



OFFICE OF THE SANGGUNIANG BAYAN

Municipal Building, Poblacion, Bulalacao, 5214, Oriental Mindoro

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BULALACAO, ORIENTAL MINDORO HELD ON JULY 20, 2018 AT THE SANGGUNIANG BAYAN SESSION HALL

PRESENT:

Hon. Dexter R. Gonzales	Temporary Presiding Officer
Hon. Dennes M. Faner	Sangguniang Bayan Member
Hon. German S. Acosta	Sangguniang Bayan Member
Hon. Edezer F. Aceron	Sangguniang Bayan Member
Hon. Guillermo G. Salas, Jr.	Sangguniang Bayan Member
Hon. Edwin C. Aceron	Sangguniang Bayan Member
Hon. Teresita S. Bantugan	Sangguniang Bayan Member
Hon. Enrico C. Villas	Pangulo, Liga ng mga Barangay
Hon. Kim John Elco E. Cantos	SK Federation President

ABSENT:

Hon. Ramon G. Magbanua	Municipal Vice Mayor - O.B.
Hon. Elpidio N. Contreras, Jr	Sangguniang Bayan Member- Leave
Hon. Tulay M. Caring	IPM Representative - O.B.

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MUNICIPAL ORDINANCE NO. 18-07-209

AN ORDINANCE 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 OWNERS AND DRIVERS THEREOF THAT CONTRIBUTE TO NOISE POLLUTION IN THE ENVIRONMENT

SPONSORS: SB Member Edezer F. Aceron
 SB Member German S. Acosta

CO-SPONSORS: SB Member Dennes M. Faner
 SB Member Edwin C. Aceron

"WHEREAS, 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, deliberated tampering or inappropriate use, has missing, defective, or modified mufflers emitting loud and unnecessary noise disturbing the peace and harmony of nature.

"WHEREAS, acts that endanger the environment from the further degradation and those that are discordant with a balanced and healthful development should be controlled and abated.

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"WHEREAS, under Section 447 of the Local Government Code, the Sangguniang Bayan as legislative body of the Municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants.

"WHEREAS, there is no national law that specifically deals with modified or defective mufflers of motor vehicles except for a bill pending before the Congress of the Philippines.

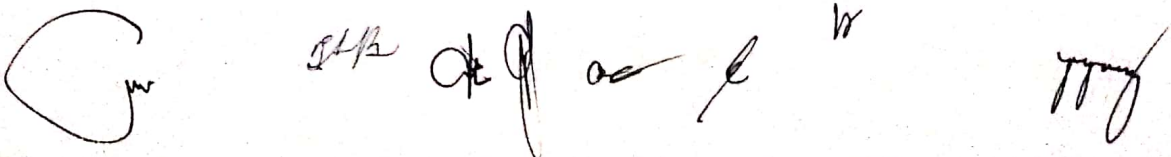
BE IT ORDAINED by the Sangguniang Bayan of Bulalacao in Session Assembled that:

SECTION 1. TITLE: This ordinance shall be known as Muffler Ordinance of Bulalacao.

SECTION 2. DEFINITION OF TERMS:

- a. Motor Vehicles – 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.
- b. *Mufflers* – refers to a device that reduces the noise from the exhaust of an internal combustion engine.
- c. *Modified Muffler* – refers to a devise attached to a motor vehicle on which a sound booster and other sound emitting devise is installed in order to increase noise and for other purposes.
- d. *Noise* – refers to any unnecessary, erratic discordant loud or blaring sound which annoy, disturb, distract or offend the senses.
- e. *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 beings such as loud conversation and laughter and found exceed the normal allowable decibel ratio.
- f. *Nuisance* – refers to anything that injures health, endangers life, offends the senses or produces discomfort to the community.
- g. *Unnecessary Noise* – refers to any unusually loud sound that annoys, disturbs, or endangers the health, peace, safety and comfort of a person or a person causes injury to harm to human beings and animals like.

SECTION 3. Mufflers and Noise Controlling Devices – No motor vehicles shall be allowed to be driven or operated within the Municipality of Bulalacao without having been properly equipped, at all times, with either a muffler or any noise dissipative device in constant operation and/ or 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.

SECTION 4. Modified and Defective Muffler – No motor vehicle whether for private or public use shall likewise use any modified and defective muffler, sound booster or any device that will increase the noise of said vehicle or emit a loud sound.

Owner, driver and 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.

SECTION 5. Exemptions – Sections 3 and 4 shall not apply to any person operating motor vehicle during race and while it runs on a racetrack, provided that he/she has acquired written permission from the Municipal Mayor or from any duly authorized representative. Such permission is non-transferrable and shall not be used over his/her motor vehicle for specific race event applied for.

