



Republic of the Philippines
SANGGUNIAN PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 397 S-2008

**MANDALUYONG CITY NOISE CONTROL
REGULATIONS ORDINANCE**

BE IT ORDAINED by the Sangguniang Panlungsod of Mandaluyong in session assembled.

**ARTICLE I
DEFINITION OF TERMS**

SECTION 1. DEFENITIONS. As used in this Ordinance, the following terms shall mean and defined as follows:

- a. **ACTIVITY** – means any act or combination of sound.
- b. **AIR COMPRESSOR** – means a device which draws in air or gas, compresses it and delivers it at high pressure.
- c. **AMBIENT NOISE** – means the all-encompassing noise associated with a given environment, being usually composed of sounds from sources near and far.
- d. **APPARATUS** – means any mechanism which prevents, controls, detects, measures or records the production of sound.
- e. **CIRCULATION DEVICE** – means any device which circulates a gas or fluid, including, but not limited to any air conditioner, pump, cooling water, fan or blower.
- f. **CLAXON** – means any manually, mechanically or electrically powered device, other than an emergency signal device, including but not limited to a motor vehicle horn which is intended to, and when operated, actually does not emit a sound signal.
- g. **CONSTRUCTION** – means any or all activity except tunneling, necessary or incidental to the aeration, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, premises, parks, utility line including such line grading, excavating and filling.
- h. **CONSTRUCTION DEVICE** – means any device designed and intended for use in construction, including but not limited to any air compressor, pile driver, manual tool, bulldozer, pneumatic hammer, steam shovel, derrick, crane, steam or electric hoist.
- i. **DECIBELS** – is a measure of sound level and is equal to 10 times the logarithm of the square of a measured sound pressure level (SPL) divided by a reference sound pressure. The sound pressure is given in microbars, with the reference pressure taken as 0.0002 microbars which is generally the minimum the human ear can sense.
- j. **DECIBEL "A" (DBA)** – is the measure of the total sound level when using the "A" level network.
- k. **DEVICE** – means any mechanism which is intended to produce or which actually produces sound when operated or handled.
- l. **DWELLING** – means any building or structure occupied in whole or in part either as the temporary or permanent residence of one or more natural persons.

- m. **EMERGENCY** – means a public calamity or an exposure of any person or property to imminent danger.
- n. **EMERGENCY SIGNAL DEVICE** – means any gong, siren, whistle, or any air horn or any similar device, the use of which by authorized emergency vehicles is permitted.
- o. **LEVEL** – means the total sound level of all noise as measured with a sound level meter using "A" weighing network. The unit of measurement is the Decibel "A". "Weighing Network" means the frequency response of a sound level meter, the purpose of which is to provide a means of compensating for variation in the response of the human ear to frequency & intensity. The "A" network, for example, disregard the low frequency.
- p. **MUFFLER** – means as apparatus generally consisting of, but not limited to series of chambers of baffles for the purpose of transmitting gases while reducing sound levels.
- q. **NOISE** – means as erratic, intermittent, or statistically random oscillation, or any unwanted sound.
- r. **PAVING BEAKERS** – means any powered construction device intended to cut a trench pavement, sub-base macadam, gravel, concrete or hard ground.
- s. **SOUND** – means an oscillation in pressure, stress particle displacement, particle velocity, etc., in a medium whose internal forces (e.g. elastic, viscous) of the superposition of such propagated oscillation which evokes an auditory sensation.
- t. **SOUND LEVEL METER** – means any instrument including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of noise and sound level.
- u. **SOUND PRESSURE LEVEL (SPL)**, in decibels means sound level that is 20 times the logarithm to the base 10, of the ration of the pressure of the sound to the reference pressure, 2×10^{-4} microbars.
- v. **SOUND REPRODUCTION DEVICE** – means any device intended primarily for the production or reproduction of sound including, but not limited to any musical instrument, radio receiver, television receiver, tape recorder, phonograph or sound amplifying system.
- w. **SOUND SIGNAL** – means any sound produced by a sound signal device to transmit information.
- x. **SOUND SIGNAL DEVICE** – means a device designed to produce a sound signal when operated, including but not limited to, any claxon, air horn, whistle, boil, gong, siren, but not an emergency signal device.
- y. **SOUND SOURCE** – means any activity or device as herein defined.
- z. **UNNECESSARY NOISE** – means any excessive or unusually loud sound, or any sound which either annoys, disturbs, injures endangers the comfort, repose, health, peace or safety of a person, or which causes injury to plant or animal life, or damage to property or business.

