

19

Item No.: 19
Date: MAR 28 2023

SP Records
MAR 13 2023

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

Province of Leyte
Legal Office
Date: 7.8.23



PROVINCIAL LEGAL OFFICE

2nd Indorsement
March 2, 2023

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 083-23 of the SB of Leyte, Leyte, recommending for the declarations of its validity pursuant to its power under Section 56 (c) of R.A. 7160, the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the power essential to the promotion of the General Welfare, Health and Safety, Maintain Peace and Order, and Preserve the Comfort and Convenience of their inhabitants, authorized under Section 16 of the Code.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

Republic of the Philippines
PROVINCE OF LEYTE

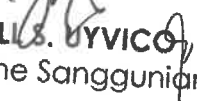
-0-

Province of Leyte
Legal Office
1:55 PM
3/1/23

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
28 February 2023

Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the
Herein **MUNICIPAL ORDINANCE NO. 083-23** of the **MUNICIPALITY OF**
LEYTE, LEYTE, to be known as: "**VIDEOKE AND LOUD AUDIO ORDINANCE**
OF THE MUNICIPALITY OF LEYTE", per Section 1, for review and
recommendations.


FLORINDA JILLS UYVICO
Secretary to the Sanggunian

VJM
SP Records
22823

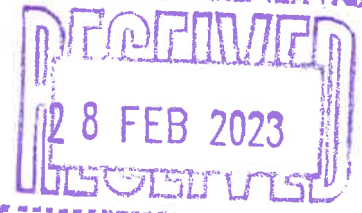


Republic of the Philippines
MUNICIPALITY OF LEYTE
LEYTE

-oOo-

Office of the Sangguniang Bayan

SANGGUNIANG PANLALAWIGAN



PROVINCE OF LEYTE

1st ENDORSEMENT
February 28, 2023

Respectfully forwarded to the Honorable Sangguniang Panlalawigan in session, through the Sangguniang Panlalawigan Secretary, Province of Leyte, Tacloban City, the herein **Municipal Ordinance No. 083-23 Entitled "AN ORDINANCE REGULATING THE USE AND OPERATION OF VIDEOKE, KARAOKE, AMPLIFIED AUDIO DEVICES AND LOUD SOUND SYSTEMS WITHIN TERRITORIAL JURISDICTION OF MUNICIPALITY OF LEYTE.**

Attached herewith are the following :

1. Municipal Ordinance No. 083-23
2. Certificate of Posting
3. Certificate of Publication (to follow)


VILMA D. COMBATE
SB Secretary



Republic of the Philippines
MUNICIPALITY OF LEYTE
L E Y T E
-oOo-

Office of the Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION BY THE SANGGUNIANG BAYAN HELD ON FEBRUARY 13, 2023 AT THE SB SESSION HALL, MUNICIPAL BUILDING, LEYTE, LEYTE

Present:

Hon. Armando M. Ysidoro, -----	Mun. Vice Mayor/Presiding Officer
Hon. Paquito D. Pelipel, Jr. -----	SB Member
Hon. Lileth I. Gatchalian, -----	-do-
Hon. Edward Jay A. Durante, -----	-do-
Hon. Rowil G. Batan, -----	-do-
Hon. Aida A. Delantar, -----	-do-
Hon. Alex A. Dagandan, -----	-do-
Hon. Eulogio E. Capacio, -----	-do-
Hon. Gualberto G. Meracap, -----	-do-
Hon. Jerry G. Apacible, -----	ABC President
Hon. Asefa Gail V. Granados -----	SK Fed. President

MUNICIPAL ORDINANCE NO. 083-23

AN ORDINANCE REGULATING THE USE AND OPERATION OF VIDEOKE, KARAOKE, AMPLIFIED AUDIO DEVICES AND LOUD SOUND SYSTEMS WITHIN THE TERRITORIAL JURISDICTION OF MUNICIPALITY OF LEYTE

WHEREAS, Section 16 of the Local Government Code of 1991 partly provides that "Every local government unit shall exercise the powers expressly granted, those necessary implied therefrom, as well as powers necessary, appropriate, incidental for the efficient and effective governance, and those which are essential to the promotion of the general welfare";

WHEREAS, Republic Act No. 386, An Act to Ordain and Institute The Civil Code Of The Philippines, Preliminary Title Chapter 1 Article 26 says: every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons. The following and similar acts, though they may not constitute a criminal offense, shall produce a cause of action for damages, prevention and other relief;

WHEREAS, the excessive, unnecessary or usually loud sound from the said audio device beyond the limit of acceptable level within residences and on the streets, is deemed as noise pollution and cause annoyances, and disturbances, and injures and endangers the comfort, health, peace and safety of others within the municipality;

WHEREAS, students now have blended learning modalities such us in person instruction, online classes, and modular learning from the comforts of their home thus necessitating a quite surrounding that is conducive to their new learning experience.

