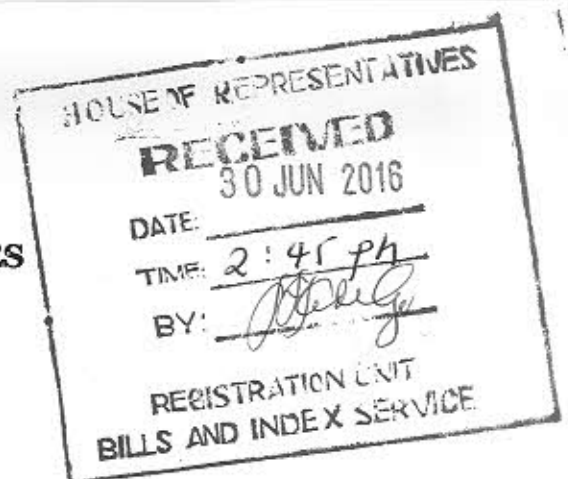


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Seventeenth Congress
First Regular Session

House Bill No. 258



Introduced by Honorable Roy M. Loyola

EXPLANATORY NOTE

“ONLY IN THE PHILIPPINES”, a popular quote often articulated not only by Filipinos but foreigners alike whenever something peculiar occurred or transpired that catches the attention of the public. It denotes something that can only happen here in the Philippines and not elsewhere.

Where can you find a blind man being issued a drivers license, a professional one at that? ONLY IN THE PHILIPPINES!

A blind man being issued a valid Firearms License? ONLY IN THE PHILIPPINES! Said phrase though funny at times should not be ignored. This is the kind of thing that puts a black mark on us as Filipinos and to the Philippines as a country.

Most recently, we were again a witness to one event that should even be recorded in the Guinness Book of World Records. Some of us were shocked, some were surprised and some of us were aghast at the temerity and boldness of some inmates in our National Penitentiary. We witnessed on how a group of law enforcement agencies swooped down on the Maximum Security detention facility in the New Bilibid Prisons and discovered that those who were supposed to be detained therein to atone for their sins were living like kings, and enjoying the luxuries they previously had prior to their incarceration.

We are living witness when the authorities discovered cash, drugs, firearms, entertainment equipment, air conditioning units, Jacuzzi baths, king size beds and other amenities fit for a royalty inside the said prison

facility. With these, the said inmates are making a mockery of one of the pillars of our justice system whose main purpose is their reformation and eventual return to society.

Why is this so? Can this be done without the approval or consent of the prison authorities? Are the inmates in our prison system so drunk with power that they feel they can do everything? We have to put a stop to this before it is too late.

Patterned after Title 18, Part I Chapter 87 of the US Code Series of 1791, the proposal 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, and 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.

This representation believes that a stiff penalty is required in this circumstance in order to instill fear and be an effective hindrance to those contemplating of doing this crime in the future. Said penalty applies more so to government officials or employees in cahoots with the inmate or other private persons involved therein.

Not only will they suffer the same penalty, they shall likewise suffer the additional penalty of perpetual absolute disqualification from holding a public office and forfeiture of all his retirement benefits and all accrued leave credits. Thus, these people will have to rethink their decision on whether to go through with their plan of action or desist from doing it.

With these, it is the fervent hope of this representation that this proposal is the first step towards the needed reform in our prison system.

It is for this purpose that the approval of this bill is earnestly sought.



ROY M. LOYOLA

Republic of the Philippines
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**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**

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

1 **SECTION 1. Title.** - This Act shall be known as the “*Anti-*
2 *Contraband in Prison Act of 2016*”.

3 **SEC 2. Declaration of Policy.** - The maintenance of peace and
4 order, the protection of life, liberty and property, and the promotion of
5 the general welfare are essential for the enjoyment by all the people of
6 the blessings of democracy. To implement this policy, the State is
7 mandated to enact laws aimed at achieving a just and orderly society
8 governed by rules and regulations made applicable to all and not just a
9 chosen few. Recent developments particularly the raids in our penal
10 system show that some inmates incarcerated in our penal institutions
11 continue to enjoy the luxuries they were accustomed to while they
12 were outside the prison compound. To remedy this seeming inequity
13 and to really implement the thrust of one of the five pillars of our
14 justice system, a mechanism for the effective implementation of the
15 goal of the said pillars i.e., reformation, should be instituted. Towards

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

5 **SEC 3. *Definition of Terms.*** - As used in this section –

6 (1) the term “*Person*” shall refer to natural persons and shall include
7 private individuals as well as government/public official or employee
8 in cahoots with the prisoner;

9 (2) the term “*Prison*” means a correctional, detention or penal facility
10 or any prison, institution, or facility under the control and supervision
11 of the Department of Justice in which persons are held in custody for
12 violation of law or commission of a felony;

13 (3) the terms “*Firearms*” “*Ammunition*” and “*Explosive or*
14 *Incendiary Device*” shall have the same meaning as that provided for
15 in accordance with *Republic Act 10591*, otherwise known as the
16 “*Comprehensive Firearms and Ammunition Regulations Act*” and
17 *Section 3 of Presidential Decree 1866 as amended by Republic Acts*
18 *8294 and 9516*;

