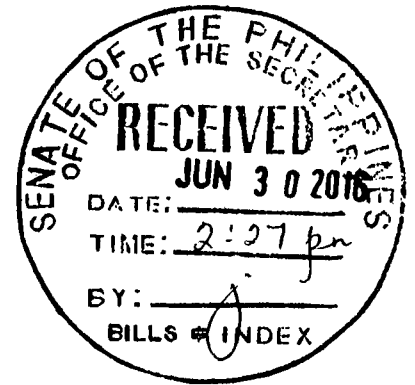


SEVENTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
First Regular Session }



SENATE
Senate Bill No. 46

Introduced by SENATOR LACSON

EXPLANATORY NOTE

Despite existing regulations prohibiting the trade and possession of contrabands in our different correctional facilities, the menacing activity of contraband hoarding and the seeming ineptitude of prison authorities to put an end to this activity still plague our penal system.

The series of raids conducted by the Department of Justice together with the agents of the National Bureau of Investigation and the officers of the Bureau of Corrections (BuCor), the Philippine National Police, and the Philippine Drug Enforcement Agency proved that the New Bilibid Prison has become a hub of continuing criminality. In December 2014, authorities uncovered a cache of high-powered firearms and cash in the felons' quarters. Convicts, particularly high-profile drug dealers, also enjoy some amenities of private individuals like air-conditioned rooms with TV sets, Wi-Fi, refrigerators, Jacuzzis and sauna, hi-tech entertainment systems, concert equipment, aquariums, bar and kitchen, and back-up power generators. They also sported pricey watches, had wads of cash in their pockets, as if they were living in plush subdivisions and not in the national penitentiary.

Another publicized raid in November of 2015 revealed similar results wherein guns, bladed weapons, luxury items, and substantial amounts of money were found in the possession of inmates. The most recent raid conducted by the authorities last May still proved that contrabands are still rampant inside our national penitentiary. It would then seem that the so-called "Oplan Galugad" of the BuCor had not prevented the proliferation of these contraband items inside our prisons.

The supposed heavy constraints and policing, stringent inspection, and eminent police presence inside the national penitentiary proved not to deter the temerity and boldness of inmates in hoarding, using and generating lots of money in contrabands.

The seeming continued proliferation of contraband in prison is an appalling show of contempt for our justice system, whose main purpose is to reform and rehabilitate inmates for their eventual return to society. A convicted criminal resists reformation when he is still exposed to the very objects that had caused his incarceration. Indeed, it would be difficult for an inmate to feel some remorse considering that he still has the comforts of home even when he is behind bars.

This proposal, patterned after Title 18, Part I Chapter 87 of the U.S. Code Series of 1791, 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

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of any prohibited object or contraband inside a prison facility, along with 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.

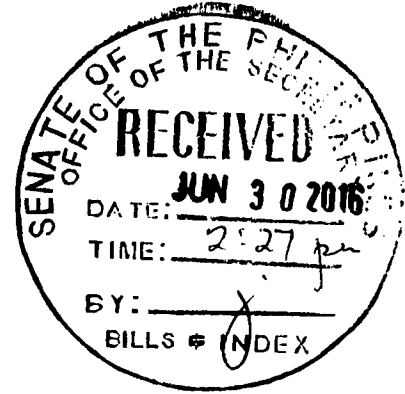
A stiff penalty is required in this circumstance in order to instill fear and be an effective deterrence to those contemplating of doing this crime in the future. More importantly, the said penalty applies as well to government officials or employees who cooperate or co-opt with the inmate or other private persons involved therein.

Not only will the government officials and employees suffer the same penalty, they shall likewise suffer the additional punishment of perpetual absolute disqualification from holding a public office and forfeiture of all retirement benefits and all accrued leave credits. Thus, these people will have to rethink of getting involved in the said crime or desist from doing it.

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


PANFILO M. LACSON
Senator

SEVENTEENTH CONGRESS OF THE REPUBLIC }
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SENATE
Senate Bill No. 46

Introduced by SENATOR LACSON

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-Contraband in Prison*
2 *Act of 2016*”.

3 SECTION 2. *Declaration of Policy.* The maintenance of peace and order, the
4 protection of life, liberty and property, and the promotion of the 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 and
7 orderly society governed by rules and regulations made applicable to all and not just to a
8 chosen few. Recent inspections in our penal facilities including the New Bilibid Prisons
9 show that some inmates incarcerated in our penal institutions continue to enjoy the
10 luxuries they were accustomed to while they were outside the prison compound. To
11 remedy this seeming inequity and to truly implement the thrust of one of the five pillars
12 of our justice system, a mechanism for the effective implementation of the goal of the
13 said pillars i.e., reformation, should be instituted. Towards this end, the State shall strictly
14 monitor and regulate the ingress/egress of any person in any prison facility and provide

1 the appropriate sanction to be imposed on any person found to be violating the rules set
2 forth herein.

3 SECTION 3. *Definition of Terms.* As used in this section:

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

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

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

14 (4) “*Dangerous Drugs*” shall have the same meaning as that provided for in
15 *Republic Act 9165*, otherwise known as the “*Comprehensive Dangerous Drugs Act of*
16 *2002*” and all other illegal substances prohibited therein including but not limited to
17 Ecstasy, Methamphetamine Hydrochloride or Shabu and other drugs producing similar
18 effects;

19 (5) “*Prohibited Object or Contraband*” means –

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

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

23 (c) any alcoholic or intoxicating beverage;

24 (d) any money whether Philippine or Foreign denominated currency;

25 (e) a cell phone, laptop computer, accessories thereof, or any device used for
26 purposes of communicating with the outside world for commercial purposes including

1 signal jammers to prevent the authorities from determining their use of the
2 aforementioned devices;

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

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

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

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

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

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

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

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

1 SECTION 5. *Prohibited Acts.* Any person who commits any of the following
2 prohibited acts shall be punished in accordance with the next preceding section –

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

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

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

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

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

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

23 (c) *For violation of Sec. 5 (b).* The penalty of imprisonment ranging from Twelve
24 Years and One Day (12 years, 1 day) to Twenty Years (20 years) and a fine of Five
25 Million Pesos (P5,000,000.00) if the prohibited object or contraband is covered by Sec.

1 3(5)(a)(b). Otherwise, the penalty shall be six years and one day (6 years, 1 day) to
2 twelve years (12 years) and a fine of one million pesos (P1,000,000.00).

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

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

13 SECTION 7. *Implementing Rules and Regulations.* Within sixty (60) days from
14 the approval of this Act, the DOJ in coordination with the Department of Interior and
15 Local Government (DILG), the Bureau of Jail Management and Penology (BJMP) and
16 the Bureau of Corrections (BuCor) shall issue the necessary rules and regulations to
17 implement its provisions.

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

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

24 *Adopted,*