



Republic of the Philippines
Tangapan ng Sangguniang Panlungsod
2/F City Hall Bldg., J. Miranda Ave., Con. Peq., Naga City
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ORDINANCE NO. 2017-102
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**AN ORDINANCE PROHIBITING THE SNEAKING -IN/SMUGGLING OF ILLEGAL ITEMS
IN HALF-WAY HOUSES OF THE CITY GOVERNMENT OF NAGA, AND IMPOSING
PENALTIES FOR VIOLATION THEREOF:**

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	Councilor Ray-An Cydrick G. Rentoy
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	Senior Citizen Councilor Venancio C. Pimentel
	Senior Citizen Councilor Virginia L. Martin
	Senior Citizen Councilor Dante M. Belen
	Senior Citizen Councilor Herminia R. Arroyo

BE IT ORDAINED, by the Sangguniang Panlungsod, in session duly-assembled, that:

SECTION 1. TITLE. This Ordinance shall be known as "Anti-Contraband in Half-Way Houses Ordinance".

SECTION 2. PURPOSE. This Ordinance shall serve as deterrence to people with evil designs to sneak-in or smuggle illegal items or contrabands to the city's half-way houses, and the like, by defining what illegal item or contraband is and providing penalty/ies for the commission of the prohibited act(s).

SECTION 3. DEFINITION. For purposes of this ordinance, the following terms shall mean:

- A. **Contraband** – refers to any article, item, or thing prohibited by law and/or forbidden by existing rules as it would pose security hazards or endanger the lives of residents.
- B. **Illegal Contraband** – refers to those that are unlawful in themselves and not because of some extraneous circumstances.
- C. **Nuisance Contraband** – refers to those that may not be classified as illegal under Philippine laws but are forbidden by existing rules.
- D. **Allowable Property** – refers to those items allowed to be brought inside the half-way houses, but are regulated in quantity to ensure peace and order in the facility
- E. **Half-way houses**- refer to those institutions established by the city government of Naga, such as the Naga City Bantay Familia, Naga City Children's Home and Naga City Life Counseling Center under the care of the Naga City Dangerous Drugs Board, that shelter battered women, children in conflict with law, and those who fall victims of illegal drugs, and such other facilities with similar intent/objective, and the occupants therein are held for purposes of safekeeping and rehabilitation, pending resolution of their cases before the courts and/or while they are being prepared for reintegration to the society.

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- F. **Personnel**—any authorized personnel of the half-way houses
- G. **Pat search**- consist of the removal of the outer protective clothing, the emptying of pockets, the physical search, screening by a device which does not require disrobing, and the inspection of papers, bags, or other items being carried.

SECTION 4. ALLOWABLE PROPERTY. The following items are allowed inside the half-way houses, but are regulated in quantity:

A. For Female

Items	Maximum allowed
1. Shirt (yellow shirt included)/sleeves	10
2. Long pants	3 pairs
3. Short pants	4 pairs
4. Brassier	7 pairs
5. Panty	7 pairs
6. Socks	2 pairs
7. Rubber/ Leather Shoes	1 pair
8. Slippers	1 pair
9. Light bath towel 24x36 inches	1
10. Plastic comb without handle	1
11. Pillow	1
12. Pillow case	1
13. Light Blanket 48x52 inches	1
14. Mosquito net	1
15. Plastic drinking cup	1
16. Plastic spoon	1
17. Plastic plate	1
18. Plastic fork	1
19. Toothbrush with 1 inch handle	1
20. Soap case	1
21. Soap	1 bar
22. Shampoo	1 bottle/ 12 sachet
23. Toothpaste	1 tube
24. Cologne /perfume	1 bottle
25. Photo Album	1
26. Napkin/ Panty liners	1 pack/ month
27. Reading Materials/ Pocket book	2 pieces

B. For Male

- | | |
|--|---------|
| 1. Shirt (yellow shirt included)/sleeves | 10 |
| 2. Long pants | 3 pairs |
| 3. Short pants | 4 pairs |

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4. Underwear	7 pairs
5. Socks	2 pairs
6. Rubber/ Leather Shoes	1 pair
7. Slippers	1 pair
8. Light bath towel 24x36 inches	1
9. Plastic comb without handle	1
10. Pillow	1
11. Pillow case	1
12. Light Blanket 48x52 inches	1
13. Mosquito net	1
14. Plastic drinking cup	1
15. Plastic spoon	1
16. Plastic plate	1
17. Plastic fork	1
18. Toothbrush with 1 inch handle	1
19. Soap case	1
20. Soap	1 bar
21. Shampoo	1 bottle/ 12 sachet
22. Toothpaste	1 tube
23. Cologne /perfume	1 bottle
24. Photo Album	1

