

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City



THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 2905

Introduced by Honorable JUDY JALBUENA SYJUCO

EXPLANATORY NOTE

Based on Article II, Section 16 of the Constitution, the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

As the country continues to tread towards modernization, direct consequences of such pursuit to the environment are unavoidable especially if they are uncontrolled. The consequences of development, if unchecked, may present hazards to the people. It may take the form of pollution – air, water, land and noise – which degrades the present environmental condition of the country.

Inadequately controlled or regulated pollution presents a growing danger to the health and welfare of the nation's population, particularly in urban areas. Noise pollution has been given one of the least considerations, if not no attention at all relative to regulation of unnecessary, excessive and unusual noise. The major sources of noise include transportation vehicles and equipment, machinery, appliances and other products in commerce.

Hearing loss is the most clearly observable and measurable effect of noise pollution. But as early as 1978, the US Environment Protection Agency – Office of Noise Abatement and Control recognized a growing body of evidence strongly suggests a link between exposure to noise and the development or aggravation of a number of health problems such as heart ailments, increased or high blood pressure, headaches and colitis, sleep disruption/loss and stress resulting to general reduction in the quality of life and opportunities for tranquility. Researchers have also indicated that noise negatively affects if not retards children's learning abilities and language skills.

Setting standards, procedures and prohibitions on noise levels particularly in urban areas will provide a framework through which the citizenry can enjoy life, health, comfort and safety on one's property.

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

JUDY JALBUENA SYJUCO
2nd District, Province of Iloilo

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**AN ACT REGULATING NOISE AND ITS SOURCES AND PROVIDING PENALTIES
FOR ITS VIOLATION AND FOR OTHER PURPOSES**

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

ARTICLE 1. GENERAL PROVISIONS.

Section 1. Short Title. This Act shall be known as the “*Anti-Noise Pollution Act of 2004*”.

Section 2. Declaration of Policies. (a) It is the declared policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

(b) The State shall pursue a policy of balancing development and environment protection.

(c) The State shall promote an environment for all Filipinos free from unnecessary, excessive and annoying noises that jeopardize their health or welfare.

Section 3. Definition of Terms. For purposes of this Act, the following terms are hereby defined as:

- a) “**Ambient noise**” is the composite of noise from all sources near and far and in a given environment, exclusive of occasional and transient intrusive noise sources and of the particular noise source or sources to be measured.
- b) “**Commercial Purpose**” is the use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, goods, or services, or for the purpose of attracting the attention of the public to, advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.
- c) “**Decibel**” (dB) is a unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base (10) of this ratio.
- d) “**Emergency Work**” is work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or

property from an imminent exposure to danger, or work by private or public utilities when restoring utility service.

- e) **"Impulsive Sound"** is sound of short duration, usually less than one second, with an abrupt onset and rapid decay. By way of example "impulsive sound" shall include, but shall not be limited to, explosions, musical base drum beats, or the discharge of firearms.
- f) **"Motor Vehicle"** includes, but shall not be limited to, automobiles, trucks, motorcycles, minibikes and go-carts.
- g) **"Noncommercial Purpose"** is the use, operation, or maintenance of any sound equipment for other than a "commercial purpose". "Non-commercial purpose" shall mean and include, but shall not be limited to philanthropic, political, patriotic, and charitable purposes.
- h) **"Octave Band Noise Analyzer"** is an instrument for measurement of sound levels in octave frequency bands which satisfies the pertinent requirements for Class II octave band analyzers of the American National Standard Specifications for Octave, Half-Octave, and Third-Octave Band Filters, S1. 11-1966 or the most recent revision thereof.
- i) **"Person"** is a person, firm, association, co-partnership, joint venture, corporation, or any entity, private or public in nature.
- j) **"Sound Amplifying Equipment"** is any machine or device for the amplification of the human voice, music or any other sound, but shall not include:
 - 1. Automobile radios, stereo players or television receivers when used and heard only by the occupants of the vehicle in which the same is installed.
 - 2. Radio, stereo players, phonographs or television receivers used in any house or apartment within any residential zone or within 500 feet thereof.
 - 3. Warning devices on emergency vehicles.
 - 4. Horns or other warning devices authorized by law on any vehicle when used for traffic purposes.
- k) **"Sound Level"** (Noise level) in decibels (dB) is the sound measured with the "A" weighting and slow responses by a sound level meter; except for impulsive or rapidly varying sounds, the fast response shall be used.
- l) **"Sound Level Meter"** is an instrument including a microphone, an amplifier, an output meter, and "A" frequency weighting network for the measurement of sound levels.
- m) **"Sound Truck"** is any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, which carries, is equipped with, or which has mounted thereon, or attached thereto, any sound amplifying equipment

