

DATE: 19 OCT 2018

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE ORMOC CITY SUPERDOME
ON OCTOBER 18, 2018

PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Vincent L. Rama,	SP Member, Majority Floor Leader
Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member, Asst. Majority Floor Leader
Benjamin S. Pongos, Jr.,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III,	SP Member
Nolito M. Quilang,	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar,	SP Member, Asst. Minority Floor Leader
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President, Liga ng mga Barangay ng Ormoc
Jasper C. Yerro,	Ex-Officio SP Member, Chapter President, Panlungsod Pederasyon ng mga Sangguniang Kabataan ng Ormoc

PREFATORY STATEMENT

WHEREAS, the Office of the Ormoc City Mayor was in receipt of a letter dated February 06, 2018 from the Bureau of Jail Management and Penology (BJMP) Ormoc City proposing for an enactment of a City Ordinance penalizing any individual or visitor carrying, managing, sneaking, and/or aiding entrance of defined contrabands not considered illegal by existing laws but prohibited inside jails;

WHEREAS, the 14th Sangguniang Panlungsod was in receipt of an Endorsement from the Office of the City Mayor dated February 12, 2018, requesting therein for the passage of an Ordinance penalizing the entrance of contraband into the Ormoc City Jail premises, as recommended by the Assistant City Legal Officer Atty. Jesus Manuel A. Horca III;

WHEREAS, Paragraph (II) (1) of Article 99 (Powers, Duties and Functions of the Sangguniang Panlungsod) of the Implementing Rules and Regulations of the Local Government Code states that the 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, shall approve Ordinance and pass Resolution 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 for violation of said Ordinances;

WHEREAS, this will compliment the implementation of RA 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002, PD 1866 as amended by RA 8294 (Illegal Possession of Firearms and Ammunition), Presidential Decree (PD) No. 9 as amended by Batas Pambansa (BP) Blg. 6 (Illegal Possession of

Bladed or Deadly Weapons) and other related National Laws implemented within the jurisdiction of the Ormoc City Jail;

WHEREAS, the entry of things or items considered as contraband by this Ordinance in jails and/or detention cells has long been a prevailing concern of every jail facility. A perennial problem that has posed as deterrent factor in the full realization of the program thrusts of the government toward the ultimate reformation of Persons Deprived of Liberty (PDLs). Regardless of how stringent security measures may have been, in an effort of preventing its entry inside jail facilities, it cannot be negated that contraband couriers still find any possible ways and means to slip them through security barriers;

WHEREAS, said legislative fiat shall come with dual benefits: one, it will surely beef up the security of jails and/or detention cells and rid it from any kind of contraband. Second, it will generate revenue for the local government unit, as violators thereof shall pay a corresponding administrative fine, as prescribed by this ordinance to the City Treasurer's Office;

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 overall security of the facility, hence must be eliminated. Thus, to discourage visitors of jails and/or detention cells from sneaking-in or smuggle contraband inside the Ormoc City Jail, a local ordinance prohibiting such acts, as well as, prescribing penalties for violation of the same is necessary;

WHEREFORE, all foregoing premises considered, on motion of SP Member Esteban V. Laurente, Vice - Chairman, Committee on Justice and Peace and Order, severally seconded by SP Members Vincent L. Rama, Tomas R. Serafica, Benjamin S. Pongos, Jr. and John Eulalio Nepomuceno O. Aparis II; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to enact:

ORDINANCE NO. 071

**AN ORDINANCE PROHIBITING CONTRABANDS INSIDE
THE JAIL PREMISES OF ORMOC CITY AND
PROVIDING PENALTIES THEREOF.**

BE IT ORDAINED, by the 14th Sangguniang Panlungsod ng Ormoc in session duly assembled that:

TITLE AND DEFINITION OF TERMS

SECTION 1. TITLE. This Ordinance shall be known as "ANTI-CONTRABAND IN ORMOC CITY JAIL ORDINANCE OF 2018".

SECTION 2. PURPOSE AND GENERAL COVERAGE. This Ordinance shall cover only the Ormoc City Jail.

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 inside the Ormoc City Jail 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 the Ormoc City Jail, it is imperative that stern measures are observed by the personnel and jail visitors alike. This is geared to serve the tents that:

- 4.1 One of the most important thrust of the BJMP Ormoc City's total security program is the indentification and control of the entry of contraband;
- 4.2 Control in the entry of Contraband inside the Ormoc City Jail is a primary responsibility of all its jail officers and/or personnel; and
- 4.3. Proper security in a jail facility sets the pre-cursor for a complete and effective rehabilitation programs for its Persons Deprived of Liberty (PDLs).

SECTION 5. DEFINITION OF TERMS. For purposes of this Ordinance, the following terms shall be defined as follows:

5.1 **CONTRABAND** shall refer to any item or article or merchandise or things not considered illegal by existing laws but prohibited inside the jail premises, such as but not limited to the following:

- a. Playing Cards and other Gambling Paraphernalia such as Mahjong Set, Bingo Set, Other Card Games, Betting Stubs;
- b. Alcoholic Beverages;
- c. Pornographic Materials;
- d. Cigarettes, E-Cigarettes, Vapes and other Tobacco Products, Matches and Lighters;
- e. Mobile Phones and other Communication Devices;
- f. Cameras;
- g. Shavers, Scissors, Pens, Glass Bottles, Mirrors, Other Pointed and/or Improvised or Sharpened Objects;
- h. Computer, other Electronic Gadgets or Devices;
- i. Portable Video Players;
- j. Jewelries; and
- k. Money in excess of Three Hundred Pesos (Php 300.00).

