Republic of the Philippines
PROVINCE OF NUEVA ECIJA
Provincial Capitol Bldg.
Brgy. Singalat, City of Palayan
Tel. No.: (044) 940-7793

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE 13TH REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF NUEVA ECIJA HELD AT THE SP SESSION HALL, ON

MARCH 28, 2022

PRESENT:

VG EMMANUEL ANTONIO M. UMALI	- Presiding Officer
BM RAFAEL ANDREW R. VILLANUEVA	- Member
BM TERESITA A. PATIAG	- Member
BM ERIC DANIEL F. SALAZAR	- Member
BM ROSELLER T. DE GUZMAN	- Member
BM ESMERALDO B. ABALOS	- Member
BM JOSEPH R. ORTIZ	- Member
BM BELINDA E. PALILIO	- Member (President-PCL)
BM ARIEL L. MATIAS	- Member (President-LnB)
BM MARY SWEET LIBERTY N. CRUZ	- Member (President-SK Federation)
BM EMMANUEL B. DOMINGO	- Member (IPM Representative)

ABSENT:

BM EMARY JOY D. PASCUAL	- Member
BM JO-MARIO ANGELO E. MATIAS	- Member
BM NAPOLEON P. INTERIOR, JR.	- Member
BM EDUARDO JOSE B. JOSON, VII	- Member

ORDINANCE NO. 24-S-2022

AN ORDINANCE PROHIBITING DRONE OPERATIONS WITHIN 100 METERS FROM ALL JAIL FACILITIES WITHIN THE TERRITORIAL JURISDICTION OF THE PROVINCE OF NUEVA ECIJA, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

Sponsored by: BOARD MEMBER JOSEPH R. ORTIZ

WHEREAS, over the past years, small Remotely Piloted Aircraft (RPA)/Unmanned Aerial Vehicle (UAV) or "drones", have rapidly grown in popularity. Individuals, commercial entities and government agencies have made use of drones for its multiple useful features such as: aerial photography, express shipping and delivery, disaster surveillance and emergency response, geographical mapping, weather forecasting, etc;

WHEREAS, while the advantages of drones are numerous, it's also a technology that can be easily abused because they can be used to invade the privacy of a specific target group or individual, specifically, it can be used as surveillance of jail premises which would compromise the safety and security of jail facilities;

WHEREAS, incidents have also been reported where drones were used in transporting illegal drugs, deadly weapons and other contrabands;

WHEREAS, under the Philippine Civil Aviation Regulations Part 11 (PCAR 11) and the Civil Aviation Authority of the Philippines (CAAP) Memorandum Circular No. 21-14, no person may operate small UAV or RPA in populous areas. Considering that jails serve public function in safekeeping Persons Deprived of Liberty (PDL), they 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), prescribed 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 in the Province of Nueva Ecija;

WHEREAS, the Standard Operating Procedure under BJMP-LSO-MC-109, effective November 25, 2020 prohibits the flying of drones within 30 meters from jail facilities. However, the 30-meter prohibition is no longer effective to ensure the privacy and safety of jail premises since drones manufactured today are equipped with high definition cameras that can easily capture and record pictures and videos of the jail grounds even at the distance of 30 meters or more;

WHEREAS, the same SOP also provides that confiscation of unauthorized UAV or RPA can be made by the Civil Aviation Authority of the Philippines. Jails cannot confiscate but only monitor UAV or RPA being operated within 30 meters from the jail facilities.

