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of the
**SANGGUNIANG
BAYAN**



MONCADA, TARLAC

EXCERPT FROM THE MINUTES OF THE 7th REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN OF MONCADA, TARLAC FOR CY 2023 HELD ON THE 27th DAY OF FEBRUARY 2023 AT THE SB SESSION HALL, NEW SB-ABC-SK BUILDING.

PRESENT:

HON. RAMON BENITO M. AQUINO

..VICE MAYOR / PRESIDING OFFICER

HON. JANIUS M. YASAY

..MEMBER

HON. RODOLFO C. ESPEJO, JR.

..MEMBER

HON. ALBERTO C. MARZAN, JR., MD

..MEMBER

HON. THELMAFLOR A. ESPEJO

..MEMBER

HON. CELESTE A. AYSON

..MEMBER

HON. GEORGE MICHAEL P. AGUILAR

..MEMBER

HON. CONSTANCE NESTOR A. FAVIS

..MEMBER

HON. DEAN MICHAEL V. DUQUE

..MEMBER

HON. GEORGE R. CUCHAPIN, MD

..LnB PRESIDENT

HON. EZEKIEL C. RIVERA

..SKF PRESIDENT

ABSENT:

NONE

**MUNICIPAL ORDINANCE NO. 03
Series of 2023**

PROHIBITING THE USE OF MOTOR VEHICLES WITHOUT MUFFLERS OR THOSE THAT ARE DEFECTIVE OR HAVE BEEN MODIFIED WHICH INCREASE THE SOUND EMITTED BY MOTOR VEHICLES, PENALIZING INSTALLERS, DISTRIBUTORS, OWNERS AND DRIVERS THAT CONTRIBUTE TO NOISE POLLUTION IN THE ENVIRONMENT

**Principal Authors and Sponsors: Coun. Rodolfo C. Espejo Jr.;
Coun. Janius M. Yasay**

WHEREAS, with the worsening traffic conditions in the country and in urbanized municipalities, the concomitant noise emitted by motor vehicles just adds to the ordeal that our citizen has to go through every day. The steady increase of our population continues to trigger the environment hazards of pollution, sad to say that the plague of "noise pollution" has never had any definite national policy nor regulation for control. Lumped in the general concept of air pollution, the dangers of noise pollution have been ignored or underestimated;

WHEREAS, a World Health Organization (WHO) report has suggested that noise defined as an "unwanted sound" can affect human health and well-being, including annoyance reaction, sleep disturbance, interference with communication, performance effects, and effects on social behavior. It further states that exposure to noise levels at or above 80 decibels has been medically proven to cause permanent hearing loss. This exposure to noise has also been associated with the changes in blood pressure, other cardiovascular changes, problems with the digestive system and general fatigue;





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WHEREAS, according to a study conducted by the Asian Development Bank (ADB), the growing noise pollution can be attributed to a large part from the millions of two wheeled vehicles thundering through our streets and neighborhoods. The study goes to show that the tailpipe noise emitted by motor vehicles produce noise levels as high as 97 decibels, way too loud for the national standard of 60 decibels during daytime and 50 decibels during nighttime in a residential area;

WHEREAS, motor vehicles with modified mufflers are very distracting and can cause accidents since they overpower traffic sounds such as automobile horns and traffic enforcer whistles. Further, loud muffler noise agitates drivers as it affects hearing, vision, reaction time and judgment thereby increasing the risk of danger for everyone on the road;

WHEREAS, this ordinance seeks to regulate the distribution, installation and use of mufflers, those that are missing, defective and their modifications that increase the sound emitted by a motor vehicle, contributing to noise pollution, penalizing installers, distributors, owners and drivers that contribute to the sound that exacerbate noise pollution to our environment;

NOW, THEREFORE, on motion by Coun. Rodolfo C. Espejo, Jr., duly seconded;

BE IT ENACTED by the Sangguniang Bayan of Moncada, Tarlac in session assembled:

SECTION 1. Short Title. – This Ordinance shall be known as “**Muffler Ordinance of Moncada 2023**”.

SEC. 2. Definition of Terms:

- a) **Decibel** – refers to a measure of sound level and is equal to ten (10) times the logarithm of the square of a measured sound pressure level (SPL) divided by a reference sound pressure.
- b) **Emission** – refers to any measurable air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere.
- c) **Motorcycle** – refers to any two-wheeled motor vehicle with at least one headlight, taillight and stoplight, and one or more saddle seats. For purpose of this Ordinance, the term shall likewise include motorcycles to which are attached cars, commonly known as “tricycles”.
- d) **Motor Vehicle** – refers to any vehicle propelled by gasoline engine or by any means other than human or animal power constructed and operated principally for the conveyance of persons or the transportation of goods in a public highway or street open for public use.
- e) **Muffler** – refers to a device that reduces the noise from the exhaust of an internal combustion engine.



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- f) **Modified Muffler** – refers to a device attached to a motor vehicle on which a sound booster and other sound emitting device is installed in order to increase noise and for other purposes.
- g) **Noise** – refers to any unnecessary, erratic, discordant loud or blaring sound which annoy, disturb, distract or offend the senses.
- h) **Noise Pollution** – refers to the emission of loud, excessive, disturbing, unhealthy sound amplification devices or equipment and/or other sources of sound such as, but not limited to commercial, industrial and construction activities, vehicle exhaust, mufflers, animal noise, and noise produced by human being such as loud conversation and laughter and found to exceed the normal allowable decibel ratio.
- i) **Nuisance** – refers to anything that injures health, endanger life, offends the senses or produces discomfort to the community.
- j) **Unnecessary Noise** – refers to any unusually loud sound that annoys, disturbs, or endangers the health, peace, safety and comforts of a person or cause injury or harm to human beings and animals alike.

