



Republic of the Philippines  
Province of Sorsogon  
**CITY OF SORSOGON**



*Office of the Sangguniang Panlungsod*

**EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SIXTH CITY COUNCIL  
HELD AT SESSION HALL ON SEPTEMBER 13, 2016.**

**PRESENT:**

**ATTY. JONATHAN G. BALINTONG**  
City Vice Mayor/Presiding Officer

**EAST DISTRICT**

City Councilor Florencio J. Jamisola, Jr.  
City Councilor Ralph Walter R. Lubiano  
City Councilor Mary Ellen D. Jamisola  
City Councilor Joven G. Laura

**WEST DISTRICT**

City Councilor Fernando David H. Duran III  
City Councilor Nestor J. Baldon

**BACON DISTRICT**

City Councilor Hilario D. Dioneda  
City Councilor Melchor P. Atutubo  
City Councilor Emmanuel D. Diolata  
City Councilor Iñigo D. Destacamento

**EX-OFFICIO MEMBERS**

City Councilor Edwin A. Divina

**ABSENT:** City Councilor Aldin V. Ayo  
City Councilor Jonas Oliver E. Duran  
City Councilor Iñigo D. Destacamento – Sick Leave

*Resolution No. 077, Series of 2016*

(Author: City Councilor Florencio J. Jamisola, Jr.)

**RESOLUTION ENACTING AN ORDINANCE PROHIBITING THE SNEAKING-IN/SMUGGLING OF  
CONTRABANDS IN CITY JAIL FACILITIES AND IMPOSING PENALTIES FOR VIOLATIONS  
THEREFOR.**

**WHEREAS,** Penal and Rehabilitation/Reformation Institutions are established with  
the end in view to reform and rehabilitate offenders;

**WHEREAS,** it is incumbent upon the government, the penal institutions and facilities,  
the community and primarily the immediate members of the family of the detainee to  
provide moral support and assistance to enable the detainees to rejoin the mainstream of  
society;

**WHEREAS,** it is admitted being a reality that our courts are clogged with pending  
cases for litigation particularly criminal cases resulting to prolonged and lengthy  
incarceration of offenders in contradiction to Sec 16, Art II of the Bill of Rights of the  
Philippine Constitution, which states that all persons shall have the **right to a speedy  
disposition of their cases** before all judicial, quasi-judicial, or administrative bodies;

**NOW, THEREFORE**, on motion of **City Councilor Florencio J. Jamisola, Jr.**, duly seconded by **City Councilor Fernando David H. Duran III**, resolve as it is hereby resolved to enact an ordinance prohibiting the sneaking-in/smuggling of contrabands in City Jail Facilities and imposing penalties for violations therefor.

## *City Ordinance No. 001, Series of 2016*

### **AN ORDINANCE PROHIBITING THE SNEAKING-IN/SMUGGLING OF CONTRABANDS IN CITY JAIL FACILITIES AND IMPOSING PENALTIES FOR VIOLATIONS THEREFOR.**

Be it ordained by the Sangguniang Panlungsod in session that;

#### **SECTION 1 TITLE:**

This ordinance shall be known as An Ordinance Providing Penalties for Sneaking-in/Smuggling of Prohibited Items and Contrabands in City Jail Facilities.

#### **SECTION 2 COVERAGE**

Under this ordinance, any person shall be liable to the hereunder stated prohibited acts by sneaking-in/smuggling or introducing any of the prohibited items in City Jail Facilities without prejudice however to any case that shall be filed against the offender under existing laws, rules and regulations.

