

ORDINANCE NO. 22-006 S. 2025

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

SPONSOR: SP MEMBER ARMANDO C. LAZARTE
Chairman: Committee on Peace and Order and Public Safety

First Reading : May 30, 2023 - Resolution No. 22-228 S. 2023

Concerned Committees: Committee on Peace and Order and Public Safety

Committee Hearing: June 27, 2023 @ 11:30 in the morning

Committee Report: February 10, 2025 – Resolution No. 22 – 070 S. 2025

Second Reading:

Final Reading: February 17, 2025 – Resolution No. 22 – 086 S. 2025

Ordinance No. Ordinance No. 22-006 S. 2025

Date Enacted: February 17, 2025

Date Approved : March 5, 2025, 2025

Date Submitted to

Sangguniang Panlalawigan March 5, 2025

Date Posted March 5, 2025

Date Published with Publication _____

JAYVEE V. BABIERRA
LOCAL LEGISLATIVE STAFF
DATE: 03-17-25
TIME: 4:24 PM



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 722-0304



ORDINANCE NO. 22-006 S. 2025

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

SPONSOR : SP MEMBER ARMANDO C. LAZARTE
Chairman, Committee on Peace and Order and Public Safety

WHEREAS, pursuant to Republic Act 9165, the State needs to enhance further the efficacy of the law against dangerous drugs, it being one of today's more serious social ills;

WHEREAS, 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 bladed weapon. Deadly weapon confiscated shall be disposed of in accordance with pertinent laws;

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;

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Batangas in Regular Session assembled that;

SECTION 1. SHORT TITLE. - This Ordinance shall also be known and cited as the "Jail Guard-the-Gate Ordinance of Batangas City Jail".

HON. MELSON J. CHAVEZ
HON. ARMANDO C. LAZARTE
HON. QUAYRY MACATANGAY
HON. NESTOR E. DIMACUHA
HON. ANDREA LOUISE F. MACANAIG
HON. KARLOS EMMANUEL A. BUTED
HON. HAMILTON G. BLANCO
HON. ALYSSA RENEE A. CRUZ

HON. MARCUS MANUEL D. CASTILLO
HON. MACARIO L. MACALALAD
HON. MICHAEL C. VILLENA
HON. LORENZO A. GAMBOA JR.
HON. ISIDRO M. ATIENZA
HON. ZESER CARLO M. HERNANDEZ
HON. JOSE JONASH LUIS F. TOLENTINO



Continuation of Ordinance No. 22-006 S. 2025

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

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 in all BJMP-manned jails within the City of Batangas 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 BJMP-manned Jails of Batangas City.

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 City of Batangas;

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;

HON. NELSON J. CHAVEZ

HON. ARMANDO C. LAZARTE

HON. DIVYER L. MACATANGAY

HON. NELSON E. DIMACUHA

HON. ANDREA LOISE F. MACARAIG

HON. KARLOS EMMANUEL A. BUTED

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Continuation of Ordinance No. 22-006 S. 2025

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

- h.) Pornographic materials;
- i.) Gambling paraphernalia and other product considered as vices;
- j.) Excessive clothing materials and sleeping paraphernalia;
- k.) Metal spoon and fork.

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 the form of 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 in accordance with RA 9165.

HON. NELSON J. CHAVEZ

HON. ARMANDO C. LAZARTE

HON. GABRIEL MACATANGAY

HON. NESTOR E. DIMACUHA

HON. ANDREA LOISE F. MACARAIG

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HON. SIDRA M. ATIENZA

HON. CARLO M. HERNANDEZ

HON. JOSE JONASH LUIS F. TOLENTINO



Continuation of Ordinance No. 22-006 S. 2025

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

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 bladed 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 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 and is willing to pay the fine imposed upon him/her voluntarily prior to the filing of formal charge with the proper court and within 6 hours from said apprehension shall be allowed to pay the fine with the proper office to avoid being criminally prosecuted unless the act of the violator constitutes a crime punishable by the Revised Penal Code or other special penal laws which shall be dealt with accordingly.

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.

HON. NELSON J. CHAVEZ

HON. ARMANDO C. VAZARTE

HON. JOSE Z. MACATANGAY

HON. NERJOR E. DIMACUHA

HON. ANDREA LOUISE F. MACARAIG

HON. KARLOS EMMANUEL A. BUTED

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HON. ISDRA V. ATIENZA

HON. CESAR CARLO M. HERNANDEZ

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Continuation of Ordinance No. 22-006 S. 2025

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

SECTION 13. EFFECTIVITY. - This Ordinance shall take effect within fifteen (15) days upon the approval of the City Mayor and its publication in a newspaper of general circulation.

