

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session
3052

HOUSE BILL NO. _____



Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

AN ACT
REGULATING PUBLIC DISTURBANCE NOISE AND THE USE OF VIDEOKE OR SOUND
AMPLIFYING DEVICES THAT UNREASONABLY ENDANGERS THE HEALTH, PEACE,
OR SAFETY OF PERSONS, AND PRESCRIBING PENALTIES THEREFOR

EXPLANATORY NOTE

Article 2, Section 15 of the Constitution provides that, "The State shall protect and promote the right to health of the people and instill health consciousness among them." It also provides that: "The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. " (Article II, Sec. 5).

Noise or sound pollution refers to any exposure of people or even animals to sound levels that are annoying, stressful, or damaging to a person's ears. Although loud and frightening sounds are part of nature, only in recent years has much of the world become urban, industrial, and chronically noisy.

Noise causes difficulty in conversations. It interferes with sleep and negatively impacts certain kinds of work. As a source of stress, it can promote high blood pressure and other cardiovascular problems as well as nervous disorders.

One major source of noise among residential areas in the country is caused by the use of videoke/karaoke systems. Everywhere in the Philippines, many 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.

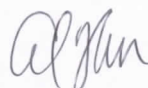
The making or creation of excessive, unnecessary or unusually loud sounds from videoke/karaoke systems or other amplified audio devices beyond limits and at unacceptable levels, especially during unholy hours, causes serious discomfort and has created numerous complaints and public condemnation as they are detrimental to public health, comfort, convenience, safety, welfare and prosperity of the general public.

This measure seeks to address the problem of noise pollution in residential areas by prohibiting excessive, unnecessary or unusually loud sounds generated from videoke/karaoke systems or other amplified audio devices within residential areas and along public streets of the country with the end view of protecting the welfare of the general public from the excessive sound and vibration and inadequately controlled noise which are serious hazards to health and safety and is a source of annoyance to the populace.

Likewise, it seeks to regulate public disturbance noise in general, particularly the frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle;

sounds in connection with the starting, operating, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine, including hobby vehicles and aircraft; yelling, shouting, or whistling on or near the public streets; and sound from motor vehicle audio sound systems; among others.

Hence, immediate approval of this bill is earnestly requested.

A handwritten signature in dark ink, appearing to read 'Angelina'.

ANGELINA "HELEN" D.L. TAN, M.D.
4th District, Quezon

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3052

Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

AN ACT
REGULATING PUBLIC DISTURBANCE NOISE AND THE USE OF VIDEOKE OR SOUND
AMPLIFYING DEVICES THAT UNREASONABLY ENDANGERS THE HEALTH, PEACE,
OR SAFETY OF PERSONS, AND PRESCRIBING PENALTIES THEREFOR

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known as the "Public Disturbance Noise Regulation Act".

SEC. 2. *Declaration of Policy.* – Recognizing that noise is one of the top environmental hazards to both physical and mental health and well-being of every person, the State shall protect and promote the right to health of the people, maintain peace and order, and promote the general welfare.

Towards this end, the State shall endeavor to reduce the exposure of the public to noise and improve health by regulating any sound which unreasonably injures or endangers the comfort, repose, peace, safety, and health of every person.

SEC. 3. *Definition of Terms.* - For purposes of this Act, the term:

(a) "Public disturbance noise" means any noise, sound or signal which unreasonably disturbs the comfort, peace, or repose of another person or persons.

(b) "Sound amplifying equipment" means any machine or device that is used for the amplification of the human voice, music or any other sound;

(c) "Videoke" means 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 or coins on the machine;

SEC. 4. *Public Disturbance Noise.* - The following acts are hereby declared to be causing public disturbance noise and prohibited for purposes of this Act; *Provided, however,* That the foregoing enumeration of acts or noises shall not be construed as excluding other acts and noises which may offend the public peace:

(a) The operating, playing or permitting the operation or playing of any loud sound generated from videoke, karaoke system, radio, CD player, television set or amplified audio devices such as musical instrument, drums, loudspeaker or other sound producing device within residential areas and along public streets or road sides which either annoys, disturbs, injures or endangers the health, comfort, peace or safety of the public in such manner or with

such volume so as to annoy the peace and comfort of a reasonable person in any dwelling or residence; or with louder volume than is necessary for convenient hearing of the person/s who are in the place in which such device is operated;

(b) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as necessary or a warning of danger or as specifically permitted or required by law;

(c) The creation of frequent, repetitive or continuous sounds in connection with the starting, operating, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine, including hobby vehicles and aircraft, within a residential area so as to unreasonably disturb or interfere with the peace, comfort and repose of an owner or possessor of neighboring real property;

(d) The frequent, repetitive or continuous yelling, shouting, or whistling on or near the public streets at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

(e) Sound from motor vehicle audio sound systems, such as radio and compact disc players, operated at a volume so as to be audible greater than seventy-five (75) feet from the vehicle itself;

(f) Sound resulting from the squealing or screeching or such other sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reasons; *Provided, That* sounds which result from actions which are necessary to avoid danger or are emergent in nature shall be exempt from this section;

(g) Sound originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering that unreasonably disturb or interfere with the peace, comfort and repose of the public; and

(h) Sound originating from residential property relating to social gatherings and temporary projects for the maintenance or repair of homes, grounds and appurtenances, including but not limited to sounds from lawn mowers and power hand tools that interfere with the peace, comfort and repose of an owner or possessor of neighboring real property.

