



**EXCERPT FROM THE MINUTES OF THE 112<sup>th</sup> REGULAR SESSION OF THE 13<sup>th</sup> SANGGUNIANG OF THE MUNICIPALITY OF BINGAWAN, PROVINCE OF ILOILO, HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON AUGUST 22, 2018.**

Present:	Hon. Matt P. Palabrica, Ph.D.	Vice Mayor/Presiding Officer
	Hon. Jose C. Rabago, Jr.	SB Member
	Hon. Lorens M. Belloga	SB Member
	Hon. Ted Peter P. Plagata	SB Member/Deputy Floor Leader
	Hon. Nemesio A. Cachite	SB Member
	Hon. Jofe C. Celeste	SB Member
	Hon. Eduardo A. Dalipe	SB Member
	Hon. Ramil C. Castroverde	Ex-officio SB Member/SKMF President
	Hon. Ramil P. Artuz	Ex-officio SB Member/Liga President
On Leave:	Hon. Leovy C. Simora	SB Member/Floor Leader
	Hon. Joy L. Quimba	SB Member
Absent:	None	



**MUNICIPAL ORDINANCE NO. 259  
 (Series of 2018)**

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Authored by: Vice Mayor Matt P. Palabrica, Ph.D.  
 Sponsored by the Committee on Public Utilities, Facilities/Games and Amusement  
 Chairperson: SB Member Lorens M. Belloga  
 Vice Chairperson: SB Member Joy L. Quimba  
 Member: SB Member Ted Peter P. Plagata  
 Member: SB Member Jose C. Rabago, Jr.

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**AN ORDINANCE PROHIBITING EXCESSIVE, UNNECESSARY AND UNUSUALLY LOUD SOUNDS GENERATED FROM VIDEOKE/KARAOKE SYSTEMS, SOUND SYSTEMS OR OTHER AMPLIFIED AUDIO DEVICES WITHIN THE RESIDENTIAL AREAS AND ALONG PUBLIC STREETS IN THE MUNICIPALITY OF BINGAWAN, PROVINCE OF ILOILO, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

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

**WHEREAS**, Article II, Section 15 of the 1987 Philippine Constitution provides that "the State shall protect and promote the right to health of the people and instil health consciousness among them";

**WHEREAS**, some local residents or groups are accustomed to utilizing public streets or road sides to gain wider area for a private activity or function, often making use of videoke/karaoke systems, amplified audio devices sheltered on collapsible tents as form of amusement, recreation or for private audience;

**WHEREAS**, the making and creation of excessive, unnecessary or unusually loud sounds from videoke/karaoke systems, amplified audio devices beyond limits and at



unacceptable levels during unholy hours cause serious discomfort and has created numerous complaints and public condemnation;

**WHEREAS**, the making, creation or maintenance of such unnecessary, unnatural or unusually loud sounds which are prolonged, unusual and unnatural in their time, place and use effect are detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents;

**WHEREAS**, it is the policy of the Municipal Government of Bingawan to protect the welfare of its citizens from the excessive sound and vibration and inadequately controlled noise which are serious hazards to public health and safety and is a source of annoyance to the local populace.

**NOW, THEREFORE:**

**BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF BINGAWAN, IN SESSION ASSEMBLED THAT:**

**Section 1. Declaration of Policies.**

- a) It is the declared policy of the State to protect and advance the right of the people to a balanced and healthy ecology in accord with the rhythm and harmony of nature; and
- b) The State shall promote an environment for all Filipinos free from unnecessary, excessive and annoying noises that jeopardize their health and welfare.

**Section 2. Declaration of Purpose and Intent.** The Municipal Government of Bingawan enact this Ordinance to protect, preserve and promote the health, safety, welfare and peace of the populace through the prohibition of excessive, unnecessary and unusually loud sounds from videoke/karaoke systems, sound systems or other amplified audio devices which unreasonably disturbs, injures, or endangers the health, peace, comfort, or safety of reasonable persons of ordinary sensitivity within the residential areas and along public streets.

The purpose of this Ordinance is to prohibit excessive, unnecessary and unusually loud sounds generated from videoke/karaoke systems, sound systems or other amplified audio devices and provide appropriate penalties to make the people realize that their right for entertainment has a corresponding responsibility when the same deleteriously affect the health and welfare of others.

