



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

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SP SECRETARIAT OFFICE  
LUBAYEN, PANGASINAN



28 2016

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MUNICIPAL ORDINANCE NO. 05, SERIES OF 2016

"AN ANTI-NOISE ORDINANCE PROHIBITING THE USAGE OF AFTER MARKET EXHAUST SYSTEM OR NON ORIGINAL EXHAUST SYSTEM AND MODIFIED MUFFLER THAT GIVES EXCESSIVE NOISE AND DEAFENING BLAST TO MOTORCYCLES AND TRICYCLES IN THE MUNICIPALITY OF BAYAMBANG AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF."

*Sponsored by SBM Amory M. Junio and SBM Martin E. Terrado II*

**EXPLANATORY NOTE:**

THE SANGGUNIANG BAYAN, HAVING RECEIVED AN INCREASING NUMBER OF COMPLAINTS FROM THE CITIZENS OF THE MUNICIPALITY CONCERNING EXCESSIVE NOISE AS THE MUNICIPALITY CONTINUES TO DEVELOP AND GROW, AND HAVING INFORMATION AND EVIDENCE CONCERNING THE IMPACTS OF EXCESSIVE NOISE, HEREBY FINDS THAT THE HEALTH, SAFETY AND WELFARE OF ITS CITIZENS REQUIRES PROTECTION FROM EXCESSIVE, UNNECESSARY AND UNREASONABLE NOISE.

THERE IS A NEED TO CURB THE INDISCRIMINATE AND UNREGULATED USE AND INSTALLATION OF AFTERMARKET EXHAUST SYSTEM OR NON-ORIGINAL EXHAUST SYSTEM AND MODIFIED MUFFLER ON MOTORCYCLES THAT BOOST THE SOUND GENERATED BY THE EXHAUST PIPE THAT HAS BECOME A NUISANCE TO THE COMMUNITY BECAUSE OF THE DEAFENING BLAST AND EXCESSIVE NOISE IT PRODUCES. A MOTORCYCLE (TWO WHEELED VEHICLE) WITH A MODIFIED MUFFLER THUNDERING THROUGH OUR STREETS AND NEIGHBORHOOD DURING THE SILENCE OF THE NIGHT CAN WAKE UP THE ENTIRE COMMUNITY DUE TO THE STARTLING SOUND PRODUCED THAT RESONATES AS IT TRAVELS. WHAT IS MORE IS WHEN RIDERS ARE GROUPED TOGETHER ROAMING THE STREETS AIMLESSLY, RACING WITH ONE ANOTHER AT ANY GIVEN TIME DURING THE DAY AND MOST ESPECIALLY DURING THE NIGHT TILL THE WEE HOURS OF THE MORNING WITHOUT REGARD TO DISTURBING THE PEACE AND TRANQUILITY OF THE SLEEPING NEIGHBORHOOD.

FURTHER, THE USE OF NON ORIGINAL EXHAUST SYSTEM OR MODIFIED MUFFLER THAT GIVES EXCESSIVE NOISE AND DEAFENING BLAST IS NOT ONLY IRRITANT BUT VERY ANNOYING TO THE COMMUNITY BECAUSE OF ITS EAR-SPLITTING SOUND. IT HAS BECOME A NUISANCE AND A CONTRIBUTORY FACTOR TO POLLUTION BECAUSE OF THE UNOBSTRUCTED FLOW OF GASES COMING OUT FROM ITS EXHAUST SYSTEM INSTEAD OF BEING MUFFLED.

THE DANGERS OF NOISE POLLUTION CANNOT BE UNDERESTIMATED. IN A PUBLISHED REPORT, IT IS STATED THAT NOISE CAN IMPACT ON HUMAN HEALTH AND WELL-BEING IN A NUMBER OF WAYS LIKE ANNOYANCE REACTION, SLEEP DISTURBANCE, INTERFERENCE WITH COMMUNICATION, PERFORMANCE EFFECTS, AND EFFECTS ON SOCIAL BEHAVIOR AMONG OTHERS. LIKewise, IT IS AN ESTABLISHED MEDICAL FACT THAT EXPOSURE TO NOISE HAS BEEN ASSOCIATED WITH A RANGE OF POSSIBLE PHYSICAL EFFECTS LIKE COLDS, BLOOD PRESSURE AND OTHER CARDIO VASCULAR CHANGES, PROBLEMS WITH DIGESTIVE SYSTEM AND GENERAL FATIGUE. MOREOVER, REGULAR OR PROLONGED EXPOSURE TO NOISE CAN CAUSE PERMANENT HEARING LOSS.

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

**BE IT ENACTED** by the Sangguniang Bayan of Bayambang in session assembled that:

**SECTION 1. TITLE:** THIS ORDINANCE SHALL BE ENTITLED "AN ANTI-NOISE ORDINANCE PROHIBITING THE USAGE OF AFTERMARKET EXHAUST SYSTEM OR NON ORIGINAL EXHAUST SYSTEM AND MODIFIED MUFFLER THAT GIVES EXCESSIVE NOISE AND DEAFENING BLAST TO MOTORCYCLES AND TRICYCLES IN THE MUNICIPALITY OF BAYAMBANG AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF".

**SECTION 2. APPLICABILITY CLAUSE:** This ordinance applies to all motorcycles (two-wheeled vehicles) including tricycles (three wheeled vehicles) within the territorial jurisdiction of Bayambang.