SEC. 5. *Permit on the Operation or Use of Videoke or Sound Amplifying Devices.* - Operation or use of videoke or amplified audio devices shall be allowed only upon securing of a permit from the Barangay which has jurisdiction over the area and only until ten (10) o'clock in the evening throughout the week.

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 necessary for the Barangay to carry out its duties under this section.

The issuance of permit signed by the Barangay Chairperson shall describe the nature of the intended activity, specific location and type of audio device to be operated or used and the period of time for which such device may be operated or used. It shall specify such other terms and conditions as are essential to secure and protect the public safety.

The Barangay shall not issue a permit for the operation or use of videoke or sound amplifying devices:

(a) At any location within 200 meters of a school or place of worship during the hours of school or worship respectively, or within 200 meters 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 operation or use of videoke or sound amplifying devices in any property or 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 operation or use of videoke or sound amplifying devices in any property or public street or road side will deprive the public, particularly those within their residences, of the reasonable right to safe, quiet, healthful, and peaceful environment.

SEC. 6. *Exemptions.* – The prohibitions provided under the immediately preceding Section of this Act shall not apply to regularly scheduled events at parks, schools, or other property or places as may be provided under the rules and regulations of this Act between the hours of eight (8) o'clock in the morning and ten (10) o'clock in the evening nor shall it apply to sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds, appurtenances, including but not limited to sounds of lawn mowers, hand power tools, chain saws, and composters between the hours of seven (7) o'clock in the morning and ten (10) o'clock in the evening. Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering between seven (7) o'clock in the morning and ten (10) o'clock in the evening on weekdays and eight (8) o'clock in the morning and nine (9) o'clock in the evening on weekends shall also be exempt. Such prohibition shall not apply to any public construction projects, emergency construction or repair by public utility agencies, emergency vehicle operation or actions by emergency service providers or any other emergency repair and construction to prevent further damage to persons or property during floods or windstorms or other property or life-threatening emergencies.

SEC. 7. *General Requirements and Restrictions on Noise Level.* - The following shall be the general requirements and restrictions on noise level:

(1) Any public disturbance noise or those noise caused by the use of videoke and sound amplifying devices or other similar device which is audible to the human ear shall be at a distance not to exceed seventy (70) feet from the property line of the noise source within any residential zone.

(2) Any noise level caused by such use or operation which exceeds the ambient noise level on the premises of any other occupied property, or if a condominium, apartment, house, duplex, or attached business, within an adjoining unit, shall not exceed five (5) decibels; and

(3) The most modern, effective and affordable technology shall be used to control noise emissions.

SEC. 8. *Determination of Public Disturbance Noise.* - In determining whether a sound is a public disturbance noise, the following factors incident to such noise are to be considered:

a. Time of the day, 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 types of electronic or mechanical means;
- e. The character and zoning area; and
- f. Whether or not the noise is subject to being controlled without unreasonable effort on the part of the creator thereof.

SEC. 9. *Sound Level Measurement Procedure, Criteria and Standards for Violations.* – The Department of Interior and Local Government (DILG), in coordination and consultation with the Department of Environment and Natural Resources (DENR), Department of Health (DOH), Department of Transportation (DOTr), Department of Public Works and Highways (DPWH), Department of Trade and Industry (DTI), Department of Science and Technology (DOST), Department of Labor and Employment (DOLE), Housing and Urban Development Coordination Council (HUDCC), concerned government and private agencies, and non-government organizations, shall promulgate the guidelines on the procedure and criteria for sound level measurement and in determining any violation of this Act.

SEC. 10. *Penalties.* - Any person(s) who violates the provision of this Act shall be punished by a fine of One Thousand Pesos (P1,000.00) or an imprisonment of not more than six (6) months or both, such fine and imprisonment at the discretion of the court.

In case any violation of this Act is committed by a partnership, corporation, association or any juridical person, the partner, president, director or manager who consents to or knowingly tolerates such violation shall be held liable as a co-principal.

SEC. 11. *Formulation of a Comprehensive Anti-Noise Pollution Program.* – The DILG, in coordination with concerned agencies and private entities, shall formulate a comprehensive program to minimize public exposure to the harmful physiological and psychological effects of excessive noise with the end in view of controlling the level of noise pollution in a manner which promotes health, commerce, the use, value, and enjoyment of property, sleep and repose, and the quality of the environment.

SEC. 12. *Implementing Rules and Regulations.* - Within sixty (60) days from the approval of this Act, the Secretary of Interior and Local Government, in consultation and coordination with appropriate government agencies and other stakeholders, shall promulgate the necessary implementing rules and regulations for the effective implementation of this Act.

SEC. 13. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 14. *Separability Clause.* – If any part of provision of this Act shall be held unconstitutional or invalid, other provisions hereof which are not affected hereby shall continue to be in full force and effect.

SEC. 15. *Effectivity.* - This act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,