



Republika ng Pilipinas

Lungsod ng Caloocan



TANGGAPAN NG SANGGUNIANG PANLUNGSOD

ORDINANCE NO. 0644 S. 2016

(PROPOSED ORDINANCE No. 10-008)

AN ORDINANCE REGULATING ALL TYPE OF MOTOR VEHICLES WHICH HAVE MODIFIED AFTERMARKET PIPES/MUFFLERS OR SWAPPING OUT OF THE STOCK PIPES/MUFFLERS RESULTING TO THE EMISSION OF EXCESSIVE AND UNREASONABLE LOUD NOISE AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

SPONSORED BY:

Hon. ROBERTO R. SAMSON

CO-SPONSORED BY:

**Hon. CARMELO F. AFRICA III, Hon. DEAN ASISTIO, Hon. AURORA "ONET" A. HENSON, JR.
Hon. CHRISTOPHER E. MALONZO, Hon. MARYLOU "ALOU" NUBLA, Hon. ANNA KARINA TEH,
Hon. EDGARDO N. ARUELO, Hon. LUIS O. ASISTIO III, Hon. TOLENTINO J. BAGUS,
Hon. CAROLYN C. CUNANAN, Hon. MA. MILAGROS "ROSE" S. MERCADO,
and Hon. MARC MERVILLE T. OROZCO**

WHEREAS, section 15 of the New Constitution of the Philippines provides that "The State shall protect and promote the right of the people and instill health consciousness among them";

WHEREAS, section 16 of the Local Government Code of 1991 partly provides that "Every local government unit shall exercise the powers expressly granted, those necessary implied therefrom, as well as powers necessary, appropriate, incidental for the efficient and effective governance, and those which are essential to the promotion of the general welfare";

WHEREAS, the rampant proliferation of all type of vehicles which emitted deafening roar coming from modified aftermarket pipe/ muffler or swapped-out stock pipe/ muffler is quite alarming;

WHEREAS, some motor vehicle owners remove the mandated factory installed stock pipe/muffler and replace them with custom aftermarket pipe which emitted loud noise;

WHEREAS, there are some motor vehicles with loud and roaring mufflers oftentimes causes serious discomfort especially during unholy hours and has created numerous complaints and public condemnation;

AN ORDINANCE REGULATING ALL TYPE OF MOTOR VEHICLES WHICH HAVE MODIFIED AFTERMARKET PIPES/MUFFLERS OR SWAPPING OUT OF THE STOCK PIPES/MUFFLERS RESULTING TO THE EMISSION OF EXCESSIVE AND UNREASONABLE LOUD NOISE AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

=====

WHEREAS, a study conducted by the Asian Development Bank (ADB) showed that muffler noise emitted by motorcycles produced noise levels from as high as 97 to more than 110 decibels during and that the national standard for residential areas is only 60 decibels during day time and 50 decibels during nighttime.

NOW, THEREFORE, BE IT ORDAINED, AS IT HEREBY ORDAINED by the Sangguniang Panlungsod, in session dully assembled that;

SECTION 1. PROHIBITED ACTS: it is the purpose of this ordinance to regulate and penalize all type of motor vehicle owners/drivers travelling within the jurisdiction of Caloocan City having a modified with aftermarket pipes/mufflers which emit excessive and unreasonable loud noise.

SECTION 2. SCOPE – This ordinance shall cover:

- a. all motor vehicles owners/drivers
- b. having a modified with aftermarket pipes
- c. mufflers emitting excessive and unreasonable loud noise
- d. travelling within the jurisdiction of Caloocan City

SECTION 3. DEFINITION OF TERMS: when used in this ORDINANCE the following terms are hereby defined:

- a. Motor Vehicle – is a self-propelled road vehicle and off-road vehicle commonly wheeled, that does not operate on rails such as trains or trams and used for commercial purposes on the highways in the transportation of passengers, or passenger and property.
- b. Modified with aftermarket pipes – it is the aftermarket changed/replacement of mufflers from its original form which emit excessive and unreasonable loud noise.
- c. Excessive noise – means any sound which annoys or disturbs humans or which causes or tend to cause an adverse psychological effect.
- d. Unreasonable loud noise – noise which substantially incompatible with the time and location to the extent that it creates an actual or imminent interference with peace and good order.

