



EXCERPT FROM THE MINUTES OF THE 107TH REGULAR SESSION OF THE 5TH SANGGUNIANG PANLUNGSOD (SP) HELD AT THE SP SESSION HALL, LEGISLATIVE BUILDING, EAST POBLACION, CITY OF NAGA, CEBU ON AUGUST 29, 2024.

PRESENT:

- | | |
|------------------------------|--|
| HON. VIRGILIO M. CHIONG | - Vice Mayor /Presiding Officer |
| HON. CLINT ISIDRO A. CHIONG | - Presiding Officer Pro Tempore |
| HON. CARMELINO N. CRUZ, JR. | - Majority Floor Leader |
| HON. SCOTT JUVENAL A. CHIONG | - Assistant Majority Floor Leader/Liga ng mga Barangay President |
| HON. ALEXANDER R. LARA | - Sangguniang Panlungsod Member |
| HON. AURELIO B. ALINSONORIN | - Sangguniang Panlungsod Member |
| HON. CHARMAINE R. NAVARRO | - Sangguniang Panlungsod Member |
| HON. RAY A. MANABAT | - Sangguniang Panlungsod Member |
| HON. JUSTINO L. DAKAY | - Sangguniang Panlungsod Member |
| HON. DOMINADOR A. LIBOR | - Sangguniang Panlungsod Member |
| HON. LETECIA F. ABANGAN | - Sangguniang Panlungsod Member |
| HON. ELMER JOHN R. LAPITAN | - Sangguniang Panlungsod Member |
| HON. FAITH JAMES B. SERVANO | - SK Federation President |

ORDINANCE NO. 2024-46

Author: HON. CLINT ISIDRO A. CHIONG
Vice Chairperson, Committee on Peace and Order



PROHIBITING DRONE OPERATION WITHIN ONE HUNDRED (100)-METER RADIUS FROM JAIL FACILITIES, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

EXPLANATORY NOTE

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.

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.

Under Philippine Civil Aviation Rules 11 and Civil Aviation Authority of the Philippines (CAAP) 21-14, no person may operate small Unmanned Aerial Vehicles (UAV) or RPAS in a populous area. Pursuant to this rule, jails are considered populous and congested areas.

The Bureau of Jail Management and Penology (BJMP), pursuant to regulations issued by the CAAP, prescribes a Standard Operating Procedure on the detection, prevention and handling of RPAS or UAV, aimed at maintaining the safety and security of jail facilities in the City of Naga, Cebu.

The enactment of this ordinance is in line with the General Welfare Clause of Republic Act 7160 or the Local Government Code of 1991 mandating local government units (LGUs) to promote peace and order so as to enhance, in this case, the physical security of jail facilities and guarantee the safety and security of this City and its constituents.

NOW THEREFORE, BE IT ORDAINED, as it is hereby **ORDAINED** by the 5th Sangguniang Panlungsod (SP) of the City of Naga, Cebu, in a session duly assembled, by virtue of the powers vested in it by law, that:

SECTION 1. TITLE. - This ordinance shall be known as **"PROHIBITING DRONE OPERATIONS WITHIN 100-METER 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 100-meter radius from jail facilities within the territorial jurisdiction of the City of Naga, Cebu.

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SECTION 3. DEFINITION AND 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-meter radius of jail facilities in the City of Naga, Cebu.

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

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

- a. First Offense - A fine of Two Thousand Pesos (Php2,000.00);
- b. Second Offense - A fine of Three Thousand Pesos (Php3,000.00);
- c. Third Offense - A fine of Five Thousand Pesos (Php5,000.00) 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 Team (POST), as well as the responsible officer/s 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 FROM JAIL FACILITY**" conspicuously outside of the jail facility.

The barangays where existing jail facilities are situated shall likewise be required to post the same notice in their respective areas for proper guidance and information to the public.

SECTION 8. IMPLEMENTING RULES AND REGULATIONS (IRR). - The PNP and POST, the concerned barangay which has territorial jurisdiction over the jail facilities in the City, as well as the BJMP shall formulate the necessary IRR of this ordinance within thirty (30) days from its approval, and the same shall immediately be transmitted to the City Mayor for 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 a permit from this LGU.

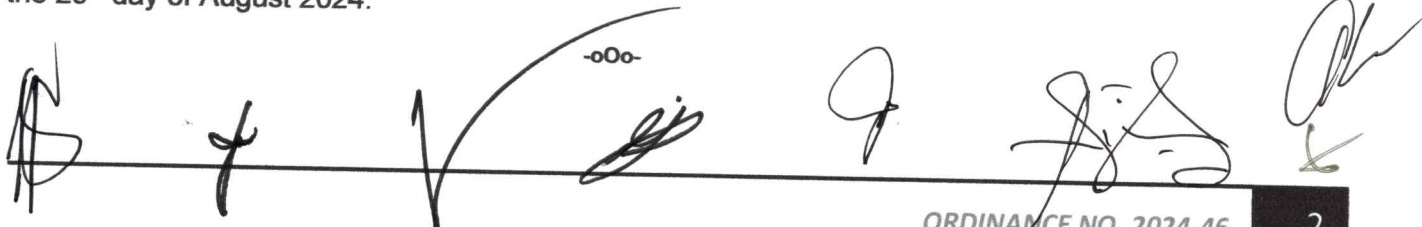
8.1.2 Once the permit has been obtained, it will be shown to BJMP personnel.

SECTION 9. SEPARABILITY CLAUSE. - 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.

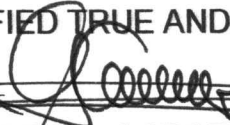
SECTION 10. REPEALING CLAUSE. - If for any reason, any section of provisions of this ordinance is declared illegal or unconstitutional, the other provisions which are not affected thereby shall continue to be fully force and effect.

SECTION. 11. EFFECTIVITY CLAUSE. - This ordinance shall take effect immediately upon approval and due compliance with the requirements mandated under R.A. 7160 or the Local Government Code of 1991.

ENACTED BY THE SANGGUNIANG PANLUNGSOD, CITY OF NAGA, CEBU, on motion of Hon. Clint Isidro A. Chiong, seconded by Hon. Justino L. Dakay, in its regular session held on the 29th day of August 2024.



CERTIFIED TRUE AND CORRECT:


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GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY:


VIRGILIO M. CHIONG
City Vice Mayor/Presiding Officer

APPROVED BY:


VALDEMAR M. CHIONG
City Mayor

9/2/2024

