Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE JOURNAL OF THE 27th REGULAR SESSION OF THE 9th SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 27 FEBRUARY, 2017 01:30 P. M. AT THE SANGGUNIANG BAYAN SESSION HALL.

Present:

	Vice Mayor Jackson Cinco Dy	- Presiding Officer
	Councilor Cesar T. Batioos	- Member
	Councilor David D. De La Cruz	- Member
	Councilor Juanito A. Bacay, Jr.	- Member
	Councilor John John S. Yason	- Member
	Councilor Agustin L. Cusi	- Member
	Councilor Ruel S. Taytay	- Member
	Councilor Eduardo K. Soriano	- Member
	Councilor Joseph M. Galicia	- Member, Liga President
Absent:	Councilor Gualberto V. Magno	- Member, Sick Leave

MUNICIPAL ORDINANCE NO. 01
Series of 2017

AN ORDINANCE PROHIBITING THE USE OR OPERATION OF MOTOR VEHICLES WITH NOISY MODIFIED MUFFLERS WITHIN THE MUNICIPALITY OF ROXAS, ORIENTAL MINDORO AND PRESCRIBING PENALTIES THEREFOR.

Author:
Honorable **AGUSTIN L. CUSI**

WHEREAS, the Constitution declares as a State Policy the right of the people to a balance and healthful ecology;

WHEREAS, other than the Civil Code's references to the abatement of public nuisance and the Revised Penal Code's prohibitions against public disorders, there is no statute that specifically address noise pollution, a perennial source of annoyance to many with apparent deleterious effect on the public welfare;

WHEREAS, there is no need to make people act responsibly over the use of motor vehicle so as not to cause disturbance and annoyance to the public;

WHEREAS, motor vehicles are originally equipped with silencers or mufflers for anti-noise pollution reasons; however, a number of vehicle owners remove these silencers or modify their mufflers to make a sound emitted by the exhaust pipes louder;

WHEREAS, to make people act responsibly over the use of the motor vehicle so as not to cause disturbance and annoyance to the public; to wit

VIOLETA L. DIMAPILIS | JACKSON CINCO DY | FERDINAND V. TALENS, MPA

NOW THEREFORE, the Sangguniang Bayan, in regular session assembled, hereby ORDAINS that:

SECTION 1. Title. This Ordinance shall be known and cited as the Anti-Muffler Modification Ordinance of 2017

SECTION 2. Definition of Terms. As used in this Ordinance, the term:

a) Decibel – a unit used to express the magnitude of sound pressure and sound intensity, based on a logarithmic scale, of a ratio of the magnitude of a particular sound to pressure to a standard reference pressure of 20 micropascals

b) dB(A) – means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute.

c) Motor Vehicle refers to any vehicle propelled by any power other than muscular power, using a road whether publicly maintained or privately owned, but excepting road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, forklifts, amphibian trucks and cranes, vehicles which run only on rails or tracks and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes.

d) Muffler – means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

SECTION 3. Prohibition. Except as otherwise provided in Section 4 hereof, it shall be unlawful for (1) any person to use or operate any motor vehicle so modified as to cause loud and unnecessary or unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons; and for (2) any person to use or operate any motor vehicle that emits noise higher than 84dB(A) even if not modified, measured at a distance of ten (10) meters from the center of the lane of travel.

The modification of any noise abatement device, such as a muffler, on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section. Furthermore, all such noises in excess of the dB(A) as provided herein shall be prima facie evidence that such noise is loud and unnecessary or unreasonable and is therefore in violation of this ordinance.

SECTION 4. Exception. Section 3 shall not apply to any person operating a motor vehicle during a race and while it runs on a racetrack, provided the person has acquired written permission from the Municipal Mayor or whoever is duly authorized in writing by the Municipal Mayor. Any such permission only extends to the person asking permission and over his motor vehicle for the specific race event applied for.

VIOLETA T. DIMAPILIS

JACKSON CINCO DY

FERDINAND V. TALENS, MPA

SECTION 5. Penalties. The following penalties shall be imposed upon any person for commission of any of the prohibited acts under Section 3 hereof

First Violation	-	500.00
Second Violation	-	1,000.00
Third Violation	-	2,500.00

SECTION 6. Separability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be illegal, unconstitutional or invalid, other provisions not so affected shall remain valid and effective.

SECTION 7. Repealing Clause. This ordinance expressly repeals any and all ordinances of the Municipality of Roxas, Oriental Mindoro, or parts thereof, which are inconsistent with this ordinance, are hereby likewise repealed, amended or modified accordingly.

SECTION 8. Effectivity. This ordinance shall take effect within fifteen (15) days following its posting in conspicuous places in the municipality or publication in newspaper of local circulation.

On motion of Councilor Agustin L. Cusi duly seconded by Councilors Cesar T. Baticos and Juanito A. Bacay, Jr., said ordinance was UNANIMOUSLY APPROVED.

CERTIFIED CORRECT:

FERDINAND V. TALENS, MPA
Secretary to the Sangguniang Bayan

ATTESTED:

JACKSON CINCO DY
Municipal Vice Mayor

APPROVED:

VIOLETA L. DIMAPILIS
Municipal Mayor
Date 03.04.2017

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POZ 03/22/17

RECEIVED BY:
03-22-17