



REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD
CITY OF MANDALUYONG



ORDINANCE NO. 908, 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 recordings 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;

WHEREAS, 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 Remotely Piloted Aircraft System (RPAS) 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 under BJMP-LSO-Memorandum Circular No. 109 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 jail facilities and guarantee the safety and security of this City and the constituents.

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of Mandaluyong City in session duly assembled, that:

SECTION 1. TITLE- This Ordinance shall be known as "AN ORDINANCE PROHIBITING DRONE OPERATIONS WITHIN ONE HUNDRED (100) METERS 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 operations of drones within one hundred meters (100-meter) from jail facilities within the territorial jurisdiction of the Mandaluyong 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** - an unmanned aircraft, other than a balloon or a kite. (CAAP MC 21-14; BJMP MC No. 109)
- b. **REMOTELY PILOTED AIRCRAFT (RPA)** - an unmanned aircraft which is piloted from a remote pilot station (CAAP MC 21-14; PCAR 11)
- c. **REMOTELY PILOTED AIRCRAFT SYSTEM (RPAS)** - 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. (CAAP MC 21-14; PCAR 11)
- d. **JAIL FACILITIES** - is a place of confinement for the city detainees/prisoners, any fugitive from justice, or persons detained awaiting or undergoing investigation or trial and/or pending transfer to the National Penitentiary, and/or violent, mentally ill person who endangers him/herself or the safety of others duly certified as such by the proper medical or health officer, pending transfer to a mental institution.
- e. **DRONE OPERATOR** - person responsible for operating or controlling a drone, or causing it to take off, stay on course, and land safely.
- f. **PROHIBITED AREA** - the area covering the one hundred (100) meter radius of the jail facilities within the City of Mandaluyong, including but not limited to facilities of the BJMP and those of the PNP.

SECTION 4. SCOPE - This Ordinance shall apply to all persons who shall willfully operate drone, including small recreational drones and commercial drones, within the one hundred (100) meter radius of jail facilities in Mandaluyong City.

SECTION 5. EXEMPTION - This Ordinance shall not cover law enforcements agencies, emergency management offices and those duly authorized by the City Government of Mandaluyong with coordination to the Jail Management.

SECTION 6. PROHIBITED ACTS - Except when sanctioned by the City Government of Mandaluyong upon clearance and procurement of the necessary licenses and permits, flying, operating, or using of all kinds of drones, regardless of its nature of use, shall be prohibited within the one hundred (100) meter radius of all jail facilities within the City of Mandaluyong.

SECTION 7. PENALTIES - Along with the confiscation of the RPA/RPAS, violations of this Ordinance shall be meted the penalty of:

a.) First Offense	A fine of Three Thousand Pesos (Php3,000.00)
b.) Second Offense	A fine of Four Thousand Pesos (Php4,000.00)
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 8. GUIDELINES IN SECURING PERMIT FOR THE OPERATION OF A DRONE WITHIN JAIL FACILITY.

Any person or group of persons who want/s to use or operate a drone within or near any jail facility in the City of Mandaluyong must first secure a clearance from the City Government of Mandaluyong, which may be initiated through an application by the Drone Operator with the Local BJMP/PNP Station.

The Local BJMP/PNP Station may, upon its discretion, allow or deny an application based on the Drone Operator's compliance with the necessary requirements and submission of the relevant documents as required by the BJMP/PNP;

If approved by the Local BJMP/PNP Station, the said application will, thereafter, be endorsed to the City Public Order & Safety Department, containing, among others, the circumstances of the Drone Operator and the propriety of the release of a permit to fly within the Prohibited Area;

Only those RPA/RPAs possessing the clearance from the City Government of Mandaluyong shall be allowed to fly within the Prohibited Area.

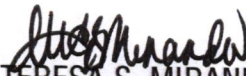
SECTION 9. REPEALING CLAUSE. All ordinances or any section or provision or a part thereof which are contrary to or inconsistent with the provisions of this Ordinance are hereby repealed or amended accordingly.

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

SECTION 11. EFFECTIVITY. This Ordinance shall take effect upon publication in a newspaper of general circulation within Mandaluyong City, in accordance with Section 511 of R.A. 7160, otherwise known as the Local Government Code of 1991.

ENACTED on this 12th day of December 2022, in the City of Mandaluyong.

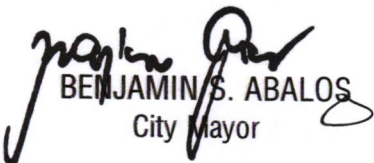
I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS
ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN A REGULAR SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:

APPROVED BY:


CARMELITA A. ABALOS
City Vice Mayor &
Presiding Officer


BENJAMIN S. ABALOS
City Mayor
Date: DEC 16 2022