SECTION 6. Franchise Application or Renewal. No franchise or application for renewal of franchise shall be approved by the Office of the Municipal Mayor if the muffler of the motor vehicle is defective or modified.

SECTION 7. Ban of Sale and Installation of Modified Mufflers – No person or establishment shall be allowed to offer for sale or to sell modified mufflers within the Municipality of Bulalacao. Likewise, the installation or repair of mufflers which in effect violates this ordinance by any individual or motorcycle shop in the Municipality of Bulalacao shall not be allowed.

SECTION 8. Penalties - a) Any person or persons who violate Sections 3 and 4 of this ordinance shall be penalized as follow:

First Offense - a fine of Five Hundred Pesos (PhP500.00)

Second Offense - a fine of One Thousand Five Hundred Pesos (PhP1,500.00) and confiscation of muffler

Third & Subsequent Offenses – a fine of Two Thousand Five Hundred (PhP2,500.00) and impounding of motor vehicle.

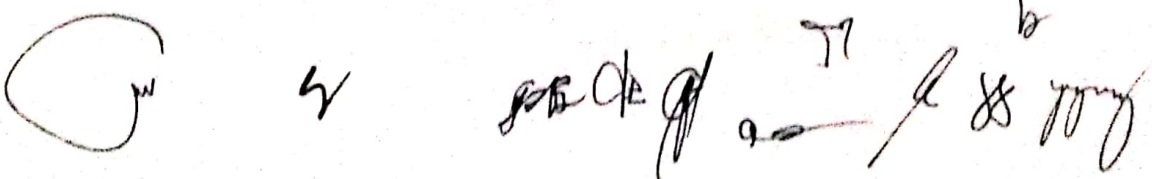
The impounded motor vehicle shall only be released after the owner bring a mechanic for the replacement and install the required muffler, provided that the corresponding monetary penalty has been paid. The confiscated muffler shall be subject for destruction and proper waste disposal.

b) Any business establishment which violate Sec.7 shall be penalized as follows:

First Offense - a fine of One Thousand Pesos (PhP1,000.00)

Second Offense - a fine of Two Thousand Pesos (PhP2,000.00)

Third & Subsequent Offenses – a fine of Two Thousand Five Hundred (PhP2,500.00)

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SECTION 9. Implementing Agency - The Office of the Mayor shall be the lead Municipal government agency in implementing the provisions of this Ordinance. Aside from the personnel assigned as traffic enforcers and members of the Philippine National Police (PNP), officials of the barangays shall also be tasked to monitor the compliance and implement the provisions of this Ordinance in their respective communities.

Violators of this Ordinance apprehended by barangay officials shall pay the fine to their respective Barangay Treasurers or to the Municipal Treasury Office. The Sangguniang Barangay shall designate their respective traffic enforcers in the implementation of this Ordinance. All apprehensions shall be issued with a citation ticket and the same shall be reported to the Municipal Police Station for monitoring purposes;

SECTION 10. Implementing Rules and Regulations - Within ninety (90) days upon the approval of this Ordinance, the Office of the Municipal Mayor thru the Municipal Administrator, in consultation with the various stakeholders, formulate the rules and regulations necessary for the proper implementation of this Ordinance.

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

SECTION 12. Repealing Clause – All Ordinances found inconsistent with the provisions of this ordinance or parts thereof are hereby repealed or modified accordingly.

SECTION 13. Effectivity Clause – This Ordinance shall take effect immediately after fifteen (15) days of posting in bulletin board at the entrance of the municipal hall and in at least two (2) other conspicuous places in the Local Government Unit of Bulalacao.

ENACTED this 20th day of July, 2018. Bulalacao, Oriental Mindoro.

<p>HON. DENNES M. FANER SB Member</p> <p>HON. EDEZER F. ACERON SB Member</p> <p>HON. EDWIN C. ACERON SB Member</p> <p>HON. ENRICO C. VILLAS Pangulo, Liga ng mga Barangay</p>	<p>HON. GERMAN S. AGOSTA SB Member</p> <p>HON. GUILLERMO G. SALAS, JR. SB Member</p> <p>HON. TERESITA S. BANTUGAN SB Member</p> <p>HON. KIM JOHN ELCO E. CANTOS SK Federation President</p>
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CERTIFIED TRUE AND CORRECT:

PERVITA L. PAZ
Secretary to the Sanggunian

ATTESTED:

HON. DEXTER R. GONZALES
Sangguniang Bayan Member/
Temporary Presiding Officer

APPROVED:

HON. ERNILO C. VILLAS
Municipal Mayor
Date Signed: 8-17-2018