ARTICLE II GENERAL REQUIREMENTS AND RESTRICTION

SECTION 1. The following shall be the general requirements and restrictions on noise:

- a. **BEST PRACTICABLE TECHNOLOGY.** The best available and practicable technology shall be used to control noise emissions.
- b. **NOISE LEVEL VIOLATIONS.** No person shall build, erect, construct, install or implant any new source, or operate, modify, or rebuild an existing source or by any other means cause or undertake any activity, which would result in the emission of noise, or which will, as determined by Environment Pollution Office under the City Health Department, result in ambient noise level greater than the ambient standards. Neither shall emit or cause or suffer to be emitted noise—greater in volume, intensity, or quality than the levels prescribed or tolerate noise without first obtaining a clearance from the said office. Any person who shall conduct any such activity shall be liable under this Ordinance.
- c. **MALFUNCTION REPORTING.** In the event of failure or breakdown of any emission source, noise pollution control equipment, or facility in such a manner as to cause the emission of noise level in violation of this Ordinance, the person in charge of such source, equipment, or facility shall notify the Environment Pollution Office in writing within 24 hours of such failure or breakdown, indicating all pertinent facts and other relevant information including the estimated duration of breakdown, the steps taken, if any, to correct the defects, and thereafter to submit a report whether such source equipment or facility has resumed operation.

ARTICLE III PROHIBITED ACTS

SECTION 1. The following shall constitute as prohibited acts punishable under this Ordinance:

- a. **OPERATION OR SOUND REPRODUCTION DEVICES.** No person shall operate or use or cause to be operated any sound reproduction device for any of the following purposes:
 - 1. To attract attention to any performance, show, sale, display or merchandise in connection with any commercial or business enterprise including those engaged in the sale of radios, television sets, phonographs, tape recorders, phonograph records or tapes, in front or outside of any business building, place or premises, abutting on or adjacent to a public street, park or place, or in or upon any vehicle operated, standing or being in or any public street, park or place from any stand, platform or other structure, or from any airplane or other device used for flying, or on boat for the public streets, parks or places, except the incidental sound for which a permit has been issued.
 - 2. To make noise emanating from the sound reproduction device, while on railroad or ferry or any other public conveyance, audible to another person.
 - 3. To create unnecessary noise, except when the noise is a result of the operation or use of any claxon or air horn installed in a motor vehicle to signal imminent danger, or of any steam whistle attached to any stationary boiler to give notice of the time to start and stop work or to signal eminent danger.
- b. **ANIMAL NOISE.** No person shall permit an animal or pet, including birds, under his control to cause unnecessary noise.

- c. **CONSTRUCTION, COMMERCIAL AND INDUSTRIAL ACTIVITIES.** No person shall engage in or permit any person to be engaged in construction, commercial and industrial activities where excessive noise is created, except when such activities are for the purpose of averting disasters or other emergencies preventing danger to human life, safeguarding public safety or protecting national interest and similar incidents.
- d. **HANDLING CONTAINERS AND CONSTRUCTION MATERIALS.** No person shall handle, transport or cause to be handled or transported in any public place, any container or construction material in such a way as to create unnecessary noise.
- e. **EXHAUST NOISE.** No person shall cause or permit to discharge into the open air of the exhaust of any steam engine, diesel engine, internal combustion engine, turbine engine or similar device so as to create in excess of 90 Db measured on acceleration at 10 meters distance.
- f. **NOISE EMISSION NEAR SCHOOL, HOSPITALS, COURT.** No person shall cause or permit the creation of any unnecessary noise through the use of any device on any street adjacent to any hospitals, school or court of justice.

ARTICLE IV NOISE-SENSITIVE ZONE

SECTION 1. The City of Mandaluyong, in consultation with appropriate government agencies, may designate noise-sensitive zones in any geographical area within its territorial jurisdiction where no person shall cause the creation of unnecessary noise.

A. CLASSIFICATION OF GENERAL AREAS:

For purposes of establishing surrounding ambient noise quality standards areas within the City or center of urban living the City shall classify them into:

- CLASS AA.** A section or contiguous area which requires quietness, such as areas within 100 meters from school sites, nursery schools, hospitals, and special homes for the aged.
- CLASS A.** A section or contiguous area which is primarily used for residential purposes.
- CLASS B.** A section for contiguous area which is primarily a commercial area.
- CLASS C.** A section primarily reserved as a light industrial area.
- CLASS D.** A section which is primarily reserved as a heavy industrial area.