**Section 3. Negative Effects of Unnecessary Noise from Videoke/Karaoke Systems, Sound Systems or Other Amplified Audio Devices.** The following are the effects of loud and rowdy noise from videoke/karaoke systems, sound systems and other amplified audio devices:

- a) It may be harmful to the health, welfare and safety of its inhabitants and visitors;
- b) It may cause permanent hearing damage;
- c) It may produce high blood pressure, faster heart rate and increase adrenaline that may contribute to heart and circulatory diseases;



- d) It may cause regular and predictable stress in the human body that may aggravate existing disease;
- e) It may threaten fetal development;
- f) It may hinder the development of language skills in children and disrupts the educational process;
- g) It interferes conversation and social interaction and hampers work efficiency;
- h) It affects the quantity and quality of sleep especially the elderly and sick that are more sensitive to noise;
- i) It may cause extreme emotions and can lead to anti-social behaviour; and
- j) It may obscure warning signals, causing accidents to occur and interfere with shouts for help and preventing rescue attempts.

**Section 4. Scope.** This Ordinance shall cover:

- a) All persons, business establishments, groups and organizations;
- b) Operation or use of karaoke/videoke systems, sound systems or other amplified audio device;
- c) Excessive, unnecessary and uncontrolled sounds; and
- d) Within residential areas, along public streets, road sides and public right of way in the Municipality of Bingawan;

**Section 5. Definition of Terms.** As used in this Ordinance, the following shall mean:

- a) **Amplified audio device** – means any machine or device for the amplification of the human voice, music or any other sound.
- b) **Disturbing** – noise which is perceived by a person or ordinary sensibilities as interrupting the normal peace and calm of the area.
- c) **Noise** – means any sound which annoys or disturbs humans or which causes or tend to cause an adverse psychological effect on humans.
- d) **Noise Disturbance** – means any sound which endangers or injures the safety or health of humans, or annoys or disturbs.
- e) **Person(s)** – includes any being, natural or juridical, susceptible, who has rights and obligations or being the subject of legal action.
- f) **Public right of way** – means any street, road, avenue, alley, sidewalk or public space which has been dedicated for use by the general public and the dedication of which has been accepted by government entity.
- g) **Reasonable person** – an objective standard against which any individual's conduct can be measured. It is used to determine if a breach of the standard of care has occurred, provided a duty of care is proven. The reasonable person holds: each person owes a duty to behave as a reasonable person would under the same or similar circumstances.
- h) **Sound system** – a set of equipment for the reproduction and amplification of sound.
- i) **Unreasonably loud** – 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 and good order.



- j) **Videoke/karaoke system** – shall be defined as any audio-video equipment operated and built to produce images and/or lyrics of a song on a television screen to afford a person to sing along using any electronic device. Such operation may be free or for free or thru operation by dropping tokens/coins on the machine.

**Section 6. Prohibited Acts.** It shall be unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessary or unusually loud sound generated from videoke/karaoke system or other amplified audio devices within residential areas and along public streets or road sides which either annoys, disturbs, injures or endangers the comfort, health, peace or safety of others within the municipality.

**Section 7. Acts on Unreasonable Loud and Disturbing Noise.** The following acts shall be declared to be unreasonably loud and disturbing noise in violation of this Ordinance:

- a) The operating, playing or permitting the operation or playing of any radio, cd player, television set, amplified musical instrument, drums, loudspeaker, videoke or karaoke system, or other sound producing device in such manner or with such volume so as to annoy the quiet, comfort of a reasonable person or normal sensitivities in any dwelling or residence; or with louder volume than is necessary for a convenient hearing for the persons who are in the place in which such device is operated; and
- b) The operation of such set, machine or device in such manner as to be plainly audible at a distance of fifteen meters (15 m) from the place in which it is located shall be prima facie evidence of a violation of this Ordinance.

**Section 8. Factors for Unreasonable Loud and Disturbing Noise.** In determining whether a sound is unreasonably loud and disturbing, the following factors incident to such noise are to be considered:

- a) Time of the day and proximity to residential areas;
- b) Whether the noise is recurrent, intermittent, or constant;
- c) Volume and intensity;
- d) Whether the noise has been enhanced in volume of range by any type of electronic or mechanical means;
- e) Character and zoning area; and
- f) Whether the noise is subject to being controlled without unreasonable effort at the expense to the creator thereof.

