

Republika ng Pilipinas  
LALAWIGAN NG SURIGAO DEL SUR  
TANDAG CITY

Tanggapan ng Sangguniang Panlalawigan  
(Office of the Provincial Council)

EXCERPT FROM THE MINUTES OF THE 33<sup>rd</sup> REGULAR SESSION OF THE 19<sup>TH</sup> SANGGUNIANG PANLALAWIGAN OF SURIGAO DEL SUR HELD AT THE SANGGUNIANG PANLALAWIGAN SESSION HALL, CAPITOL HILLS, TANDAG CITY, PROVINCE OF SURIGAO DEL SUR ON MARCH 17, 2020

**PRESENT:**

Hon. Librado C. Navarro - Vice Governor  
(Presiding Officer)

**Regular Sangguniang Panlalawigan Members:**

**District I**

Hon. Ruel D. Momo  
Hon. Manuel O. Alameda, Sr.  
Hon. Henrich M. Pimentel  
Hon. Valerio T. Montesclaros, Jr.

**District II**

Hon. Conrad C. Cejoco  
Hon. Margarita G. Garay  
Hon. Gines Ricky J. Sayawan, Sr.  
Hon. Raul E. Millan  
Hon. Raineria M. Nazareno

**Ex-Officio Members:**

Hon. Jimmy I. Guinsod - Indigenous Peoples Mandatory Representative, Surigao del Sur  
Hon. Maria Lourdes Kharin C. Momo - President, Provincial Chapter of the Liga ng mga Barangay sa Pilipinas  
Hon. Charles P. Arreza - President, Panlalawigang Pederasyon ng mga Sangguniang Kabataan

**ABSENT:**

**On Sick Leave:**

Hon. Glenn P. Plaza - Member, Sangguniang Panlalawigan

**On Special Privilege Leave:**

Hon. John Paul C. Pimentel - President, Philippine Councilors' League, Surigao del Sur Chapter

**ORDINANCE NO. 28-20**  
(March 17, 2020)

**PROHIBITING THE SNEAKING-IN AND SMUGGLING OF CONTRABANDS IN ALL JAILS AND CUSTODIAL FACILITIES IN THE PROVINCE OF SURIGAO DEL SUR AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF**

**AUTHOR:**

**HON. HENRICH M. PIMENTEL**



**SPONSORS:**

**HON. RUEL D. MOMO, HON. RAINERIA M. NAZARENO,  
HON. GLENN P. PLAZA, HON. RAUL E. MILLAN  
AND HON. MANUEL O. ALAMEDA, SR.**

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**WHEREAS**, Republic Act No. 7160 otherwise known as the Local Government Code of 1991 provides 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 within their respective territorial jurisdictions. Local Government Units shall ensure and support, among other things, enhance social justice, maintain peace and order, preserve the comfort and convenience of their inhabitants";

**WHEREAS**, Section 468 (ii), Article 3 of the same Act provides that, "the Sangguniang Panlalawigan shall maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for violation of said Ordinances";

**WHEREAS**, the proliferation of contrabands in Jail Facilities and Custodial Facilities in the Province of Surigao del Sur is a perennial problem which the Bureau of Jail Management and Penology (BJMP) is in constant battle. In fact, contrabands in the hands of inmates jeopardize jail security, hamper rehabilitation programs and put risks to jail personnel and the visiting public;

**WHEREAS**, despite the stringent security measures implemented by BJMP personnel, contraband couriers still managed to slip them through security barriers;

**WHEREAS**, to discourage violators and connivance with some Jail and Custodial Facility Personnel and to finally eliminate this recurring activities;

**NOW THEREFORE**

**BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF SURIGAO DEL SUR IN A SESSION ASSEMBLED:**

**SECTION 1. Title** – There is hereby prohibited the sneaking-in and smuggling of contrabands in all Jails and Custodial Facilities in the Province of Surigao del Sur and imposing penalties for violations thereof.

**SECTION 2. Coverage** – This ordinance shall be applicable to all persons/Jail Custodial Facility Personnel who carry contrabands/accepts bribe/acts in one's favor in all Jails and Custodial Facilities in the Province of Surigao del Sur.

**SECTION 3. Principles** – In an effort of preserving law and order inside Jails and Custodial Facilities in the Province of Surigao del Sur, it is imperative that responsive and proactive rules and regulations are followed by the detention personnel, inmates and jail visitors alike.



**SECTION 4. Definition of Terms.** For purposes of this Ordinance, the following terms shall be defined as follows:

- 1) **Nuisance Contrabands** - items or articles possessed by Person Deprived of Liberty (PDL) without authorization and/or an authorized item but has been altered from its original purpose.
- 2) **Illegal Contraband** - anything which is unlawful in itself and not because of some extraneous circumstances (eg. dangerous drugs, potential weapons, explosives).
- 3) **Jail Personnel** - any personnel of Jails and Custodial Facilities.
- 4) **Visitor** - a person who enters a jail facility for a definite period of time to meet an inmate of Jail and Custodial Facilities or conduct an official business or activity inside the same.
- 5) **Cells** - is a small room in Jails and Custodial Facilities or police stations where prisoners are held.
- 6) **Jail** - is a place of confinement for city and municipal detainees/prisoners, any fugitive from justice, or person detained awaiting or undergoing investigation or trial and/or pending transfer to the National Penitentiary, and/or violent, mentally ill person who endangers him or herself or the safety of others, duly certified as such by the proper medical or health officer, pending transfer to a mental institution.
- 7) **Violators** - any person who shall perform any of the enumerated prohibited acts.
- 8) **Paraphernalia** - any instrument or contraption used for dispensation or intake of harmful substances especially illegal drugs.
- 9) **Corruption of Public Officials** - any person/public official who shall have made the offers or promises or given/accepted the gifts or presents as described in the Art. 211-A of the Revised Penal Code.
- 10) **Bribing** - is the offering, giving, receiving, or soliciting of any item of value to influence the action of an official or other person in charge of public or legal duty.

