



Republic of the Philippines  
Provincial Government of Palawan  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
Puerto Princesa City

**EXCERPT FROM THE MINUTES OF THE 126<sup>TH</sup> REGULAR SESSION OF THE 42<sup>ND</sup>  
SANGGUNIANG PANLALAWIGAN HELD AT THE SANGGUNIANG  
PANLALAWIGAN SESSION HALL ON JANUARY 29, 2019,  
PUERTO PRINCESA CITY**

**PRESENT:**

Hon. Victorino Dennis M. Socrates,	Vice Governor & Presiding Officer
Hon. Leoncio N. Ola,	Chairman Pro-Tempore
Hon. Roseller S. Pineda,	Floor Leader
Hon. Winston G. Arzaga,	Assistant Floor Leader – <i>1<sup>st</sup> District</i>
Hon. Sharon Abiog-Onda,	Assistant Floor Leader – <i>2<sup>nd</sup> District</i>
Hon. Albert G. Rama,	Assistant Floor Leader – <i>3<sup>rd</sup> District</i>
Hon. David Francis P. Ponce de Leon,	S.P. Member – <i>1<sup>st</sup> District/Acting Floor Leader</i>
Hon. Cherry Pie B. Acosta,	S.P. Member – <i>1<sup>st</sup> District</i>
Hon. Marivic H. Roxas,	S.P. Member – <i>2<sup>nd</sup> District</i>
Hon. Eduardo Modesto V. Rodriguez,	S.P. Member – <i>2<sup>nd</sup> District</i>
Hon. Clarito D. Demaala IV,	S.P. Member – <i>PCL President</i>
Hon. Anyatika R. Rodriguez,	S.P. Member – <i>SK Federation President</i>

**ABSENT:**

Hon. Sunny G. Batul,	S.P. Member – <i>2<sup>nd</sup> District</i>
Hon. Dennis M. Sabando,	S.P. Member – <i>ABC President</i>
Hon. Joel P. Lumis, Jr.,	S.P. Member – <i>IPM Representative</i>

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**PROVINCIAL ORDINANCE NO. 2080-2019**

**PROHIBITING THE SNEAKING-IN/SMUGGLING OF CONTRABANDS  
INSIDE THE PROVINCIAL JAIL MANAGEMENT DIVISION (PJMD)  
DETENTION CELLS AND REFORMATION CENTERS AND IMPOSING  
PENALTIES FOR VIOLATIONS THEREOF**

Authored by:

**ALL MEMBERS OF THE SANGGUNIANG PANLALAWIGAN**

**WHEREAS**, detention cells, jails and reformatory centers are facilities which housed constituents who are in conflict with laws or have committed infractions thereof, who in one way or another are being held therein for purposes of safekeeping and rehabilitation pending resolutions of their cases before the courts of law, and while they are being prepared for their reintegration to the society;

**WHEREAS**, the proliferation of illegal drug use inside the Provincial Jail Management Division (PJMD) has been the wherewithal and handiworks of inmates' visitors which have remained badly unchecked and unbridled by Prison Guards;

**WHEREAS**, the unabated practice of sneaking-in and/or smuggling of contraband such as illegal drugs, deadly weapons and others in detention cells and reformatory centers becomes a major problem of jail personnel as, in some instances, the same resulted to encounters among inmates;

**WHEREAS**, the entry of contraband inside the jail premises has long been the pervading concern of jail management regardless of how stringent security measures may have been in an effort of preventing it entry inside jail facilities, it cannot be negated that contraband couriers still managed to slip them through security barriers;

**WHEREAS**, contraband do not only compromise the security of jails and detention places but also the safety of the personnel, inmates or prisoners, visitors and, in certain cases, the general public;

**WHEREAS**, as a certain extent, items deemed contraband do not only deter the goals of the rehabilitation efforts of the government. It has become a threat and created serious interference to the overall security of the facility, hence must be eliminated. To discourage would be perpetrators, visitors, or even Provincial Jail Management Division (PJMD) personnel, a provincial ordinance prohibiting such acts, as well as prescribing penalties for violation of the same is appropriate;

**NOW THEREFORE**, upon of the Honorable Roseller S. Pineda and duly seconded:

**BE IT ENACTED BY THE SANGGUNIANG PANLALAWIGAN IN SESSION:**

**Section 1. TITLE** – This Ordinance shall be known and cited as Provincial Ordinance No. 2080, series of 2019 entitled: “PROHIBITING THE SNEAKING-IN/SMUGGLING OF CONTRABAND INSIDE THE PROVINCIAL JAIL MANAGEMENT DIVISION (PJMD) DETENTION CELLS AND REFORMATION CENTERS AND IMPOSING PENALTIES FOR VIOLATION THEREOF.”

