



REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD
CITY OF MANDALUYONG



ORDINANCE NO. 936, S-2023

**AN ORDINANCE PROHIBITING THE
ENTRY/TRAFFICKING OF CONTRABAND
MATERIALS IN CITY JAIL FACILITIES AND
TEMPORARY CUSTODIAL FACILITY IN THE CITY OF
MANDALUYONG, AND IMPOSING PENALTY FOR
VIOLATION THEREOF**

WHEREAS, Article 99, Paragraph (II) known as "Powers, Duties and Functions of the Sangguniang Panlungsod" of the Implementing Rules and Regulations (IRR) of the Local Government Code states that "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 of these Rules, (1) Approve ordinances and pass resolutions 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";

WHEREAS, Section 16 of the Local Government Code, among others, further states that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, detention cells and temporary custodial facilities, which house our constituents who are in conflict with laws or have committed infractions thereof, have for their primary purpose the "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 entry of contraband, whether illegal, prohibited, and regulated items or materials, in detention cells and custodial facilities has long been a pervading concern of every facility administrator — a persistent problem that has always deterred the realization of government programs aimed at reforming and rehabilitating inmates. Despite the stringent security measures, contraband couriers still manage to work around the set up and bring in contraband materials inside jail facilities;

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 potential perpetrators, visitors, or even personnel of detention cells, jails, reformatory centers, and halfwayhouses, a local ordinance prohibiting such acts, as well as prescribing penalties for violation of the same, is apposite and necessary;

WHEREAS, this will complement the implementation of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, Presidential Order No. 1866, as amended by Republic Act No. 8294 (Illegal/Unlawful Possession, Manufacture, dealing in, Acquisition or Disposition, of Firearms, Ammunition, or Explosives or Instruments used in the Manufacture), Presidential Decree No. 9, s. 1972, as amended by Batas Pambansa Blg. 6 (Illegal Possession of Bladed or Deadly Weapons) and other related National Laws implemented within the jurisdiction of the Mandaluyong City Jail;

BE IT ORDAINED by the Sangguniang Panlungsod of the City of Mandaluyong, in session assembled:

SECTION 1. TITLE: This Ordinance shall be called "CONTRABAND-FREE CITY JAIL AND TEMPORARY CUSTODIAL FACILITY ORDINANCE IN THE CITY OF MANDALUYONG".

SECTION 2. PURPOSE AND GENERAL COVERAGE. This Ordinance is enacted to ensure the safety and security of jail facilities, its authorities, Persons Deprived of Liberty, and Persons under Police Custody, as well as the general public.

SECTION 3. DECLARATION OF POLICY. The provision 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 to the above-mentioned facilities are prejudicial to public safety and counterproductive to the rehabilitation programs of the government.

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

- 4.1. One of the most important parts of the BJMP's total security program is the identification and control of contraband.
- 4.2. Contraband items threaten the overall security of the jail facility. It endangers jail officers/personnel of these facilities and visitors, as well as increase the possibility of escape of person temporarily deprived of liberty.
- 4.3. Contraband control is a primary responsibility of all jail officers/personnel, and all persons in charge in custodial facility;
- 4.4. Proper security in a jail and temporary custodial facility needs to be properly in place and an appropriate legislative measure should have to be enacted for the purpose.

SECTION 5. OBJECTIVES. To rid the jail and custodial facility of all forms of contraband which the Persons Deprived of Liberty (PDL) or Persons under Police Custody (PUPC) may use to inflict harm on his fellow inmates and others and help them facilitate their escape and ultimately establish a contraband-free jail and detention cell in the City of Mandaluyong.

