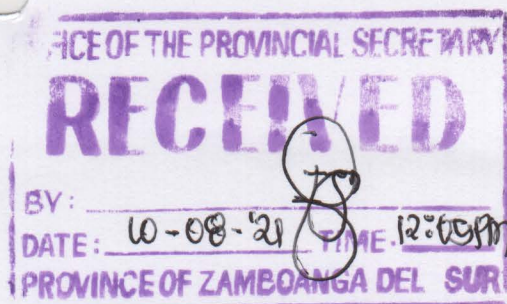




Republic of the Philippines
Region IX
Province of Zamboanga del Sur
Municipality of Ramon Magsaysay

Office of the Sanggunian Secretary



EXCERPT FROM THE MINUTES OF THE 97th REGULAR SESSION OF THE 10th SANGGUNIANG BAYAN OF RAMON MAGSAYSAY, ZAMBOANGA DEL SUR, HELD AT THE SANGGUNIANG SESSION HALL ON JULY 5, 2021.

Officers/Members:	Designation	Present	Absent	Remarks
Hon. MARGIE ARCITE-MACHON	Municipal Vice Mayor, Presiding	/		
Hon. VERGINITA A. GONZALES	SB Member	/		
Hon. JOHN PAUL C. HONTIVEROS	SB Member	/		
Hon. NECASTER N. JAVIER	SB Member	/		
Hon. CHANDER RAY N. ENTIENZA	SB Member	/		
Hon. LOLITO O. ARIAS	SB Member	/		
Hon. ANSELMO D. SACASAN, JR.	SB Member	/		
Hon. NIEVES A. CABASAG	SB Member	/		
Hon. CELSO C. CUYOS	SB Member	/		
Hon. CHED LOUI D. ARCITE	Liga President	/		
Hon. JADE MICHAEL M. MENDOZA	SK Fed. President	/		
Hon. FELIMON G. OYAG	IPMR	/		

MUNICIPAL ORDINANCE NO. 04-2021

AN ORDINANCE PROHIBITING THE SNEAKING-IN/SMUGGLING OF CONTRABAND IN DETENTION CELLS, JAILS, REFORMATORY CENTERS AND HALF WAY HOUSES AND IMPOSING PENALTY FOR VIOLATION THEREFOR.

WHEREAS, Section 458 (a) (Powers, Duties and Functions of the Sangguniang Bayan) of the Local Government Code states that the Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approved resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of the Local Government Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of the Local Government Code shall approve ordinances and pass resolution necessary for an efficient and effective municipal government, and relative thereto shall maintain peace and order be enacting measures to prevent and suppress lawlessness, disorder, not violence, rebellion or sedition and impose penalties for violation of said ordinances;

WHEREAS, Paragraph (iii) (1) (a) Section 458 of the Local Government Code provides that Sangguniang Bayan as legislative body shall approve ordinances imposing imprisonment not exceeding six (6) months or a fine not exceeding Two Thousand Five Hundred (Php2,500.00) Pesos or both imprisonment and fine at the discretion of the court, for violation of a municipal ordinance;

WHEREAS, detention cells, jails, reformatory centers and half way homes are facilities which houses our 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 development pending resolution of their cases before the courts of law. And while they are being prepared for their reintegration to the society;

WHEREAS, the entry of contraband in detention cells, jails, reformatory centers and half way houses has long been pervading concern of every individual. A perennial problem that has posed a deterrent in the full realization of the program thrusts of the government toward the ultimate reformation of inmates. 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 manage to slip them though security barriers;

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 the overall security of the facility, hence must be eliminated. To discourage would-be perpetrators, visitors or even personnel of detention cells, jails, reformatory centers and half way houses, a local ordinance prohibiting such acts, as well as prescribing penalties for violation of the same is opposite;

WHEREAS, the said legislative flat shall come with dual benefits: one, it will surely beef up the security of detention cells, jail reformatory centers and half way houses and rid it from any kind of contraband. Second, it will generate revenue for the local government unit, as violators thereof shall pay the fine as prescribe by an ordinance, to the municipal treasurer.

NOW THEREFORE,

BE IT ORDAINED, AS IT IS HEREBY ORDAINED by the Sangguniang Bayan of Ramon Magsaysay, Zamboanga del Sur, in session assembled:

[Signatures of the Sangguniang Bayan members]

Section 1. Purpose and General Coverage. This Ordinance is congruent with paragraph (ii) (1) (a) Section 458, (Powers, Duties and Functions of the Sangguniang Bayan) of the Local Government Code. This shall cover all detention cells, jails, reformatory centers and half way houses situated within the jurisdiction.

Section 2. Declaration of Policy. The provisions of this ordinance is in line with the Municipal Government's commitment to good governance and upholding the public order and safety, the existence and or proliferation of contrabands to the above mentioned facilities are prejudicial to public safety and counterproductive to rehabilitation programs of the government.