**Section 2. DECLARATION OF POLICY** – It is hereby the policy of the Provincial Government of Palawan, in accordance with the principles of good governance to uphold public safety, to prohibit the sneaking-in/smuggling of contraband inside the Provincial Jail Management Division (PJMD) which are prejudicial to public safety and counterproductive to the rehabilitation programs of the government;

**Section 3. OBJECTIVES** - The following are the Objectives of the Ordinance:

- a) Rid jails of materials/instrument that may be used by inmates to inflict physical harm to personnel, visitors or other inmates;
- b) Rid jails of materials/instruments that may be used by inmates to facilitate their attempt to escape;
- c) Rid jails of substance deemed contraband to include instruments/paraphernalia used for its dispensation/intake;

**Section 4. DEFINITION OF TERMS** - The following terms are herein defined as used in this Ordinance:

- a. Contraband - 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. (BJMP Comprehensive Operations Manual 2015 Edition)
- b. Deadly Weapon - sometimes dangerous weapon is an item that can inflict mortal or great bodily harm, it is any object designed, made, or adapted for purposes of inflicting death or serious physical injury this may include but not limited to the following: firearm, knives;
- c. Inmate - is the generic term used to refer to a detainee or prisoner;
- d. Jail 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 the relative, friend, lawyer, doctor, spiritual adviser, service provider or any person who enters the jail for the purpose of seeing conferring with an inmate;
- e. Nuisance Contraband - are items though authorized, are already in excessive quantities to become a fire hazard, a threat to security or has become causative in making the place unsanitary;
- f. Paraphernalia - are any instrument or contraption for the dispensation or intake or harmful substances especially illegal drugs;
- g. Personnel - refers to all officials of the PJMD, whether holding a regular, co-terminus, contract of service or job order positions;
- h. Sneaking-In - a dishonest and secret manner of bringing something contrary to existing laws;
- i. Smuggle - to take or bring something secretly contrary to the existing laws.

**Section 5. CONTRABANDS** - The following are categorized as contrabands and is prohibited to be sneaked-in or smuggled in PJMD:

1. Prohibited Drugs and Paraphernalia
2. Deadly/Bladed Weapon
3. Other contrabands such as:
  - a. Cellular/mobile phones, tablets, video camera, mp3, mp4, laptops, WIFI and other similar electronic communication devices;
  - b. Cigarette/tobacco
  - c. Liquor and other alcoholic and intoxicating beverages
  - d. Poisonous chemicals such as pesticides, insecticides, acid, muriatic acids, flammable materials such as gasoline
  - e. Materials used for construction such as hammer, impact drill, metal saw, grinder, nails, etc.
  - f. Picklocks, guitar strings and other items used for breaking into padlocks
  - g. Sex toys and other pornographic videos and materials
  - h. Improvised deadly weapons and metal objects such as metal/silver spoon and fork

**Section 6. PROHIBITED ACTS AND ITS PENALTY** - The following are the prohibited acts and their equivalent penalties:

6.A. Possession of Prohibited Drugs

Any person who shall possess or use any dangerous drugs upon entering and/or while inside the premises of the Provincial Jail Management Division (PJMD) shall be proceeded against in accordance with the provision of Republic Act 9165 or the Comprehensive Dangerous Drugs Act of 2002, without prejudice to the filing of appropriate administrative charges against personnel involved. Dangerous drugs shall be disposed of in accordance with the provisions of Republic Act 9165.

6.B. Possession of Deadly Weapons

Any person who shall possess deadly weapons shall be proceeded against in accordance with the provisions of Presidential Decree 1866 as amended by Republic Act 8294 or BP 6 in case the confiscated contraband is a bladed weapon. Confiscated deadly weapon shall be disposed of in accordance with pertinent laws.

6.C. Possession of Other Contrabands

A visitor who shall sneak-in/smuggle in the detention cells and other premises of the Provincial Jail Management Division the following items shall be meted with penalty of fine, to wit:

1. Cellular/mobile phones, video cameras, mp3, mp4, laptops, WIFI and other similar electronic communication devices:
  - a) First Offense (P2,000.00 and confiscation of the item)
  - b) Second Offense (P3,500.00 and fine visitation ban for seven (7) days

- c) Third Offense and succeeding offenses (P 5,000.00, confiscation of items and visitation ban for fifteen (15) days for inmate and imprisonment upon the discretion of the proper court for jail visitor or non-inmate)
2. Cigarette/Tobacco
- a) First Offense (P 2,000.00 and confiscation of items)
  - b) Second Offense (P3,500.00 and fine visitation ban for seven (7) days)
  - c) Third Offense and succeeding offenses (P5,000.00 confiscation of items and visitation ban for fifteen (15) days for inmate and imprisonment upon the discretion of the proper court for jail visitor or non-inmate)
3. Liquor and other Alcoholic and Intoxicating Beverage
- a) First Offense (P 2,000.00 and confiscation of items)
  - b) Second Offense (P3,500.00 and fine visitation ban for seven (7) days)
  - c) Third Offense and succeeding offenses (P5,000.00 confiscation of items and visitation ban for fifteen (15) days for inmate and imprisonment upon the discretion of the proper court for jail visitor or non-inmate)
4. Poisonous chemicals such as pesticides, insecticides, acids, muriatic acids, flammable materials such as gasoline:
- a) First Offense (P 2,000.00 and confiscation of items)
  - b) Second Offense (P3,500.00 and fine visitation ban for seven (7) days)
  - c) Third Offense and succeeding offenses (P5,000.00 confiscation of items and visitation ban for fifteen (15) days for inmate and imprisonment upon the discretion of the proper court for jail visitor or non-inmate)
5. Materials used for construction such as hammer, impact drill, metals saw, grinder, nails, etc.:
- a) First Offense (P 2,000.00 and confiscation of items)
  - b) Second Offense (P3,500.00 and fine visitation ban for seven (7) days)
  - c) Third Offense and succeeding offenses (P5,000.00 confiscation of items and visitation ban for fifteen (15) days for inmate and imprisonment upon the discretion of the proper court for jail visitor or non-inmate)

