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**SANGGUNIANG
BAYAN**



MONCADA, TARLAC

EXCERPT FROM THE MINUTES OF THE 17th REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN OF MONCADA, TARLAC HELD ON THE 24th DAY OF OCTOBER 2022 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

PRESENT:

HON. JAIME O. DUQUE

.. VICE MAYOR/PRESIDING OFFICER

HON. RAMON BENITO M. AQUINO

.. MEMBER

HON. JANIUS M. YASAY

.. 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. GEORGE R. CUCHAPIN, MD

.. LNB PRESIDENT

HON. EZEKIEL C. RIVERA

.. SKF PRESIDENT

ABSENT:

HON. RODOLFO C. ESPEJO, JR.

.. MEMBER (OFFICIAL LEAVE)

**MUNICIPAL ORDINANCE NO. 15
Series of 2022**

AN ORDINANCE REGULATING THE USE OF KARAOKE, VIDEOKE, AND OTHER SIMILAR MACHINES AND DEVICES OR INSTRUMENTS IN THE MUNICIPALITY OF MONCADA AND REPEALING FOR THIS PURPOSE MUNICIPAL ORDINANCE NO. 1, SERIES OF 2005 OTHERWISE KNOWN AS THE SOUND POLLUTION ORDINANCE OF MONCADA, TARLAC

Principal Author & Sponsor: Coun. Janius M. Yasay

WHEREAS, within their respective territorial jurisdictions, local government units shall ensure and support the promotion of health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, the same Code provides that the Sangguniang Bayan shall enact ordinances and measures necessary to prevent and suppress lawlessness and disorder, regulate events or activities for amusement or entertainment which tend to disturb the community or annoy the inhabitants;

WHEREAS, following the declining number of COVID-19 cases, increasing vaccination coverage and easing of COVID-19 restrictions, the Department of Education is eyeing for the full resumption of face-to-face classes by November of this year, thereby causing learners to be more engaged with their homework, researches and other school activities;

WHEREAS, the Municipal Government of Moncada deems it necessary to regulate the use of karaoke, videoke and similar sound-producing devices which may cause distractions to students and those employees under work from home set-up;





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NOW, THEREFORE, on motion by Coun. Janius M. Yasay, duly seconded;

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

SECTION 1. TITLE. This Ordinance shall be known as the **“Sound Pollution Ordinance of Moncada 2022.”**

SEC. 2. DECLARATION OF POLICY. The Municipality of Moncada values the comfort and convenience of its citizens and more importantly the education of Moncadenian learners. For this purpose, it shall support and promote their welfare by providing a safe and healthy environment conducive to learning.

SEC. 3. OBJECTIVE. This Ordinance intends to regulate the use of karaoke, videoke, and similar sound-producing devices which may cause disturbance to the community and distractions to students and teachers in their school and learning activities, and those engaged in work-from-home arrangements.

SEC. 4. DEFINITION OF TERMS. The terms below when used in this Ordinance shall mean as follows:

a.) Noise Disturbance – means a disturbing or excessive sounds or noise level that create actual interference with the peace and order that can be heard within the distance of 50 feet in which the system or sound amplifying equipment is located. Noise is considered disturbing when it exceeds the 85 decibel (dB) threshold;

b.) Videoke, karaoke and similar sound producing device – means any machine or device that is used for the amplification of the human voice, music or any other sound.

SEC. 5. ALLOWABLE ACTS. (a) Any person, found in any residential area of the Municipality of Moncada, shall be allowed to properly use karaoke, videoke and other similar machines, devices or instruments that produce a din for the following periods and shall be supervised by the Barangay Officials, to wit:

- 1) Fridays from 3:00 PM until 10:00 PM
- 2) Saturdays from 3:00 PM to 10:00 PM
- 3) Sundays to Thursdays – from 9:00 AM to 6:00 PM
- 4) Non-Working Holidays (which fall on weekdays) from 9:00 AM to 6:00 PM
- 5) Night before a Non-Working Holiday – from 3:00 PM to 10:00 PM

(b) The sound volume of videoke machines and other sound devices, including improvised videoke device, should be reduced to a tolerable level starting at 8:00 PM. Tolerable sound level as used in this Ordinance means a sound not exceeding the 85 decibel (dB) threshold.

