



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
-0000000-

Office of the Sangguniang Panlungsod

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5TH SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 13, SERIES 2020

AN ORDINANCE IDENTIFYING CERTAIN ITEMS AS CONTRABAND AND PROHIBITING THEIR ENTRY INSIDE ALL JAIL FACILITIES IN THE CITY OF BAYBAY AND PROVIDING PENALTIES THEREOF

Authored by:
HONORABLE RODULFO S. PALMA, JR.

PREFATORY STATEMENT

WHEREAS, the Office of the Baybay City Vice Mayor Atty. Ernesto M. Butawan was in receipt of a letter dated January 27, 2020 from the Bureau of Jail Management and Penology (BJMP) Baybay City Jail Warden Jail Senior Inspector Marvin Cubio, CE/GE proposing for an enactment of a City Ordinance penalizing any individual or visitor carrying, managing, sneaking, and/or aiding entrance of the defined contrabands not considered illegal by existing laws but prohibited inside jails;

WHEREAS, the 5th Sangguniang Panlungsod was in receipt of an Endorsement from the Office of the City Mayor dated February 20, 2020, requesting therein for the passage of an Ordinance penalizing the entrance of contraband into the Baybay City Jail premises, as recommended by the Peace & Order and Public Safety;

WHEREAS, Paragraph (II) (1) of Article 99 (Powers, Duties and Functions of the Sangguniang Panlungsod) of the Implementing Rules and Regulations of the Local Government Code states that the Sangguniang Panlungsod, as the Legislative Body of the City, shall enact Ordinances, approve Resolutions and appropriate funds for the general welfare of the City and its inhabitants, pursuant to Section 16 of the Local Government Code and in the proper exercise of the corporate powers of the City, as provided in Rule IX, shall approve Ordinance and pass Resolution necessary for an efficient and effective City Government and relative thereto shall maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for violation of said Ordinances;

WHEREAS, this will compliment the implementation of RA 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002, PD 1866 as amended by RA 8294 (Illegal Possession of Firearms and Ammunition), Presidential Decree (PD) No. 9 as amended by Batas Pambansa (BP) Blg. 6 (Illegal Possession of Bladed or Deadly Weapons) and other related National Laws implemented within the jurisdiction of the Baybay City Jail;

WHEREAS, the entry of things or items considered as contraband by this Ordinance in jails and/or detention cells has long been a prevailing concern of every jail

facility. A perennial problem that has posed as deterrent factor in the full realization of the program thrusts of the government toward the ultimate reformation of Persons Deprived of Liberty (PDLs). Regardless of how stringent security measures may have been, in an effort of preventing its entry inside jail facilities, it cannot be negated that contraband couriers still find any possible ways and means to slip them through security barriers;

WHEREAS, said legislative fiat shall come with dual benefits: one, it will surely beef up the security of jails and/or detention cells and rid it from any kind of contraband. Second, it will generate revenue for the local government unit, as violators thereof shall pay a corresponding administrative fine, as prescribed by this ordinance to the City Treasurer's Office;

WHEREAS, at 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 a serious interference to overall security of the facility, hence must be eliminated. Thus, to discourage visitors of jails and/or detention cells from sneaking-in or smuggle contraband inside the Baybay City Jail, a local ordinance prohibiting such acts, as well as, prescribing penalties for violation of the same is necessary;

WHEREOF, all foregoing premises considered, on motion of SP Member Rodulfo S. Palma, Jr. Chairman, Committee on Peace & Order and Public Safety, severally seconded by SP Member Edgardo R. Ompoy, SP Member Dominador K. Murillo both members of the committee and SP Member Atty. Jose Rommel A. Penaranda; be it

BE IT ORDAINED, by the 5th Sangguniang Panlungsod, City of Baybay, in its 11th Regular Session assembled on March 12, 2020, as hereby is adopted, to wit;

SECTION 1. TITLE. This Ordinance shall be known as "ANTI-CONTRABAND IN BAYBAY CITY JAIL ORDINANCE OF 2020."

SECTION 2. PURPOSE AND GENERAL COVERAGE. This Ordinance shall cover all jails within the territorial jurisdiction of Baybay City.

SECTION 3. DECLARATION OF POLICY. The provisions of this ordinance is in line with the City Government's commitment to good governance and upholding of public order and safety. The existence and/or proliferation of contrabands inside the Baybay City jails are prejudicial to public safety and counterproductive to rehabilitation programs of the government.