Section 4. Sound Level Measurement Procedure and Criteria. a) Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using the "A" weighting and response as indicated in Article 1 Section 3(k). Except when impractical, the microphone shall be located four to five feet above the ground and ten feet or more from the nearest reflective surface. However, in those

cases where another elevation is deemed appropriate, the latter shall be utilized. Interior sound level measurements shall be made at a point at least four feet from the wall, ceiling, or floor nearest the noise source. Calibration of the sound level meter, utilizing an acoustic calibrator shall be performed immediately prior to recording any sound level data. The ambient noise level and the level of a particular noise being measured shall be the numerical average of noise measurements taken at a given location during a given time period.

b) Where the sound alleged to be offending is of a type or character set forth below, the following values shall be added to the sound level measurement of the offending noise:

1. Except for noise emanating from any electrical transformer or gas metering and pressure control equipment existing and installed prior to the effective date of the ordinance enacting this chapter, any steady tone with audible fundamental frequency or overtones have 200 Hz.....+5
2. Repeated impulsive noise.....+5
3. Noise occurring more than 5 but less than 15 minutes in any period of 60 consecutive minutes between the hours of 7:00 a.m. and 10:00 p.m. of any day.....-5
4. Noise occurring five minutes or less in any period of 60 consecutive minutes, between the hours of 7:00 a.m. and 10:00 p.m. of any day-5

c) For those cases where an objectionable noise is clearly audible, but where the level of ambient noise does not permit direct quantitative sound level "A" measurements of the objectionable noise, sound measurements may be performed utilizing an octave band sound analyzer to determine sound level "A" limits as indicated in the Table I below. This table is used to convert the sound pressure level meter readings in dB for each band to SPL in dB(A) for each band.

**TABLE I
OCTAVE BAND NOISE VALUES CORRESPONDING TO SOUND LEVEL "A"
VALUES**

Sound Level	Octave Band Sound Pressure Level, dB re .0002 dyne/cm ² Octave Band Center Frequency in Hz								
"A"	31.5	63	125	250	500	1000	2000	4000	8000
35	58	50	42	35	32	29	26	23	20
40	61	54	46	40	37	34	31	28	25
45	64	58	51	45	42	39	36	33	30
50	67	61	55	50	47	44	41	38	35
55	70	64	60	55	52	49	46	43	40
60	73	68	64	60	57	54	51	48	45
65	76	72	68	65	62	59	56	53	50
70	79	76	73	70	67	64	61	58	55
75	84	81	78	75	72	69	66	63	60

Section 5. Minimum Ambient Noise Level. Where the ambient noise level is less than the presumed ambient noise level designated in this section, the presumed ambient noise level in this section shall be deemed to be the minimum ambient noise level.

ARTICLE 2. REGULATION OF NOISE AND NOISE SOURCES.

Section 1. Loud, Unnecessary and Unusual Noise. It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- a) The level of noise;
- b) Whether the nature of the noise is usual or unusual;
- c) Whether the origin of the noise is natural or unnatural;
- d) The level and intensity of the background noise, if any;
- e) The proximity of the noise to residential sleeping facilities;
- f) The nature and zoning of the area within which the noise emanates;
- g) The density of the inhabitation of the area within which the noise emanates;
- h) The time of the day and night the noise occurs;
- i) The duration of the noise;
- j) Whether the noise is recurrent, intermittent, or constant; and
- k) Whether the noise is produced by a commercial or noncommercial activity.

