



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE 110TH REGULAR SESSION VIA ZOOM MEETING OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN HELD IN THE PROVINCE OF BATAAN ON DECEMBER 27, 2021

PRESENT:

Hon. Ma. Cristina M. Garcia, Vice Governor and Presiding Officer

FIRST DISTRICT:

- Hon. Benjamin C. Serrano, Jr., Board Member
- Hon. Jomar L. Gaza J.D., Board Member
- Hon. Reynaldo T. Ibe, Jr., Board Member
- Hon. Godofredo B. Galicia, Jr., M.D., Board Member
- Hon. Maria Khristine G. Dela Fuente, Board Member

SANGGUNIANG PANLALAWIGAN
CAPITOL BATAAN
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RELEASED
RECORDS DIVISION
JAN 17 2022

SECOND DISTRICT:

- Hon. Maria Margarita R. Roque, Board Member
- Hon. Manuel N. Beltran, Board Member
- Hon. Edgardo P. Calimbas, Board Member
- Hon. Jose C. Villapando, Sr., Board Member
- Hon. Romano L. Del Rosario, Board Member

- Hon. Doroteo M. Austria, Board Member (FABC President)
- Hon. Noel Joseph L. Valdecañas, Board Member (PCL President)
- Hon. Precious D. Manuel, Board Member (SKF President)
- Hon. Rosita N. Sison, Board Member (IPM Representative)

ABSENT:

None

**ORDINANCE NO. 31
Series of 2021**

AN ORDINANCE PROVIDING FOR REGULATIONS ON DRONE OPERATIONS IN THE PROVINCE OF BATAAN, AND IMPOSING PENALTIES FOR VIOLATION THEREOF.

**Authored by: HON. JOMAR L. GAZA J.D.
Sponsored by: HON. ROMANO L. DEL ROSARIO**

Section 1. Short Title. - This Ordinance shall be known as the "Bataan Drone Operation Regulations Ordinance";

Section 2. Declaration of Policy. - According to the Civil Aviation Authority of the Philippines (CAAP), flying a drone is legal in Philippines. It is however the policy of the Provincial Government of Bataan to regulate the operations thereof, in accordance with the promotion of the security, privacy, safety and general welfare of its constituents;

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ALBERT S. GARCIA
Provincial Governor

"EXCELLENT PUBLIC SERVICE TOWARDS A BETTER QUALITY OF LIFE FOR ALL"

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Section 3. Definition of Terms. – As used in this Ordinance, the following words or phrases are defined as follows:

- a. Drone – or in general also referred to as Unmanned Aerial Vehicle (UAV), is an aircraft without any human pilot on board and which is operated by a ground-based controller;
- b. Commercial Drone Use – refers to the operation of a drone in connection with or as a matter of business, with the end in view of gaining consideration or profit, whether as a primary purpose or merely an incidental result;
- c. Hobby-related Use. – refers to the operation of a drone purely for recreational purpose and without gaining any consideration or profit;

Section 4. Coverage. – This Ordinance shall be effective within the whole Province of Bataan, whether the operation of a drone is for commercial or hobby-related purpose. The provisions thereof shall not apply as against government agencies in the conduct of their official functions.

Section 5. Regulations and Restrictions. – The following shall govern the use or operation of a drone within the Province of Bataan:

- a. In accordance with the regulations of the Civil Aviation Authority of the Philippines (CAAP), registration with the same is necessary to operate a drone for commercial purposes, and in any case, in the operation of a drone weighing 7 kilograms or more;
- b. All drones, whether for commercial use or hobby-related purpose, shall be clearly marked with the name, contact details and address of the owner and/or controller;
- c. Operation of a drone shall be made only during the day and in good weather conditions;
- d. The owner or controller of a drone shall obtain permission from the owner of the property on which the drone intends to launch from or land;
- e. No drone shall be flown, under the following circumstances:
 - outside of the controller’s visual line of sight;
 - higher than one hundred twenty (120) meters above ground level;
 - at a lateral distance of less than thirty (30) meters from vehicles, the public, including spectators, bystanders or any person not associated with the drone, unless specifically permitted, for justifiable reasons, by authorities concerned;
 - closer than 10 kilometers from airports or active helipads;
 - at a distance of more than five hundred (500) meters from the controller’s location.