SECTION 6. DEFINITION OF TERMS. For purpose of this Ordinance, the following terms shall be defined as follows:

- a.) **CONTRABAND** – any item or article inside the jail facility, which is not issued to the PDL or PUPC by the BJMP or PNP; those that are prohibited by law, which include but not limited to dangerous drugs, firearms, and ammunitions; and those that are considered unauthorized and/or excessive based on the existing policies whether or not they pose risks;
- b.) **ILLEGAL CONTRABANDS** – contrabands which are unlawful in itself and not because of some extraneous circumstance, including but not limited to dangerous drugs, weapons, potential weapons, explosives;
- c.) **NUISANCE CONTRABANDS** – contrabands which may not be classified as illegal under the law but are forbidden by jail rules, and those which, although authorized, are already in excessive quantities to become a fire hazard, a threat to security, or has become causative in making the place unsanitary, including cellular phones, monies, or other commodities of exchange such as jewelry, appliances and gadgets, excessive wearing apparels and sleeping paraphernalia, intoxicating liquors, cigarettes, pornographic materials, gambling paraphernalia, and other products that are considered vices.
- d.) **PERSONS DEPRIVED OF LIBERTY** – are detainees who are incarcerated pending trial and/or final judgment. It includes all persons who are arrested, detained, imprisoned or otherwise under custody of the government authorities.
- e.) **CUSTODIAL FACILITY** – facility within PNP premises that are used to hold arrested Persons under custodial investigation.
- f.) **JAIL FACILITY** - is a place of confinement for the city detainees/prisoners, any fugitive from justice, or persons detained awaiting or undergoing investigation or trial and/or pending transfer to the National Penitentiary, and/or violent, mentally ill person who endangers him/herself or the safety of others duly certified as such by the proper medical or health officer, pending transfer to a mental institution.
- g.) **PERSONNEL** - any uniformed or non-uniformed person mandated by the law to perform its duties and responsibilities inside but not limited to a city jail and temporary custodial facility.

- h.) **PERSON UNDER POLICE CUSTODY (PUPC)** - are persons who are being held by the PNP in its custodial facilities who were arrested for an offense or previous violation of law.
- i.) **SERVICE PROVIDER** – any individual or entity whether private, religious or non-religious organization and institution that offers welfare and development programs for the benefit/development of PDL/PUPC.

SECTION 7. PROHIBITED ACTS.

1. It shall be unlawful for any person, including personnel of the BJMP and PNP Mandaluyong Offices:
 - a. To bring or sneak inside the City's jail and custodial facilities contrabands, including illegal and nuisance contrabands as defined in this Ordinance;
 - b. Possess such contrabands including illegal and nuisance contrabands while inside the facilities of the jail and custodial facilities; and
 - c. Provide PDL/PUPC or cause the PDL/PUPC to be provided with the contrabands.
2. It shall, likewise, be unlawful for PDLs/PUPCs and those temporary detained inside the custodial facilities to possess any form of contrabands as defined in this Ordinance while inside these facilities.
3. If the violator is personnel of the BJMP and PNP Mandaluyong Offices, he or she shall also be liable administratively.

SECTION 8. POSSESSION OF PROHIBITED DRUGS AND DEADLY WEAPONS. In addition to the penalties imposed under this Ordinance, any person found in possession and/or using any dangerous or prohibited drugs and those found in possession of deadly weapons, before and after entry into the jail and custodial facilities, shall be prosecuted in accordance with the provisions of Republic Act No. 9165, known as the Comprehensive Dangerous Drugs Act of 2002, or in case of the firearms, ammunition, and deadly weapons, under Republic Act No. 10591.

Possession of illegal contrabands shall automatically result to denial of entry and immediate arrest of subject visitor. The provisions of Republic Act No. 7438 shall apply to the arrested visitor.

SECTION 9. POSSESSION OF NUISANCE CONTRABAND. Any person who may have in their possession items which could fall under the definition of nuisance contraband as defined in this Ordinance shall, before being allowed entry to the jail and custodial facilities, be requested to deposit with the BJMP or PNP personnel such contraband or those in excess of the allowable quantities, to avoid being charged for the violation of this Ordinance. For this provision, the relevant issuances of the BJMP

and PNP as regards the handling, custody, and disposition of nuisance contrabands shall apply.

SECTION 10. PENALTY. Any person violating the said Ordinance shall be penalized as follows.