5.2 **HOLDING CENTER** shall refer to the area of the Ormoc City Jail where visitors and even jail personnel including all packages and other things to be brought inside the jail premises are thoroughly checked.

5.3 **JAIL PREMISES** shall refer to any area beyond the holding center of the Ormoc City Jail.

5.4 **LOCAL BJMP** shall refer to the Ormoc City Jail.

5.5 **PERSONS DEPRIVED OF LIBERTY (PDLs)** shall refer to those persons detained or held in custody or imprisoned inside the detention cells of the Ormoc City Jail.

5.6. **PERSONNEL** – any officer, staff or personnel of the Ormoc City Jails.

5.7. **VISITORS** shall refer to those persons who will visit the jail facility other than the jail personnel and those persons deprived of liberty.

5.8. **SNEAK-IN/SMUGGLE** shall refer to an act of bringing and/or possessing of contraband within the holding center and within the jail premises.

SECTION 6. PROHIBITION. It is hereby prohibited for any person who shall come and visit a Person/s Deprived of Liberty (PDL/s) in the Ormoc City Jail to sneak-in or smuggle any form of contraband without any authority enumerated under Section 5.1 hereof inside the jail premises.

It is also hereby prohibited for any person to cause and/or aid the entrance, in any way, of defined contrabands enumerated under Section 5.1 hereof inside the jail premises.

Violation of this ordinance shall be deemed consummated if the visitor shall be found in possession of contraband either in the holding area (for those contraband not surrendered) or in any part of the jail premises.

The violation of those persons who aid in the entrance of any contraband under this Ordinance shall be deemed consummated if he/she shall be found or caught in the act (in flagrante delicto) of causing and/or aiding in any way (the intent of sneaking-in or smuggle the contraband inside the jail premises is apparent) the entrance thereof inside the jail premises or such prohibited act is established by proof or any circumstantial and/or collaborative evidence.

SECTION 7. PENAL CLAUSE. Any visitor found violating Section 6 of this Ordinance shall be issued a City Citation Ticket and shall pay a Fine of Not Less Than One Thousand Philippine Pesos (Php 1,000.00) and Not More Than Two Thousand Pesos (Php 2,000.00) and or imprisonment of not more than one (1) month per Contraband Item at the discretion of the court.

The violator may opt to pay an Administrative Fine of Five Hundred Philippine Pesos (Php500.00) per Contraband Item at the Treasurer's Office of Ormoc City within Three (3) Days from the issuance of the City Citation Ticket, otherwise, an appropriate case shall be filed in court.

SECTION 8. AUTHORITY OF THE LOCAL BJMP TO ISSUE GUIDELINES. The Local BJMP shall issue Guidelines on the procedure of frisking or checking, search, confiscation or seizure, safekeeping and disposal of the contraband items, as well as the filing of appropriate case(s) in court.

SECTION 9. SEPARABILITY CLAUSE. If for any reason, any provision, portion or part of this ordinance is found to be inconsistent with any law, other provisions or part or parts thereof not so affected shall remain in full force and effect.

SECTION 10. REPEALING OR AMENDATORY CLAUSE. All other ordinances rules and regulations or part or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed, amended and or modified accordingly.

SECTION 11. EFFECTIVITY. This Ordinance shall take effect upon its approval and publication in the local newspaper of general circulation and posting in conspicuous places in the City of Ormoc as required under Section 511 of Republic Act No. 7160 or the Local Government Code.

ENACTED, October 18, 2018.

RESOLVED, FURTHER, to furnish copies of this Ordinance one each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the City Treasurer; the Bureau of Jail Management and Penology (BJMP); the OIC-City Director, DILG; and others concerned;

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
(OIC - SP Secretary)
Supervising Administrative Officer

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
City Vice Mayor & Presiding Officer

APPROVED:


LEO CARMELO L. LOCSIN JR
ACTING CITY MAYOR
RICHARD I. GOMEZ
City Mayor

NOV 06 2018



Republic of the Philippines
OFFICE OF THE CITY MAYOR
Ormoc City

Office Order No. 2018-209

Date: October 31, 2018

To: **HON. LEO CARMELO L. LOCSIN, JR.**
City Vice Mayor

From: **THE CITY MAYOR**

Subject: **DESIGNATION AS ACTING CITY MAYOR**

CITY MAYOR'S OFFICE
RECEIVED
OCT 31 2018

In view of the undersigned official travel, I hereby designate you as the Acting City Mayor, to exercise the powers and perform the duties and functions of the Local Executive concerned, except the power to appoint, suspend, or dismiss employees, pursuant to the relevant provisions of the Local Government Code on November 5, 2018 until my return.

Please be guided.

RICHARD L. GOMEZ, MBA
City Mayor

CC: All offices concerned

File: City Mayor's Office

ORMOC CITY

