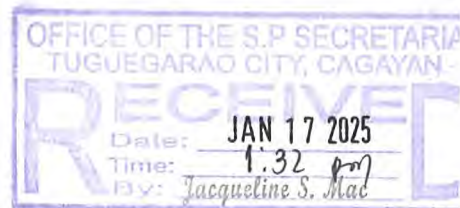




BAGONG PILIPINAS

Republic of the Philippines  
Province of Cagayan  
TUGUEGARAO CITY

Phone number : 0953-588-3721 | email address : [cmotuguegaraocity@gmail.com](mailto:cmotuguegaraocity@gmail.com)



OFFICE OF THE CITY MAYOR

17 January 2025

**THE PRESIDING OFFICER AND MEMBERS**

Sangguniang Panlungsod  
This City

Dear *Presiding Officer and Members of the Sanggunian*:

Herewith is the request of the Bureau of Jail Management and Penology regarding the enactment of an ordinance prohibiting the sneaking-in/smuggling of contrabands in detention cells, jails, reformatory centers, and half-way houses within the city, for your information and appropriate action.

In the name of public service,

  
**MAILA ROSARIO S. TING-QUE**  
City Mayor

*Copy furnished:*

- BJMP Tuguegarao City District Jail – Female Dorm
- City Legal Office





Republic of the Philippines  
Department of the Interior and Local Government  
**BUREAU OF JAIL MANAGEMENT AND PENOLOGY**  
**REGIONAL OFFICE II**  
**TUGUEGARAO CITY DISTRICT JAIL –**  
**FEMALE DORM**

Cataggaman Pardo, Tuguegarao City  
CP No.: 0936 – 402 – 1043  
Email Address: [r2.tuguegaraoctydfjd@bjmp.gov.ph](mailto:r2.tuguegaraoctydfjd@bjmp.gov.ph)  
Website: [www.bjmp.gov.ph](http://www.bjmp.gov.ph)



January 15, 2025

**HON. MAILA ROSARIO TING-QUE**  
City Mayor  
Tuguegarao City, Cagayan

OFFICE OF THE CITY MAYOR  
**RECEIVED**

Date: JAN 15 2025  
Time: 1:45 PM  
By: [Signature]

**THRU: THE OFFICE OF THE CITY COUNCIL**

**Subject: "ORDINANCE PROHIBITING THE SNEAKING-IN/SMUGGLING OF CONTRABANDS IN DETENTION CELLS, JAILS, REFORMATORY CENTERS AND HALF-WAY HOUSES WITHIN THE CITY OF TUGUEGARAO, CAGAYAN AND IMPOSITION OF PENALTY FOR VIOLATION THEREOF."**

Dear Mayor:

The Bureau of Jail Management and Penology (BJMP) is a government agency that prioritizes the safekeeping and development of Persons Deprived of Liberty (PDL),

In line with, I am writing to formally inform you of the proposal of the BJMP National Headquarters (BJMP NHQ) to coordinate with the Local Executives for the crafting of an ordinance concerning the possession, introduction, and management of contraband within the Jail Facilities. This measure is part of our on-going commitment to ensure the safety, security, and well-being of all individuals within our facility, including the PDL, jail officers and visitors.

For questions or further clarification regarding the crafting of this ordinance, please feel free to contact JO1 Ryan D Tungcul at 09262463678 at your most convenient time. Attached is the crafted ordinance for your perusal.

We appreciate your assistance and compassion in maintaining our facility's integrity and safety. By working together, we can keep everyone safe and organized. Thank you and have a good day!

