million pesos (₱3,000,000.00) but not more than Five million pesos (₱5,000,000.00), 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 One million pesos (₱1,000,000.00).

- (c) Any person who shall commit any of the prohibited acts under Section 7 (c) 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 (₱5,000,000.00) but not more than Ten million pesos (₱10,000,000.00), 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 (₱1,000,000.00) but not more than Five million pesos (₱5,000,000.00).

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 (₱1,000.00), 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,