Section 3. Definition of Terms:

3.a) Contraband – is defined as any item or article inside the jail facility which was not either issued to the inmate by the BJMP; purchased or allowed through approved channels; approved for issue by authorized personnel; may have been authorized, however in its altered form to become a weapon; or generally authorized yet not recommended for a particular inmate to possess in the interest of safety and security. The following are categorized as contrabands:

- 3.a.1) Prohibited drugs and paraphernalia
- 3.a.2) Deadly/bladed weapons
- 3.a.3) Liquors and other intoxicating materials
- 3.a.4) Money exceeding the authorized amount
- 3.a.5) Cellular/mobile phone
- 3.a.6) Video camera/still camera
- 3.a.7) Pointed/sharp objects
- 3.a.8) Unnecessary electrical appliances
- 3.a.9) Clothes in excess of what is allowed
- 3.a.10) Cutting tools
- 3.a.11) Other objects that has the potential use as weapons such as but not limited to scissors, needles, nails, wires, hard plastics and keys; and
- 3.a.12) Other similar items which the duly constitutes authorities may declare in writing as contraband.

3.b) Nuisance Contraband - are items, though authorized, are already in excessive quantities to become a fire hazard, treat to security or has become causative in making the place unsanitary.

3.c) Paraphernalia – any instrument or contraption used for the dispensation or intake of harmful substances especially illegal drugs.

3.b) Personnel – Any personnel of detention cells, jails reformatory centers and half way houses who shall sneak-in/smuggle contrabands inside said jail facilities and or in cahoots with perpetrators therefor.

Section 4. Possession of Prohibited Drugs. In addition to the penalties imposed herein, any person who shall possess or use any dangerous drugs upon entering, and while inside detention cells, jails reformatory centers and half way houses shall be proceeded against in accordance with the provisions of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, without prejudice to the filing of appropriate administrative charges against personnel involve. Dangerous drugs shall be disposed of in accordance with RA 9165.

Section 5. Possession of Deadly Weapon. Consonant to this ordinance, any person who shall possess deadly weapon shall be proceeded against with the provisions of PD 1866 as amended by RA 8294 or BP 6 in case if the confiscated contraband is a bladed weapon. Deadly weapon confiscated shall be disposed of in accordance with pertinent laws.

Section 6. Possession of Other Contrabands (specifically numbers 3.a.1-3.a.11)

6.1) A visitor who shall sneak-in/smuggle inside detention cells, jails, reformatory centers and half way houses, any contraband, **specifically number 3.a.1-3.a.11**, or inmates or wards that shall possess the same shall be meted with a penalty of Fine, to wit:

First Offense - Php 1,000.00 and forfeiture of the confiscated contraband;

Second Offense – Php 2,000.00 and forfeiture of the confiscated contraband;

Third Offense - Php 2,500.00 and forfeiture of the confiscated contraband.

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

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

6.2) Personnel of detention cells, jails, reformatory centers and half way houses who shall provide the visitors or inmates any of the aforementioned contrabands shall be charged administratively and criminally.



Section 7. Procedure:

Section 7.1 After confiscation of the aforementioned contrabands, the warden, or his/her authorized representative shall cause the preparation of a report address to the Office of the Mayor informing the latter that a violation thereof has been committed.

Section 7.2 The warden or his /her authorized representative shall issue receipt to the offender evidencing ownership of the same.

Section 7.3 The confiscated contraband classified under numbers 3.a.1-3.a.11 shall be placed in the custody of the warden, or his/her authorized representative for safekeeping and shall be released only (in case of first time offender) after payment of the fine at the treasurer's office, and presentation of an official receipt that payment has already been made.

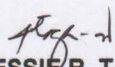
Section 8. Confiscated contraband not illegal per se or which are object of lawful commerce shall be sold by auction by the LGU thirty (30) days after the appropriate case is disposed of by a competent court, proceeds of which shall be remitted to the Municipal Treasurer.

Section 9. Separability Clause - In case any provisions of this ordinance is declared to be invalid or unconstitutional, other provisions not affected by the declaration of invalidity or unconstitutionality shall remain in force.

Section 10. Repealing Clause - All existing ordinances, resolutions, rules and regulations, or parts thereof, in conflict with or inconsistent with any provisions of this Ordinance are hereby repealed, amended or modified accordingly.

Section 11. Effectivity Clause. This Ordinance shall take effect upon its approval.

CERTIFIED TRUE AND CORRECT:


TESSIE R. TAGA-AN
Secretary to the Sanggunian

ATTESTED:


MARGIE ARCITE-MACHON
Municipal Vice-Mayor, Presiding

APPROVED:


LEONILO D. BORINAGA, SR.
Municipal Mayor