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Provincial Governor

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- subject drone*
- f. No person shall operate more than one drone at a time;
- g. No drones shall be flown near emergencies, such as fires, on-going police or military operations, rescue operations, and similar instances when the operation of a drone can prejudice the situation;
- h. No drones shall be use in violation of relevant constitutional rights, including the right to security and privacy;
- i. No person shall operate a drone that transports or carries on board a living creature;
- j. No person shall operate a drone under the influence of alcohol or while using any drug that impairs the person's faculties;
- k. No person shall operate a drone within the close vicinity or over the following facilities or places:
- any Provincial, Municipal or District jail or penitentiary institution;
 - vital police/military institutions or facilities;
 - highly populated areas, such as but not limited to schools and markets, unless specifically permitted, for justifiable reasons, by authorities concerned;
 - public utility facilities that may cause the disruption of the delivery of electric power, water, telecommunications and other similar services.
- FMIA*
- person*

Section 6. Penal Provision. – The following fines and penalties shall be imposed in violation of this Ordinance:

- Penalty*
- a. Any violation of Section 5 paragraphs (a), (b), (c), (d), (e) or (f) hereof shall result to the imposition of a fine of Five Thousand Pesos (₱5,000.00) per violation. In addition, the subject drone shall also be confiscated and forfeited in favour of the Provincial Government of Bataan in the case of second and succeeding offenses;
- b. Any violation of Section 5 paragraphs (g), (h), (i), (j) or (k) hereof shall be penalized with imprisonment of not less than one (1) week but not more than one (1) month or a fine of Five Thousand Pesos (₱5,000.00), or both upon the discretion of the court;
- c. All video or audio recordings and copies thereof made through the use of a drone in violation of this Ordinance shall be erased and confiscated;
- d. The foregoing provisions shall be without prejudice to any civil or criminal liability that the owner or operator of the subject drone may incur against the government or any private individual or entity;
- e. If the violator is a juridical entity, the managing officers and other persons responsible for any violation shall be liable for the penalties prescribed in this Ordinance.
- Penalty*


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Provincial Governor







Section 7. Repealing Clause. – All Ordinances, Resolutions, Order, Memoranda and Other Issuances inconsistent with this Ordinance are hereby altered, amended or repealed accordingly.

Section 8. Separability Clause. – In case any provision of this Ordinance shall be found to be invalid or unconstitutional, all other provisions not affected thereof shall remain in force and effect.

Section 9. Effectivity Clause. – This Ordinance shall take effect after compliance with the relevant requirements for posting and/or publication.

APPROVED UNANIMOUSLY.

Shirley Perain
[Signature]

We hereby certify to the correctness of the above-quoted ordinance.

TMW

[Signature]
MARY ANN R. DE JESUS, MPA
OIC Secretary to the SP

[Signature]
BENJAMIN C. SERRANO, JR.
Board Member

[Signature]
JOMAR L. GAZA J.D.
Board Member

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REYNALDO T. IBE, JR.
Board Member

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GODOFREDO B. GALICIA, JR., M.D.
Board Member

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MARIA KRISTINE G. DELA FUENTE
Board Member

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MARIA MARGARITA R. ROQUE
Board Member

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MANUEL N. BELTRAN
Board Member

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EDGARDO P. CALIMBAS
Board Member

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JOSE C. VILLAPANDO, SR.
Board Member

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ROMANO L. DEL ROSARIO
Board Member

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ALBERT S. GARCIA
Provincial Governor

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DOROTEO M. AUSTRIA
Board Member
(FABC President)

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NOEL JOSEPH L. VALDECAÑAS
Board Member
(PCL President)

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PRECIOUS D. MANUEL
Board Member
(SKF President)

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ROSITA N. SISON
Board Member
(IPM Representative)

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ATTESTED:

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MA. CRISTINA M. GARCIA
Vice Governor
(Presiding Officer)

APPROVED:

(Handwritten signature)
ALBERT S. GARCIA
Provincial Governor
Date: 01-14-2022

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