19 (4) the term “*Dangerous Drugs*” shall have the same meaning as that
20 provided for in *Republic Act 9165*, otherwise known as the
21 “*Comprehensive Dangerous Drugs Act of 2002*” and all other illegal
22 substances prohibited therein including but not limited to Ecstasy,
23 Methamphetamine Hydrochloride or Shabu and other drugs producing
24 similar effects;

25 (5) the term “*Prohibited Object or Contraband*” means –

26 (A) a firearm, incendiary device or dangerous drugs as defined herein;

27 (B) ammunition, weapon or an object that is designed or intended to
28 be used as a weapon or to facilitate the detained persons escape from
29 prison;

- 1 (C) any alcoholic or intoxicating beverage;
- 2 (D) any money whether *Philippine or Foreign* denominated currency;
- 3 (E) a cell phone, laptop computer or any device used for purposes of
- 4 communicating with the outside world for commercial purposes
- 5 including signal jammers to prevent the authorities from determining
- 6 their use of the aforementioned devices; and
- 7 (F) any other object that threatens the order, discipline, or security of a
- 8 prison, or the life, health, or safety of an individual detained therein.

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

14 (a) Full name and complete address of the visitor which shall be
15 accompanied by any of the following documents, to wit:

- 16 1. A Valid Identification Card with photograph;
- 17 2. A Valid Passport;
- 18 3. Driver's License;
- 19 4. Social Security System Identification Card;
- 20 5. Company Identification Card;
- 21 6. Government Service Insurance System identification Card;
- 22 7. Voter's Identification Card;
- 23 8. Senior's Citizen Card;
- 24 9. School Identification Card

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

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

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

1 **SEC 5. Prohibited Acts.** - It shall be unlawful for any person
2 to commit any of the following prohibited acts –

3 (A) In violation of any law or any rules and regulations issued in
4 relation thereto or any rules and regulations implemented by prison
5 authorities of the penal facility, provides to an inmate of a prison any
6 prohibited objects or contraband, or attempts to do so; or

7 (B) Assists, aids or abets in the procurement by an inmate of the
8 prohibited objects or contraband defined herein; or

9 (C) Being an inmate of a prison makes, possesses or obtains, or
10 attempts to make or obtain a prohibited object or contraband;

11 shall be punished in accordance with the next preceding section.

12 **SEC 6. Penal Provisions.** - (a) *For Failure to Comply with*
13 *the Registration Requirement:* Any person who shall commit a
14 violation of Sec. 4 hereof shall suffer the penalty of imprisonment
15 ranging from one (1) day to five (5) days or a fine of One Thousand
16 Pesos, (P1,000);

17 (b) *For violation of Sec 5 (A).* - The penalty of imprisonment ranging
18 from Twenty Years and One Day (20 yrs, 1 day) to Forty Years (40
19 yrs) and a fine of Ten Million Pesos (P10,000,000.00) if the
20 prohibited object or contraband involved is covered by Section 3
21 (5)(a)(b).

22 If the prohibited object or contraband involved is other than the
23 abovementioned, the penalty shall be six years and one day (6 years,
24 1 day) to twelve years (12 yrs) and a fine of one million pesos
25 (P1,000,000.00). These penalties shall be served consecutively after
26 the service of sentence imposed by the court on the possession of the
27 prohibited object or contraband.

28 (c) *For violation of Sec 5 (B).* - The penalty of imprisonment ranging
29 from Twelve Years and One Day (12 yrs, 1 day) to Twenty Years (20
30 yrs) and a fine of Five Million Pesos (P5,000,000.00) if the prohibited
31 object or contraband is covered by Sec 3(5)(a)(b). Otherwise, the

1 penalty shall be six years and one day (6 years, 1 day) to twelve years
2 (12 yrs) and a fine of one million pesos (P1,000,000.00).

3 *(d) For violation of Sec 5 (C).* -The penalty of imprisonment ranging
4 from Twenty Years and One Day (20 yrs, 1 day) to Forty Years (40
5 yrs) and a fine of Ten Million Pesos (P10,000,000.00) if the
6 prohibited object or contraband is covered by Sec 3(5)(a)(b).
7 Otherwise, the penalty shall be six years and one day (6 years, 1 day)
8 to twelve years (12 yrs) and a fine of one million pesos
9 (P1,000,000.00) The said penalty shall be in addition to the original
10 penalty to which the inmate was sentenced to serve.

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

15 **SEC 7. *Implementing Rules and Regulations.*** - Within sixty
16 days from the approval of this Act, the Department of Justice in
17 coordination with the Department of Interior and Local Government,
18 the Bureau of Jail Management and Penology and the Bureau of
19 Corrections shall issue the necessary rules and regulations to
20 implement its provisions.

21 **SEC 8. *Separability Clause.*** - If, for any reason, any
22 provision or section of this Act shall be held to be unconstitutional or
23 invalid, the other provisions or sections hereof which are not affected
24 thereby shall continue to be in full force and effect.

25 **SEC 9. *Effectivity.*** - This Act shall take effect fifteen (15)
26 days after the completion of its publication in the Official Gazette or
27 in at least two (2) newspaper of general circulation.

Adopted,