**SECTION 5. Prohibited Acts.** The following are the prohibited acts in Jails and Custodial Facilities in the Province of Surigao del Sur:

**a.) For Visitors**

1. bringing or having in his/her possession any of the illegal contrabands or nuisance contrabands within the premises of Jails and Custodial Facilities in the Province of Surigao del Sur;
2. sneaking in or concealing in his/her person to facilitate the entry of illegal or nuisance contrabands and paraphernalias;
3. any person who shall have in his/her possession firearms and ammunitions upon entering Jail and Custodial Facility premises; and

4. directly or indirectly bribing jail personnel to facilitate entry of any illegal contrabands or nuisance contrabands within Jail and Custodial Facility premises.

**b.) For Jail and Custodial Facility Personnel**

1. actively, directly or indirectly accept gifts, bribe or any other monetary consideration, for and in consideration of favor, to allow the entry of illegal and nuisance contrabands and paraphernalias in Jails and Custodial Facilities of the Province;
2. personally or through the aid of other person, cause or facilitate entry and proliferation of illegal and nuisance contrabands and paraphernalias; and
3. provide the inmates or visitor of inmates any of the aforementioned contrabands while inside Jails and Custodial Facilities of the Province.

**c.) For Inmates**

1. possession of any of the contrabands defined under 1, 2 and 8 of Section 3 of this Ordinance;
2. possession of prohibited drugs or use any of the dangerous drugs while inside Jails and Custodial Facilities of the Province; and
3. possession of firearms and ammunitions while inside Jails and Custodial Facilities of the Province.

**SECTION 6. Penalties.** Violation of this Ordinance shall be penalized as follows:

Any inmate and visitor who shall sneak-in/smuggle nuisance and illegal contrabands and paraphernalias inside Jails and Custodial Facilities of the Province of Surigao del Sur shall be meted with the following penalties, to wit:

First Offense	- P1,000.00 and forfeiture of the confiscated contraband.
Second Offense	- P3,000.00 and forfeiture of the confiscated contraband.
Third Offense	- P5,000.00 and forfeiture of the confiscated contraband.

Any violations not specifically provided in this Ordinance shall be proceeded against, in accordance with the provision of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, PD 1866 as amended by RA 10591, the Revised Penal Code of the Philippines and other applicable laws.

**SECTION 7. Standard Operating Procedure for Control of Contrabands and Physical Evidence.** In order to have a uniform policy for the implementation of the Ordinance, all Jail and Custodial Facility in the Province of Surigao del Sur shall adhere to Department of the Interior and Local Government (DILG) and Bureau of Jail Management and Penology (BJMP) Standard Operating Procedures (SOP) Number 2004-02 dated November 14, 2004.

**SECTION 8. Processing of Confiscated Contrabands.** The following are the processes in the administration of confiscated contrabands:



- (a.) After confiscation from the inmates of the aforementioned contrabands, the warden, wardress or his/her authorized representative shall cause the preparation of a Report addressed to the Office of the Provincial Governor, informing the latter of the violation/s committed by the concerned.
- (b.) The warden, wardress or his/her authorized representative shall issue a Receipt to the offenders evidencing ownership of the same.
- (c.) The visitors or personnel found to have violated this Ordinance, shall be arrested and delivered to the nearest PNP Station for filing of appropriate complaint or shall be escorted by BJMP personnel to the Provincial Treasurer's Office for the payment of fine.
- (d.) The confiscated nuisance and illegal contrabands and paraphernalias shall be placed in the custody of the warden, wardress or his/her authorized representative for safekeeping and shall be sold by auction of the Local Government Unit where the Cell and Custodial Facility is located in coordination with the Bureau of Jail and Management and Penology (BJMP) after thirty (30) days from the date of confiscation or after the appropriate case is disposed of by competent court, proceeds of which shall be remitted to the Provincial Treasurer.
- (e.) The money more than TWO THOUSAND PESOS (P2,000.00) confiscated inside jail or detention cells from an inmate shall be turned over to the Provincial Treasurer's Office and shall accrue to the coffers of the Provincial Government.

**SECTION 9. Separability Clause.** - If for any purpose, any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof, which are not affected, shall continue to be in full force and effect.

**SECTION 10. Repealing Clause.** - All ordinances, administrative circulars and executive orders, or parts thereof, which are found to be inconsistent with the provisions of this Ordinance, are hereby repealed or amended accordingly.


**SECTION 11. Effectivity.** - This Ordinance shall take effect Fifteen (15) days after its publication in a newspaper of general circulation in the Province of Surigao del Sur.

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I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

  
**MONALISA CANEDO - SU**  
Secretary to the Sangguniang Panlalawigan

**ATTESTED AND CERTIFIED  
TO BE DULY ENACTED:**

  
**LIBRADO NAVARRO**  
Vice Governor  
(Presiding Officer)

**APPROVED:**

  
**ALEXANDER T. PIMENTEL**  
Provincial Governor

Date Signed: April 8, 2020