(8)

DRAFT ORDINANCE REGULATING THE USE OF MODIFIED MUFFLER/EXHAUST PIPE AND SIMILAR DEVICES ON ALL TYPES OF MOTOR VEHICLES RESULTING TO THE EMISSION OF EXCESSIVE, LOUD, AND UNREASONABLE NOISE IN TUGUEGARAO CITY AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

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

WHEREAS, motor vehicles offered for sale to the public are originally equipped with factory installed muffler or exhaust pipe primarily designed to minimize and eradicate noise pollution;

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 pipe and modify or replace them with "open" mufflers or exhaust pipes;

WHEREAS, this rampant but obnoxious practices have resulted to serious disagreement, including bodily injuries and death, between owners of motor vehicles with modified muffler or pipe and the public;

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;

WHEREAS, Section 143 of the Tuguegarao City Environment Code presently sets the maximum allowable sound intensity for motor vehicles at ninety (90) decibels and provides for the confiscation of modified mufflers and the imposition of penalties;

WHEREAS, existing national laws, rules, and regulatory standards governing motor vehicle noise emissions allow a maximum sound level of ninety-nine (99) decibels, which differs from the limit currently provided under the said Section;

WHEREAS, there is a need to harmonize the provisions of the Tuguegarao City Environment Code with prevailing national standards in order to ensure uniform enforcement, avoid legal inconsistencies, and uphold due process in the implementation of noise regulation measures;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, emphatically declares that every local government unit shall exercise the powers expressly granted, those necessarily 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:

NOW, THEREFORE, be it ordained by the Tenth City Council of Tuguegarao, in session assembled, THAT:

SECTION 1. TITLE. - This Ordinance shall be known and cited as the "Anti-Loud Muffler Ordinance of 2026".

SEC. 2. DECLARATION OF POLICY. - It is the policy of Tuguegarao City to promote, uphold, maintain peace and preserve peaceful environment within its territorial jurisdiction for the general welfare of its inhabitants, particularly the young and elderly.

The purpose of this Ordinance is to regulate and penalize all types of motor vehicles with modified muffler or exhaust pipe which emit excessive, loud and unreasonable noise.

SEC. 3. SCOPE. - This Ordinance shall cover all motor vehicles, whether public or private, with modified "open" muffler or exhaust pipe within the territorial jurisdiction of Tuguegarao City with the exemption of those motor vehicles designed for use in sports competitions, motor shows and those with a displacement of 400cc and above.

SEC. 4. DEFINITION OF TERMS. - As used in this Ordinance, the following term shall mean:

A. Muffler - 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.
B. 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.
C. Modified "Open" Muffler- is the aftermarket change/replacement of muffler, openly altered from its original form and removal of its factory-installed "built-in silencer";
D. Excessive Noise - is any sound which disturbs or annoys or which causes or tend to cause disturbance and annoyance to humans.
E. 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:
   - Time of day;
   - Volume and intensity;
   - Proximity to residential structures and noise sensitive areas such as schools, courts, churches, hospitals, residential care facilities, and similar institutions;
   - Whether the noise is recurrent, intermittent, or constant; and
   - Whether the noise is related to the normal operation of a business or labor activity.
F. Decibel - a unit for measuring the loudness or intensity of sound

SEC. 5. PROHIBITED ACTS. - It shall be unlawful for any person to use or operate a motor vehicle with modified muffler that emits and produces noise levels beyond the national standard of 99 decibels (dB) taken at an engine speed of 2,000 to 2,500rpm.

SEC. 6. IMPLEMENTATION AND ENFORCEMENT. - In line with their mandates, the Tuguegarao City Traffic Management Group (TCTMG) and Philippine National Police (PNP) shall serve as the lead agencies in the enforcement of this ordinance. It shall fulfill the following responsibilities:

A. Report, apprehend and maintain the records of all violators of this Ordinance and ascertain how many times an offender had violated the ordinance.

B. Collect and safeguard all copies of Violation Receipts being issued by duly authorized enforcement officers.
C. Accredit official motor vehicle repair shops that may undertake the repairs of the vehicles of offenders of this ordinance in behalf of the city.
D. Coordinate with the Land Transportation Office (LTO) for the proper implementation of this Ordinance.

SEC. 7. ROLE OF BARANGAY. - The Sangguniang Barangay and its officials shall serve as complementary force in the effective implementation of this Ordinance within their territorial jurisdiction by reporting the offender to the agencies mentioned above.

SEC. 8. PENALTY. - Any person who violates this Ordinance shall be punished as follows:

a) Failure to install an adequate muffler system or having a muffler system that does not suppress the noise emanating from the vehicle but rather increase the noise shall be penalized as follows:

1st offense - Penalty of One Thousand Pesos (PhP. 1,000.00), and removal of modified muffler or exhaust pipe;

2nd offense - Penalty of Three Thousand Pesos (PhP. 3,000.00), and removal of modified muffler or exhaust pipe;

3rd offense and subsequent offenses - Penalty of Five Thousand Pesos (PhP. 5,000.00), and removal of modified muffler or exhaust pipe.

SEC. 9. SEPARABILITY CLAUSE. - If for any reason, a part of this Ordinance is declared illegal or invalid, other parts or provisions hereof which are not affected thereby shall remain valid and in full force and effect.

SEC. 10. REPEALING CLAUSE. - Section 143 of City Ordinance No. 058-2017, otherwise known as the "City Ordinance enacting the Comprehensive Environmental Management Code of Tuguegarao City" and all previous ordinance and rules/regulations which are inconsistent with the provisions of this Ordinance are hereby deemed, modified or repealed accordingly.

SEC. 11. EFFECTIVITY CLAUSE. - This Ordinance shall take effect after all requirements for official posting prescribed in Section 511 of R.A. No. 7160 otherwise known as The Local Government Code of 1991" have been met.