



Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
City of Bayawan
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON NOVEMBER 14, 2022 AT 10:00 AM AT THE LEGISLATIVE BUILDING GOVERNMENT CENTER.

RECORD OF ATTENDANCE

HON. HENRY E. CARREON, JR.	Vice Mayor & Presiding Officer	Present
HON. MARK FIDENCIO L. AURELIA		Present
HON. NARCISO N. CASIPONG		Present
HON. RUSMAR IAN D. TIJING		Present
HON. MERLITA R. GAUDIEL		Present
HON. NICO ANGELO L. LIM		Present
HON. ROLANDO B. ABRASALDO		Present
HON. KARL T. SARAÑA		Present
HON. LUIS J. SUMALPONG		Present
HON. FELIPE O. SANTIAGO, JR.		Present
HON. MA. LUCIANA T. TIZON		Present
HON. SEVERINO SALVADOR M. CAPULSO	(Acting LNMB President)	Present
HON. TRISTAN GOLD T. TORRILLO	(SK Federated President)	Present

RESOLUTION NO. 840

Authored by: Honorable Councilor Felipe O. Santiago, Jr.

“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 as 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;

“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 these rules, jails are considered populous and congested areas;

“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 city and the constituents.

“WHEREAS, however, Resolution No. 630, series of 2022, of the Sangguniang Panlalawigan of Negros Oriental returned the same to this Body inviting attention to the comments of the OIC-Provincial Legal Officer, Atty. Richard E. Enojo, to wit:

- The term “Unmanned Aerial Vehicle (UAV)” used Ordinance No. 8 is no longer applicable nor consistent with Philippine Civil Aviation Regulations.

The Civil Aviation Authority of the Philippines (CAAP) has released Memorandum Circular 29-15 titled “Amendment to the Philippine Civil Aviation Regulations (PCAR) Part 2,4 and Part 11” last December 8, 2015. Under such memorandum, the regulations on Remotely Piloted Aircraft are now part of the Philippine Civil Aviation Regulation (PCAR). Such circular supersedes previously issued Memorandum Circular 35-14 and Memorandum Circular 21-14 which uses the term “Unmanned Aerial Vehicle (UAV)”. In effect, the term Unmanned Aerial Vehicle (UAV) has been changed to Remotely Piloted Aircraft System (PAS) in compliance with International Civil Aviation Organization (ICAO);

- Under Memorandum Circular 29-15, Remotely Piloted Aircraft System (RPAS) is defined as a remotely piloted aircraft, its associated remote pilot stations, the required command and control links and any other components as specified in the type design. A drone falls under this category. A drone is therefore classified as an RPA;
- Under Memorandum Circular 29-15 Part II 11.11.3(b), RPAs shall clear of populated areas unless prior approval has been given by the Authority. Republic Act 9497, also known as the Civil Aviation Act of 2008, Sec 2 (cc) provides that “Authority” refers to the Philippine Civil Aviation Authority created pursuant to the provisions of this Act and shall, as indicated by the context, include the Board of Directors and /or Director General created pursuant thereto.

Section 9.1 of Ordinance 8 which provides that any person who wishes to use a drone within or near a jail facility must first secure a permit from the LGU is inconsistent with RA 9497 which places authority on the Philippine Civil Aviation Authority to approve operation of RPAs in populated areas.

“WHEREAS, similarly, the Committee on Peace and Order, Public Safety and Transportation in its Committee Report dated October 5, 2022 recommended for the amendment of the said ordinance following the comments of the OIC-Provincial Legal Officer, Atty. Richard E. Enojo’

“WHEREFORE, on motion of Honorable Councilor Felipe O. Santiago, Jr. and duly seconded by Honorable Councilor Luis J. Sumalpong, the Council

“RESOLVED, To enact, as it hereby enacts the following ordinance:

ORDINANCE NO. 37

ADOPTING A REVISED ORDINANCE PROHIBITING DRONE OPERATIONS WITHIN 100 METERS FROM PERIMETER OF BAYAWAN CITY JAIL FACILITY AND PROVIDING PENALTIES IN VIOLATION THEREOF

Be it ordained by the Sangguniang Panlungsod of Bayawan City, in session duly assemble that:

SECTION 1. TITLE. This ordinance shall be known as **“An Ordinance Prohibiting Drone Operations within 100 Meters from perimeter of Bayawan City Jail Facility and Providing Penalties in Violation Thereof**

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 (100m) horizontally and vertically from the perimeter fence of jail facilities within the territorial jurisdiction of the city.

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

- Remotely Piloted Aircraft (RPA) commonly known as drone – is an aircraft without human pilot aboard, UAV is a component of an Unmanned Aircraft System (UAS) which includes an UAV, a ground-based controller, and a system of communication 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.
- Jail Facilities – places for the confinement of people accused or convicted of a crime.

SECTION 4. SCOPE. This ordinance shall apply to all persons who operate drone within the territorial jurisdiction of Bayawan City that reaches its scope of operation within the prohibited area.

SECTION 5. PROHIBITED ACT. It shall be prohibited to operate drones within one hundred meters (100m) horizontally and vertically from the perimeter fence of jail facilities within the territorial jurisdiction of Bayawan City.

SECTION 6. EXEMPTION. This ordinance shall not cover law enforcement agencies, emergency management offices and those duly authorized by the LGU with coordination to the Jail Management.

SECTION 7. PENALTIES. Violation of this Ordinance shall be meted the penalty of:

- a. First Offense – A fine of One Thousand Pesos (₱1,000.00)
- b. Second Offense – A fine of One Thousand Five Hundred Pesos (₱1,500.00)
- c. Third Offense – A fine of Two Thousand Five Hundred Pesos (₱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 8. IMPLEMENTING AGENCY. The Philippine National Police (PNP) and Public Order and Security Team (POST), 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 horizontally and vertically FROM JAIL FACILITY” conspicuously outside of the jail facility.

SECTION 9. IMPLEMENTING RULES AND REGULATIONS (IRR). The Philippine National Police (PNP) and Public Order and Security Team (POST), 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 approval.

SECTION 10. All ordinance 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 11. 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 12. This ordinance shall take effect upon compliance with the provisions of Republic Act No. 7160, the Local Government Code of 1991.

“Enacted.”

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I hereby certify to the correctness of the foregoing resolution.


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JULIUS T. ESPARTERO
Secretary to the Sangguniang Panlungsod

ATTESTED:

APPROVED:


HENRY E. CARREON, JR.
Vice Mayor
Presiding Officer


JOHN T. RAYMOND, JR.
Mayor
Date: 27 FEB 2023

Copy for:

- The Honorable Provincial Board, Dumaguete City