SEC. 3. Declaration of Policy. – The protection of the health and well-being of the members of the community should be the primordial concern of our society, hence, it is imperative that rules are laid down and observed to protect them from the dangers of prolonged exposure to noise pollution by unregulated use of motor vehicles which by reason of lack of maintenance, deliberate tampering or inappropriate use, has missing, defective or modified mufflers emitting loud and unnecessary noise disturbing the peace and harmony of nature.

Activities that endanger the environment from further degradation and those that are discordant with a balanced and healthful development should be controlled and abated. Operators and owners of motor vehicles should be made responsible for ensuring that noise from their vehicles is kept within reasonable levels.

SEC. 4. Mufflers and Noise Controlling Devices. – No motor vehicles shall be allowed to be driven or operated without having been properly equipped at all times, with either a muffler or any noise dissipative device in constant operation and of sufficient capacity to its motor engine to prevent the escape of excessive and disturbing noise.

Noise control should include both the exhaust system and engine components of a motor vehicle.

SEC. 5. Modified and Defective Muffler. – No motor vehicle, motorcycle, motorbike, scooter, tricycle whether for private or public use shall likewise use any modified muffler, sound booster or any device that will increase the noise of said vehicle or emit a sound of more than seventy (70) decibels.

Any owner or operator of a motor vehicle who has caused or permitted a vehicle to be used when its muffler or noise control equipment is defective or not securely in place shall likewise be liable under this ordinance.



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SEC. 6. Reasonable Level/Decibel/Standard. – Exhaust noise should not exceed the maximum prescribed level of seventy (70) decibels.

SEC. 7. Exemptions. – (1) Motor vehicles not utilized for transport of goods and people but are merely used for sports competition, motor shows and similar endeavors are hereby exempted from this Ordinance.

(2) Non-resident drivers and operators of motor vehicles passing through the National Highway along Moncada shall likewise be exempted from penalties, but will be given a warning and will be profiled and documented in the PNP records.

SEC. 8. Penalties. – (1) Any person who drives a motor vehicle without muffler, a defective or modified muffler, sound booster or any device that will increase the noise of said vehicle or emit a sound of more than (70) decibels shall be penalized as follows:

- a) First Offense – a fine of P 1,000.00, confiscation and destruction of pipe installed with modified muffler or sound booster.
- b) Second and Succeeding Offenses - a fine of P 2,500.00, confiscation and destruction of pipe installed with modified muffler or sound booster.
- c) In addition to the foregoing penalties, the motor vehicle owned or operated by the violator shall be stored in the LGU's designated impounding area and shall only be released upon settlement of Ordinance Violation Receipt (OVR) fines and the corresponding impounding fees, if any.

(2) Any person, whether natural or juridical, found engaged in the fabrication, distribution and installation of modified mufflers and sound boosters that will increase the noise of motor vehicle or emit a sound of more than (70) decibels shall be penalized as follows:

- a) First Offense – a fine of P 500.00
- b) Second Offense – a fine of P 1,500.00
- c) Third and Succeeding Offenses – a fine of P 2,500.00 and suspension of business operations for 30 days. Businesses operating without the required permits shall be ordered closed effectively immediately.

SEC. 9. Implementing Agency. – The PNP shall be the lead government agency in implementing the provision of this Ordinance. Provided, that the PNP may deputize the local public safety and other officers of the LGU to assist in the implementation of this Ordinance.

The PNP and local public safety and order officers shall be equipped with a decibel meter to effectively gauge the intensity of loudness of a motor vehicle.

SEC. 10. Implementing Rules and Regulations. – Within thirty (30) days upon approval of this Ordinance, the PNP and local traffic enforcers, in consultation with the Liga ng mga Barangay (LnB) and various stakeholders, shall



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formulate the rules and regulations necessary for the proper implementation of this Ordinance.

SEC. 11. Separability Clause. – If any part, section or provision of this Ordinance is declared invalid or unconstitutional, the other parts thereof, not affected thereby shall remain in full force and effect.

SEC. 12. Repealing Clause. – All ordinances, executive orders, resolutions and other local issuances or parts thereof, inconsistent with or contrary to the provisions of this Ordinance are hereby amended, modified or repealed accordingly.

SEC. 13. Effectivity. - This Ordinance shall take effect fifteen (15) days following its posting in at least three (3) conspicuous places in the municipality and in the official social media platforms of the LGU.

ENACTED, this 27th day of February, 2023 at Moncada, Tarlac.

X-----X
I HEREBY CERTIFY to the correctness of the foregoing Ordinance which was enacted on Third and Final Reading by the 11th Sangguniang Bayan of Moncada during its Regular Session held on the aforementioned date and place.


VICTOR SANDINO S. MOLINA
Secretary, Sangguniang Bayan


**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


RAMON BENITO M. AQUINO
Vice Mayor & Presiding Officer

APPROVED BY HER HONOR, THIS 28th DAY OF FEB., 2023.


ESTELITA M. AQUINO
Municipal Mayor