- a. First Offense — Php1,000.00 and forfeiture of the confiscated contraband;
- b. Second Offense — Php3,000.00 and forfeiture of the confiscated contraband;
- c. Third Offense — Php5,000.00 and forfeiture of the confiscated contraband.

In the case of an inmate, the violating inmate shall be required to render community service within the facility where he/she is confined.

SECTION 11. PROCEDURE AND IMPLEMENTATION.

- a. The guidelines and procedures provided under Guidelines VI, VII, and VIII of BJMP Comprehensive Operations Manual Revised 2015, SOP No. 2010-05, and other relevant rules and regulations set by the concerned authorities shall serve as the procedures in the conduct of body search and inspection of their belongings.
- b. If found to be in possession of a contraband, provision under Guidelines XI of BJMP Comprehensive Operations Manual Revised 2015, SOP No. 2010-05, and other relevant rules and regulations set by the concerned authorities shall apply, and the offender shall be arrested, booked, and issued an Ordinance Violation Receipt (OVR) by the jail personnel who made the arrest.
- c. If the offender availed of the “No Contest Provision” of Ordinance No. 740, S-2019, which applies to this Ordinance, and have paid the fine imposed by the Ordinance, the case shall be considered closed.
- d. If the offender failed or refused to avail of the “No Contest Provision”, the case against him/her shall be filed by the City Ordinance Enforcement Division (COED) before the City Prosecutor’s Office.

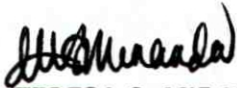
SECTION 12. IMPLEMENTING AGENCIES. The BJMP and PNP shall be responsible for the implementation of this Ordinance.

SECTION 13. POSTING. This Ordinance shall be posted by the jail authorities at the entrance or bulletin board of detention cells and temporary custodial facilities for the information of the visitors of the said jail facilities.

- SECTION 14. SEPARABILITY CLAUSE.** If, for any reason or reasons, any part or provision of these Implementing Rules and Regulations shall be held unconstitutional or invalid, other parts or provisions thereof which are not affected thereby shall continue to be in full force and effect.
- SECTION 15. REPEALING CLAUSE.** All ordinances, 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 16. EFFECTIVITY.** This Ordinance shall take effect after fifteen days upon its approval and publication in a newspaper with circulation within the territorial jurisdiction of the City, in accordance with the Local Government Code.

ENACTED on this 10th day of July 2023, in the City of Mandaluyong.

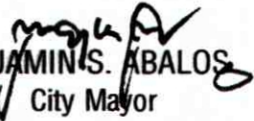
I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN A REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

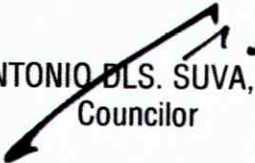
ATTESTED BY:

APPROVED BY:


CARMELITA A. ABALOS
City Vice Mayor &
Presiding Officer


BENJAMIN S. ABALOS
City Mayor
Date: JUL 13 2023

DISTRICT I

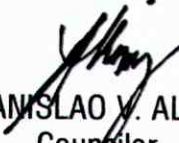

ANTONIO DLS. SUVA, JR.
Councilor


ANJELO ELTON P. YAP
Councilor

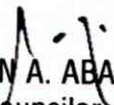

DANILO L. DE GUZMAN
Councilor


RODOLFO M. POSADAS
Councilor


CARISSA MARIZ S. MANALO
Councilor

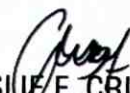

ESTANISLAO V. ALIM III
Councilor

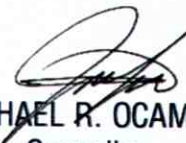
DISTRICT II


BENJAMIN A. ABALOS III
Councilor


ALEXANDER C. STA. MARIA
Councilor


REGINALDO S. ANTIOJO
Councilor


LESLIE F. CRUZ
Councilor


MICHAEL R. OCAMPO
Councilor


MICHAEL ERIC G. CUEJILO
Councilor


DARWIN A. FERNANDEZ
LNB President


AEROL SEDRICK A. MANGALIAG
SK Federation President