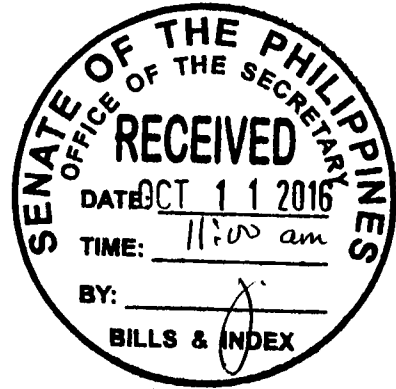


SEVENTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]



SENATE
S.B. No. 1195

Introduced by SEN. WIN GATCHALIAN

AN ACT
PROHIBITING THE USE OF MOTOR VEHICLES WITHOUT MUFFLERS OR
THOSE THAT ARE DEFECTIVE OR HAVE BEEN MODIFIED WHICH INCREASE
THE SOUND EMITTED BY MOTOR VEHICLES, PENALIZING OWNERS AND
DRIVERS THAT CONTRIBUTE TO NOISE POLLUTION IN THE ENVIRONMENT

EXPLANATORY NOTE

Now that the traffic in Metro Manila, has already necessitated the call for an emergency power exercise, the concomitant noise emitted by motor vehicles just adds to the ordeal that our citizens has to go through every day.

The steady increase of our population continues to trigger the environmental hazards of pollution, sad to say that the plague of “noise pollution” has never had any definite national policy nor regulation for control. Lumped in the general concept of air pollution, the dangers of noise pollution has been ignored or underestimated.

A World Health Organization (WHO) report has suggested that noise – defined as an “unwanted sound” can affect human health and well-being, including annoyance reaction, sleep disturbance, interference with communication, performance effects, and effects on social behavior. It further states that exposure to noise levels at or above 80 decibels has been medically proven to cause permanent hearing loss. This exposure to noise has also been associated with changes in blood pressure, other cardiovascular changes, problems with the digestive system and general fatigue.

According to a study conducted by the Asian Development Bank (ADB), the growing noise pollution can be attributed to a large part from the millions of two-wheeled vehicles thundering through our streets and neighborhoods. The study goes to show that the tailpipe noise emitted by tricycles produce noise levels as high as 97 decibels, way too loud for the national standard of 60 decibels during daytime and 50 decibels during nighttime in a residential area.

Motor vehicles with modified mufflers are very distracting and can cause accidents since they overpower traffic sounds such as automobile horns and traffic enforcer whistles. Further, loud muffler noise agitate drivers as it affects hearing, vision, reaction time and judgment thereby increasing the risk of danger for everyone on the road.

This bill seeks to regulate the use of mufflers, those that are missing, defective and their modifications that increases the sound emitted by a motor vehicles, contributing to noise pollution, penalizing owners and drivers that contribute to the sound that exacerbate noise pollution to our environment.

In view of the foregoing, passage of this legislations is earnestly sought.



WIN GATCHALIAN

SEVENTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]



SENATE
S.B. No. 1195

Introduced by SEN. WIN GATCHALIAN

AN ACT
PROHIBITING THE USE OF MOTOR VEHICLES WITHOUT MUFFLERS OR
THOSE THAT ARE DEFECTIVE OR HAVE BEEN MODIFIED WHICH INCREASE
THE SOUND EMITTED BY MOTOR VEHICLES, PENALIZING OWNERS AND
DRIVERS THAT CONTRIBUTE TO NOISE POLLUTION IN THE ENVIRONMENT

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

- 1 SECTION 1. **Short Title.** This act shall be known as “Muffler Act of 2016”.
- 2 SEC. 2. **Definition of Terms:**
- 3 a. Decibel – refers to a measure of sound level and is equal to 10 times the
4 logarithm of the square of a measured sound pressure level (SPL) divided
5 by a reference sound pressure.
- 6 b. Emission – refers to any measurable air contaminant, pollutant, gas
7 stream or unwanted sound from a known source which is passed into the
8 atmosphere.
- 9 c. Motorcycle – refers to any two-wheeled motor vehicle with at least one
10 headlight, taillight and stoplight, and one or more saddle seats. For
11 purposes of this Act, the term shall likewise include motorcycles to which
12 are attached cars, commonly known as “tricycles”.

- 1 d. Motor Vehicle – refers to any vehicle propelled by gasoline engine or by any
2 means other than human or animal power constructed and operated
3 principally for the conveyance of persons or the transportation of goods in
4 a public highway or street open for public use.
- 5 e. Muffler – refers to a device that reduces the noise from the exhaust of an
6 internal combustion engine.
- 7 f. Modified Muffler – refers to a devise attached to a motor vehicle on which
8 a sound booster and other sound emitting devise is installed in order to
9 increase noise and for other purposes.
- 10 g. Noise – refers to any unnecessary, erratic, discordant loud or blaring sound
11 which annoy, disturb, distract or offend the senses
- 12 h. Noise Pollution – refers to the emission of loud, excessive, disturbing,
13 unhealthy sound amplification devices or equipment and/or other sources
14 of sound such as, but not limited to commercial, industrial and
15 construction activities, vehicle exhaust, mufflers, animal noise, and noise
16 produced by human beings such as loud conversation and laughter and
17 found to exceed the normal allowable decibel ratio.
- 18 i. Nuisance – refers to anything that injures health, endangers life, offends
19 the senses or produces discomfort to the community.
- 20 j. Unnecessary Noise – refers to any unusually loud sound that annoys,
21 disturbs, or endangers the health, peace, safety and comfort of a person or
22 causes injury or harm to human beings and animals alike.

