

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
TWENTIETH CONGRESS
First Regular Session
House Bill No. 5260



Introduced by Representative
BRIAN POE, PhD, MNSA

AN ACT
REGULATING THE OWNERSHIP AND OPERATION OF DRONES BY PRIVATE PERSONS

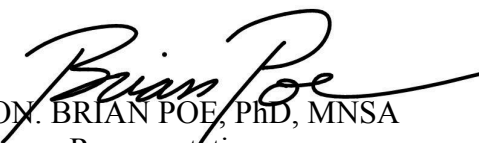
EXPLANATORY NOTE

Over the last two decades, the use of unmanned aerial vehicles or “drones” has proliferated in various sectors of society. Drones are used for amateur photography, to increase crop production, and to conduct surveillance for military and law enforcement agencies.

With this ubiquity comes the need for regulation. The same drones that are used for recreational and commercial purposes may be used to violate rights, be exploited by terrorists, or pose a hazard to aircraft. In fact, last year, Russian occupiers attacked Ukraine using Iran-made Shahed-136 suicide drones on the eastern and southern fronts.¹ Unfortunately, it was reported that one civilian was killed during this Russian attack with drones on the southern port city of Odesa².

This measure is filed to ensure public safety by regulating the ownership and operation of drones in the Philippines.

Thus, the interest of safeguarding the public, the passage of this measure is earnestly sought.


HON. BRIAN POE, PhD, MNSA
Representative
FPJ Panday Bayanihan Party-List

¹ <https://news.yahoo.com/ukrainian-armed-forces-bring-down-171000622.html>, September 24, 2022.

² <https://www.kyivpost.com/russias-war/russian-attack-on-odesa-with-iranian-drone.html>, September 23, 2022.

Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

TWENTIETH CONGRESS

First Regular Session

House Bill No. 5260

Introduced by Representative

BRIAN POE, PhD, MNSA

**AN ACT
REGULATING THE OWNERSHIP AND OPERATION OF DRONES BY PRIVATE
PERSONS**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Declaration of Policy. – It is the policy of the State to regulate the ownership and operation of drones by private persons in order to ensure responsible use thereof and public safety.

SEC. 2. Coverage. – This Act shall regulate only drones as defined herein, purchased, owned, and operated by private persons, whether used for hobbyist or commercial purposes. The use of drones by the Government shall not be subject to this Act.

SEC. 3. Definition of Terms. – As used in this Act, the following terms shall mean:

- (1) “*Drone*” shall refer to an unmanned aerial vehicle (UAV) or any component of an unmanned aerial system (UAS) that has no pilot and is controlled by an operator on the ground. The Civil Aviation Authority of the Philippines (CAAP) is authorized by this Act to classify drones into types for the purpose of regulation.
- (2) “*Private persons*” shall refer to natural or juridical persons not employed by or part of the Government.
- (3) “*Commercial drone use*” is any use of a drone in connection with a business or profession for the sake of profit, whether the profit is the primary purpose of the drone use or merely an incidental result.

- (4) “*Hobbyist drone use*” is the use of drones for recreational purposes where no profit is made from the use of drones.

SEC. 4. *Registration and Permit to Operate.* – All drone owners, whether the drones are for hobbyist or commercial use, are hereby required to periodically register themselves and their drones with the Civil Aviation Authority of the Philippines (CAAP)’s Public Safety and Security Command Center.

Only a registered commercial drone owner may apply for a permit to operate, which shall be issued periodically only upon proof that the owner:

- (1) Qualifies for a radio operator’s certificate of proficiency;
- (2) Has been awarded a passing rating in an aviation license theory examination;
- (3) Has completed a training course in the operation of the type of drone that will be operated;
- (4) Has at least five (5) hours of experience operating drones outside of controlled airspace;
- (5) Has valid insurance over the drone; and
- (6) Has not incurred any violations for drone ownership or use in the five (5) years immediately preceding an application for permit.

The operator’s permit to operate shall cover all registered drones of the same type.

The CAAP is hereby authorized to collect reasonable fees for the registration of drones and processing of permits to operate the drones.

SEC. 5. *Establishment of No-Drone Zones.* – The CAAP is hereby authorized to prohibit the use of drones, whether hobbyist or commercial or both, in any part of the Philippines, whether permanently or for a designated period of time, subject to notice that must be published in at least two (2) newspapers of national circulation. The notice must clearly delineate the no-drone zone and must be published at least three (3) weeks prior to the effectivity of the prohibition. Notice can only be foregone in emergency situations, as determined by the CAAP.

This power is without prejudice to the power of other government agencies to regulate airspace, particularly in emergency situations that may require the establishment of no-fly zones.

SEC. 6. *General Safety Regulations and Restrictions on Drone Usage.* – The CAAP shall periodically update and publish safety regulations and restrictions on drone usage, the violation of which shall be basis for revocation of the permit to operate and confiscation of the drone, without prejudice to the penalties provided in this Act and any civil or criminal suits that may be filed as a result of the violation. These safety regulations and restrictions shall include:

- (1) Requiring all drones, whether for hobbyist or commercial use, to be clearly marked with a registration number and the name, contact number, and address of the owner;
- (2) Prohibiting the use of drones as a means to violate constitutional rights, including the right to privacy;
- (3) A prohibition on flying drones above four hundred (400) feet;
- (4) A prohibition on flying drones near other aircraft, particularly near airports;
- (5) Allowing drone operation only during daylight hours and in good weather, subject to exceptions to be crafted by the CAAP;
- (6) The prohibition on flying drones over groups of people, public events, public buildings and government structures, oil refineries and depots, or stadiums full of people, subject to exceptions to be crafted by the CAAP;
- (7) The prohibition on flying drones near emergencies, such as fires;
- (8) The prohibition on flying drones under the influence of drugs or alcohol;
- (9) For recreational drone use, requiring an operator to keep the drone within the operator's line of sight; and
- (10) Other regulations as the CAAP may see fit to introduce in the interest of public safety, such as further restrictions on types of drones as classified by the CAAP.

SEC. 7. *Penalties.* – Failure to register a drone and its owner shall result in the confiscation of the drone by the CAAP.

Operating a drone for commercial purposes without a permit shall result in the confiscation of the drone and a fine of not less than Fifty Thousand Pesos (PhP50,000.00) but not more than One Hundred Thousand Pesos (PhP100,000.00).

Any violation of the general safety regulations and restrictions on drone usage shall result in a fine of not less than One Hundred Thousand Pesos (PhP100,000.00) but not more than Five Hundred Thousand Pesos (PhP500,000.00), without prejudice to any separate civil or criminal charges that may be brought against the drone owner and/or operator for any injury or damage resulting from the violation.

SEC. 8. *Implementing Rules and Regulations.* – The CAAP shall issue the necessary rules and regulations for the effective implementation of this Act not later than sixty (60) days from the effectivity of this Act.

SEC. 9. *Retroactivity Clause.* – This Act shall have retroactive effect. All drone owners who have not yet registered their drones or obtained permits to operate their drones are given three (3) months from the effectivity of the Implementing Rules and Regulations of this Act to register and obtain permits without fear of sanction.

SEC. 10. *Separability Clause.* – If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions of this Act shall not be affected by such declaration.

SEC. 11. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,


HON. BRIAN POE, PhD, MNSA
Representative
FPJ Panday Bayanihan Party-List