



**Republic of the Philippines
CITY COUNCIL
City of Manila**

REGULAR SESSION NO. 160

11TH CITY COUNCIL

**Begun and held in the City Council on Monday,
the thirty-first day of May, Two Thousand Twenty-One**

ORDINANCE NO. 8772

AN 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 THE CITY OF MANILA AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

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PREAMBLE

WHEREAS, Sections 15 and 16, Article II 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 to 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 is of judicial notice that there are owners that remove and detach the factory installed muffler or exhaust pipe of their motor vehicles and modify or replace them with mufflers or pipe that increase the emitted sound to a level that causes annoyance, disturbance, displeasure and irritation to the public;

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 muffler or exhaust pipe that emit loud and roaring noise cause serious discomfort particularly during nighttime and has created numerous complaints and condemnation from the general public;

WHEREAS, other than the abatement of public nuisance and prohibition against public disorder as provided and defined in the Civil Code of the Philippines and Revised Penal Code of the Philippines respectively, there is a need for a local statute that specifically addresses this type of noise pollution that has become a perennial source of annoyance with deleterious effect on the public welfare;

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 City Council of Manila, in session assembled, THAT:

SECTION 1. TITLE. – This Ordinance shall be known and cited as the "**Motor Vehicle Modified Muffler Noise Regulation Ordinance of the City of Manila**".

SEC. 2. DECLARATION OF POLICY. – It is the policy of the City of Manila 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 muffler or exhaust pipe, including those already existing, in the City of Manila 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.

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- 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 Muffler** – is the aftermarket change/replacement of muffler from its original form which emit excessive and unreasonable noise.
- 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 a noise which is incompatible with the time and location to the extent that it creates an actual or imminent interference with peace and tranquility.
- 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 Manila Traffic and Parking Bureau (MTPB) 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 Ordinance Violation Receipts being issued by duly authorized enforcement officers.
- c. Collect and safeguard all confiscated driver's licenses and return the same to its owner once the pertinent conditions of this ordinance had been met.
- d. Accredite official motor vehicle repair shops that may undertake the repairs of the vehicles of offenders of this ordinance in behalf of the city.
- e. 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. AUTHORITY OF THE ENFORCEMENT OFFICERS. – Officers that will enforce this Ordinance must be duly deputized by the City Mayor.

The duly deputized enforcement officer/s shall confiscate the driver's license of the violator and shall issue Ordinance Violation Receipt [OVR] in lieu thereof that will serve as the latter's temporary driver's license for a period of five (5) days from the date of its issuance.

The confiscated driver's license will be returned to the violator once his/her vehicle would pass a second noise level testing and proof of payment of the corresponding penalties had been presented.

All fees and penalties as provided for in this Ordinance shall be paid to the City Treasurer and will accrue to the general fund of the city government.

SEC. 9. 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.

In case, the motor vehicle of the offender fails to pass the noise level testing for a second time, the city government will undertake the necessary repair of the vehicle, with the offender shouldering the cost of repairs to be charged by the duly accredited vehicle repair shop in addition to the penalties already due.

In case the offender refuses to submit his/her vehicle for a noise level testing, or if an offender refuses to surrender his/her driver's license, or in any way resists the impounding of his/her vehicle, such acts will be presumed to be willful violation of this Ordinance.

SEC. 10. 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. 11. REPEALING CLAUSE. – All previous ordinance and rules/regulations which are inconsistent with the provisions of this Ordinance are hereby deemed, modified or repealed accordingly.


SEC. 12. EFFECTIVITY CLAUSE. – This Ordinance shall take effect after all requirements for official posting prescribed in Section 511 of R.A. 7160 otherwise known as "The Local Government Code of 1991" have been met.

This Ordinance was finally enacted by the City Council of Manila on September 16, 2021.


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PRESIDED BY:


MARIA SHEILAH "Honey" LACUNA-PANGAN, MD, FPDS
Vice-Mayor and Presiding Officer
City Council, Manila

ATTESTED:


LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON OCT 01 2021


FRANCISCO "Isko Moreno" DOMAGOSOS
Mayor
City of Manila

ATTESTED:


BERNARDITO B. ANG
City Government Department Head III
(Secretary to the Mayor)

RNF: rrb/acl/jok/cpl/eyz