ARTICLE V NOISE LEVEL STANDARD

SECTION 1. The maximum allowable noise levels in general areas shall be as indicated below:

ENVIRONMENTAL QUALITY STANDARDS FOR NOISE IN GENERAL AREAS			
CATEGORY OF AREA	DAY TIME	MORNING AND EVENING	NIGHT TIME
AA	50 db	45 db	40 db
A	55 db	50 db	45 db
B	65 db	60 db	65 db
C	70 db	65 db	60 db
D	75 db	70 db	65 db

1. The standards are applied to the arithmetic median of at least seven readings at the point of maximum noise level.
2. The division of the 24 hour period shall be as follows:

Morning	5:00 AM. to 9:00 AM.
Daytime	8:00 AM. to 10:00 AM.
Evening	6:00 P.M. to 10:00 P.M.
Nighttime	10:00 P.M. to 5:00 A.M.

SECTION 2. MEASUREMENT OF NOISE LEVEL.

- a. Noise level shall be measured by a standard sound level meter that meets the specifications of the American National Standards Institute (ANSI) S1.4-1971, or other specifications accepted by the Commission. The weighing network with "A" characteristics shall be used for measurement.
- b. The method of measurement of noise shall be as follows:
 1. The figure indicated by a sound level meter where its indicator shows no fluctuations or only small fluctuations.
 2. Where the indicator by a sound level meter records periodic or intermittent fluctuations with the highest peaks almost regular, the average is recorded.
 3. Where the indicator of a sound level meter records the higher end of the 90 percent range of the levels is recorded.
- c. For point of fixed sources of pollution, the noise level shall be measured at the boundary line of the factory site or establishment, or at 30 meters from the boundary of a construction site.

**ARTICLE VI
PENALTIES**

- SECTION 1.** There shall be imposed the following penalties for any violation of this Ordinance, to wit:

FIRST OFFENSE :	
a.	Fine of not less than P500.00 but not more than P1,000.00 or
b.	Imprisonment of not less than 10 days but not more than 30 days; or
c.	Both fine and imprisonment at the discretion of the court.
SECOND OFFENSE :	
a.	Fine of not less than P1,000.00 but not more than P2,000.00; or
b.	Imprisonment of not less than 30 days but not more than 90 days; or
c.	Both fine and imprisonment at the discretion of the court.

THIRD OFFENSE AND SUBSEQUENT OFFENSES :	
a.	Fine of not less than P2,000.00 but not more than P5,000.00; or
b.	Imprisonment of not less than 90 days but not more than 180 days; or
c.	Both fine and imprisonment at the discretion of the court.

SECTION 2. Fines shall equally be shared by the City Government and the Barangay where the violation was committed for the needs and/or allowances of the Barangay Tanod.

ARTICLE VII MISCELLANEOUS PROVISIONS

SECTION 1. The City Environment Pollution office under the City Health Department is hereby tasked for the proper enforcement of this Ordinance.

SECTION 2. The City Government shall procure the needed sound level meter that meets the standard specifications under Section 2(a) Article V hereof.

SECTION 3. There shall be a grace period of three (3) months from the date of enactment of this Ordinance for the conduct of massive information campaign, afterwards, penalties in accordance with Section 1 shall be imposed.

ARTICLE VIII SEPARABILITY CLAUSE

SECTION 1. If any provision or part hereof is held invalid or unconstitutional, the remainder of the ordinance or the provision not otherwise affected shall remain valid and subsisting.

ARTICLE IX REPEALING CLAUSE

SECTION 1. All provisions of orders, decrees, including rules and regulations and local legislative measure inconsistent herewith are hereby repealed or modified accordingly.

ARTICLE X EFFECTIVITY CLAUSE

SECTION 1. This Ordinance shall take effect upon its approval, and fifteen (15) days following its posting and publication in two (2) newspapers of local circulation.

ENACTED on this 14th day of April, 2008 in the City of Mandaluyong.

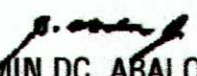
I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE
WAS ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


JIMMY D. LACEBAL
Sanggunian Secretary

APPROVED:

ATTESTED:


RENATO B. STA. MARIA
City Vice Mayor &
Presiding Officer


BENJAMIN DC. ABALOS, JR.
City Mayor

Date: APR 25 2008

JONATHAN DC. ABALOS (Official Business)
Councilor


EDWARD G. BARTOLOME
Councilor

ANTHONY DLS. SUVA (Official Business)
Councilor


CHERRY LYNN P. SANTOS
Councilor

TERESITA C. PILLAS (Sick leave)
Councilor

MICHAEL R. OCAMPO (Sick leave)
Councilor


MARIO L. DE GUZMAN
Councilor


NOEL E. BERNARDO
Councilor


SEVERO N. SERVILLON
Councilor


ROBERTO J. FRANCISCO
Councilor


ALEX I. SANTOS
Councilor


DARIUS S. APACIONADO
Councilor

JESUS C. CRUZ (Official Business)
ABC President

MARC RENNIEL V. EVANGELISTA (Absent)
SK Federation President