AN ORDINANCE REGULATING ALL TYPE OF MOTOR VEHICLES WHICH HAVE MODIFIED AFTERMARKET PIPES/MUFFLERS OR SWAPPING OUT OF THE STOCK PIPES/MUFFLERS RESULTING TO THE EMISSION OF EXCESSIVE AND UNREASONABLE LOUD NOISE AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

=====

- e. Mufflers/stock pipes – exhaust device that cools exhaust gases, quiets exhaust noise and provides back pressure to improve engine performance.
- f. Emission – any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere.
- g. Decibel – a unit for expressing the relative intensity of sounds on a scale from zero for the average least perceptible sound to about 130 for the average level.

SECTION 4. FORMULATION AND IMPLEMENTATION:

- a. The Caloocan City Police Department and the Department of Public Safety and Traffic Management (DPSTM) to fully implement this ordinance and mandated to coordinate with the Land Transportation Office (LTO) for the proper implementation of this ordinance.
- b. The members of Sangguniang Barangay and other officials, within their jurisdiction, in coordination with the Barangay Tanods shall effectively implement this ordinance and arrest the offender and responsible to deliver the same to the authorities mentioned.

SECTION 5. PENALTY: Any motorcycle driver/owner who violates the provision of this ordinance shall be punished accordingly:

Any type of motor vehicle owner/driver who violates the provision of this ordinance shall be punished by a fine of ONE THOUSAND PESOS (Php 1,000.00) or an imprisonment of not more than six months or both, such fine and imprisonment at the discretion of the court.

SECTION 6. SEPARABILITY CLAUSE: If for any reason, any provision of this ordinance is declared invalid or unconstitutional by the court, other provisions hereof not affected thereby shall continue to be in full force and effect.

SECTION 7. REPEALING CLAUSE: All city ordinances or parts thereof inconsistent with the provision of this ordinance are hereby repealed or modified accordingly.

SECTION 8. EFFECTIVITY CLAUSE: This Ordinance shall take effect immediately upon approval and publication in newspaper of general circulation.

AN ORDINANCE REGULATING ALL TYPE OF MOTOR VEHICLES WHICH HAVE MODIFIED AFTERMARKET PIPES/MUFFLERS OR SWAPPING OUT OF THE STOCK PIPES/MUFFLERS RESULTING TO THE EMISSION OF EXCESSIVE AND UNREASONABLE LOUD NOISE AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

=====

**ENACTED BY THE SANGGUNIANG PANLUNGSOD, CITY OF CALOOCAN AT ITS
REGULAR SESSION HELD ON THE 9TH DAY OF NOVEMBER 2016.**

HON. CARMELO F. AFRICA III
CITY COUNCILOR

HON. EDGARDO N. ARUELO
CITY COUNCILOR

HON. DEAN ASISTIO
CITY COUNCILOR

HON. LUIS O. ASISTIO III
CITY COUNCILOR

HON. AURORA "ONET" A. HENSON, JR.
CITY COUNCILOR

HON. TOLENTINO J. BAGUS
CITY COUNCILOR

HON. CHRISTOPHER E. MALONZO
CITY COUNCILOR

HON. CAROLYN C. CUNANAN
CITY COUNCILOR

HON. MARYLOU "ALOU" NUBLA
CITY COUNCILOR

HON. MA. MILAGROS "ROSE" S. MERCADO
CITY COUNCILOR

(ON LEAVE)

HON. ANNA KARINA TEH
CITY COUNCILOR

HON. ROBERTO R. SAMSON
CITY COUNCILOR

HON. MARC MERVILLE T. OROZCO
CITY COUNCILOR

APPROVED BY HIS HONOR, THE CITY MAYOR ON _____, 2016.

APPROVED BY:

CERTIFIED BY:

HON. OSCAR G. MALAPITAN
City Mayor

HON. LUIS MACARIO E. ASISTIO
Presiding Officer

ATTESTED BY:

LILIBETH M. LUAKIAN
Secretary to the Mayor

LORENZO O. SUNGA, JR.
Secretary
Sangguniang Panlungsod