



EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE 10TH SANGGUNIANG PANLALAWIGAN, THIS PROVINCE HELD AT THE SP SESSION HALL, 2ND FLOOR, GTIC BUILDING ON AUGUST 15, 2023

PRESENT:

Atty. John Edward G. Gando	-	Vice Governor and Presiding Officer
Hon. Felipe Hilan A. Nava, MD	-	SP Member and Majority Floor Leader
Hon. Cecile C. Gumarin, MD	-	SP Member and Deputy Majority Floor Leader
Hon. Aurelio G. Tionado	-	SP Member
Hon. Alejandro D. Araneta, DMD	-	SP Member
Hon. Luben G. Vilches	-	SP Member
Hon. Marilyn G. Edang	-	SP Member
Hon. Perfecto T. Habaña, Jr.	-	SP Member
Hon. Raymond H. Gavileño	-	SP Member
Hon. Karren Kaye A. Gadnanan	-	Ex-Officio Board Member (SK Federation President)
Hon. Marcelo G. Malones, Jr.	-	Ex-Officio Board Member (LNB Federation President)
Hon. Jimmy O. Gajo	-	Ex-Officio Board Member (PCL Federation President)

ABSENT:

None

ORDINANCE NO. 2023-04

AN ORDINANCE REGULATING PUBLIC DISTURBANCE NOISE AND THE USE OF VIDEOKE OR SOUND AMPLIFYING DEVICES AND PRESCRIBING PENALTIES THEREFOR

Introduced by:

VICE GOVERNOR ATTY. JOHN EDWARD G. GANDO

Sponsored by:

HONORABLE LUBEN G. VILCHES

Section 1. Short Title. – This Ordinance shall be known as the “Public Disturbance Noise Regulation Ordinance”.

Section 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 provincial government shall protect and promote the right to health of the people, maintain peace and order, and promote the general welfare.

Towards this end, the provincial government 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.

Section 3. Definition of Terms. – For purposes of this Ordinance, the term:

(a) “Public disturbance noise” means any noise sound or signal which unreasonably disturbs the comfort or peace of another person or persons;

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(b) "Sound amplifying equipment or device" refers to any machine or device that is used for the amplification of the human voice, music or any other sound. The definition includes chainsaw or a mechanical power-driven cutting tool;

(c) "Videoke" means by 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 a fee or thru operation by dropping tokens or coins on the machine;

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

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

(b) The frequent, repetitive or continuous sounding of a 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) Sound from motor vehicles audio systems, such as radio and compact disc player, operated at a volume so as be audible greater than twenty (20) feet from the vehicle itself;

(d) Noise from motor vehicles as a result of the customization and/or modification of its mufflers/exhaust pipe or horn.

Section 5. Clearance 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 clearance from the Barangay through the Punong Barangay which has jurisdiction over the area and which in no case shall exceed ten (10) o'clock in the evening throughout the week. For such purpose, the Barangay may charge, through an ordinance passed, a reasonable barangay clearance fee.

5.1. 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.

5.2. This issuance of a clearance signed by the Punong Barangay 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.

5.3. The Barangay shall not issue a clearance for the operation or use of videoke or sound amplifying device:

(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 safety, serene and peaceful environment.

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(d) Other circumstances deemed inappropriate and/or prejudicial to certain individuals or the community as a whole.

Section 6. Exemption – The prohibitions provided under the immediate preceding section of this ordinance shall not apply to regular and/or official scheduled events at parks, churches, schools, or government offices or premises, as well as during Fiesta, Foundation Day celebrations, Christmas Day, New Year’s Eve and New Year’s Day and other religious occasions or celebrations. Also exempted are activities permitted and/or allowed by the government to include the local government units. Establishments whose line of business pertains to videoke or karaoke shall likewise be exempted provided that it shall ensure the containment of its sound within its premises and subject further to the regulations imposed by the municipal government and other authorities.

Section 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 exceeding twenty (20) feet from the property line of the noise source.

Section 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 consider:

- 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.

Section 9. Penalties. – Any person(s) who is found creating or causing public disturbance noise as provided in section 4 hereof, or in any manner found violating the provisions of this ordinance shall be punished by a fine of Three Thousand Pesos (3,000.00) or an imprisonment of not more than six (6) months or both such fine and imprisonment at the discretion of the court. For purposes of this provision the owner(s)/possessor(s) of the premises/buildings/property where the public disturbance noise is emanating is presumed to be the person(s) creating or causing the same.

In case any violation of this ordinance 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 made liable.

Section 10. Repealing Clause. – Any ordinances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 11. Separability Clause. – If any part of provision of this ordinance shall be held unconstitutional or invalid, other provisions hereof which are not affected hereby shall continue to be in full force effect.

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Section 12. Effectivity. – This ordinance shall take effect ten (10) days after its publication in a newspaper of local circulation and after its compliance with posting requirements whichever comes later.

ENACTED: August 15, 2023

I hereby attest to the correctness of the foregoing ordinance which was duly enacted by the 10th Sangguniang Panlalawigan of the Province of Guimaras during its regular session on August 15, 2023.

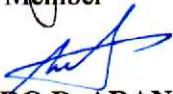

LORENA MINTERVA-ITUCAS
Secretary to the Sangguniang Panlalawigan

We Concur:


FELIPE HILAN A. NAVA, MD
SP Member


CECILE C. GUMARIN, MD
SP Member


AURELIO G. TIONADO
SP Member


ALEJANDRO D. ARANETA
SP Member



LUBIN G. VILCHES
SP Member


MARILYN G. EBANG
SP Member


PERFECTO T. HABAÑA
SP Member

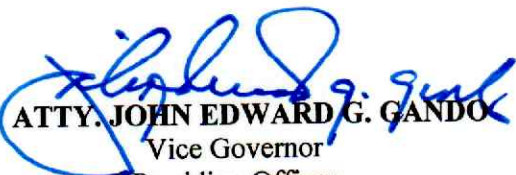

RAYMOND H. GAVLEÑO
SP Member


KARREN KAYE A. GADNANAN
Ex-Officio SP Member
(SK Federation President)


MARCELO G. MALONES
Ex-Officio SP Member
(LNB Federation President)


JIMMY U. GAJO
Ex-Officio SP Member
PCL Federation President

Certified Correct:


ATTY. JOHN EDWARD G. GANDO
Vice Governor
Presiding Officer

Approved:


JC RAHMAN A. NAVA, MD
Governor