BE IT ENACTED by the Sanggunang Bayan in Session assembled, that:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the "VIDEOKE AND LOUD AUDIO ORDINANCE OF THE MUNICIPALITY OF LEYTE"

[Handwritten signatures on the right margin]

[Handwritten signature on the left margin]

[Handwritten signature on the left margin]

[Large handwritten signature on the right margin]

[Handwritten signatures at the bottom of the page]

SECTION 2. DEFINITION OF TERMS. For the purpose of interpretation of this ordinance , the following terms shall be defined as follows:

- (a) Videoke/Karaoke –an audio-visual device or machine popular in clubs, at parties, etc., in which the user sings along to pre-recorded instrumental versions of popular songs, the lyrics of which are displayed for the singer on a screen in time with the music.
- (b) Noise pollution – also known as noise disturbance; is the disturbing excessive noise level and that which can still be heard after a distance of at least 50 meters from the source.
- (c) Online class- is a course conducted over the internet. They are generally conducted through a learning management system, in which students can view their course syllabus and academic progress, as well as communicate with fellow students and their course instructor.
- (d) Sound/Audio Systems- any equipment for producing amplified sound which may include radio, cd player, televisions sets, amplified musical instruments, drums, loud speaker or other sound producing devices.

SECTION 3. ALLOWED DAY AND TIME FOR THE USE AND OPERATION OF VIDEOKE OR KARAOKE MACHINE AND OTHER AUDIO/SOUND SYSTEMS AND PROHIBITIONS.

The use and operation of videoke or karaoke, and other audio/sound systems such as amplified instruments and related devices in the municipality of Leyte may only be allowed during:

Monday to Friday from 5pm to 10pm
Saturdays, Sundays and school holidays from 10:00 am to 10:00 pm

No person shall make or cause the production of any excessive, disturbing, unreasonable and unnecessary sound in such manner or with such volume so as to annoy the quiet and comfort of a reasonable person of normal sensitivities in any dwelling or residence; or with the louder volume than is necessary for convenient hearing of the persons who are within the place in which such device or system is operated.

However, operation of videoke, karaoke machines and other audio/sound systems with amplified volume shall be prohibited within 100 meters from churches/place of worships, during worship hours.

SECTION 4. SPECIAL PERMIT FOR EARLY USE AND EXTENSION OF TIME

(a) Special Permit for the early use of videoke or karaoke machine and other amplified audio/sound systems outside of days and hours where these are prohibited must be filed with the Barangay concerned at least three (3) working days before the actual date of the activity.

(b) For Personal occasions such as Wedding celebration, Birthday, Baptism, Homecoming, Send off (Despedida) and the likes, extension of until 12:00 midnight may be granted by securing an extension permit from the respective Barangay. The applicant must fill up an application form provided by the barangay and file it with the barangay at least three (3) working days before the actual date of the activity. The form should include the following information:

- Name of Applicant ,
- Address , Contact No.,
- Nature of the Activity ,
- Type of audio device to be used/Number Videoke machine (1)
- Specific location where audio device will be used
- Date and time during which the device will be used
- Others

[Handwritten signatures and initials on the right margin]

[Handwritten signature on the left margin]

[Handwritten signatures and initials at the bottom of the page]

SECTION 5. EXEMPTION

This ordinance shall not apply for special occasions such as: Christmas, New Year, Fiesta celebration, Religious activities, Political rallies, election-related activities, barangay sponsored events and the like including the night before said occasion. In such case the operation of Videoke and other loud amplified sound is allowed under the supervision of the Barangay so as not to deprive neighbors of a night sleep and rest.

SECTION 6. VIDEOKE AND KARAOKE BUSINESSES

(a) Existing businesses or establishments that are engaged in entertainment and located in dense mixed-use zones (commercial-institutional-residential) are required to provide effective soundproofing of their venues to maintain the tolerable noise level outside their establishments. When compliant, these businesses may operate beyond the prescribed day and time.

(b) Existing businesses or establishments that are engaged in entertainment and located in so called entertainment districts and/or far away from residential areas may be allowed not to soundproof their venues. When inspected and found compliant these businesses may operate beyond the prescribed day and time.