**Section 9. Permit.** The permit shall **ONLY** cover the operation and use of video/karaoke system, sound system and other amplified audio devices using public streets, road sides or public right of way in the Municipality of Bingawan, with the following provisions:

- a) Pursuant to Section 8 of this Ordinance, operation and use of videoke/karaoke system, sound system and other amplified audio devices in public streets or road



- sides shall be allowed only upon securing a permit from the barangay who has jurisdiction over the area from Monday to Sunday until 12:00 midnight.
- b) Applicant for a permit to operate or use videoke/karaoke system and other amplified audio devices in public streets or road sides, shall submit an application letter to the barangay at least five (5) working days prior to the date of the intended activity.
  - c) The application letter shall describe the nature of the intended activity, the type of audio device, the specific location at which such audio device is to be used or operated and, such other pertinent information as is necessary for the barangay to carry out its duties under this section.
  - d) The Punong Barangay shall issue a permit for the operation or use of videoke/karaoke system, sound system and other amplified audio devices in public streets or road sides, only upon compliance with the provisions of the preceding section.
  - e) The issuance of permit signed by the Punong Barangay shall describe the nature of the intended activity, specific location and type of audio device to be used or operated thereunder, and the period of time for which such device may be operated. It shall specify such other terms and conditions as are essential to secure and protect the public safety.

**Section 10. Restrictions.** The barangay shall not issue a permit for the operation or use of videoke/karaoke system, sound system and other amplified devices:

- a) At any location within two hundred meters (200 m) from a school or place of worship during school hours or worship, respectively, or within two hundred meters (200 m) of any hospital or other institution caring for the sick or infirmed;
- b) At any location where the barangay, upon investigation, shall determine that the conditions of vehicular or pedestrian traffic or both are such that the use of public street or road side will constitute serious hazards to the safety and comfort of pedestrians or vehicle operators;
- c) At any location where the barangay, upon investigation, shall determine that the conditions of overcrowding or other physical conditions are such that the use of public street or road side will deprive the public of the reasonable right to safe and peaceful enjoyment of any public street or other public place.

**Section 11. Enforcement and Abatement.**

- a) It is the duty of the barangay, law enforcers and the Bingawan Municipal Police to enforce the provisions of this Ordinance.
- b) Any person or persons who violates the provisions of this Ordinance shall receive a verbal order to cease or abate the loud sounds generated from videoke/karaoke system or other amplified audio device immediately or within a reasonable time period, provided however, that if the violation is deemed to be excessive, the barangay authorities need not issue a verbal reprimand to cease



or abate the loud sound, but may in lieu thereof charge the offending person or persons with violation of this Ordinance.

**Section 12. Penal Clause.** Any person who violates any provision of this Ordinance is hereby imposed as follows:

- a) A first conviction for any person, business establishment, group or organization liable under this Ordinance shall be punished by admonition and a fine of One Thousand Pesos (Php 1,000.00);
- b) A second conviction for any acts punishable under this Ordinance shall be penalized by a fine of One Thousand Five Hundred Pesos (Php 1,500.00) and imprisonment for a period of not more than ten (10) days at the discretion of the Court; and
- c) A third conviction or any conviction after two (2) previous convictions shall be penalized by a fine of Two Thousand Five Hundred Pesos (Php 2,500.00) and imprisonment of fifteen (15) days at the discretion of the Court.

**Section 13. Appropriation.** The Municipal Government of Bingawan shall allocate funds in the advocacy/campaign and as to the prevention of hearing loss and effects of exposure to noise.

**Section 14. Administrative Clause.** The Municipal Mayor shall issue such other rules and regulations for the smooth implementation of this Ordinance.

**Section 15. Separability Clause.** If any portion of this Ordinance is declared void or unconstitutional, the remaining portion thereof shall not be affected thereby and shall remain in full force and effect.

**Section 16. Repealing Clause.** All ordinances, resolutions and regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified, accordingly.

**Section 17. Effectivity.** This Ordinance shall take effect after its publication in a newspaper of general circulation.

**UNANIMOUSLY APPROVED.**

**ENACTED**, this 22<sup>nd</sup> day of August 2018.

**ATTESTED:**

  
**MATT P. PALABRICA, Ph.D.**  
 Vice Mayor/Presiding Officer

**APPROVED:**

**CERTIFIED CORRECT:**

  
**JULIO C. CASTIGADOR**  
 SB Secretary

  
**MARK P. PALABRICA**  
 Municipal Mayor

Signed on: **04 SEP 2018**