



Republic of the Philippines
CITY COUNCIL
City of Manila

REGULAR SESSION NO. 106

11TH CITY COUNCIL

Begun and held in the City Council on Monday,
the fifth day of October, Two Thousand Twenty

ORDINANCE NO. 8721

AN ORDINANCE PROHIBITING THE SNEAKING-IN AND SMUGGLING OF CONTRABAND INSIDE THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP) MANILA CITY JAIL AND IMPOSING PENALTIES FOR VIOLATION THEREOF

PRINCIPAL AUTHORS: **HON. EDWARD M. TAN, HON. ERNESTO C. ISIP, JR.,** President Pro-Tempore and Acting Presiding Officer, **HON. ERNESTO G. DIONISIO, HON. MOISES T. LIM, HON. ERICK IAN O. NIEVA, HON. PETER M. ONG, HON. IRMA C. ALFONSO-JUSON, HON. NUMERO G. LIM, HON. DARWIN B. SIA, HON. MACARIO M. LACSON, HON. ROMA PAULA S. ROBLES-DALUZ, HON. MA. THERESA F. BUENAVENTURA-QUIMPO, HON. JOHANNA MAUREEN C. NIETO-RODRIGUEZ, HON. PAMELA "FA" G. FUGOSO-PASCUAL, HON. TERRENCE F. ALIBARBAR, HON. TIMOTHY OLIVER I. ZARCAL, HON. LOUISITO N. CHUA, HON. KRYSTLE MARIE C. BACANI, HON. WARDEE P. QUINTOS XIV, HON. SCIENCE A. REYES, HON. JOEL "JTV" VILLANUEVA, HON. DON JUAN "DJ" BAGATSING, HON. IRWIN C. TIENG, HON. RAYMUNDO R. YUPANGCO, HON. LARIS T. BORROMEO, HON. JOEY S. HIZON III, HON. RICARDO "BOY" A. ISIP, JR., HON. CHARRY R. ORTEGA, HON. JOEL M. PAR, HON. SALVADOR PHILIP H. LACUNA, HON. PRISCILLA MARIE T. ABANTE-BARQUIA, HON. CARLOS C. CASTAÑEDA, HON. CHRISTIAN PAUL L. UY, HON. LUCIANO M. VELOSO, HON. LEILANI MARIE H. LACUNA, HON. DANIEL DAVE A. TAN and **HON. JOEL R. CHUA**, Majority Floor Leader**



PREAMBLE

WHEREAS, the Sangguniang Panlungsod ng Maynila is given the power to exercise local legislative powers under Section 48 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991;

WHEREAS, in particular, the Sangguniang Panlungsod ng Maynila is authorized by Section 458 (a) (5) (xv) of the same code to institute a sound Jail Management Program;

WHEREAS, the aforesaid problem posed a continuous threat of to the over-all security of the facility and impedes fully the realization of the program thrusts of the government towards the total reformation of the Persons Deprived of Liberty (PDL) under our custody;

WHEREAS, as part of instituting sound jail management programs, there is a need to restrain and prevent these frenzied activities from happening inside the BJMP Manila City Jail through the enactment of a local Ordinance prohibiting the sneaking-in and smuggling of contraband within its confines and prescribing penalties for violation thereof: NOW, THEREFORE,

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

SECTION 1. Title. – This Ordinance shall be known as, “**THE ANTI-SNEAKING-IN AND SMUGGLING OF CONTRABAND INSIDE THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP) MANILA CITY JAIL AND IMPOSING PENALTIES FOR VIOLATION THEREOF**”.

SEC. 2. Purpose and Coverage. – The Ordinance seek to penalize persons who sneak-in or surreptitiously bring in contrabands as defined under Section 12 of the BJMP Comprehensive Operations Manual Revised 2015. The Ordinance shall cover the BJMP Manila City Jail and/or other detention facilities within the jurisdiction.

SEC. 3. Definition of Terms. – As used in this Ordinance.

A. Person. – shall refer to natural persons who shall include;

A.1 Visitor – a person who enters a jail facility for a definite period of time to meet an inmate or personnel of the bureau, or conduct an official business, or activity inside the jail.

A visitor includes relatives, friends, lawyers, doctors, spiritual advisers, service providers or any person who enters the jail for the purpose of seeing or conferring with an inmate.

A.2 Jail Officers – in general, the term officer shall refer to all uniformed personnel of the BJMP; when referring to rank, however, the term officer shall refer to those holding the rank of jail inspector and above they are the ones responsible for the humane safe keeping and development of inmates.

A.3 General Services – All the persons involved in services that are applicable to the entire form and are not confined to a specific function. (e.g. Garbage Collectors, Delivery Staff and the like)

A.4 Outsiders – all those persons who does not belong to a particular group but may transact or enter the jail facility for a certain purpose. (e.g. Committing Officers, other Law Enforcements Agencies and the like)

A.5 Other Outsiders – all those persons who are not yet specified herein but may commit the same acts.

