

Republika ng Pilipinas
Lungsod ng Dagupan
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
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EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD, DAGUPAN CITY, HELD via ZOOM Conference Meeting), ON NOVEMBER 18, 2021.

PRESENT:

Hon. Karlos Liberato E. Reyna IV	Presiding Officer Pro Tempore, Member
Hon. Jose Netu M. Tamayo	Deputy Presiding Officer, Member
Hon. Michael B. Fernandez	Majority Floor Leader, Member
Hon. Dennis C. Canto	Second Asst. Majority Floor Leader, Member
Hon. Celia C. Lim	Asst. Minority Floor Leader, Member
Hon. Marvin V. Fabia	City Councilor, Member
Hon. Cisco Jay P. Flores	City Councilor, Member
Hon. Teresa T. Coquia	City Councilor, Member
Hon. Marcelino D. Fernandez	Liga ng mga Barangay President, Ex-Officio Member
Hon. Joshua Bon Bon F. Bugayong	Pederasyon ng mga Sangguniang Kabataan President, Ex-Officio Member

ABSENT:

Hon. Dean Bryan L. Kua	City Vice Mayor & Presiding Officer (O.B.)
Hon. Maria Librada Fe M. Reyna	Minority Floor Leader, Member (O.B.)
Hon. Luis M. Samson, Jr.	Asst. Majority Floor Leader, Member (O.B.)

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ORDINANCE NO. 2243-2021

PROHIBITING THE ENTRY, SNEAKING, USING AND CARRYING ANY FORMS OF CONTRABAND INSIDE BJMP-MANNED JAIL FACILITIES IN THE CITY OF DAGUPAN AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, paragraph (II) (1) Article 99, (Powers, Duties and Functions of the Sangguniang Panlungsod) of the Implementing Rules and Regulations (IRR) of Republic Act No. 7160 (also known as the "Local Government Code of 1991") empowered the Sangguniang Panlungsod to enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of the same law;

WHEREAS, BJMP-Manned Jail Facilities which house our constituents who are in conflict with the laws or have committed infractions thereof, who in one way or another are being held therein for purposes of safekeeping and rehabilitation pending resolution of their cases before courts of law, and while they are being prepared for their reintegration to the society;

WHEREAS, the persistent and continuing presence of contraband (illegal, prohibited and regulated) items/materials within custodial facilities endanger the security and lives of Persons Deprived of Liberty (PDL) as well as their visitors and custodial

personnel in such detention cells, jails, reformatory centers and halfway houses – a direct opposition to the principles of good governance, public order and safety;

WHEREAS, the continuing physical entry and possession by PDL of such contraband items and materials in spite of existing systems of physical security control against it necessitate the legislation of a city ordinance that will effectively deter or discourage would-be traffickers and possessors of contraband items/materials and make the consequences thereof more specific, exacting and prohibitive;

WHEREAS, the enactment of a City Ordinance will promote peace and order, enhance the physical security within the jail facility by eradicating as well as effectively deterring the trafficking, use, and possession of contraband materials;

WHEREAS, in a committee hearing held on November 4, 2021, the BJMP Dagupan, thru City Jail Warden Roque Constantino Sison III requested the passage of this ordinance;

NOW THEREFORE, on joint motion of Councilors Jose Netu M. Tamayo, Michael B. Fernandez, and Cisco Jay P. Flores, duly and jointly seconded by Councilors Celia C. Lim, Marcelino D. Fernandez, and Joshua Bon Bon F. Bugayong, be it ordained by the Sangguniang Panlungsod of the City of Dagupan in its regular session assembled that:

Section 1. Short Title. This Ordinance shall also be known and cited as the "***Guard-the-Gate Ordinance of Dagupan City Jail***".

Section 2. City Government Policy. The City government shall improve the administration of justice within its jurisdiction by instituting a sound, secure, and effective jail management system at Dagupan City Jail that aims to rehabilitate valuable human resources, respect and safeguard the dignity and human rights of inmates and that of their relatives and loved ones, prevent the proliferation of criminality and gang violence in the said facilities, improve the capabilities and equipment of personnel assigned to the said facilities, and enhance the security thereof.

Section 3. SCOPE AND APPLICATION. This Ordinance shall govern the implementation, enforcement and imposition of fines and penalties for violation thereof, within the Dagupan City Jail.

Section 4. Definition of Terms. The following words and phrases as used in this Ordinance shall mean as follows:

4.1. **BJMP-Manned Jail Facility** - refers to jail facility managed and supervised by the Bureau of Jail Management and Penology (BJMP) within the territorial jurisdiction of the Dagupan City;

4.2 **CONTRABAND** – is defined as any article, item or thing prohibited by law and/or forbidden by jail rules that would pose as security hazard or endanger the lives of PDL, Visitors, Personnel or any person. For this purpose, it is divided into the following categories:

I. **ILLEGAL CONTRABAND**– it is unlawful in itself and not because of some extraneous circumstances such as;

a. Prohibited drugs and paraphernalia;

b. Deadly/bladed weapons and potential weapons; and

c. Explosives and its components.