ENACTED by the Sangguniang Panlungsod this 17th day of February, 2025.

ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:

ATTY. ALYSSA RENEE A. CRUZ
Presiding Officer

APPROVED:

BEVERLEY ROSE A. DIMACUHA
City Mayor

Date Approved: MAR 05 2025

HON. ARSON J. CHAVEZ

HON. ARMANDO C. LAZARTE

HON. OLIVER Z. MACATANGAY

HON. NESTOR E. DIMACUHA

HON. ANDREA LOUISE F. MACARAIG

HON. KARLOS E. EMANUEL A. BUTED

HON. HAMILTON G. BLANCO

HON. MARCUS MANUEL D. CASTILLO

HON. MACARIO L. MACALALAD

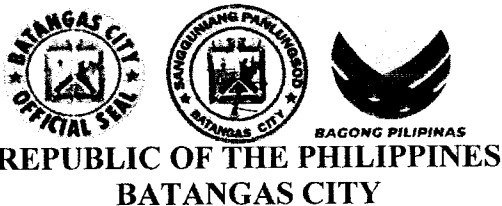
HON. MICHAEL C. VILLENA

HON. LORENZO A. GAMBORA JR.

HON. SIDRA M. ATIENZA

HON. ESTER CARLO M. HERNANDEZ

HON. JOSE JONASH LUJIS F. TOLENTINO



OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY ON FEBRUARY 17, 2025 AT THE SANGGUNIANG SESSION HALL

PRESENT:

Hon. Alyssa Renee A. Cruz,	Presiding Officer
Hon. Hamilton G. Blanco,	Sangguniang Panlungsod Member
Hon. Karlos Emmanjuel A. Buted,	”
Hon. Andrea Loise F. Macaraig,	”
Hon. Nestor E. Dimacuha,	”
Hon. Oliver Z. Macatangay,	”
Hon. Armando C. Lazarte,	”
Hon. Nelson J. Chavez,	”
Hon. Jose Jonash Luis F. Tolentino,	”
Hon. Zester Carlo M. Hernandez,	”
Hon. Isidra “Ched” M. Atienza,	”
Hon. Lorenzo A. Gamboa, Jr.,	”
Hon. Michael C. Villena,	”
Hon. Macario L. Macalalad,	Liga ng mga Barangay President
Hon. Marcus Manuel D. Castillo,	SK Pederasyon President

“On motion of SP Member Lazarte seconded by SP Member Gamboa, the following Resolution was Adopted:

RESOLUTION NO. 22-086 S. 2025

APPROVING ON SECOND AND FINAL READING THE ORDINANCE PROHIBITING THE ENTRY, SNEAKING, USING AND CARRYING ANY FORMS OF CONTRABANDS INSIDE BJMP-MANNED JAIL FACILITIES IN THE CITY OF BATANGAS AND PROVIDING PENALTIES THEREOF

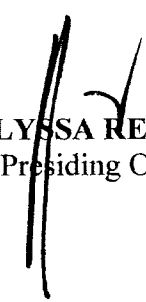
RESOLVED, to approve on Second and Final Reading the ordinance entitled: “An Ordinance Prohibiting the Entry, Sneaking, Using and Carrying Any Forms of Contrabands Inside BJMP-Manned Jail Facilities in the City of Batangas and Providing Penalties Thereof”.

UNANIMOUSLY APPROVED.”

I hereby certify that the foregoing Resolution No. 22-086 S. 2025 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on February 17, 2025.


ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:


ATTY. ALYSSA RENEE A. CRUZ
Presiding Officer



Republic of the Philippines
Batangas City
Office of the Sangguniang Panlungsod

COMMITTEE ON PEACE AND ORDER AND PUBLIC SAFETY

COMMITTEE REPORT

SUBJECT: PROPOSED ORDINANCE PROHIBITING THE ENTRY, SNEAKING, USING AND CARRYING ANY FORMS OF CONTRABANDS INSIDE BJMP-MANNED JAIL FACILITIES IN THE CITY OF BATANGAS AND PROVIDING PENALTIES THEREOF

BACKGROUND

The aforementioned subject was referred to the Committee on Peace and Order and Public Safety on May 30, 2023 during the Regular Session of the Sangguniang Panlungsod ng Batangas. The Committee Hearing was held on June 27, 2023 at 11:30 in the morning at Sampaguita Farm, Sampaga, Batangas City.