SECTION 7. FACTORS TO CONSIDER

In determining whether the sound is excessive, disturbing, unreasonable and/or unnecessary, and therefore considered as "noise pollution", the following factors incident to such sound may be considered, to wit:

- (a) Time and Day
- (b) Proximity to residential areas, schools or place of worship.
- (c) Whether the sound is recurrent, intermittent or constant.
- (d) Whether the sound has been enhanced in volume or range by the type of electronic or mechanical means; and
- (e) The character of the area

SECTION 8. ENFORCEMENT

The Sangguniang Barangay through its Barangay Tanods shall see to it that this Ordinance is fully implemented. On-duty Barangay Tanods members shall monitor the use of videoke or karaoke and other audio/sound systems in their area of responsibility by courteously approaching and telling the concerned parties to soften, lower the volume or eventually turn off the sound system whenever warranted.

However, that if such reminders had been obviously ignored or taken for granted by the concerned parties, the member of the Barangay Police Tanods shall call the Leyte Police Station to intercede for and on behalf of the Barangay.

SECTION 9. PENALTIES.

(a) Any person found violating the provisions of this ordinance shall be penalized by a fine of:
1st Offense - One Thousand Pesos (Php 1,000)
2nd Offense - Two Thousand Pesos (Php 2,000)
3rd Offense - Two Thousand Five Hundred Pesos (Php 2,500)

(b) Any business found violating the provision under Section 6 will be penalized as follows:
1st Offense - A fine of Five Hundred Pesos (Php 500) per day until compliance
2nd Offense - Seven (7) days business suspension
3rd Offense - Revocation of business permits upon failure to comply with such requirements.

[Handwritten signatures and notes on the right margin]

[Handwritten mark on the left margin]

[Handwritten note on the left margin]

[Handwritten signatures and dates at the bottom of the page]

SECTION 10. POSTING . This Ordinance shall be conspicuously displayed in conspicuous and public places in the Municipality and be furnished to the barangays for maximum dissemination.


SECTION 11. REPEALING CLAUSE. All ordinances, local rules and regulations which are inconsistent with or contrary to the provisions of this Ordinance are hereby modified, amended, or repealed accordingly.

SECTION 12. SEPARABILITY CLAUSE. If any provision or section of this ordinance is declared unconstitutional or invalid by a competent court, the other provisions or sections not affected shall remain or continue to be in full force and effect.


SECTION 13. EFFECTIVITY CLAUSE- This Ordinance shall take effect after its publication in a newspaper of local circulation.

Enacted this 13th day of February 2023 at Leyte, Leyte, Philippines


PAQUITO D. PELIPEL, JR.
SB Member


LILETH I. GATCHALIAN
SB Member


EDWARD JAY A. DURANTE
SB Member

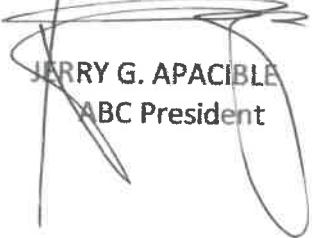

ROWIL G. BATAN
SB Member


AIDA A. DELANTAR
SB Member


ALEX A. DAGANDAN
SB Member


EULOGIO E. CAPACIO
SB Member

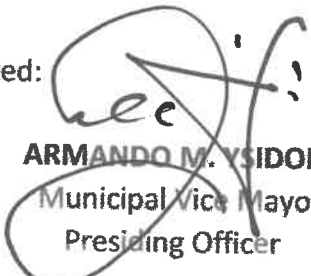

GUALBERTO G. MERACAP
SB Member


JERRY G. APACIBLE
ABC President

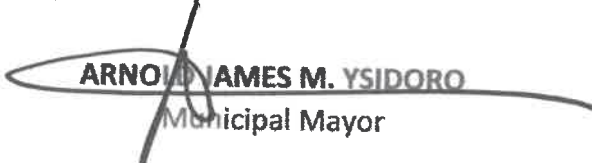

ASEFA GAL V. GRANADOS
SK Fed. President

Certified Correct:


VILMA D. COMBATE
SB Secretary

Attested: 
ARMANDO M. YSIDORO
Municipal Vice Mayor
Presiding Officer

Approved:


ARNOLD JAMES M. YSIDORO
Municipal Mayor



Republic of the Philippines
MUNICIPALITY OF LEYTE
L E Y T E
-oOo-

Office of the Sangguniang Bayan

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Municipal Ordinance No. 083-23: " AN ORDINANCE REGULATING THE USE AND OPERATION OF VIDEOKE, KARAOKE, AMPLIFIED AUDIO DEVICES AND LOUD SOUND SYSTEMS WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF LEYTE.", has been posted in three (3) conspicuous places in this Municipality.

This certification is issued this 27th day of February, 2023 at Leyte, Leyte, Philippines.


VILMA D. COMBATE
SB Secretary