



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City Government of Pasig

Ordinance No. 29
Series of 2023

296

AN ORDINANCE TO REGULATE AND SANCTION THE USE OF MODIFIED "OPEN" MUFFLER/EXHAUST PIPE AND SIMILAR DEVICES AND AUDIO ACCESSORIES INSTALLED IN MOTOR VEHICLES RESULTING TO THE EMISSION OF EXCESSIVE LOUD SOUND AND UNREASONABLE NOISE IN THE CITY OF PASIG AND PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES.

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Authors: Councilors Noel L. Agustin and Quin A. Cruz
Co-Authors: Councilors Mark Gil M. Delos Santos, Paul Roman C. Santiago and Raymund Francis S. Rustia

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WHEREAS, Sections 15 and 16 of the 1987 Philippine Constitution declare that it is the policy of the State to protect and promote the right to health of the people and to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

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WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, expressly provides that every local government unit shall exercise the powers expressly granted, those necessarily implied there from, 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, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, motor vehicles offered for sale to the public are originally equipped with factory installed "built-in silencer" muffler or exhaust pipe primarily designed to minimize and eradicate environment pollutants such as noise, gas, and smoke;

WHEREAS, it has become common practice for owners and operators of motor vehicles to remove and detach the factory installed "built-in silencer" muffler or exhaust pipes and modify or replace them with "open" mufflers or exhaust pipes;

WHEREAS, these motor vehicles with modified "open" muffler or exhaust pipe emit loud, persistent, and prolonged roaring noise create serious discomfort, annoyance, or disturbance at residential areas, particularly at night, contribute to accidents and injuries, and has already been the subject of numerous complaints and condemnation from concerned citizens;

WHEREAS, chronic exposure to loud, persistent, and prolonged roaring sound may be considered not only as a nuisance but also noise pollution for unreasonably endangering the health, peace, comfort, convenience, and safety of persons;

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WHEREAS, the remedies for the abatement of nuisance is provided under Articles 699 and 705 of the Revised Civil Code of the Philippines. However, there is no existing statute that regulate and sanction noise pollution in the country;

WHEREAS, Pasig City Ordinance No. 56, Series of 2017, as amended by Ordinance No. 50, Series of 2020, only prohibit and sanction the excessive, unnecessary and unusually loud sounds generated from videoke/ karaoke systems and other amplified audio devices;

WHEREAS, Section 77 of Ordinance No. 23, Series of 2016, otherwise known as the Revised 2016 Traffic and Parking Management Code of Pasig City, mandates that no person shall operate a motor vehicle on a street unless such motor vehicle is equipped, at all times, with a muffler or mufflers in constant operation and of sufficient capacity for the motor, and equipped with an exhaust system to prevent the escape of excessive fumes or smoke and unusual noise to disturb, irritate, irk, bother, pester, tease or harass by repeated acts;

WHEREAS, it is the policy of the City Government of Pasig to protect the welfare of its constituents and to have an ecologically balanced living healthy environment;

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF THE CITY OF PASIG IN REGULAR SESSION ASSEMBLED, THAT:

SECTION. 1. TITLE. – This Ordinance shall be known as the "Anti-Modified "Open" Muffler and Exhaust Pipe Ordinance of Pasig City".

SECTION. 2. DECLARATION OF POLICY. – It is the policy of the City Government of Pasig:

- 2.1 To promote, uphold, maintain peace and preserve peaceful healthy environment within its territorial jurisdiction for the general welfare of its inhabitants, particularly the young and elderly; and
- 2.2 To display a kind of leadership that leads by example "Leadership by Example" thus promote that all Pasig City employees will uphold and adhere to this Noise Ordinance, a self-imposed regulations to refrain from the use of modified "open" muffler or exhaust pipes in their motor vehicle while going to work at Pasig City Hall, their work place, home and to any other places.

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SECTION. 3. SCOPE. – This Ordinance shall cover all motor vehicles, whether public or private, with modified "open" mufflers or exhaust pipes within the territorial jurisdiction of the City of Pasig with the exception of those motor vehicles designed for use in sports competitions, motor shows, and those with a displacement of 400 cc and above.