Section 2. Radios, Television Sets, and Similar Devices.

a) It shall be unlawful for any person to use or operate any radio, musical instrument, phonograph, television receiver, or other machine or device for the producing, reproducing or amplification of the human voice, music, or any other sound, in such a manner, as to disturb the peace, quiet, and comfort of neighbor occupants or any reasonable person residing or working in the area.

b) Any noise level caused by such use or operation which is audible to the human ear at a distance in excess of 150 feet from the property line of the noise source, within any residential zone or within 500 feet thereof, shall be a violation of the provisions of this section.

c) Any noise level caused by such use or operation which exceeds the ambient noise level on the premises of any other occupied property, or if a condominium, apartment house, duplex, or attached business, within any adjoining unit, by more than five (5) decibels shall be a violation of the provisions of this section.

Section 3. Air Conditioning, Refrigeration, Heating, Pumping, Filtering Equipment. a) It shall be unlawful for any person to operate any air conditioning, refrigeration or heating equipment for any residence or other structure or to operate any pumping, filtering or heating equipment for any pool or reservoir in such manner as to

create any noise which would cause the noise level on the premises of any other occupied property or if a condominium, apartment house, duplex, or attached business, within any adjoining unit to exceed the ambient noise level by more than five (5) decibels.

b) This section shall not be applicable to emergency work as defined in Article 1 Section 3(d) of this Act, or to periodic maintenance or testing of such equipment reasonably necessary to maintain such equipment in good working order.

Section 4. Construction Noise. Noise due to construction or repair work shall be regulated by the Department of Public Works and Highway, Housing and Urban Development Coordinating Committee and Housing and Land Use Regulatory Board.

Section 5. Powered Equipment Intended for Repetitive Use in Residential Areas and Other Machinery, Equipment, and Devices. a) Between the hours of 10:00 p.m. and 7:00 a.m. of the following day, no person shall operate any lawn mower, backpack blower, lawn edger, riding tractor, or any other machinery, equipment, or other mechanical or electrical device, or any hand tool which creates a loud, raucous or impulsive sound, within any residential zone or within 500 feet of a residence.

b) No person shall operate or cause to be operated any machinery, equipment, tools, or other mechanical or electrical device, or engage in any other activity in such manner as to create any noise which would cause the noise level on the premises of any other occupied property, or, if a condominium, apartment house, duplex, or attached business, within any adjoining unit, to exceed the ambient noise level by more than five (5) decibels.

c) No gas powered blower shall be used within 500 feet of a residence at anytime with the exception of leaf vacuum devices which operate at a sound level not to exceed 45 dB(A). Both the user of such a blower as well as the employer of such user, if any, shall be subject to the requirements of and penalty provisions for this ordinance.

Section 6. Places of Public Entertainment. It shall be unlawful for any person to operate, play, or to permit the operation or playing of any radio, television receiver, phonograph, musical instrument, sound amplifying equipment, or similar device which produces, reproduces, or amplifies sound in any place of public entertainment at a sound level greater than 95dB(A) at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating:

"WARNING: SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT."

Section 7. Vehicle Repairs. It shall be unlawful for any person, within any residential property located within any residential zone or within 500 feet thereof, to repair, rebuild, reconstruct or dismantle any motor vehicle between the hours of 8:00 p.m. of one day and 8:00 a.m. of the next day in such manner:

a) That a reasonable person residing in the area is caused discomfort or annoyance;

b) That such activity is audible to the human ear at a distance in excess of 150 feet from the property line of the noise source:

c) As to create any noise which would cause the noise level on the premises of any occupied residential property, or if a condominium, apartment house or duplex, within any adjoining unit, to exceed the ambient noise level by more than five (5) decibels.

Section 8. Motor Driven Vehicles. It shall be unlawful for any person to unreasonably operate any motor driven vehicle upon any property or to unreasonably accelerate the engine of any vehicle, or unreasonably sound, blow or operate the horn or other warning device of such vehicle in such manner:

a). As to disturb the peace, quiet and comfort of any neighborhood or of any reasonable person residing in such area

b). That such activity is audible to the human ear at a distance in excess of 150 feet from the property line of the noise source;

c). As to create any noise which would cause the noise level on the premises of any occupied residential property, or if a condominium, apartment house or duplex, within any adjoining unit, to exceed the ambient noise level by more than five (5) decibels.

