

Republika ng Pilipinas
Lungsod ng Dagupan
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
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EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD, DAGUPAN CITY, HELD via ZOOM Conference Meeting), ON NOVEMBER 18, 2021.

PRESENT:

Hon. Karlos Liberato E. Reyna IV	Presiding Officer Pro Tempore, Member
Hon. Jose Netu M. Tamayo	Deputy Presiding Officer, Member
Hon. Michael B. Fernandez	Majority Floor Leader, Member
Hon. Dennis C. Canto	Second Asst. Majority Floor Leader, Member
Hon. Celia C. Lim	Asst. Minority Floor Leader, Member
Hon. Marvin V. Fabia	City Councilor, Member
Hon. Cisco Jay P. Flores	City Councilor, Member
Hon. Teresa T. Coquia	City Councilor, Member
Hon. Marcelino D. Fernandez	Liga ng mga Barangay President, Ex-Officio Member
Hon. Joshua Bon Bon F. Bugayong	Pederasyon ng mga Sangguniang Kabataan President, Ex-Officio Member

ABSENT:

Hon. Dean Bryan L. Kua	City Vice Mayor & Presiding Officer (O.B.)
Hon. Maria Librada Fe M. Reyna	Minority Floor Leader, Member (O.B.)
Hon. Luis M. Samson, Jr.	Asst. Majority Floor Leader, Member (O.B.)

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ORDINANCE NO. 2242-2021

PROHIBITING DRONE OPERATION WITHIN ONE HUNDRED (100) METERS RADIUS 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 as in the surveillance of jail facilities and premises, which could very well compromise the safety and security of the jail facilities;

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 City.

WHEREAS, the enactment of this ordinance will promote peace and order, enhance the physical security of the Dagupan City Jail facilities and guarantee the safety and security of this City and the constituents;

WHEREAS, this ordinance was proposed by the BJMP Dagupan, thru City Jail Warden Roque Constantino Sison III;

NOW THEREFORE, on joint motion of Councilors Jose Netu M. Tamayo and Michael B. Fernandez, duly and jointly seconded by Councilors Celia C. Lim, Marcelino D. Fernandez, Joshua Bon Bon F. Bugayong, and Cisco Jay P. Flores, be it ordained by the Sangguniang Panlungsod of Dagupan City, in its regular session assembled that:

SECTION 1. TITLE. This ordinance shall be known as **"AN ORDINANCE PROHIBITING DRONE OPERATIONS WITHIN 100 METERS RADIUS FROM JAIL FACILITIES, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES"**

SECTION 2. PURPOSE. This ordinance is enacted to ensure and promote public health, safety and security by prohibiting the operation of drones within one hundred meters (100 m) radius from jail facilities within the territorial jurisdiction of Dagupan City.

SECTION 3. DEFINITION OF TERMS. As used in this Ordinance the following terms shall be construed to mean as follows:

- a. ***Unmanned Aerial Vehicle (UAV) 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 UAV's may operate with various degree of autonomy; either under remote control by human operator or autonomous by onboard computers.
- b. ***Jail facilities*** – a place for the confinement of people accused or convicted of a crime.

SECTION 4. SCOPE. This ordinance shall apply to all persons, who shall willfully operate drone within 100 meters radius of jail facilities in Dagupan City Jail.

SECTION 5. EXEMPTION. This ordinance shall not cover law enforcement agencies, emergency management offices and those duly authorized by the LGU coordination with the Jail Management.

SECTION 6. PENALTIES. Violation of this Ordinance shall be meted the penalty of:

- a. First Offense – Fine of One Thousand Pesos (Php 1,000.00);
- b. Second Offense – Fine of One Thousand Five Hundred Pesos (Php 1,500.00);
- c. Third Offense – Fine of Two Thousand Five Hundred Pesos (Php 2,500.00) or imprisonment for a period of more than three (3) months but not exceeding six (6) months or both such fine and imprisonment at the discretion of the court.

SECTION 7. IMPLEMENTING AGENCY. The Philippine National Police (PNP) and Public Order and Security Officers (POSO), as well as the responsible officer 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.

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

SECTION 8. IMPLEMENTING RULES AND REGULATIONS (IRR). The Philippine National Police (PNP) and Public Order and Security Officers (POSO), the concerned barangay which has territorial jurisdiction over the jail facilities in the City, as well as the BJMP shall formulate the necessary implementing Rules and Regulations (IRR) of this Ordinance within thirty (30) days from the approval of this ordinance and the same shall immediately be transmitted to the Mayor for his approval.

8.1 Guidelines in Securing Permit for the Operation of Drone within Jail Facility

8.1.1 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.

8.1.2 Once the permit has been obtained the same will be shown to BJMP personnel

SECTION 9. All ordinances or any section or provision or a part thereof which are contrary to or inconsistent with the provisions of this Ordinance are hereby repealed or amended accordingly.

SECTION 10. If for any reason, any section of provisions of this Ordinance is declared illegal or unconstitutional, the other provisions which are not affected thereby shall continue to be in full force and effect.

SECTION 11. This ordinance shall take effect upon approval.

ENACTED UNANIMOUSLY.

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Principal Author:

COUNCILOR JOSE NETU M. TAMAYO

Co-Authors:

COUNCILOR MICHAEL B. FERNANDEZ

COUNCILOR CISCO JAY P. FLORES

KARLOS LIBERATO E. REYNA IV

Presiding Officer Pro Tempore

ATTESTED:

REA L. MANUEL

Asst. City Secretary

APPROVED:

MARC BRIAN C. LIM

City Mayor

Date: _____