6. Picklocks, guitar strings and other items used for breaking into padlocks:
  - a) First Offense (P 2,000.00 and confiscation of items)
  - b) Second Offense (P3,500.00 and fine visitation ban for seven (7) days)
  - c) Third Offense and succeeding offenses (P5,000.00 confiscation of items and visitation ban for fifteen (15) days for inmate and imprisonment upon the discretion of the proper court for jail visitor or non-inmate)
  
7. Sex toys and other pornographic videos and materials:
  - a) First Offense (P 2,000.00 and confiscation of items)
  - b) Second Offense (P3,500.00 and fine visitation ban for seven (7) days)
  - c) Third Offense and succeeding offenses (P5,000.00 confiscation of items and visitation ban for fifteen (15) days for inmate and imprisonment upon the discretion of the proper court for jail visitor or non-inmate)
  
8. Improvised deadly weapons, and metal objects such as metal/silver spoon and fork:
  - a) First Offense (P 2,000.00 and confiscation of items)
  - b) Second Offense (P3,500.00 and fine visitation ban for seven (7) days)
  - c) Third Offense and succeeding offenses (P5,000.00 confiscation of items and visitation ban for fifteen (15) days for inmate and imprisonment upon the discretion of the proper court for jail visitor or non-inmate)

If the convicted offender refuses or is unable to pay fine, he/she shall be subjected to subsidiary penalty of imprisonment. In case of an inmate, he/she shall be required to render community services within the facility where he/she is confined.

The above amounts shall be paid at the Provincial Treasurer's Office or subsidiary imprisonment in case fine is not paid in accordance with Article 39 of the Revised Penal Code.

6.D. Any public official, personnel or employee, regardless of whether or not he holds office or employment in a casual, contract of service, temporary holdover, permanent or regular capacity, committing any violation of this Act, shall be punished with a fine not exceeding the equivalent of two (2) months' salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. In appropriate cases, if the violation is punishable by a heavier penalty under another law such as but not limited to the Civil Service Rules, he/she shall be prosecuted under the latter statute.

The violations of any provision of this Ordinance shall be without prejudice to any administrative and/or criminal charges that may be filed against the erring employee.

**Section 7. BODY SEARCHES -** All visitors before being allowed entry into jail must be requested to subject the things they carry to a thorough inspections and a thorough body search by authorized/designated personnel to prevent the entry of contraband in Provincial Jail Management Division (PJMD). The procedure for which shall strictly be in accordance with the BJMP Standard Operating Procedures Number 2010-05 entitled: “Conduct of Body Searches on Jail Visitors”, Republic Act No. 7438, Dangerous Drugs Board Regulation No. 1, series of 2002, Revised Penal Code of the Philippines and the BJMP Comprehensive Operations Manual Revised 2015.

**Section 8. PROCEDURES FOR CONFISCATED CONTRABAND -** The following procedure shall be implemented for the confiscated contraband:

- 8.1. After confiscation of the afore-mentioned contraband, the warden/wardress or his/her authorized representatives shall cause the preparation of a report addressed to the Provincial Government informing the latter that violation thereof has been committed;
- 8.2. The warden/wardress or his/her authorized representative shall issue receipt to the officer evidencing ownership of the same;
- 8.3. The confiscated other contraband shall be placed in the custody of the warden/wardress or his/her authorized representative for safekeeping.

**Section 9. REPEALING CLAUSE -** All other existing orders, memoranda or issuances in conflict herewith are hereby deemed revoked and/or modified accordingly.

**Section 10. SEPARABILITY CLAUSE -** If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

**Section 3. EFFECTIVITY -** This Ordinance shall take effect fifteen (15) days after its publication in any local newspaper of general circulation within the Province of Palawan.

**SO ORDAINED.**

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**I CERTIFY** to the correctness of the above-quoted Provincial Ordinance.

**(SGD)ANGELA RODRIGUEZ-PEÑA**  
*Secretary to the Sanggunian*

ATTESTED:

**(SGD)VICTORINO DENNIS M. SOCRATES**  
*Vice Governor & Presiding Officer*

APPROVED:

**(SGD)JOSE CH. ALVAREZ**  
*Governor*

March 06, 2019  
*Date*

*This document is not valid without the Sangguniang Panlalawigan Seal*