Respectfully yours,

  
**Mary Jane A Melad**  
Senior Jail Officer 4  
Acting Warden



Republic of the Philippines  
Province of Cagayan  
City Government of Tuguegarao  
OFFICE OF THE SANGGUNIANG PANLUNGSOD

Local Ordinance No. \*\*\*\*  
Series of 2025

***"ORDINANCE PROHIBITING THE SNEAKING-IN/SMUGGLING OF CONTRABANDS IN DETENTION CELLS, JAILS, REFORMATORY CENTERS AND HALF-WAY HOUSES WITHIN THE CITY OF TUGUEGARAO, CAGAYAN AND IMPOSITION OF PENALTY FOR VIOLATION THEREOF."***

**WHEREAS**, Article 100 (Powers, Duties and Functions of the Sanggunian Bayan) of the Implementing Rules and Regulations of the Local Government Code states that:

***"The Sangguniang Bayan as the legislative body of the municipality, shall enact ordinances approved and 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 II shall Approve Ordinances and pass resolution necessary for an efficient and effective City Government and relative thereof shall maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot violence rebellion or sedition and impose penalties for the violation of said ordinances"***

**WHEREAS**, detention cells, jails, reformatory centers, and half-way houses are facilities, which house our constituents who are in conflict with 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 entry of contraband/s in detention cells, jails, reformatory centers and half-way houses has long been a pervading concern of every individual;

**WHEREAS**, the Bureau of Jail Management and Penology (BJMP) has only minimal sanctioned for violators of contraband-smuggling within the City Jail due to questionable legality and lack of penal statute that would penalize these acts;

**NOW THEREFORE, for** and in consideration of the above-mentioned premises and upon motion of Hon. \*\*\*\*\* and duly seconded by Hon. \*\*\*\*\* and unanimously approved by all members present in session assembled, be it enacted the following:

**Section 1. Title.** This Ordinance shall be known as the "ANTI-CONTRABAND ORDINANCE OF THE CITY OF TUGUEGARAO."

**Section 2. Purpose and General Coverage.** This Ordinance is congruent with Article 100, (Powers, duties, and Functions of the Sangguniang Bayan) for the implementing Rules and Regulations of the Local Government Code. This shall cover all detention cells, jails, reformatory centers and half-way houses situated within the jurisdiction of the Tuguegarao City Government.

**Section 3. Declaration of Policy.** The provisions 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 rehabilitation programs of the government.

**Section 4. Governing Principles.** In an effort of preserving law and order inside jail facilities it is imperative that stern measures are observed by personnel, the client and jail visitors alike. This is geared to serve the tenets that:

- a. One of the most important parts of the BJMP's total security program is the identification and control of contrabands.
- b. Contrabands items threaten the overall security of the jail facility. It endangers Jail officers/personnel, inmates and inmate's visitors as well as increase the likelihood of escape attempts.
- c. Contraband control is a primary responsibility of all jail officers/personnel; and
- d. Proper security in a jail facility sets the pre-cursor for other programs to be started and prosper and for such other goals as rehabilitation to be realized.

**Section 5. Objectives.**

- a. Rid jails of materials/instruments that may be used by inmates to inflict physical harm to personnel, visitors or other Persons Deprived of liberty (PDL) alike
- b. Rid jails of materials/instruments that may be used by the PDL to facilitate any disturbance in the jail.
- c. Rid jails of substances deemed contraband to include the Instruments/paraphernalia used for its dispensation/intake.
- d. Rid PDL of valuables or possessions in excess of the allowable quantity inside the jail facility, and
- e. Rid PDL of possession that translate to a substantial increment in the operating expenses of the BJMP.

**Section 6. Definition of Terms.**

- a. **CONTRABAND**- defined as any item or article inside the jail facility which was not either issued to the PDL by the BJMP; purchased or allowed through approved channels; approved for issue by authorized personnel; may have been authorized. However, in its altered form to become a weapon; or generally authorized yet not recommended for a particular inmate to possess in the interest of safety and security.

The following are categorized as contrabands:

1. Dangerous drugs as enumerated in Republic Act No. 9165, drug paraphernalia, and alcohol and tobacco products;
2. Weapons (ie. blunt, sharp, icepick and the like which can be used as weapon to harm oneself and others), flammable liquids and other hardware that may aid in escape such as ropes and cutting tools, unless previously authorized in writing by the Jail Warden for use in livelihood activities;
3. Other Contraband such as;
  - Cellphones and other communication gadgets

- Video Camera/Still Camera
  - Computers/Laptops/Desktops/Radios and other electronic devices
  - Unnecessary electric appliances
  - Clothes in excess of what is allowed
  - Cigarettes, tobacco, matches and lighters
  - Hairpins and other sharp and pointed objects
  - Money
- b. **NUISANCE CONTRABAND** items, though authorized, are already in excessive quantities to become a fire hazard, a threat to security or have become causative in making the place unsanitary.
- c. **PARAPHERNALIA** - any instrument or contraption used for the dispensation or intake of harmful substance especially legal drugs.
- d. **PERSONNEL** - any personnel of the detention cells, jails, reformatory centers of half-way houses who shall sneak-in/smuggle contraband inside said facilities and/or in cahoots with perpetrators therefore.

