



Republic of the Philippines
 PROVINCE OF PANGASINAN
 MUNICIPALITY OF BAYAMBANG
OFFICE OF THE SANGGUNIANG BAYAN



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SP SECRETARY
 Lingayon, Pangasinan

RECEIVED

By: *[Signature]*
 Date & Time: 12-21-21, 4:14 pm

MUNICIPAL ORDINANCE NO. 17,
 SERIES OF 2021

"AN ORDINANCE PROHIBITING THE USE OF VIDEOKE/KARAOKE SYSTEMS AND OTHER SOUND AMPLIFYING EQUIPMENT THAT CAUSE UNNECESSARY DISTURBANCE TO THE PUBLIC WITHIN THE RESIDENTIAL, AND ALONG PUBLIC STREETS IN THE MUNICIPALITY OF BAYAMBANG 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, some local residents or groups are accustomed in 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 an unacceptable levels during unholy hours causes serious discomfort and has created numerous complaints and public condemnation;

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

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

NOW THEREFORE, on motion of **SB Member Amory M. Junio**, duly seconded;

Be it enacted by the Sangguniang Bayan in session assembled that:

SECTION 1. PROHIBITED ACTS. It shall be unlawful for any person to make, continue, or cause to be made, or continue, any excessive, unnecessary or unusually loud sound generated by videoke/karaoke systems or other sound producing devices within residential areas and along public streets or roadsides which either annoys, disturbs, injures or endangers the comfort, health, peace or safety of others within the Municipality of Bayambang.

SECTION 2. SCOPE. This Ordinance shall cover:

- a) All persons regardless of age or gender who make any excessive, unnecessary, or unusually loud sounds by means of a videoke/karaoke system or other amplified audio devices within residential areas and along public streets or roadsides in the Municipality of Bayambang;
- b) Any business or commercial establishment located within the Municipality of Bayambang that produces any excessive, unnecessary, or unusually loud sounds whether or not generated by videoke/karaoke systems.

SECTION 3. DEFINITION OF TERMS.

- a) **Video, Karaoke Machine/Unit** - any equipment or musical contrivance comprising of a television set or monitor, video, player, amplifier, speakers, microphones and any sound system used for sing-along whereby lyrics of a song with accompanying visual backdrops are seen on a monitor or screen.



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- b) **Noise Pollution** – also known as noise disturbance; is the disturbing or excessive noise level and that which can still be heard after a distance of at least 50 feet from the source.
- c) **Noise Disturbance** – any sound which (a) endangers or injures the safety or health of humans or (b) annoys or disturbs;
- d) **Disturbing noise** – noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area;
- e) **Noise** – any sound which annoys or disturbs humans or which causes or tend to cause an adverse psychological effect on humans;
- f) **Person/Person(s)** – includes any being, natural or juridical, susceptible rights and obligations or being the subject of legal action;
- g) **Public Right of Way** – any street, 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 a government entity;
- h) **Sound Amplifying Equipment** – any machine or device that is used for the amplification of the human voice, music or any other sound.
- i) **Sound Producing Device** – means any machine or equipment that amplifies the human voice, music, or that creates any other sound;
- j) **Unreasonably Loud** – noise which is substantially incompatible with the time and location where it was created to the extent that it produces an actual or imminent interference with peace and good order.

SECTION 4. The following acts shall be declared to be unreasonably loud, disturbing and unnecessary noise in violation of this Ordinance:

- a) The operating, playing or permitting the operation or playing of any radio, cd player, television sets, 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 quite and comfort of a reasonable person of normal sensitivities in any dwelling or residence; or with louder volume than is necessary for convenient hearing of the persons who are in the place in which such device is operated.
- b) The operation of such set, machine or device in such manner as to be plainly audible at a distance of 50 feet from the place where it is located shall be prima facie evidence of a violation of this Ordinance.

SECTION 5. 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 structures;
- b) Whether the noise is recurrent, intermittent or constant;
- c) The volume and intensity;
- d) Whether the noise has been enhanced in volume or range by any type of electronic or mechanical means;
- e) The character and zoning of the area;
- f) Whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof;

SECTION 6. ALLOWED DAY AND TIME FOR THE USE AND OPERATION OF VIDEOKE MACHINE AND OTHER AMPLIFIED AUDIO/VIDEO DEVICES. The operation and use of any videoke/karaoke system or other amplified audio/video devices in public streets, roadsides, sidewalks, parks, other public places/right of way as well as inside private properties within the municipality shall be allowed on the following days and hours

Mondays to Saturdays from 5:00 PM to 9:00 PM.

Sundays and Regular and Special Non-Working Holidays from 10:00 AM to 9:00 PM.



Republic of the Philippines
PROVINCE OF PANGASINAN
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Establishments in commercial areas in the Municipality of Bayambang may properly use karaoke, videoke and other similar machines, devices or instruments that produce a loud noise in the conduct of their business; Provided that, the owners, managers and/or employees of such establishments install sound proofing devices; Provided, finally, that in case of failure to minimize the noise after notice, such establishment shall immediately stop and cease from further using the sound producing device, otherwise, they shall be cited on violation of the Ordinance.