SECTION 4. GOVERNING PRINCIPLES. In an effort of preserving law and order inside the Baybay City jails, it is imperative that stern measures are observed by the personnel and jail visitors alike. This is geared to serve the tents that:

- 4.1 One of the most important thrust of the Baybay City BJMP's total security program is the identification and control of the entry of contraband;
- 4.2 Control in the entry of Contraband inside the Baybay City jails is a primary responsibility of all its jail officers and/or personnel; and
- 4.3 Proper security in jail facilities set the pre-cursor for a complete and effective rehabilitation programs for its Persons Deprived of Liberty (PDLs).

SECTION 5. DEFINITION OF TERMS. For purpose of this Ordinance, the following terms shall be defined as follows:

- 5.1 **CONTRABAND** shall refer to any item or article or merchandise or things not considered illegal by existing laws but prohibited inside the jail premises, such as but not limited to the following:
- a. Playing Cards and other Gambling Paraphernalia such as Mahjong Set, Bingo Set, Other Card Games, Betting Stubs;
 - b. Alcoholic Beverages;
 - c. Pornographic Materials and sex toys;
 - d. Cigarettes, E-Cigarettes, Vapes, and other Tobacco Products, Matches and Lighters;
 - e. Mobile Phones, Laptop and other Communication Devices;
 - f. Cameras;
 - g. Shavers, Scissors, Pens, Glass Bottles, Mirrors, Other Pointed and/or Improvised or Sharpened Objects;
 - h. Computer, other Electronic Gadgets or Devices;
 - i. Portable Video Players;
 - j. Jewelries;
 - k. Improvised firearms;
 - l. Money in excess of Three Hundred Pesos (PhP 300.00) per day; and
 - m. Unprescribed medicines and other substance.
- 5.2 **HOLDING CENTER** shall refer to the area within the Baybay City jails where visitors and even jail personnel including all packages and other things to be brought inside the jail premises are thoroughly checked.
- 5.3 **JAIL PREMISES** shall refer to any and beyond the holding center of all jail institutions within the City of Baybay.
- 5.4 **JAIL** a place for the confinement of people accused of a crime.
- 5.5 **PERSONS DEPRIVED OF LIBERTY (PDLs)** shall refer to those persons detained or held in custody or imprisoned inside the detention cells within the jail premises.
- 5.6 **PERSONNEL** – any officer, staff or personnel of all jail institutions within the City of Baybay.
- 5.7 **VISITORS** shall refer to those persons who will visit the jail facilities other than the jail personnel and those persons deprived of liberty.
- 5.8 **SNEAK-IN/SMUGGLE** shall refer to an act of bringing in and/or possessing of contraband within the holding center and within the jail premises.

SECTION 6. PROHIBITION. It is hereby prohibited for any person who shall come and visit a Person/s Deprived of Liberty (PDL/s) in any jail within the City of Baybay to sneak-in or smuggle, without any authority, of any form of contraband enumerated under Section 5.1. It is also prohibited for PDL to possess or have in their custody or control any contraband items provided under Section 5.1.

It is also hereby prohibited for any person to cause and/or aid the entrance, in any way, of defined contrabands enumerated under Section 5.1 hereof inside the jail premises.

Violation of this ordinance shall be deemed consummated if the visitor or PDL shall be found in possession of contraband either in the holding area, for those contraband not surrendered or in any part of the jail premises.

The violation of those persons who aid in the entrance of any contraband under this Ordinance shall be deemed consummated if he/she shall be found or caught in the act (in flagrante delicto) of causing and/or aiding in any way the sneaking-in or smuggle of the contraband inside the jail premises.

SECTION 7. PENAL CLAUSE. Any visitor found violating Section 6 of this Ordinance shall be issued a City Citation Ticket and shall pay a Fine of Not More Than Three Thousand Philippine Pesos (PhP 3,000.00) and/or imprisonment of not more than one (1) month per Contraband Item at the discretion of the court.

The violator may opt to pay the Administrative Fine at the Treasurer's Office of Baybay City within Three (3) Days from the issuance of the City Citation Ticket, otherwise, an appropriate case shall be filed in court.

All confiscated contrabands shall be forfeited in favor of the government. All confiscated items shall be inventoried and shall be disposed of in accordance with law or existing rules and regulations on disposal of seized items.

