

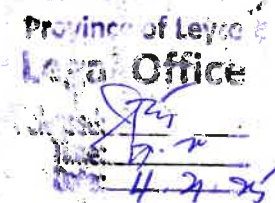
Item No.: 10
Date: 29 2025 APR



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
April 4, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 02 series of 2025 of the Sangguniang Bayan of Tabontabon, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 02 series of 2025 entitled: **“An Ordinance regulating the use and operation of motor vehicles with modified mufflers, etc.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(4)(i)¹ and (a)(1)(iii)² of the Local Government Code of 1991 (R.A 7160). Hence, we recommend for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.


ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer

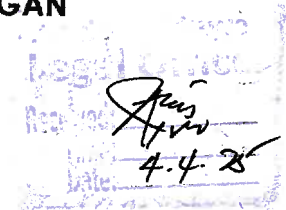
¹ (i) Declare, prevent or abate any nuisance;

² (iii) Approve ordinances imposing a fine not exceeding Two thousand five hundred pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the court, for the violation of a municipal ordinance;

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Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
04 April 2025



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 02, series of 2025 of the Municipality of Tabontabon, Leyte**, entitled: **An Ordinance regulating the use and operation of motor vehicles with modified mufflers within the Municipality of Tabontabon, Leyte, and prescribing penalties thereof.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



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Republic of the Philippines
Province of Leyte
Municipality of Tabontabon

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OFFICE OF THE SANGGUNIANG BAYAN

ID. No. 10291

14th SANGGUNIANG BAYAN

HON. PONCIANO R. JUSTIMBASTE, JR.
Municipal Vice Mayor/Presiding Officer

MEMBERS OF THE
SANGGUNIANG BAYAN

HON. HERMAN I. BIBAR
SB Member

HON. FRANCISCO M. FERNANDEZ
SB Member

HON. DAN JERIC S. REDONA
SB Member

HON. JERRY GWEN L. CONDE
SB Member

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SB Member

HON. RAUL D. BALANO
Ex-Officio Member/ABC Pres

HON. THEA JASMINE A. PRISNO
Ex-Officio Member/SK Pres.

MUNICIPAL ORDINANCE NO. 02 SERIES 2025

AN ORDINANCE REGULATING THE USE AND OPERATION OF
MOTOR VEHICLES WITH MODIFIED MUFFLERS, WITHIN
THE MUNICIPALITY OF TABONTABON, LEYTE AND
PRESCRIBING PENALTIES THEREOF.

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

WHEREAS, there is a need to make people act responsibly over the use of their motor vehicles so as not to cause disturbance and annoyance to the public;

WHEREAS, motor vehicles are originally equipped with silencers or mufflers for anti-noise pollution reason; however, a number of vehicle owners remove these silencers or modify their muffler to make the sound emitted by the exhaust pipes louder;;

WHEREAS, there are some motor vehicles with loud and roaring mufflers oftentimes causes serious discomfort especially during unholy hours and has created numerous complaints and public condemnation;

NOW THEREFORE, on motion by Hon. Danilo E. Balais and unanimously seconded;

BE IT RESOLVE, as it is hereby resolved to enact/approve Municipal Ordinance No. 02 Series of 2025 entitled "AN ORDINANCE REGULATING THE USE AND OPERATION OF MOTOR VEHICLES WITH MODIFIED MUFFLERS, WITHIN THE MUNICIPALITY OF TABONTABON, LEYTE AND PRESCRIBING PENALTIES THEREOF";

BE IT ORDAINED by the Honorable Sangguniang Bayan, in its Regular Session assembled, that:

SECTION 1. SHORT TITLE: This Ordinance shall be known as the "Anti-Modified Muffler Ordinance."

Serbisyo nga Tangkud Para han Bungtohanon

Municipal Hall, Real St. Poblacion District III, Tabontabon, Leyte

1 Sangguniang Bayan Tabontabon



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SECTION 2. DEFINITION OF TERMS

- a. DECIBEL - refers to any measure of sound level and is equal to 10 times the logarithm of the square of a measured sound pressure level (SPL) divided by reference sound pressure.
- b. EMISSION - refers to any measurable air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere,
- c. MOTOR VEHICLE - is a self-propelled road vehicle and off-road vehicle commonly wheeled, that does not operate on rails such as trains or trams and used for commercial purposes on the highways in the transportation of passengers, on passenger and property.
- d. MUFFLER - refers to a device that reduces the noise from the exhaust of an internal combustion engine.
- e. MODIFIED MUFFLER - refers to a device attached to a motor vehicle on which a sound booster and other sound emitting device is installed in order to increase noise and for other purposes.
- f. NOISE - refers to any unnecessary, erratic, discordant loud or blaring sound which annoy, disturb, distract or offend the senses.
- g. NUISANCE - refers to anything that injures health, endangers life, offends the senses or produces discomfort to the community.

SECTION 3. SCOPE

- a. All motor vehicle owners/drivers;
- b. Having a modified muffler;
- c. Mufflers emitting excessive and unreasonable loud noises;
- d. Travelling within the territorial jurisdiction of this municipality.

Serbisyo nga Tangkud Para hin Bungtohanon

Municipal Hall, Real St. Poblacion District III, Tabontabon, Leyte

1 Sangguniang Bayan Tabontabon



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OFFICE OF THE SANGGUNIANG BAYAN

ID. No. 10291

14th SANGGUNIANG BAYAN

HON. PONCIANO R. JUSTIMBASTE, JR.
Municipal Vice Mayor/Presiding Officer

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Ex-Officio Member/SK Pres.

