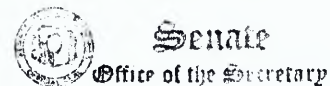


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 JUL 25 P2 :10

SENATE
S. No. 860

RECEIVED BY



Introduced by SENATOR RAMON BONG REVILLA, JR.

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 THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Comprehensive Operations Manual Revised 2015 of the Bureau of Jail Management and Penology (BJMP) defined contraband as "any article, item, or thing prohibited by law and/or forbidden by jail rules that would pose as security hazards or endanger the lives of inmates. For this policy, contraband is further divided into the following categories: illegal contraband – unlawful in itself and not because of some extraneous circumstance (i.e. dangerous drugs, weapons, potential weapons, explosives); merely prohibited and nuisance contraband – are those that may not be classified as illegal under the law but are forbidden by jail rules (i.e. cellphone, money or other commodities of exchange such as jewelry, appliances and gadgets, excessive wearing apparels and sleeping paraphernalia, intoxicating liquors, cigarettes, pornographic materials, gambling paraphernalia and other products that are considered vices).

Despite the prohibition of these materials, they proliferate in the various penal facilities in the country. Worst, there are even cases when policemen are accused of being involved in smuggling contraband even in facilities where high-profile inmates are detained.

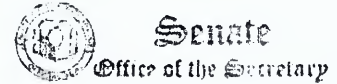
This proposed "*Anti-Contraband in Prisons Act of 2022*" seeks to strictly monitor and regulate the ingress and egress of any person in any prison facility to prevent the entry of prohibited objects or contraband. Section 3 contains a list of the said contraband. This aims to ensure a true and complete reformation and rehabilitation of the inmates for their eventual reintegration to the society.

This measure was filed by Senator Panfilo M. Lacson in the 18th Congress.

In view of the foregoing, the immediate passage of this bill is highly recommended.


RAMON BONG REVILLA, JR.

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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 "*Anti-Contraband in*
2 *Prison Act of 2022*".
3 Sec. 2. *Declaration of Policy.* - The maintenance of peace and order, the
4 protection of life, liberty and property, and the promotion of general welfare are
5 essential for the enjoyment by all the people of the blessings of democracy. To
6 implement this policy, the State is mandated to enact laws aimed at achieving a just
7 and orderly society governed by rules and regulations made applicable to all and not
8 just to a chosen few. Recent inspections in our penal facilities including the New
9 Bilibid Prisons show that some inmates incarcerated in our penal institutions continue
10 to enjoy the luxuries they were accustomed to while they were outside the prison
11 compound. To remedy this seeming inequity and to truly implement the thrust of one
12 of the five pillars of our justice system, a mechanism for the effective implementation
13 of the goal of the said pillars, particularly reformation, should be instituted. Towards
14 this end, the State shall strictly monitor and regulate the ingress and egress of any
15 person in any prison facility and provide the appropriate sanction to be imposed on
16 any person found to be violating the rules set forth herein.

1 Sec. 3. *Definition of Terms.* — As used in this Act, the term:

2 (a) *Person* shall refer to natural persons and shall include private individuals as
3 well as government / public official or employee in cahoots with the
4 prisoner;

5 (b) *Prison* means a correctional, detention or penal facility or any prison,
6 institution, or facility under the control and supervision of the Department
7 of Justice (DOJ) in which persons are held in custody for violation of law or
8 commission of a felony;

9 (c) *Firearms, Ammunition and Explosive or Incendiary Device* shall have the
10 same meaning as provided for in accordance with Republic Act No. 10591,
11 otherwise known as the "Comprehensive Firearms and Ammunition
12 Regulations Act" and Section 3 of Presidential Decree 1866 as amended by
13 Republic Act Nos. 8294 and 9516;

14 (d) *Dangerous Drugs* shall have the same meaning as that provided for in
15 Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous
16 Drugs Act of 2002" and all other illegal substances prohibited therein
17 including but not limited to Ecstasy, Methamphetamine Hydrochloride or
18 Shabu and other drugs producing similar effects;

19 (e) *Prohibited Object or Contraband* includes:

20 (1) a firearm incendiary device or dangerous drugs as defined herein;

21 (2) ammunition, weapon or an object that is designed or intended to be
22 used as a weapon or to facilitate the detained persons escape from
23 prison;

24 (3) any alcoholic or intoxicating beverage;

25 (4) any money whether Philippine or Foreign denominated currency;

26 (5) a cell phone, laptop computer, accessories thereof, or any device
27 used for purposes of communicating with the outside world for
28 commercial purposes including signal jammers to prevent the
29 authorities from determining their use of the aforementioned
30 devices;

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

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

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

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

- 12 (1) A valid identification card with photograph;
- 13 (2) A valid passport;
- 14 (3) Driver's license;
- 15 (4) Social Security System identification card;
- 16 (5) Company identification card;
- 17 (6) Government Service Insurance System identification card;
- 18 (7) Voter's identification card;
- 19 (8) Senior citizen card;
- 20 (9) School identification card; or,
- 21 (10) National Identification card.

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

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

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

26 *Sec. 5. Prohibited Acts.* – Any person who commits any of the following
27 prohibited acts shall be punished in accordance with the preceding section –

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

1 (b) Assists, aids, or abets in the procurement by an inmate of the prohibited
2 objects or contraband defined herein; or,

3 (c) Being an inmate of a prison makes, possesses or obtains, or attempts to
4 make or obtain a prohibited object or contraband.

5 *Sec. 6. Penal Provisions. --*

6 (a) For failure to comply with the registration requirement: any persons who
7 shall commit a violation of Section 4 hereof shall suffer the penalty of
8 imprisonment ranging from one (1) day to five (5) days or a fine of One
9 Thousand Pesos (P1,000.00);

10 (b) For violation of Section 5 (a): the penalty of imprisonment ranging from
11 twenty (20) years and one (1) day to forty (40) years and a fine of Ten
12 million pesos (P10,000,000.00) if the prohibited object or contraband
13 involved is covered by Section 3 (5)(a)(b);

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

20 (c) For violation of Section 5 (b): The penalty of imprisonment ranging from
21 twelve (12) years and one (1) day to twenty (20) years and a fine of
22 Five million pesos (P5,000,000.00) if the prohibited object or contraband
23 is covered by Section 3(5)(a)(b). Otherwise, the penalty shall be six (6)
24 years and one (1) day to twelve (12) years and a fine of One million
25 pesos (P1,000,000.00);

26 (d) For violation of Section 5 (c): The penalty of imprisonment ranging from
27 twenty (20) years and one (1) day to forty (40) years and a fine of Ten
28 million pesos (P10,000,000.00) if the prohibited object or contraband is
29 covered by Section 3(5)(a)(b). Otherwise, the penalty shall be six (6)
30 years and one (1) day to twelve (12) years and a fine of One million
31 pesos (P1,000,000.00). The said penalty shall be in addition to the
32 original penalty to which the inmate was sentenced to serve.

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

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

10 *Sec. 8. Separability Clause.* – If any provision or part hereof is held invalid or
11 unconstitutional, the remainder of the law or the provision or part not otherwise
12 affected shall remain valid and subsisting.

13 *Sec. 9. Repealing Clause.* – Any law, presidential decree or issuance, executive
14 order, letter of instruction, administrative order, rule, or regulation contrary to or
15 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
16 accordingly.

17 *Sec. 10. Effectivity.* – This Act shall take effect fifteen (15) days after its
18 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,