



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 105th REGULAR SESSION OF THE 10th SANGGUNIANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON APRIL 19, 2022.

OFFICERS/MEMBERS:	POSITION	PRESENT	ABSENT	OB	OL
Hon. Mydell G. Pacalioga	Municipal Vice Mayor	___/___	___	___	___
Hon. Julius G. Jamero	SB Member	___/___	___	___	___
Hon. Lars Christian C. Tangalin	SB Member	___/___	___	___	___
Hon. Irish J. Mandao	SB Member	___/___	___	___	___
Hon. Tracy E. Morpos	SB Member	___/___	___	___	___
Hon. Paquito P. Duerme, Jr.	SB Member	___	___/___	___	___
Hon. Nilo B. Ledesma	SB Member	___/___	___	___	___
Hon. Jenny T. Arbitrario	SB Member	___	___	___/___	___
Hon. Francis Joeray T. Gumban	SB Member	___/___	___	___	___
Hon. Jerson L. Cabahug	Ex - Officio Member	___/___	___	___	___
Hon. Leonel C. Dinawanao	Ex - Officio Member	___/___	___	___	___

Municipal Ordinance No. 3, s. 2022

AN ORDINANCE PROHIBITING DRONE OPERATIONS WITHIN ONE HUNDRED (100) METERS FROM JAIL FACILITIES, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES.

WHEREAS, Remotely Piloted Aircraft System (RPAS) or drones, by their nature, can be used as a tool for gathering information via recording or photographs and there is a growing use of drones today, its areas of applications have expanded overtime;

WHEREAS, drones could be used in transporting illegal drugs, deadly weapons, and other contraband, as well in the surveillance of jail facilities and premises, which could very well compromise the safety and security of the jail facilities and BJMP personnel;

WHEREAS, Under Philippine Civil Aviation Rules 11 and Civil Aviation Authority of the Philippines (CAAP) 21-14, no person may operate small UAV or RPA in a populous area, pursuant to this rule, jails are considered populous and congested areas;

WHEREAS, The Bureau of Jail Management and Penology (BJMP), pursuant to regulations issued by the Civil Aviation Authority of the Philippines (CAAP), prescribes a Standard Operating Procedure on the detection, prevention and handling of Remotely Piloted Aircraft System (RPAS) or Unmanned Aerial Vehicles (UAV), aimed at maintaining the safety and security of jail facilities of this municipality;

WHEREAS, the enactment of this ordinance will promote peace and order, enhance the physical security of the jail facilities and guarantee the safety and security of this municipality and its constituents;

Section 1. Title

This ordinance shall be known as "Prohibition of drone operations Ordinance"

[Handwritten signatures and initials]

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Section 2. Purpose

This ordinance is enacted to ensure and promote public safety and security by prohibiting the operation of drones within one hundred meters (100 m) from jail facilities within the territorial jurisdiction of the municipality of Dumingag, Zamboanga del Sur.

Section 3. Legal Bases

Section 447 of the Local Government Code of 1991 or RA 7160, states that "The Sangguniang Bayan, as the legislative body of the municipality shall enact ordinance, approved resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of the same code."

Section 447 (1)(ii) of the Local Government Code of 1991 or RA 7160, one of the powers, duties and functions of the Sangguniang Bayan provided in the aforementioned code, states that, "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."

Bureau of Jail Management and Penology - Legal Service Office (BJMP-LSO) Memorandum Circular No. 109, prescribes the standard operating procedure on detection, prevention and handling of remotely piloted aircraft system or unmanned aerial vehicles.

Civil Aviation Authority of the Philippines (CAAP) Memorandum Circular No. 21-14, s. 2014, "New provisions to the Philippine Civil Aviation Regulations (PCAR) on unmanned aerial vehicle."

Philippine Civil Aviation Regulations Part 11, "Aerial work and operating limitations for non-type certified aircraft."

Section 4. Definition of Terms

For the exclusive use of this ordinance, the following means;

1. BJMP - refers to the Bureau of Jail Management and Penology
2. CAAP - refers to the Civil Aviation Authority of the Philippines
3. Jail facilities - a place for the confinement of people accused or convicted of a crime
4. LGU - refers to the Local Government Unit of Dumingag
5. PNP - refers to the Philippine National Police
6. IRR - refers to Implementing Rules and Regulations
7. Unmanned Aerial Vehicle (UAP) commonly known as drone - is an aircraft without a human pilot aboard, UAVs are a component of an unmanned aircraft system (UAS); which includes an UAV, a ground-based controller, and a system of communications between the two. The flight of UAVs may operate with various degree of autonomy, either under remote control by human operator or autonomous by onboard computers

Section 5. Scope

This ordinance shall apply to all persons, natural or juridical, who shall willfully operate drone within 100 meters radius of jail facilities in the municipality of Dumingag.