SECTION 4. DECLARATION OF POLICY:

It shall be the policy of the municipality of Tabontabon, Leyte to adhere, promote, uphold and maintain orderly and peaceful environment within its territorial jurisdiction for the general welfare of its constituents particularly the elderly.

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

SECTION 5. PROHIBITIONS, except otherwise, it shall be unlawful to:

- Any person to use or operate any motor vehicle so modified or with removed muffler as to cause loud and unnecessary or unreasonable noise resulting from exhaust, which is clearly audible from nearby properties and unreasonable disturbance to the quiet, comfort or repose of other person.
- Any person to use or operate any motor vehicle that emits noise higher than 80 dB (A) even if not modified.
- Modification of mufflers that increases the noise emitted by the engine other than manufacturers design.

SECTION 6. EXCEPTION - Shall not apply to any person or organizer operating a motor vehicle during a race or competition, or a motocross competition, or while it runs a racetrack, provided however the organizer or persons has acquired a written permission from the Office of the Mayor. Such permission only extends to the organizer or persons over their motor vehicles for the specific race.

SECTION 7. PENALTY - Violation of this ordinance shall be penalized accordingly, to wit;

First Offense - Fine of One Thousand Five Hundred Pesos
(1,500.00)

Second Offense - Fine of Two Thousand Five Hundred
Pesos (2,500.00)



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Province of Leyte
Municipality of Tabontabon
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OFFICE OF THE SANGGUNIANG BAYAN

ID. No. **10290**

14th SANGGUNIANG BAYAN

HON. PONCIANO R. JUSTIMBASTE, JR.
Municipal Vice Mayor/Presiding Officer

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SB Member

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SB Member

HON. DAN JERIC S. REDONA
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Ex-Officio Member/ABC Pres

HON. THEA JASMINE A. PRISNO
Ex-Officio Member/SK Pres.

Third Offense - Fine of Two Thousand Five Hundred Pesos (2,500.00) and confiscation of modified mufflers.

SECTION 8. FORMULATION AND IMPLEMENTATION:

- To fully implement this Ordinance, the PNP Tabontabon shall coordinate with the Land Transportation Office (LTO) for the proper implementation of this ordinance.
- The Brgy. Officials within their jurisdiction, in coordination with the Brgy. Tanods shall effectively implement this ordinance and arrest the offenders and shall be responsible to deliver the same to the authorities mentioned.

SECTION 9. INITIAL FUNDING - Funding shall be sourced-out for the procurement of sound level meter under the Office of the Municipal Mayor for the implementation of this Ordinance.

SECTION 10. SEPARABILITY CLAUSE - Should any provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, the provision not so affected shall remain valid and effective.

SECTION 11. REPEALING CLAUSE - All ordinances or parts thereof inconsistent with the provision of this ordinance are hereby repealed and modified accordingly.

SECTION 12. EFFECTIVITY CLAUSE - This ordinance shall take effect fifteen (15) days after posting and publication.

ENACTED unanimously, February 24, 2025.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

MARIA CORAZON E. BAUTISTA
Secretary to the Sangguniang Bayan

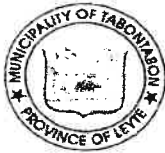
ATTESTED:

HON. HERMAN I. BIBAR
Sangguniang Bayan Member/Temp. Presiding Officer

APPROVED:

HON. EFREN D. REDONA
Municipal Mayor

MAR 14 2025



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**Republic of the Philippines
Province of Leyte
Municipality of Tabontabon**

OFFICE OF THE SANGGUNIAN BAYAN

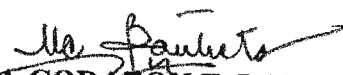
CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the herein Municipal Ordinances of the Municipality of Tabontabon, Leyte, had been posted in conspicuous places in the municipality, and all the bulletin areas in the barangays, to wit:

- 1. Municipal Ordinance No. 01 Series 2025** entitled “AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF TABONTABON, LEYTE ENGAGED IN THE MANUFACTURING, SALE AND DISTRIBUTION OF PNP UNIFORMS, INSIGNIAS AND OTHER ACCOUTREMENTS TO SECURE CERTIFICATE OF CONFORMITY”;
- 2. Municipal Ordinance No. 02 Series 2025** entitled “AN ORDINANCE REGULATING THE USE AND OPERATION OF MOTOR VEHICLES WITH MODIFIED MUFFLERS, WITHIN THE MUNICIPALITY OF TABONTABON, LEYTE AND PRESCRIBING PENALTIES THEREOF”;
- 3. Municipal Ordinance No. 03 Series 2025** entitled “AN ORDINANCE INSTITUTIONALIZING KATUWANG SA DIWA AT GAWA SA MASAGANANG ANI AT MATAAS NA KITA (KADIWA) NG PANGULO (KNP) IN THE MUNICIPALITY OF TABONTABON, LEYTE”;
- 4. Municipal Ordinance No. 04 Series 2025** entitled “AN ORDINANCE ADOPTING REPUBLIC ACT 11361 OR THE “ANTI-OBSTRUCTION OF POWER LINES ACT” AND FURTHER STRENGTHENING ITS IMPLEMENTATION IN THE MUNICIPALITY OF TABONTABON, LEYTE”;

ISSUED this 17th day of March, 2025 at Tabontabon, Leyte.


MARIA CORAZON E. BAUTISTA
Secretary to the Sangguniang Bayan