Section 8. AUTHORITY OF THE LOCAL JAIL OFFICER TO ISSUE GUIDELINES. The Local Officer shall issue Guidelines on the procedure of frisking or checking, search, confiscation or seizure, safekeeping and disposal of the contraband items, as well as the filing of appropriate case(s) on court.

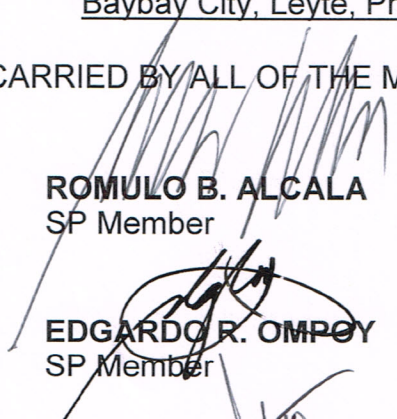
SECTION 9. SEPARABILITY CLAUSE. If for any reason, any provision, portion or part of this ordinance is found to be inconsistent with any law, other provisions or part or parts thereof not so affected shall remain in full force and effect.

SECTION 10. REPEALING OR AMENDATORY CLAUSE. All other ordinances rules and regulations or part or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed, amended and/or modified accordingly.

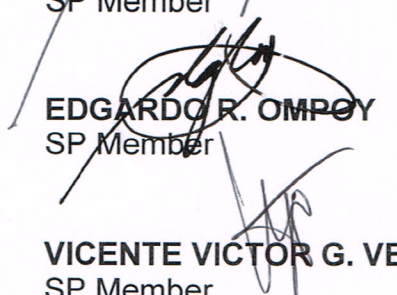
SECTION 11. EFFECTIVITY. This Ordinance shall take effect 15 days upon its publication or after due compliance with all the requirements provided under R.A. 7160, otherwise known as the Local Government Code of 1991.

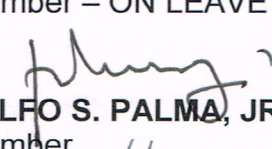
Enacted: March 12, 2020.
Baybay City, Leyte, Philippines.

CARRIED BY ALL OF THE MEMBERS PRESENT:


ROMULO B. ALCALA
SP Member


DR. FULTON IKE C. ARRADAZA
SP Member – ON LEAVE


EDGARDO R. OMPOY
SP Member


RODULFO S. PALMA, JR.
SP Member

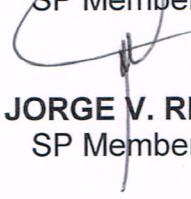

VICENTE VICTOR G. VELOSO
SP Member


ARTURO ELISA O. ASTORGA
SP Member

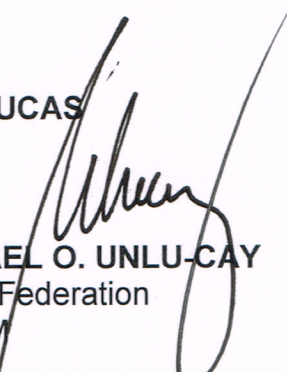

FILEMON F. AVILA
SP Member


ATTY. JOSE ROMMEL A. PEÑARANDA
SP Member


DOMINADOR K. MURILLO, D.M.
SP Member

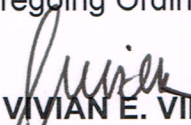

JORGE V. REBUCAS
SP Member

PHILIP L. SIU
President, LIGA Ng Mga Barangay
Ex-Officio SPM

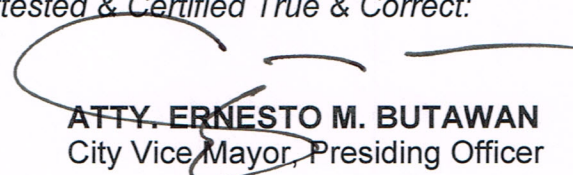

MARK MICHAEL O. UNLU-CAY
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Deogracias E. Pernitez; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Evelinda A. Oppus; City Treasurer's office, CLGOO Estela I. Creer, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

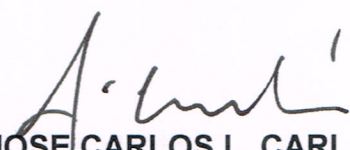
I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


ATTY. VIVIAN E. VIDALLON
Secretary to the Sangguniang Panlungsod

Attested & Certified True & Correct:


ATTY. ERNESTO M. BUTAWAN
City Vice Mayor, Presiding Officer

Approved by His Honor.


HON. JOSE CARLOS L. CARI
City Mayor

Date Approved: _____