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SENATE

S. B. No. 723

RECEIVED BY: _____

Introduced by SEN. SHERWIN T. 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

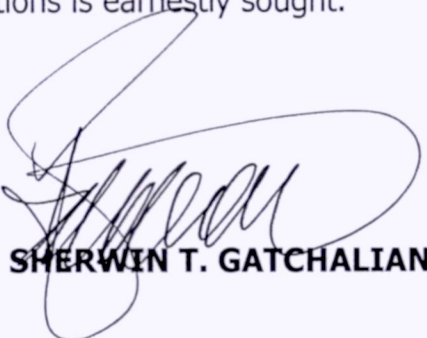
permanent hearing loss. This exposure to noise has also been associated with changes in blood pressure, other cardiovascular changes, problems with the digestive system and general fatigue.

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.




SHERWIN T. GATCHALIAN



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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 SEC. 1. **Short Title.** This act shall be known as "*Muffler Act of 2019*".
- 2 SEC. 2. **Definition of Terms:**
- 3 a. Decibel – refers to a measure of sound level and is equal to 10
- 4 times the logarithim of the square of a measured sound pressure
- 5 level (SPL) divided 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
- 8 into the atmosphere.

- 1 c. Motorcycle – refers to any two-wheeled motor vehicle with at least
2 one headlight, taillight and stoplight, and one or more saddle seats.
3 For purposes of this Act, the term shall likewise include motorcycles
4 to which are attached cars, commonly known as “tricycles”.
- 5 d. Motor Vehicle – refers to any vehicle propelled by gasoline engine
6 or by any means other than human or animal power constructed
7 and operated principally for the conveyance of persons or the
8 transportation of goods in a public highway or street open for
9 public use.
- 10 e. Muffler – refers to a device that reduces the noise from the exhaust
11 of an internal combustion engine.
- 12 f. Modified Muffler – refers to a devise attached to a motor vehicle on
13 which a sound booster and other sound emitting devise is installed
14 in order to increase noise and for other purposes.
- 15 g. Noise – refers to any unnecessary, erratic, discordant loud or
16 blaring sound which annoy, disturb, distract or offend the senses
- 17 h. Noise Pollution – refers to the emission of loud, excessive,
18 disturbing, unhealthy sound amplification devices or equipment
19 and/or other sources of sound such as, but not limited to
20 commercial, industrial and construction activities, vehicle exhaust,
21 mufflers, animal noise, and noise produced by human beings such
22 as loud conversation and laughter and found to exceed the normal
23 allowable decibel ratio.
- 24 i. Nuisance – refers to anything that injures health, endangers life,
25 offends the senses or produces discomfort to the community.
- 26 j. Unnecessary Noise – refers to any unusually loud sound that
27 annoys, disturbs, or endangers the health, peace, safety and

1 comfort of a person or causes injury or harm to human beings and
2 animals alike.

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

11 Acts that endanger the environment from further degradation and
12 those that are discordant with a balanced and healthful development should
13 be controlled and abated. Operators and owners of motor vehicles should be
14 made responsible for ensuring that noise from their vehicles is kept within
15 reasonable levels.

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

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

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

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

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

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

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

14 Registration shall be held in abeyance pending compliance with the
15 standard decibel requirement.

16 SEC. 9. **Penalties.** – Any person who drives a motor vehicle without a
17 muffler, a defective or modified muffler, sound booster or any device that will
18 increase the noise of said vehicle or emit a sound of more than seventy (70)
19 decibels shall be penalized as follows:

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

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

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

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

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

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

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

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

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

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

Approved,