**Section 7. Authority of the BJMP to Issue Guidelines.** The local BJMP shall issue guidelines on allowable items to be brought in for male and female PDL respectively.

**Section 8. Possession of Prohibited Drugs.** In addition to the penalties imposed herein, any person who shall possess or use any dangerous drugs upon entering, and/or while inside detention cells, jails, reformatory centers and half way houses shall be proceeded against in accordance with the provision of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, without prejudice to the filing of appropriate administrative charges against personnel involved. Dangerous drugs shall be disposed of in accordance with R.A. 9165.

**Section 9. Possession of Deadly Weapon.** Consonant to this ordinance, any person who shall possess deadly weapon shall be proceeded against in accordance with the provisions of PD 1866 as amended by R.A 8294 or BP 6 in case if the confiscated contraband is a bladed weapon, Deadly weapon confiscated shall be disposed of in accordance with pertinent laws.

Section 10, Penalties.

- a. A visitor who shall sneak-in/ smuggle inside detention cells, jails, reformatory centers and half-way houses, cellular/mobile phones or inmates or wards who shall possess the same, shall be meted with a penalty of FINE, to wit:
- |                                 |   |
|---------------------------------|---|
| 1. First Offense<br>contraband  | Php1,000.00 and forfeiture of the confiscated   |
| 2. Second Offense<br>contraband | Php1,500.00 and forfeiture of the confiscated   |
| 3. Third Offense<br>and maximum | Php2,500.00, forfeiture of the confiscated contraband<br>of six (6) months imprisonment |

If the convicted offender refuses or is unable to pay and fine, he/she shall be subjected to subsidiary imprisonment. In the case of an inmate, he/she shall be required to render community service within the facility where he/she is confined.

The above amounts shall be paid at the Local Treasurer's Office or subsidiary imprisonment in case fine is not paid in accordance with Article 39 of the Revised Penal Code.

The BJMP authority in coordination with the Philippine National Police (PNP) shall be responsible in the apprehension of the violators of this ordinance for purposes of filing the appropriate charges.

- b. Personnel of detention cells, jail, reformatory center and half-way houses who shall provide the visitor or PDL any of the afore-cited contrabands shall be charged administratively, criminally and civilly.

**Section 11. Procedure.**

- a. After confiscation of the afore-mentioned contrabands, the Warden or his/her authorized representative shall cause the preparation of a report addressed to the Office of the Mayor informing the latter that a violation thereof has been committed.
- b. The Warden or his/her authorized representative shall issue receipt to the offender evidencing ownership of the same.
- c. The confiscated cellular/mobile phone shall be placed in the custody of the Warden, or his/her authorized representative for safekeeping and shall be released only (in the case of a first time offender) after payment of FINE at the Treasurer's office, and presentation of an official receipt that payment has already been made.

**Section 12. Confiscated** contraband not legal per se or which are object of lawful commerce shall be sold by auction by the LGU after (30) days of after the appropriate case is disposed of by a competent court, proceeds of which shall be remitted to the Municipal Treasurer.

**Section 13. Repealing Clause.** Any ordinance, resolutions or order, either part or parts hereof which are inconsistent with the provision of this Ordinance are hereby amended, repealed or modified accordingly.

**Section 14. Separability Clause.** Should any part hereof be declared unconstitutional by the court, the remaining parts not affected thereby, shall remain in full force and effect.

**Section 15. Effectively.** This Ordinance shall take effect after the conferment and declaration of validity by the Sangguniang Panlungsod in compliance to Section 56 (c) of Republic Act 7160.

***I HERBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING ORDINANCE***

**Mary Jane A Melad**  
Senior Jail Officer 4  
Acting Warden