Section 9. Audible Advertising Devices - Commercial Food Vendors. It shall be unlawful for any person, to sound, blow or operate any music, chimes or bells, or any similar sound device, amplified or otherwise, within 200 feet of any residential building between the hours of 9:00 p.m. and 7:00 a.m. the next day.

Section 10. Vehicle Theft Alarm Systems. It shall be unlawful for any person to install, operate or use any vehicle theft alarm system that emits or causes the emission of an audible sound, which is not, or does not become, automatically and completely silenced within five minutes. The time period shall be calculated based upon the emission of the first audible sound and shall end five minutes thereafter notwithstanding any variation or stoppage in the emissions of audible sound. Violation of this section shall constitute an infraction.

Section 11. Amplified Sound. While recognizing that certain uses of sound amplifying equipment are protected by the constitutional rights of freedom of speech and assembly, it would be reasonable to regulate the use of sound amplifying equipment in order to protect the correlative constitutional rights of other citizens to privacy and freedom from public nuisance of loud and unnecessary noise.

It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, or permittees duly authorized to use the same to install, use, or operate a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any public street, alley, side walk, park or place, or other public property except when installed, used or operated in compliance with the following provisions:

a) In all residential zones and within 500 feet thereof, no sound amplifying equipment shall be installed, operated or used for commercial purposes at any time.

b) The operation or use of sound amplifying equipment for noncommercial purposes in all residential zones and within 500 feet thereof, except when used for regularly scheduled operative functions by any school or for the usual and customary purposes of any church, is prohibited between the hours of 4:30 p.m. and 9:00 a.m. of the following day.

c) In all other zones, except such portions thereof as may be included within 500 feet of any residential zone, the operation or use of sound amplifying equipment for commercial purposes is prohibited between the hours of 9:00 p.m. and 8:00 a.m. of the following day.

d) In all other zones, except such portions thereof as may be included within 500 feet of any residential zone, the operation or use of sound amplifying equipment for noncommercial purposes is prohibited between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

e) The only sounds permitted shall be either music, human speech, or both.

f) Sound emanating from sound amplifying equipment shall be limited in volume, tone and intensity as follows:

1. The sound shall not be audible at a distance in excess of 200 feet from the sound equipment.

2. In no event shall the sound be loud and raucous or unreasonably jarring, disturbing, annoying or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

g) Except as provided in (b) above, no sound amplifying equipment shall be operated upon any property adjacent to and within 200 feet of any hospital grounds or any school or church building while in use.

ARTICLE 3. ENFORCEMENT

Section 1. *Formulation of a Comprehensive Anti-Noise Pollution Program.* There shall be a comprehensive program to be formulated by the Department of Environment and Natural Resources, Department of Health and the Department of Public Works and Highways in coordination with other government agencies and privates sector concerned within one year from the effectivity of this Act.

Section 2. *Formulation of Implementing Rules and Regulations.* The Secretary of the Department of Environment and Natural Resources within thirty (30) days from the effectivity of this Act shall promulgate the rules to implement its provisions.

ARTICLE 4. PENALTIES

Violations of any provision of this Act for which no penalty is specifically provided shall be punished by imprisonment not exceeding one (1) month or a fine not exceeding two hundred pesos (P200.00), or both such fine and imprisonment at the discretion of the court, unless a higher penalty explicitly is provided for in the Revised Penal Code or special laws.

In case any violation of this Act is committed by a partnership, corporation, association or any juridical person, the partner, president, director or manager who consents to or knowingly tolerates such violation shall be held criminally liable as a co-principal.

ARTICLE 5. APPROPRIATION

The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law and thereafter.

ARTICLE 6. SEPARABILITY CLAUSE

If any provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

ARTICLE 7. REPEALING CLAUSE

All laws, executive issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

ARTICLE 7. EFFECTIVITY

This Act shall take effect upon completion of its publication in at least two (2) national newspaper of general circulation.

APPROVED,