SECTION 7. EXEMPTION. This ordinance shall not apply during special occasions such as: Christmas, New Year, Fiesta celebrations, religious activities, political rallies, election-related activities, barangay sponsored events and the like. In such cases, the operation of videoke and other amplified audio devices is allowed but shall be under the monitoring and supervision of the Barangay Officials so as not to deprive neighbors of a night sleep and rest.

SECTION 8. APPLICATION OF PERMIT. The following guidelines shall be observed in the issuance of a Permit:

- a) Except as provided under Sections 6 and 7 of this ordinance, the operation or use of videoke/karaoke system and other amplified audio devices in public streets, roadsides, sidewalks, parks, other public places/right of way as well as inside private properties within the municipality shall be allowed only upon securing of a permit from the Barangay that has jurisdiction over the place or area concerned;
- b) Applicants for a permit to operate or use videoke/karaoke system and other sound amplifying equipment or sound producing device in public streets, roadsides, sidewalks, parks, other public places/right of way as well as inside private properties within the municipality shall complete and fill up an application form and file the same with the Barangay concerned at least five (5) working days prior to the date of the intended activity;
- c) The application 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;

SECTION 9. ISSUANCE OF PERMIT.

- a) The Punong Barangay or his duly authorized representative shall issue a permit for the operation or use of videoke/karaoke system and other sound producing devices in public streets, roadsides, sidewalks, parks, other public places/right of way as well as inside private properties within the municipality only upon compliance with the provisions of the preceding section;
- b) The 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 there under, 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 and other amplified audio devices:

- a) at any location within 200 meters of a school or place of worship during school hours or schedule of worship respectively, or within 200 meters of any hospital or other institution caring for the sick or infirm;
- 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 a public street or roadside will constitute serious hazards to the safety and comfort of pedestrians or vehicle operations; or



Republic of the Philippines
PROVINCE OF PANGASINAN
MUNICIPALITY OF BAYAMBANG
OFFICE OF THE SANGGUNIANG BAYAN

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- 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 roadside 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. – The Philippine National Police (PNP) of the Municipality of Bayambang together with the Public Order and Safety Office (POSO), Barangay Officials, and other force multipliers are hereby directed to strictly enforce this Ordinance.

SECTION 12. PENAL PROVISION.

A. Any person who shall violate the provision of Sections 1 of this ordinance shall be penalized with the following penalties:

1. **First Offense:** Fine of One Thousand Five Hundred Pesos (Php 1,500.00) or imprisonment of ten (10) days or both such fine and imprisonment at the discretion of the court;
2. **Second Offense:** Fine of Two Thousand Pesos (Php 2, 000.00) or imprisonment of twenty (20) days or both such fine and imprisonment at the discretion of the court;
3. **Third and Succeeding Offenses:** Fine of Two Thousand Five Hundred Pesos (Php 2,500.00) and imprisonment of not more than one (1) month or both such fine and imprisonment at the discretion of the court.

Juridical person – If committed by a juridical person, the President, General Manager, Corporate Secretary or person with related interest in the Corporation or Partnership or Association shall be held liable or penalized accordingly.

SECTION 13. NO CONTEST PROVISION. Any person apprehended for violation of this Ordinance who does not wish to contest the violation and is willing to pay voluntarily the penalty imposed upon him/her prior to the filing of formal complaint shall be allowed to pay said fine with the Treasurer's Office to avoid being prosecuted. If the violator has already availed of the No Contest Provision three (3) times, he/she can no longer avail of the same and the corresponding complaint for the violation of the Ordinance, with the maximum penalty imposed should be filed against the violator.

The violator shall be given five (5) calendar days from issuance of the Ordinance Violation Receipt within which to pay the fine.

SECTION 14. SEPARABILITY CLAUSE. If for any reason, any section or provision of this Ordinance is declared unconstitutional, invalid, illegal, or unenforceable the other provisions not declared and not affected by such declaration shall remain in full force and effect.

SECTION 15. REPEALING CLAUSE. All ordinances, resolutions, executive orders, circulars, memoranda and other similar issuances inconsistent herewith are hereby repealed or modified accordingly.

SECTION 16. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon approval and compliance with the posting and publication requirements.

ENACTED this 11th day of October 2021.



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Certified to be duly adopted and approved:

JOEL V. CAMACHO
 Secretary to the Sanggunian

ATTESTED:

HON. RAUL R. SABANGAN
 Municipal Vice-Mayor &
 Presiding Officer

**WE CONCUR:
 SANGGUNIANG BAYAN MEMBERS**

HON. MYLVIN T. JUNIO

HON. PHILIP R. DUMALANTA

HON. JOSEPH VINCENT E. RAMOS

HON. BENJAMIN FRANCISCO S. DE VERA

HON. GERARDO DC. FLORES

HON. MARTIN E. TERRADO II

HON. AMORY M. JUNIO

HON. LEVINSON NESSUS M. UY

HON. RODELITO F. BAUTISTA
 President, Liga ng mga Barangay

HON. GABRIEL TRISTAN P. FERNANDEZ
 President, SK Federation

APPROVED:

DR. CEZAR T. QUIAMBAO
 Municipal Mayor

