

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

20th CONGRESS
First Regular Session

HOUSE BILL NO. 6154



Introduced by **REP. JUAN CARLOS "ARJO" C. ATAYDE**

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 ADMINISTERED BY THE
DEPARTMENT OF JUSTICE, PROVIDING PENALTIES THEREFORE AND FOR
OTHER PURPOSES

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, 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. It would then seem that the so-called "Oplan Galugad" of the BuCor had not prevented the proliferation of these contraband items inside our prisons.

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. A convicted criminal resists reformation when he is still exposed to the very objects that had caused his incarceration. 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 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, they shall likewise 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.



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

3
4 **SECTION 1. *Title.*** This Act shall be known as the "*Anti-Contraband in Prison*
5 *Act*".

6 **SECTION 2. *Declaration of Policy.*** The maintenance of peace and order, the
7 protection of life, liberty and property, and the promotion of general welfare are
8 essential for the enjoyment by all the people of the blessings of democracy. To
9 implement this policy, the State shall enact laws aimed at achieving a just and orderly
10 society governed by rules and regulations made applicable to all persons deprived of
11 liberty and not just to a chosen few. To remedy this seeming inequity and to truly
12 implement reformation in our correctional facilities, a mechanism for the effective
13 implementation of the goal of reformation shall be instituted.

14 Towards this end, the State shall strictly monitor and regulate the
15 ingress/egress of any person in any prison facility and provide the appropriate
16 sanction to be imposed on any person found to be violating the rules set forth herein.

1 SEC. 3. *Definition of Terms.* As used in this section:

- 2 1) *"Prison"* means a correctional, detention or penal facility or any prison,
3 institution, or facility under the control and supervision of the
4 Department of Justice (DOJ) in which persons are held in custody for
5 violation of law or commission of a felony;
- 6 2) *"Firearms" "Ammunition" and "Explosive or Incendiary Device"* shall have
7 the same meaning as that provided for in accordance with *Republic Act*
8 *10591*, otherwise known as the *"Comprehensive Firearms and Ammunition*
9 *Regulations Act"* and *Section 3 of Presidential Decree 1866 as amended by*
10 *Republic Acts 8294 and 9516*;
- 11 3) *"Dangerous Drugs"* shall have the same meaning as that provided for in
12 *Republic Act 9165*, otherwise known as the *"Comprehensive Dangerous*
13 *Drugs Act of 2002"* and all other illegal substances prohibited therein
14 including but not limited to Ecstasy, Methamphetamine Hydrochloride
15 or Shabu and other drugs producing similar effects;
- 16 4) *"Prohibited Object or Contraband"* means –
- 17 a. a firearm, incendiary device or dangerous drugs as defined
18 herein;
- 19 b. ammunition, weapon or an object that is designed or intended to
20 be used as a weapon or to facilitate the detained persons escape
21 from prison;
- 22 c. any alcoholic or intoxicating beverage;
- 23 d. any money whether Philippine or Foreign denominated
24 currency;
- 25 e. cell phone, personal computers and accessories thereof, or any
26 device used for purposes of communicating with the outside
27 world for commercial purposes including signal jammers to
28 prevent the authorities from determining their use of the
29 aforementioned devices;

- f. 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
- 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:

- 1) Full name and complete address of the visitor who shall be accompanied by any of the following documents, to wit:
 - a. Any government issued identification card with photograph;
 - b. Workplace Identification Card; or
 - c. School Identification Card.
- 2) His/her relationship to the person to be visited;
- 3) The things or objects he/she is bringing to the person to be visited; and
- 4) Unless related to the detained person or the latter's counsel of record, the purpose of said visit.

SEC. 5. *Prohibited Acts.* Any person who commits any of the following prohibited acts shall be punished in accordance with the preceding section -

- 1) 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
- 2) Assists, aids or abets in the procurement by an inmate of the prohibited objects or contraband defined herein; or
- 3) Being an inmate of a prison makes, possesses or obtains, or attempts to make or obtain a prohibited object or contraband

1 SEC. 6. *Penal Provisions.*

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

6
7 2) *For violation of Sec 5 (A).* The penalty of imprisonment ranging from
8 Twenty Years and One Day (20 years, 1 day) to Forty Years (40 years)
9 and a fine of Ten Million Pesos (P10,000,000.00) if the prohibited object
10 or contraband involved is covered by Section 3 (5)(a)(b).

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

17 3) *For violation of Sec 5 (B).* The penalty of imprisonment ranging from
18 Twelve Years and One Day (12 years, 1 day) to Twenty Years (20 years)
19 and a fine of Five Million Pesos (P5,000,000.00) if the prohibited object
20 or contraband is covered by Sec 3(5)(a)(b). Otherwise, the penalty shall
21 be six years and one day (6 years, 1 day) to twelve years (12 years) and
22 a fine of one million pesos (P1,000,000.00).

23
24 4) *For violation of Sec 5 (C).* The penalty of imprisonment ranging from
25 Twenty Years and One Day (20 years, 1 day) to Forty Years (40 years)
26 and a fine of Ten Million Pesos (P10,000,000.00) if the prohibited object
27 or contraband is covered by Sec 3(5)(a)(b). Otherwise, the penalty shall
28 be six years and one day (6 years, 1 day) to twelve years (12 years) and
29 a fine of one million pesos (P1,000,000.00). The said penalty shall be in

1 addition to the original penalty to which the inmate was sentenced to
2 serve.

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

7 SEC. 7. *Implementing Rules and Regulations.* Within sixty (60) days from the
8 approval of this Act, the DOJ in coordination with the Department of Interior and
9 Local Government (DILG), the Bureau of Jail Management and Penology (BJMP) and
10 the Bureau of Corrections (BuCor) shall issue the necessary rules and regulations to
11 implement its provisions.

12 SEC. 8. *Separability Clause.* - Should any part of this Act be declared
13 unconstitutional, the rest of the provisions of this Act not affected shall continue to be
14 in effect and subsisting.

15 SEC. 9. *Repealing Clause.* - The provisions of other laws, decrees, executive
16 orders, rules and regulations inconsistent with this Act are hereby repealed, amended
17 or modified accordingly.

18 SEC. 10. *Effectivity.* - This Act shall take effect fifteen (15) days after its
19 publication in the Official Gazette or in at least two (2) national newspapers of general
20 circulation.

21 *Approved*