CELL PHONE SIGNAL JAMMING DEVICES IN JAILS

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I. PURPOSE

This Standard Operating Procedure (SOP) prescribes the guidelines on the purchase, installation, and use of Cell Phone Signal Jamming devices in Jails.

II. REFERENCES

1. Republic Act No. 4200, “An Act To Prohibit And Penalize Wire Tapping And Other Related Violations of the Privacy Of Communication, and for Other Purposes”;

2. Republic Act No. 9372, “An Act to Secure the State and Protect Our People from Terrorism”;

3. Republic Act No. 7925, “An Act Providing For The Recognition and Use Of Electronic Commercial and Non-Commercial Transactions And Documents, Penalties For Unlawful Use Thereof, and for Other Purposes”;

4. Republic Act No. 8792, “An Act Providing For The Recognition And Use Of Electronic Commercial And Non-Commercial Transactions And Documents, Penalties For Unlawful Use Thereof, And For Other Purposes”;

5. Act No. 3846, “An Act Providing For The Regulation Of Public And Radio Communications In The Philippines And For The Other Purposes”;

6. National Telecommunications Commission Memorandum Order No. 01-02- 2013;

7. BJMP Comprehensive Operations Manual Revised 2015; and

8. House Bill No. 258.

III. DEFINITION OF TERMS

(a) Cell phone jamming devices – radio instruments used to prevent cellular or mobile phones from receiving signals from or transmitting signals to base stations.

(b) Customer Premises Equipment - equipment located in the premises of a customer or subscriber, for connection to public telecommunications network facilities.

IV. RATIONALE/BACKGROUND

Cell phones are considered nuisance contrabands or those contrabands that may not be classified as illegal under Philippine laws but are forbidden by jail rules under the BJMP Comprehensive Operations Manual Revised 2015. To

ensure that no such nuisance contraband shall be present in jails, BJMP SOP No. 2004-02 dated 14 November 2004 provides:

Section 5. Cell phone signal jammer shall be installed inside the jail so that no one could use cell phones inside the jail facility.

However, pursuant to National Telecommunications Commission Memorandum Order No. 01-02-2013, the sale, purchase, importation, possession or use of cellular mobile repeater including cellular mobile jamming devices shall be prohibited. The Memorandum Order also provides that only duly licensed Cellular Mobile Telephone System (CMTS) Operators, the National Disaster Risk Reduction & Management Council (NDRRMC) and such other government agency/instrumentality performing functions vital to national security or safety, hereinafter authorized by the Commission, are authorized to purchase, import, possess and use of cellular mobile repeater including cellular mobile jamming devices.

ON THE PURCHASE OF CELL PHONE SIGNAL JAMMING DEVICES

Pursuant to National Telecommunications Commission Memorandum Order No. 01-02-2013, the following shall be observed in the purchase of cell phone signal jamming devices:

1. The BJMP, its Regional Offices, or jail units shall seek authorization from the National Telecommunications Commission for the purchase of cell phone signal jamming devices to be used inside jail facilities.

2. Pursuant to the Quality Policy Manual of the NTC, the supplier of cell phone signal jamming devices shall seek from the NTC Quality Management System the following:

a. Permit to Import (if applicable);
b. Permit to Possess;
c. Type Acceptance/Approval Certificate
d. Grant of Equipment Conformity Certificate

3. Pursuant to Memorandum Circular No. 1-04-88, Rules and Regulations Governing Equipment Provided by Customers/Subscribers of Public Networks, the supplier of cell phone jammer shall also provide the following:

a. Name of the supplier;
b. Location/Address where the cell phone jammer is to be installed;
c. Quantity, type, make, model, serial number, and original supplier of cell phone jammer; and
d. Pertinent technical information as may be deemed necessary by the network operator.

4. Supplier shall be responsible for the proper maintenance of the cell phone jamming devices and to ensure that such shall not cause harm to public network outside the system of operations and the public.

ON THE INSTALLATION AND USE

1. Cell phone jamming devices shall be used exclusively within the jail facility for purposes of disabling the use of cell phones inside jails and shall not be used for commercial purposes.

2. Cell phone jamming devices shall only be limited within the jail facility and shall not extend beyond the jail facility.

3. Cell phone jamming devices shall be used only in a manner which prevents those inside jails from gaining access to mobile network services.

4. Pursuant to Republic Act No. 4200 and Republic Act No. 8792, cell phone jamming devices shall not be used to listen to, intercept and record, any message, conversation, discussion, or spoken or written words made by those within the jail facilities without: (a) authorization of the Court of Appeals; and (b) on surveillance on crimes

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involving:

a. treason;
b. espionage;
c. provoking war and disloyalty in case of war;
d. piracy;
e. mutiny in the high seas;
f. rebellion;
g. conspiracy and proposal to commit rebellion;
h. inciting to rebellion, sedition, conspiracy to commit sedition; inciting to sedition;
i. kidnapping as defined by the Revised Penal Code;
j. violations of Commonwealth Act No. 616, punishing espionage and other offenses against national security; and
k. terrorism.

5. All recordings made pursuant to the authorization of the Court of Appeals, including all excerpts and summaries thereof as well as all written notes or memoranda made in connection therewith, shall, within forty-eight (48) hours after the expiration of the period fixed in the written order of the authorizing division of the Court of Appeals or within forty-eight (48) hours after the expiration of any extension or renewal granted by the Court of Appeals, be deposited with the authorizing Division of the Court of Appeals in a sealed envelope or sealed package, as the case may be, and shall be accompanied by a joint affidavit of the applicant jail officers and his/her team.

V. SEPARABILITY CLAUSE

In the event that any provision or part of this policy be declared unauthorized or rendered invalid by a competent authority, those provisions not affected by such declaration shall remain valid and effective.

VI. REPEALING CLAUSE

All other existing issuances which are inconsistent with this policy are hereby rescinded or modified accordingly.

VII. EFFECTIVITY

This policy shall take effect upon submission to the Office of the National Administrative Register, University of the Philippines Law Center.

Approved by:

(SGD) JCSUPT DEOGRACIAS C. TAPAYAN, CESE
Acting Chief, BJMP

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