23 **SEC. 3. Declaration of Policy.** – The protection of the health and well-being
24 of the members of the community should be the primordial concern of our society,
25 hence, it is imperative that rules are laid down and observed to protect them from
26 the dangers of prolonged exposure to noise pollution by unregulated use of motor
27 vehicles which by reason of lack of maintenance, deliberate tampering or
28 inappropriate use, has missing, defective, or modified mufflers emitting loud and
29 unnecessary noise disturbing the peace and harmony of nature.

30 Acts that endanger the environment from further degradation and those that
31 are discordant with a balanced and healthful development should be controlled and

1 abated. Operators and owners of motor vehicles should be made responsible for
2 ensuring that noise from their vehicles is kept within reasonable levels.

3 SEC. 4. **Mufflers and Noise Controlling Devices.** – No motor vehicles shall
4 be allowed to be driven or operated without having been properly equipped, at all
5 times, with either a muffler or any noise dissipative device in constant operation and
6 of sufficient capacity to its motor engine to prevent the escape of excessive and
7 disturbing noise.

8 Noise control should include both the exhaust system and engine components
9 of a motor vehicle.

10 SEC. 5. **Modified and Defective Muffler.** – No motor vehicle, motorcycle,
11 motorbike, scooter, tricycle whether for private or public use shall likewise use any
12 modified muffler, sound booster or any device that will increase the noise of said
13 vehicle or emit a sound of more than seventy (70) decibels.

14 Any owner or operator of a motor vehicle who has caused or permitted a
15 vehicle to be used when its muffler or noise control equipment is defective or not
16 securely in place shall likewise be liable under this Act.

17 SEC. 6. **Reasonable Level/Decibel Standard.** – Exhaust noise should not
18 exceed the maximum prescribed level of seventy (70) decibels.

19 SEC. 7. **Exception.** – Motor vehicles not utilized for transport of goods and
20 people but are merely used for sports competition, motor shows and similar
21 endeavors are hereby exempted from this Act.

22 SEC. 8. **Noise Pollution Emission Testing.** - The Land Transportation Office
23 (LTO) shall conduct noise pollution testing upon and during yearly registration of all
24 motor vehicles in the country. It shall equip its registration centers with testing
25 meters to measure the vehicle's noise standard of a maximum of seventy (70)
26 decibels.

27 Registration shall be held in abeyance pending compliance with the standard
28 decibel requirement.

29 SEC. 9. **Penalties.** – Any person who drives a motor vehicle without a muffler,
30 a defective or modified muffler, sound booster or any device that will increase the

1 noise of said vehicle or emit a sound of more than seventy (70) decibels shall be
2 penalized as follows:

3 a. For the first offense, a fine of five thousand pesos (P5,000.00) and
4 confiscation of the modified muffler or sound booster;

5 b. For the second offense, a fine of ten thousand pesos (P10,000.00) and
6 impoundment of the motor vehicle for a period of one (1) month;

7 c. For succeeding offenses, a fine of fifteen thousand pesos (P15,000.00) and
8 suspension of the driver's license of the violator for six (6) months.

9 **SEC. 10. *Implementing Agency.*** - The Land Transportation Office (LTO) shall
10 be the lead government agency in implementing the provisions of this Act. *Provided,*
11 *that* the LTO may deputize the Metro Manila Development Authority (MMDA) agents,
12 local public safety and other officers of the LGU to assist in the implementation of
13 this Act.

14 LTO officers, MMDA agents, and local public safety and order officers, shall
15 be equipped with a decibel meter to effectively gauge the intensity of loudness of a
16 motor vehicle.

17 **SEC. 11. *Appropriations.*** - The amount needed for the initial implementation
18 of this Act shall be charged against the current year's appropriations of the LTO.
19 Thereafter, such amount as may be necessary for the continued implementation of
20 this Act shall be included in the General Appropriations Act (GAA).

21 **SEC. 12. *Implementing Rules and Regulations.*** - Within ninety (90) days
22 upon the approval of this Act, the DOTr shall, in consultation with the various
23 stakeholders, formulate the rules and regulations necessary for the proper
24 implementation of this Act.

25 **SEC. 13. *Separability Clause.*** - If any part, section or provision of this Act
26 is declared invalid or unconstitutional, the other parts thereof, not affected thereby
27 shall remain in full force and effect.

28 **SEC. 14. *Repealing Clause.*** - All laws, acts, presidential decrees, executive
29 orders, administrative orders, rules and regulations, or parts thereof, inconsistent
30 with or contrary to the provisions of this Act are hereby amended, modified or
31 repealed accordingly.

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

Approved,