B. Contrabands – the said prohibited items shall mean any articles, item, or thing prohibited by law and forbidden by jail rules that would pose as security hazards or endanger the lives of inmates. For this policy, contraband is further divided in the following categories:

B.1 Illegal Contraband – unlawful in itself and not because of some extraneous circumstance (i.e dangerous drugs, weapons, potential weapons, explosives)

Dangerous Drugs – means drugs as defined in Article 1 Sec. 3 (j), RA 9165. Such drugs include but not limited to, heroin, morphine, opium, cocaine or cocaine hydrochloride, marijuana, marijuana resin oil, methamphetamine hydrochloride, otherwise known as "shabu", methylenedioxymethamphetamine (MDMA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic diethylamine (LSD) and gamma hydroxybutyrate (GHB).

B.2 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, excessive amount of money or other commodities of exchange 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).

C. Persons Deprived of Liberty (PDL) – a person who is accused before a court or competent authority and is temporarily confined in jail while undergoing or awaiting investigation, trial, or final judgement.

D. Jail/Detention Facility – any location used for detention. Specifically, it can mean: A jail or prison, facility in which inmates are confined and deprived of liberty under the authority of the state as a form of punishment after being convicted for the commission of an offense.

SEC. 4. Prohibition. – Without prejudice to prosecution under other pertinent statutes, it shall be unlawful for any person to commit any of the following prohibited acts:

1. For any "PERSONS" who shall come and visit a Person Deprived of Liberty (PDL) in Manila City Jail who shall sneak-in or smuggle any form of contraband as defined in Section 3. Par. B hereof.
2. For any "PERSONS": (General Services, outsiders and all other outsiders not specified) who shall come to Manila City Jail for their specific purposes and shall sneak-in or smuggle any form or contraband as defined in Section 3, Par. B hereof.

3. The same prohibition and penalties shall be applied to BJMP Officers, Personnel proven to have sneaked-in or smuggled any contraband herein specified which was then delivered to the Person Deprived of Liberty (PDL). Also, if the personnel have aided the sneaking-in and smuggle contraband inside the BJMP Manila City Jail.

SEC. 5. Penalties. – Penal Provisions:

1. All "PERSONS" as defined under Section 3, Par. A, hereof who shall sneak-in, smuggle and possess DANGEROUS DRUGS and/or paraphernalia upon entering and/or while inside the jail facility shall be proceeded against in accordance with the provision of Republic Act 9165, otherwise known as the Comprehensive Dangerous Act of 2002, dangerous drugs shall be disposed in accordance with RA 9165.
2. All "PERSONS" as defined under in Section 3, Par. A, hereof who shall sneak-in smuggle and possess DEADLY WEAPONS. That any person found possessing any deadly blade weapon and/or firearm as defined under Section 4 of this Ordinance shall be proceeded against in accordance with the provisions of PD 1866 as amended by RA 8294 or BP 6 in case the confiscated shall be disposed of in accordance with pertinent laws.
3. All "PERSONS" found to sneak-in, smuggle or POSSES MERELY PROHIBITED AND NUISANCE CONTRABAND, or have aided in sneaking-in, smuggling contraband, as defined under Section 3, Par. B, hereof, who shall commit any act under Section 4 of this Ordinance shall be meted with the following penalties, to wit:

First Offense – Two Thousand Pesos (PhP. 2,000.00) fine, forfeiture of the confiscated contraband and community services;

Second Offense – Three Thousand Pesos (PhP. 3,000.00) fine, forfeiture of the confiscated contraband and/or imprisonment not exceeding a period of six (6) Months, at the discretion of the Court;

Third Offense – Five Thousand Pesos (PhP. 5,000.00) fine, forfeiture of the confiscated contraband and/or imprisonment not exceeding a period of one (1) Year, at the discretion of the Court;

The penalty herein specified may be subject to modification at the discretion of the court holding the said case.

4. The fine imposed upon conviction shall be paid directly to the City Treasurer at the proceeds thereof shall be held in trust therein as supplemental funds to finance the management operations jails and detention facilities within the jurisdiction.
5. Aside from the penalties specifically provided above (Section 5, Par. 1, 2, 3) any BJMP Personnel found violating this Ordinance when evidence of guilt is strong, shall also be subjected to appropriate administrative charges as provided for in the Bureau of Jail Management and Penology Disciplinary Machinery.

SEC. 6. Implementing Rules and Regulations. – The Bureau of Jail Management and Penology (BJMP) authority in coordination with the Philippine National Police (PNP) shall be responsible in the apprehension of the violators of this Ordinance for purposes of filing the appropriate charges.


SEC. 7. Separability Clause. – If for any reason, any section of this Ordinance, or any portion thereof, or the application of such section, provision or portion thereof, of the application of such section, provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Ordinance shall not be affected by such declaration and shall remain in force and effect.

SEC. 8. Repealing Clause. – All Ordinances which are found to be in consistent with the provisions of this Ordinance are hereby repealed or amended accordingly.

SEC. 9. Effectivity Clause. – This Ordinance shall take effect immediately upon its approval.

This Ordinance was finally enacted by the City Council of Manila on January 14, 2021.

PRESIDED BY:


ERNESTO C. ISIP, JR.
President Pro-Tempore and
Acting Presiding Officer
City Council, Manila


ATTESTED:


LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON FEB 15 2021


FRANCISCO "Isko Moreno" DOMAGOSO
Mayor
City of Manila

ATTESTED:


BERNARDITO C. YANG
City Government Department Head III
(Secretary to the Mayor)

RNF: rrb/acl/jok/cpt/eys