II. *NUISANCE CONTRABAND* – are those that may not be classified as illegal under the law but are forbidden by jail rules as defined and enumerated under the BJMP Comprehensive Operations Manual, such as:

- a.) Intoxicating Beverage/Liquors
- b.) Cigarettes, Tobacco and Lighters
- c.) Cellular/Mobile Phones
- d.) Video camera/still camera
- e.) Money in excess of P1,000.00 (per week)
- f.) Commodities of exchange such as jewelry, appliances and gadgets
- g.) Pointed/sharpened objects
- h.) Pornographic materials
- i.) Gambling paraphernalia and other product considered as vices
- j.) Excessive clothing materials and sleeping paraphernalia

4.3. **Prohibited Drugs and Paraphernalia** – refer to those defined and enumerated under R.A. 9165 or the “Comprehensive Dangerous Drugs Act of 2002”;

4.4. **Deadly and Bladed Weapon** – refers to any object which in the manner used capable of producing death, or of inflicting bodily injury, or seriously wounding; and

4.5. **Pat Search** – consist of the removal of outer protective clothing, the emptying of pockets, the physical search, screening by the device which does not require disrobing, and the inspection of papers, bags, books and other items being carried.

Section 5. Prohibited Acts. It shall be unlawful for any person, to willfully possess, sneak/carry/use, attempt to sneak/carry or cause or attempt to cause to be brought into the Jail facility any contraband as defined and enumerated by Section 4.2 of this ordinance.

Section 6. Penalties. Violation of the preceding section shall suffer the following penalties:

- 1st Offense – Fine of ₱1,500.00, confiscation of the contraband and/or other prohibited items, and community service for one (1) day
- 2nd Offense – Fine of ₱3,000.00, confiscation of the contraband and/or other prohibited items, and community service for one (1) week
- 3rd Offense – Fine of ₱5,000.00, confiscation of the contraband and/or other prohibited items, and community service for ten (10) days and total ban from visiting the jail facility.

Section 7. Accessory Penalty – all contraband confiscated under this ordinance shall be forfeited in favor of the government. Unless the confiscation and disposition of a contraband is governed by any National Law, all other contraband confiscated shall within fifteen (15) days from the termination of trial, be turned over to the appropriate office of the City for proper disposal or shall be deposited to the general fund of the City in cash.

Section 8. Possession of Prohibited Drugs

In addition to the penalties imposed herein, any person (visitors, personnel and inmate alike) who shall cause the entry, possess, sell, or use any dangerous drugs or paraphernalia, upon entering or while inside jails, detention cells, and rehabilitation centers shall be proceeded against in accordance with the provision of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drug Act of 2002, without prejudice to the filing of appropriate administrative/criminal charges against personnel involved, dangerous drugs shall be disposed of in accordance with RA 9165.

Section 9. Possession of Deadly Weapon

Consistent with this ordinance, any person who shall possess deadly weapon shall be proceeded against in accordance with the provision of PD 1866 as amended by RA 8294 or BP 6 in case of confiscated contraband is a blade weapon. Deadly weapon confiscated shall be disposed of in accordance with pertinent laws.

Section 10. Enforcement – As a standard operating procedure, all BJMP-manned jails are mandated to conduct pat search on any person, including organic and non-organic personnel entering their facilities.

10.1. Administrator of the BJMP-manned jails shall post in at least three (3) conspicuous places sufficient printed notices and warnings regarding contraband items and materials as well as consequences thereof for the full and proper understanding of the visitors, inmates, and personnel alike.

10.2 Prior to the conduct of pat search, the person entering the jail shall be given the opportunity or advised to surrender or removed from his possession or belongings any item considered as contraband. If upon search, contraband is found, it shall be presumed that such person intended to violate this Ordinance.

10.3. Upon violation of this Ordinance, the warden or his/her authorized representatives shall cause the preparation of a report addressed to the Office of the Mayor informing the latter that a violation thereof has been committed.

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

SECTION 11. No Contest Provision

Any person, individual or entity who is apprehended or cited for violation of this ordinance except those whose violation and is willing to pay voluntarily the fine imposed upon him/her prior to the filing of formal charge with the proper court shall be allowed to pay said fine with the City Treasurer to avoid being criminally prosecuted within six (6) hours from apprehension otherwise the case shall be prosecuted.

SECTION 12. Separability Clause

For any reason, any section or provision of this ordinance is declared unconstitutional or invalid the other section or provision hereof which are not affected thereby shall continue to be in full force and effect. Likewise, provision that may be fully implemented without the aid of an implementing rules and regulations are executed after the approval of this ordinance.

Section 13. Effectivity. This Ordinance shall take effect upon its approval.

ENACTED UNANIMOUSLY.

Principal Author:

COUNCILOR JOSE NETU M. TAMAYO

Co-Authors:

COUNCILOR MICHAEL B. FERNANDEZ

COUNCILOR CISCO JAY P. FLORES

KARLOS LIBERATO E. REYNA IV
Presiding Officer Pro Tempore

ATTESTED:

REA L. MANUEL
Asst. City Secretary

APPROVED:

MARC BRIAN C. LIM
City Mayor

Date: _____