(c) Commercial establishments in Moncada may use karaoke, videoke and other similar machines, device or instruments that produce a loud noise in the conduct of their business; Provided that, the owners, managers and/or employees of such establishments, shall put in place appropriate measures or devices that will minimize noise; Provided further, that in case of failure to minimize the noise after notice, such establishment shall immediately stop and cease from further using the sound producing device, otherwise, they shall be cited for violation of the Ordinance.



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(d) Videoke machines must be installed one hundred (100) meters away from schools, churches, hospitals, clinics, public offices, and public buildings and twenty (20) meters away from the nearest house within a high-density residential zone.

(e) All commercial videoke machine owners must first secure a permit from the Business Permits and Licensing Office (BPLO) before allowing their machine/s to be rented.

(f) Businesses involved in the rentals of videoke machines and sound systems shall inform their renters and clients about the prescribed schedule of operating the videoke and other sound-producing devices.

SEC. 6. PROHIBITED ACTS. – Using or abetting the use of karaoke, videoke or other similar sound machines, devices or instruments that produce a din of noises outside the periods mentioned in Section 5 hereof is prohibited, and the penalties in Section 9 hereof shall apply. Barangay officials and personnel who are found involved in the prohibited acts and who subsequently fail to discharge their duties in enforcing this Ordinance shall be penalized in accordance with Section 60 of RA 7160 or the Local Government Code.

SEC. 7. EXEMPTIONS. (a) Machines, devices or instruments actually used by students and teachers for their school activities shall be exempted from the implementation of the Ordinance.

(b) The use of sound machines, devices or instruments by religious organizations during worship service and activities related to the exercise of freedom of religion shall likewise be exempted. Provided that, the use of such device shall only be allowed until 10:00 PM during their regular schedule of mass or worship service.

(c) Special permit for the early and/or extended use of videoke machines and other sound devices and instruments outside the days and hours when these are prohibited must be filed with the barangays concerned at least twenty-four (24) hours before the actual date of activity. Provided that such extension must be until 12 midnight only. Provided further, that the sound volume of such videoke and other sound devices shall be reduced to a tolerable level starting at 8:00 pm.

SEC. 8. ENFORCEMENT. The PNP Moncada together with the Barangay Officials and their CVOs/Tanods shall enforce the provisions of this ordinance.

SEC. 9. PENALTIES. Any person found violating this Ordinance shall be meted the following penalties:

- First Offense – Fine of P 500.00 or 8 hours community service.
- Second Offense – Fine of P 1,000.00 or 16 hours community service.
- Third and Succeeding Offenses – Fine of P 2,500.00 or 32 hours community service.

Any commercial establishments, including those engaged in videoke-for-rent schemes, found in violation of this ordinance after notice and hearing shall be penalized as follows:

- First Offense – Fine of P 1,000.00.
- Second Offense – Fine of P 1,500.00.
- Third and Succeeding Offenses – Fine of P 2,500.00 and suspension/revocation of business permit and confiscation of videoke machine.



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SEC. 10. SEPARABILITY CLAUSE. If any provision or part of this Ordinance is declared invalid or unconstitutional by any competent court or authorities, the remaining provisions which are not affected thereby shall continue to be in full force and effect.

SEC. 11. REPEALING CLAUSE. Any and all ordinances, rules, regulations and issuances or any part thereof which are inconsistent with the provision of this Ordinance are hereby repealed or modified accordingly.

SEC. 12. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days following its posting in at least three (3) conspicuous places in the municipality and likewise in the website and social media platforms of the SB and LGU of Moncada.

ENACTED, this 24th day of October, 2022 at Moncada, Tarlac.

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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:**


JAIME O. DUQUE
Vice Mayor & Presiding Officer

APPROVED by HER HONOR, this 07TH day of NOVEMBER, 2022.


ESTELITA M. AQUINO
Municipal Mayor