WHEREAS, if jail management will not be given the authority to apprehend violators or confiscate their drones, perpetrators will already have escaped by the time the incident was reported to the Civil Aviation Authority of the Philippines for appropriate action;

WHEREAS, the BJMP Nueva Ecija Provincial Office is determined to effect a drone ordinance that is applicable in addressing the actual situations that jails may encounter with regard to the violation of the drone prohibition and responsive to the continuous technological advancements of UAVs;

WHEREAS, the Sangguniang Panlalawigan of Nueva Ecija, adheres to the promotion of peace and order in all the jail facilities in the Province of Nueva Ecija to guarantee the safety and security of the province and its constituents;

WHEREAS, pursuant to Sec. 468 (a)(1)(ii) of the Local Government Code of 1991, the Sangguniang Panlalawigan, as the legislative body of the province, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the province and its inhabitants pursuant to Section 16 of the same Code and shall approve ordinances and pass resolutions necessary for an efficient and effective provincial government and, in this connection, shall maintain peace and order by enacting

measures to prevent and suppress lawlessness, disorder, violence and others;

NOW THEREFORE, BE IT ENACTED, AS IT IS HEREBY ENACTED, BY THE SANGGUNIANG PANLALAWIGAN, IN SESSION DULY ASSEMBLED THAT:

SECTION 1. Title. This ordinance shall be known as **"AN ORDINANCE PROHIBITING DRONE OPERATIONS WITHIN 100 METERS FROM ALL JAIL FACILITIES WITHIN THE TERRITORIAL JURISDICTION OF THE PROVINCE OF NUEVA ECIJA, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES"**

SECTION 2. Purpose. This ordinance is enacted to ensure and promote public safety and security by prohibiting the operation of drones within 100 meters from all jail facilities within the territorial jurisdiction of the Province of Nueva Ecija.

SECTION 3. Definition of Terms. As used herein, the following terms and phrases shall have the following meaning:

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 a 100-meter radius of the jail facilities in the Province of Nueva Ecija.

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 with the following penalties:

First Offense	– A fine of Two Thousand Pesos (Php 2,000.00);
Second Offense	– A fine of Three Thousand Pesos (Php 3,000.00);
Third Offense	– A fine of Five Thousand Pesos (Php 5,000.00) and/or imprisonment for a period of six (6) months but not exceeding one (1) year, 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 in the barangay which has territorial jurisdiction over the jail facility, together with the BJMP Management, shall ensure the strict and faithful enforcement and 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.



SECTION 8. Implementing Rules and Regulations (IRR). To properly implement this Ordinance, the Philippine National Police (PNP) and Public Order and Security Team (POST), the concerned barangay which has territorial jurisdiction over the jail facility and the BJMP Nueva Ecija Provincial Office shall formulate the Implementing Rules and Regulations (IRR) of this Ordinance within thirty (30) days from the approval hereof.

The IRR shall be immediately transmitted to the Sangguniang Panlalawigan for review, adoption and approval.

The IRR shall include among others, the Manner of Confiscation of the Drones, the Authorized Enforcing Agency (with respect to the jail location), Guidelines in Securing Permit for the Operation of Drone within Jail Facility and all other rules and regulations pertinent to the effective implementation of this Ordinance.

SECTION 9. Information Dissemination. Copies of this Ordinance shall be posted in all bulletin boards of the Provincial Capitol Building, Jail facilities, and all Municipal and City Government Units in the territorial jurisdiction of the Province of Nueva Ecija.

Copy of this Ordinance shall also be posted in the Official Facebook Page of the Provincial Government of Nueva Ecija, the Sangguniang Panlalawigan and all other Social Media Accounts related to Jail Management.

SECTION 10. Separability Clause. If any portion of this Ordinance is declared invalid or unconstitutional, the remaining parts thereof which are not otherwise affected shall continue to be in full force and effect.

SECTION 11. Repealing Clause. All ordinances, resolutions, local executive issuances, and/or administrative rules and regulations inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 12. Effectivity Clause. This Ordinance shall take effect fifteen (15) days after this Ordinance and its approved Implementing Rules and Regulations have been published in a local newspaper of general circulation.

UNANIMOUSLY APPROVED, March 28, 2022.

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I HEREBY certify to the correctness of the foregoing Ordinance No. 24-S-2022.

ATTY. NORBERTO D. CORONEL
Secretary to the Sangguniang Panlalawigan

ATTESTED:

EMMANUEL ANTONIO M. UMALI
Vice Governor/Presiding Officer

APPROVED:

AURELIO M. UMALI
Governor

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Date