Section 6. Exemption

This ordinance shall not cover law enforcement agencies, emergency management offices and those duly authorized by the LGU of Dumingag in coordination with the BJMP.

Section 7. Implementing Rules and Regulations

The following shall be observed in the implementation of this Ordinance, to wit;

7.1 Any person or group of persons who want/s to use or operate drone within or near the jail facility should first secure permit in the LGU.

7.2 Once the permit has been obtained it will be shown to the BJMP personnel.

7.3 The BJMP cannot confiscate the drone unless it is inside the perimeter of the jail facility. If it is still outside but within 100 meters, BJMP shall inform the local government of Dumingag and the LGU shall be the one who will confiscate the drone. If the fine is not yet paid within eight (8) working days, the drone will then be turned over to the Civil Aviation Authority of the Philippines (CAAP).

7.4 If the drone is inside the BJMP jail facility and does pose a threat to life and property, BJMP personnel may use reasonable force to capture or disable the drone.

7.5 The Jail Management shall cause the posting of the sign "DRONE NO FLYZONE WITHIN 100 METERS FROM JAIL FACILITY" conspicuously outside of the jail facility.

Section 8. Penal Provisions

Any person who violate, disobey, refuse, omit or neglect to comply with the provisions of this ordinance shall be meted with the following penalties:

- First Offense - a fine of two thousand pesos (P2,000.00)
- Second Offense - a fine of two thousand five hundred pesos (P2,500.00)
- Third Offense - a fine of two thousand five hundred pesos (P2,500.00) or imprisonment for a period of more than three (3) months but not exceeding six (6) months or both at the discretion of a competent court

In all offenses, the drone will be confiscated if the BJMP authorities will find evidence that the drone is being used to smuggle contrabands into the jail facility.

Section 9. Implementing Agencies

The Philippine National Police (PNP), Dumingag Ordinance Task Force, as well as the responsible officers in the barangay which has territorial jurisdiction over the jail facilities, together with the BJMP personnel, shall ensure the strict and faithful enforcement or implementation of this Ordinance.

Section 10. Applicability Clause

The Bureau of Jail Management and Penology - Legal Service Office (BJMP-LSO) Memorandum Circular No. 109, Civil Aviation Authority of the Philippines (CAAP) Memorandum Circular No. 21-14, s. 2014 and the Philippine Civil Aviation Regulations Part 11 and their corresponding IRR's and other pertinent laws shall apply to all matters not provided in this ordinance.

Section 11. Separability Clause

If any portion of this ordinance is declared invalid or unconstitutional, other portions hereof not affected by such declaration shall remain in full force and effect.

Section 12. Repealing Clause

Any portion of an ordinance, order or memorandum of local effect inconsistent with the provision/s of this ordinance is hereby repealed or modified accordingly.

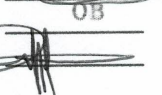
Section 13. Effectivity Clause

This ordinance shall take effect after fifteen (15) days following the completion of the posting requirements in three (3) conspicuous places in the municipality of Dumingag and its publication in any newspaper of general circulation or posting of copies in all the municipalities and one (1) city within the province of Zamboanga del Sur.

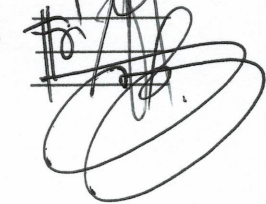
Enacted: April 19, 2022

SANGGUNIANG BAYAN MEMBERS:

Hon. Julius G. Jamero
Hon. Irish J. Mandao
Hon. Paquito P. Duerme, Jr.
Hon. Jenny T. Arbitrario
Hon. Jerson L. Cabahug



absent
OB

Hon. Lars Christian C. Tangalin
Hon. Tracy E. Morpos
Hon. Nilo B. Ledesma
Hon. Francis Joeray T. Gumban
Hon. Leonel C. Dinawanao

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED


MYDELL G. PACALIOGA
Presiding Officer/Municipal Vice Mayor

APPROVED: May 24, 2022


JOAN P. ABEJUELA
Municipal Mayor

I hereby certify that the foregoing ordinance is true and correct.


JESSYL B. PALON
Secretary to the Sanggunian

not valid without official Sanggunian seal