In attendance were the following:


Hon. Alyssa Renee A. Cruz	SP/VM
Hon. Armando C. Lazarte	Committee Chairman
Hon. Nestor E. Dimacuha	SP/Committee Member
Hon. Lorenzo A. Gamboa, Jr.	SP Member
Hon. Karlos Emmanjuel A. Buted	SP Member
Hon. Oliver Z. Macatangay	SP/Committee Member
Hon. Angelito A. Dimacuha	SP Member
Hon. Marcus Manuel D. Castillo	SP Member
Hon. Hamilton G. Blanco	SP Member
Hon. Andrea Loise F. Macaraig	SP Member
Hon. Jose Jonash Luis F. Tolentino	SP Committee Member
Hon. Zester Carlo M. Hernandez	SP Member
Hon. Michael C. Villena	SP Member

Representatives from other relevant offices were:

Atty. Shaira G. Humarang	City Legal
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Proponents present were:

J/INSP Lord Bryce W. Kinao	BJMP -Male City Warden
SJ04 Elma S. Pagtalunan	BJMP – Female City Warden
JO2 Marc I. Sulabo	BJMP – Paralegal


ROSEMARIE D. HERNANDEZ
Board Secretary
02/10/2025 9:00 am



Code: QM-SPB-RR-2.21
Effectivity: March 1, 2024
Revision No. 0

Tracking No. 001

Republic of the Philippines
Batangas City
Office of the Sangguniang Panlungsod

COMMITTEE ON PEACE AND ORDER AND PUBLIC SAFETY

DISCUSSIONS AND OBSERVATIONS

The following observations resulted after extensive discussions and deliberations of all present during the Committee hearing, to wit:

1. Several reasons for the request of the Ordinance were the following:
 - a. It is crucial for maintaining safety, security and order for the successful rehabilitation of PDLs (Person Deprived of Liberty).
 - b. It serves as deterrence, promotes a positive environment for change and upholds the integrity of the correctional system.
2. In order to deter the activity, the committee suggested indicating the maximum amount of penalty. Thus, there was a rewording for Section 11. No Contest Provision
"Any person, individual or entity that is apprehended or cited for violation of this ordinance and is willing to pay the fine imposed upon him/her voluntarily prior to the filing of formal charge with the proper court and within 6 hours from said apprehension shall be allowed to pay the fine with the City Treasurer to avoid being criminally prosecuted unless the act of the violator constitutes a crime punishable by Revised Penal Code or by other special penal laws which shall be dealt with accordingly".
3. An alternative for penalty suggested. The visitor will lose the privilege to visit for example for 2 months or what is allowed by law.
4. In conspicuous places inside the BJMP premises, there should be a list of all contraband items.
5. To define all other items that is considered as contraband.
6. The provision of Sections 8 & 9 was already mentioned on Section 5.
7. RA 9165 and PD 1866 should be included on Whereasses.
8. There is a missing clause which is the Repealing Clause and paragraph for Section 13. Effectivity.

RECOMMENDATIONS

In accordance with the proceedings and based on the observations and discussions during the Committee Hearing, the Committee on Peace and Order and Public Safety propose the following recommendations:

1. The adoption of this Committee Report; and
2. The approval of the Proposed Ordinance on Second and Final Reading on the next Regular Session.



Code: QM-SPB-RR-2.21
Effectivity: March 1, 2024
Revision No. 0

Tracking No. 001

Republic of the Philippines
Batangas City
Office of the Sangguniang Panlungsod

COMMITTEE ON PEACE AND ORDER AND PUBLIC SAFETY

Respectfully submitted, February 10, 2025.

Committee on Peace and Order and Public Safety



HON. ARMANDO C. LAZARTE
Chairman



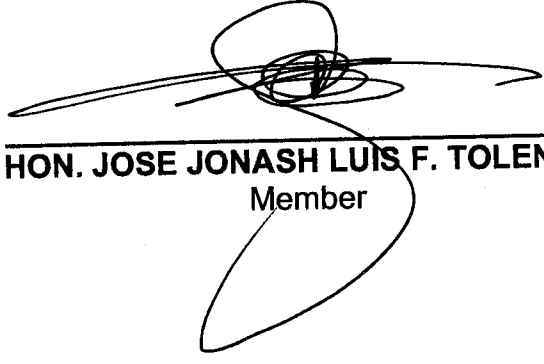
HON. NESTOR E. DIMACUHA
Member



HON. NELSON J. CHAVEZ
Member



HON. OLIVER Z. MACATANGAY
Member



HON. JOSE JONASH LUIS F. TOLENTINO
Member