Any officer assigned at the facilities shall be likewise liable for the penalties herein prescribed by conniving, permitting or thru negligence the introduction of the prohibited items without prejudice to prosecution of any case that shall be filed against him under existing laws, rules and regulations such as Illegal possession of deadly weapons, illegal possession of drugs and other special laws.;

#### **SECTION 3 DEFINITION OF TERMS:**

1. Contraband: any item or article inside the city jail facility in actual possession of the detainee which was not issued, authorized by the BJMP, acquired by the detainee thru purchase, thru approved channels, or issued by the authorized personnel at the facility but such is altered in its form into a desired material as a weapon. Provided however, that the items issued to inmates for their personal use for purposes and interest of safety shall not be considered as contraband.
2. Nuisance contraband: are items despite being authorized are already in excessive quantities becoming a fire hazard, a treat to security or which causes the facility being unsanitary.
3. Paraphernalia: is any instrument, implement, gadget or contraption used for the dispensation, introduction or intake of harmful substances especially regulated and illegal drugs and similar substances.

Contraband items may be useful to the detainee however these items may pose threat to the security of the facility or may adversely affect the health of the detainee. Prohibiting these contrabands shall preempt disturbances inside the facility.

For purposes of this ordinance, the BJMP shall post at the facility in three conspicuous places therein the complete lists of prohibited items inside the facility. It shall likewise clearly identify items allowed inside but clearly indicating the allowed and authorized quantity thereof.

#### **SECTION 4 CLASSIFICATION OF CONTRABAND**

For purposes of identification, this ordinance categorizes the contrabands, as follows;

1. Drugs or pharmaceuticals
2. Drug paraphernalia's
3. Weapon or any items that maybe used as a weapons
  - a) Bladed weapons (i.e. knife, bolo, samurai, bayonet, blade, razor blade, glass, cutter, etc.)
  - b) Pointed weapons (i.e. icepick, nail, barbecue stick, needles, etc.) and other improvised pointed weapons (i.e. Indian arrows, etc.)
  - c) Contraband weapons (i.e. handguns, parts, ammunitions)
  - d) Accessories (hacksaw, guitar cords, master keys, hammer, crowbar, etc)
4. Appliances (e.g., television sets, radios, stereos, recorders, fans, cordless and cellular phones, etc.)
5. Wearing apparel
6. Money or other commodities of exchange (e.g. postage stamps, jewelry, etc.)
7. Tobacco, tobacco-like products and or products used to consume tobacco products.
8. Alcoholic drinks/beverages or similar substances and Wines and Spirits
9. Other miscellaneous properties
  - a) Commissary
  - b) Hobby craft items (toys, etc.)
  - c) Identification (ID) Cards
  - d) Medical items
  - e) Religious Items
  - f) Special items (items that are considered as valuables)

#### **SECTION 5 PENATIES:**

1 <sup>st</sup> Offense	₱1,500.00
2 <sup>nd</sup> Offense	₱3,000.00
3 <sup>rd</sup> Offense	₱5,000.00

The offenders or thru their authorized representative shall pay the penalty hereinabove prescribed at the City Treasurers Office in close coordination with the City Jail Personnel. Payment thereof shall be evidenced by the corresponding Official Receipt thereto. The 25% of the collected amount from payment of penalties shall be deposited to the Trust Fund of the BJMP-Sorsogon City.

Offenders who are below 18 years of age old shall be turned-over to the custody of the DSWD who may be prosecuted based on the existing laws, rules and regulations.

The herein offenders shall be likewise be prosecuted in cases wherein the contraband is covered and prohibited under existing laws, rules and regulations.

**SECTION 6 SEPARABILITY CLAUSE:**


Any provision of herein ordinance declared invalid or unconstitutional shall not affect other provisions hereof and shall remain valid and in full force and effect.

**SECTION 7 EFFECTIVITY CLAUSE:**

This ordinance shall take effect upon approval and compliance with the publication requirement.

DATE APPROVED: **September 13, 2016**

**I HEREBY CERTIFY** to the correctness of the foregoing resolution and ordinance.

  
**JONATHAN G. BALINTONG**  
City Vice Mayor/Presiding Officer

Attested:

  
**NOEL G. DREU**  
Secretary to the Sangguniang Panlungsod

Approved:

  
**SALLY A. LEE**  
City Mayor