SECTION. 4. DEFINITION OF TERMS. – As used in this Ordinance, the following terms shall mean:

- 4.1 *Muffler* – a device consisting of a series of chambers or other mechanical design to have the "so called built-in silencer" for the purpose of receiving exhaust gas from an internal combustion engine and effectively reducing noise.
- 4.2 *Motor Vehicle* – is a self-propelled road and off-road vehicle commonly wheeled that does not operate on rails such as trains or trams and used for commercial and private purposes in the transportation of passengers and property.
- 4.3 *Modified "Open" Muffler* – is the aftermarket change or replacement of muffler, openly altered from its original form and removal of its factory-installed "built-in silencer".
- 4.4 *Excessive Noise* – any sound which disturbs or annoys or which causes or tend to cause, nuisance, disturbance and annoyance to humans.
- 4.5 *Decibel Meter* – is a measuring instrument used to assess noise or sound levels by measuring sound pressure.
- 4.6 *Unreasonable Loud Noise* – is noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order. In determining whether a noise is unreasonably loud, the following factors incident to such noise are to be considered:
 - a. Time of day;
 - b. Volume and intensity;
 - c. Proximity to residential structures and noise sensitive areas such as schools, courts, churches, hospitals, residential care facilities, and similar institutions;



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- d. Whether the noise is recurrent, intermittent, or constant;
- e. Whether the noise is related to the normal operation of a business or labor activity; and
- f. Discretion of the law enforcer in the absence of a decibel meter.

4.7 *Official Motor Vehicle Repair Shop* – a motor vehicle repair shop accredited by the City Government of Pasig to undertake the necessary repairs on a motor vehicle in compliance with the provisions of this Ordinance on behalf of the City.

SECTION. 5. PROHIBITED ACTS. – It shall be unlawful for any person to use or operate a motor vehicle with modified "open" muffler or exhaust pipe that emits and produces noise levels beyond 99 decibels taken at an engine speed of 2,000 rpm to 2,500 rpm.

It is sufficient to establish that a motor vehicle has a modified "open" muffler when its factory-installed muffler or exhaust pipe is no longer in its original form and its "built-in silencer" has been removed.

In the absence of a decibel meter, the standard of "excessive noise" and "unreasonable loud noise" as defined under Section 4 shall be used.

SECTION. 6. IMPLEMENTATION AND ENFORCEMENT. –

6.1 In line with their respective mandates, the Peace and Order Traffic and Parking Management Office (PAD-TRMO), Tricycle Operation and Regulatory Office (TORO) of Pasig City, and the Philippine National Police (PNP) shall serve as the lead agencies in the enforcement of this Ordinance. They shall perform the following responsibilities:

- a. Report, apprehend, and maintain the records of all violators of this Ordinance and ascertain how many times an offender has violated the ordinance.
- b. Collect and safeguard all copies of Ordinance Violation Receipts being issued by duly authorized enforcement officers.

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- c. Until such time that the Department of Interior and Local Government has lifted the suspension imposed on local government units on the confiscation of driver's licenses, collect and safeguard all confiscated driver's licenses and return the same to its owner once the pertinent conditions of this Ordinance have been met.
- d. Accredite official motor vehicle repair shops that may undertake the necessary repairs of motor vehicles as provided under this Ordinance in behalf of the City Government of Pasig.
- e. Coordinate with the Land Transportation Office (LTO) for the proper implementation of this Ordinance.
- f. Receive and process complaints made by any person and accordingly perform their responsibilities in the implementation and enforcement of this Ordinance.

6.2 The City Government of Pasig shall provide and equip the enforcers the appropriate decibel meter to determine if such modified "open" muffler or exhaust pipe produces noise levels beyond 99 decibels (Db) taken at an engine speed of 2,000rpm to 2,500rpm.

SECTION. 7. ROLE OF BARANGAY. – The Sangguniang Barangay and its officials shall serve as a complementary force in the effective implementation of this Ordinance within their respective territorial jurisdiction by reporting any offender to the PAD-TRMO, TORO, and PNP.