SECTION 5. CONTRABANDS. The items listed below are not allowed to be delivered to or sent to the residents of half-way houses due to their nature as illegal items or because of the danger that they may pose to other residents or to the officers of the facility:

A. Illegal Contrabands

1. Dangerous Drugs
2. Weapons
3. Ammunitions
4. Explosives
5. Firearms

A. Nuisance Contrabands

1. Cellphones
2. Money exceeding the amount of Five Hundred Pesos (P500.00)
3. Intoxicating liquors
4. Cigarettes
5. Pornographic materials
6. Gambling paraphernalia
7. Other instruments for vices

SECTION 6. PROHIBITED ACTS. The following are prohibited acts:

6.1) Any person who willfully sneak/smuggle/carry, attempt to sneak/smuggle/carry or cause or attempt to cause to be brought into the halfway houses any item as defined by Section 5 hereof.

6.2) For halfway houses, items 1 and 2 under Nuisance contrabands may be allowed, for urgent humanitarian reasons.

SECTION 7. CONDUCT OF PAT SEARCH. Prior to the conduct of pat search, the person entering the facility shall be given the opportunity to declare the items he intends to surrender and/or be recorded in the visitor's log. After which, the half-way house personnel shall search the person and his/her belongings and any illegal items found in him/her possession or belongings shall be subject to confiscation. Thereafter, report/s shall be prepared and the appropriate case/s will be filed in court.

SECTION 8. REDEMPTION AND FORFEITURE PROCEEDINGS. The following shall be followed in the redemption and forfeiture of items:

8.1 - The head of the facility or his/her authorized representative shall issue receipt to the offender evidencing ownership of the illegal items/contrabands.

8.2 - After confiscation of the abovementioned illegal items/contrabands, the head of the half-way house or his/her authorized representative shall cause the preparation of a report to the Office of the City Mayor, informing the latter that a violation of this ordinance has been committed.

8.3- The confiscated item shall be placed in the custody of head of the half-way house or his/her authorized representative for safekeeping and shall be released only (in case of a first time offender) after payment of an administrative fine of One Thousand Pesos (Php 1,000.00) at the City Treasurer's Office and presentation of an official receipt that payment has already been made. However, illegal items shall not be returned to the owner thereof and shall be preserved for criminal prosecution of the offender and destroyed in accordance with court order and/or existing laws.

8.4- Confiscated items, not illegal per se, or which are objects of lawful commerce, shall be sold in auction by the City Government, if the owner of the item/s fails to redeem the same within thirty (30) days from the time of confiscation. Proceeds thereof shall accrue to the trust fund for the management and operation of the city's half-way houses.

SECTION 9. PENALTIES. The following shall be imposed on violators:

1) For first time offender, after payment of an administrative fine of One Thousand Pesos (Php 1,000.00) at the City Treasurer's Office.

2) For subsequent offense, a fine of not less than One Thousand Pesos (Php 1,000.00) to not more than Five Thousand Pesos (Php 5,000.00), or imprisonment of one (1) month to six (6) months, or both, at the discretion of the Court.

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3) Prosecution of violation of this Ordinance shall be without prejudice to any other criminal or civil liability of the offender, as provided for in other applicable penal laws.

3) Personnel of halfway houses who shall sneak in/smuggle/carry or provide the visitor or inmate of any of the aforecited illegal items/contrabands, or through negligence, shall be imposed with the penalties prescribed herein, in addition to prosecution for his/her other administrative, civil and criminal liability.

4) The administrative fines stated above shall be held in-trust to serve as a supplemental fund for the management and operation of the city's half-way houses.

SECTION 10- REPEALING CLAUSE- All ordinances, or any part thereof, which are contrary to or inconsistent with the provisions of this ordinance are repealed or amended accordingly.

SECTION 11- SEPARABILITY CLAUSE- If any part or provision of this ordinance is declared unconstitutional or invalid, the other provisions not so declared and not affected by such declaration shall remain in full force and effect.

SECTION 12. EFFECTIVITY. This Ordinance shall take effect after its approval and after the necessary publication as prescribed by law.

ENACTED; December 15, 2017

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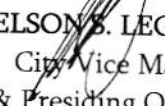
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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

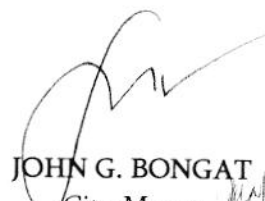


GIL A. DE LA TORRE
Secretary to the
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NELSON S. LEGACION
City Vice Mayor
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APPROVED:



JOHN G. BONGAT
City Mayor

12/21/17