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**SECTION 3. PROHIBITION:** It shall be unlawful for the owner or possessor of any motorcycle or tricycle to intentionally alter their exhaust system by removing the silencers or install after market exhaust system or non original exhaust system or a modified muffler that gives excessive noise and deafening blast, except for registered racers in their race bikes and the standard exhaust of original stock used by Chopper Big Bikes.

**SECTION 4. ENFORCEMENT AND IMPLEMENTING AGENCY:** The members of the Bayambang Police Department (PNP), and members of the Public Order and Safety Office (POSO) are hereby directed to carry, enforce and execute the said ordinance.

**SECTION 5. DEFINITION OF TERMS:**

1. **EXHAUST SYSTEM** - An exhaust system is composed of a header, tube, and muffler. It is used by motorcycles to direct flow of exhaust gas to the rear side and to lessen engine noise.
2. **AFTER MARKET EXHAUST PIPE** - Is a non-original exhaust system made or introduced for motorcycle to improve performance, optimize the engine and give additional power and better fuel efficiency.
3. **MUFFLER** - part of the exhaust system where it lessens the noise emitted by the engine (to muffle the sound or silence).
4. **OPEN PIPE** - It is a commonly used term to call non-original motorcycle exhaust pipe. Basically it is an exhaust system wherein there is no obstruction to the flow of exhaust gases from the engine to tube to muffler.
5. **POWER PIPE** - An original exhaust system modified to increase the flow of exhaust gases.
6. **DRAG PIPE** - An exhaust system without a muffler (used by drag racers in their race bikes and used as the standard exhaust of Chopper Big Bikes).
7. **LOUD PIPE** - An exhaust system that gives excessive noise.
8. **NOISE** - An unwanted sound.
9. **TRICYCLE** - a three wheeled vehicle propelled by pedals, hand lever, or a motor with an attached sidecar for passengers.
10. **MOTORCYCLE** - a two wheeled automotive vehicle having one or two saddles.

**SECTION 6. PENALTY CLAUSE:** Any person violating the provisions of this ordinance shall suffer the following penalties:

- a. **First offense** - fine Two Hundred Pesos (Php 200.00);
- b. **Second offense** - fine Five Hundred Pesos (Php 500.00); and
- c. **Third offense** - fine of One Thousand Pesos (Php 1,000.00) and a recommendation to the proper authorities (LTO) for the suspension of license for one (1) year.
- d. **Forth Offense** - fine of Two Thousand Five Hundred Pesos (Php 2,500) or an imprisonment for a period not exceeding six months, or both in the discretion of the court.

**SECTION 7. NO CONTEST PROVISION:** Any individual or entity who is apprehended or cited for violation of this ordinance and does not wish to contest the violation but is willing to pay voluntarily the fine imposed upon him/her prior to the filing of formal charges with the proper court shall be allowed to pay the imposed fine with the municipal treasurer to avoid being criminally prosecuted within twenty four hours from apprehension, otherwise, a case shall be filed against said offender.



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**SECTION 8. INFORMATION DISSEMINATION:** To effectively inform the public of the existence and gist of this Ordinance, there shall be an information dissemination to be done by the following, to wit:

8.1 The Municipal Government of Bayambang, Pangasinan through the Office of the Municipal Engineer shall provide signages like billboards, streamers and the like in conspicuous and visible places within the territorial jurisdiction of Bayambang and shall post therein the following:

**NOISY MUFFLER IS PROHIBITED 24/7  
 UNDER PENALTY OF LAW  
 Municipal Ordinance No. 5, S-2016**

8.2 The Sangguniang Barangay led by its Punong Barangay shall direct its Barangay Secretary and/or its Barangay Administrator, if there is any, to cause the posting of a copy of this Ordinance in its barangay hall, health centers, auditorium, public school and other similar public places within its territorial jurisdiction.

**SECTION 9. SEPARABILITY CLAUSE:** In case any part or provision of this ordinance is declared unconstitutional or illegal, the other provisions thereof shall remain in full force and in effect.

**SECTION 10. REPEALING CLAUSE:** Any ordinance or resolution or any provision of any ordinance or resolution found to be inconsistent with this ordinance is hereby repealed, amended and/or modified.

**SECTION 11. EFFECTIVITY CLAUSE:** This Ordinance shall take effect ten (10) days following its publication in a local newspaper of general circulation.

*ENACTED this 12<sup>th</sup> day of December 2016.*

*Certified to be duly adopted and approved:*

**JOEL V. CAMACHO**  
 Secretary to the Sanggunian

**ATTESTED:**

**HON. JOSEPH VINCENT E. RAMOS**  
 Acting Municipal Vice-Mayor &  
 Presiding Officer

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WE CONCUR:  
 SANGGUNIANG BAYAN MEMBERS

HON. MYLVIN T. JUNIO  
 (suspended)

HON. PHILIP R. DUMALANTA

HON. BENJAMIN FRANCISCO S. DE VERA

HON. JUNIE J. ANGELES

HON. MARTIN E. TERRADO II

HON. MA. CATALINA E. DE VERA

HON. AMORY M. JUNIO

HON. ROGELIO P. DUMALANTA  
 Pangulo, Liga ng mga Barangay

APPROVED:

HON. CEZAR T. QUIAMBAO  
 Municipal Mayor

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