SECTION. 8. AUTHORITY AND DUTIES OF ENFORCEMENT OFFICERS.

- 8.1 Any enforcement officers who will be tasked to enforce this Ordinance must be duly deputized by the City Mayor.
- 8.2 Upon the lifting of the suspension imposed upon the local government units on confiscation of driver's license, the duly deputized enforcement officers shall confiscate the driver's license of the person who is found to be in violation of this Ordinance and an Ordinance Violation Receipts (OVR) in lieu thereof that will serve as the latter's temporary driver's license for a period of five (5) days from the date of its issuance.

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8.3 The confiscated driver's license will be returned to the violator once his/her vehicle would pass a second noise level testing and proof of payment of the corresponding penalties had been presented.

8.4 All fees and penalties as provided for in this Ordinance shall be paid to the Pasig City Treasurer and will accrue the general fund of the City Government.

SECTION 9. PENALTY. –

9.1 Any person who violates this Ordinance shall be penalized in the amount of Two Thousand Pesos (PhP2,000.00), and the modified muffler or exhaust pipe will be removed.

9.2 In the event that the offender's motor vehicle fails to pass the noise level testing for a second time, the City Government of Pasig, through its duly accredited vehicle repair shop, will undertake the necessary repair of the motor vehicle. All costs incurred in relation to the repair of the vehicle shall be shouldered by the offender.

9.3 Any person who refuses to submit his/her vehicle for a noise level testing, surrender his/her driver's license, or in any way resists the impounding of his/her vehicle, is presumed to be a willful violation of this Ordinance, and the appropriate penalties shall be imposed.

SECTION 10. APPROPRIATIONS. – The funds for the implementation of this Ordinance shall be taken from any available funds in the City Treasury subject to existing laws and the rules and regulations of the Commission on Audit.

SECTION 11. SEPARABILTY CLAUSE. – If, for any reason, any part or provision of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 12. REPEALING CLAUSE. – All previous Ordinance and rules/regulations which are inconsistent with the provisions of this Ordinance are hereby deemed, modified or repealed accordingly.

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SECTION 13. EFFECTIVITY CLAUSE. – This Ordinance shall take effect ten (15) days from publication in a local newspaper of general circulation in the City and its posting in the entrance of the Pasig City Hall, and in two (2) other conspicuous places in the City.

APPROVED, this 22nd day of **May 2023** in the City of Pasig.


HON. RAYMUND FRANCIS S. RUSTIA
City Councilor

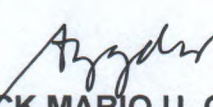

HON. CORAZON M. RAYMUNDO
City Councilor


HON. SIMON GERARD R. TANTOCO
City Councilor

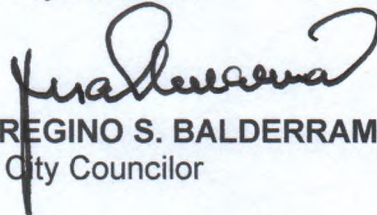

HON. SYVEL ASILO-GUPILAN
City Councilor



HON. PAUL ROMAN C. SANTIAGO
City Councilor


HON. NOEL L. AGUSTIN
City Councilor


HON. RODERICK MARIO U. GONZALES
City Councilor


HON. QUIN A. CRUZ
City Councilor


HON. REGINO S. BALDERRAMA
City Councilor


HON. MARION ROSALIO M. MARTIRES
City Councilor


HON. RIGOR J. ENRIQUEZ
LIGA President


HON. GEORGIA LYNNE P. CLEMENTE
SK Fed. President





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Mary
HON. MARIA LUISA "ANGELU" M. DE LEON
City Councilor
Minority Floor Leader

Mark
HON. MARK GIL M. DELOS SANTOS
City Councilor
Majority Floor Leader

Attested by:

Robert
HON. ROBERT VINCENT JUDE B. JAWORSKI, JR.
City Vice-Mayor
Presiding Officer

APPROVED:

Victor
HON. VICTOR MA. REGIS N. SOTTO
City Mayor

Attested by:

Nico
ATTY. NICOLO JOEL B. GUTIERREZ
Acting City Council Secretary

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