

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3875**



INTRODUCED BY HONORABLE GAVINI "APOL" C. PANCHO

EXPLANATORY NOTE

Our Constitution provides in Section 15 Article II that "The State shall protect and promote the right to health of the people and instill health consciousness among them." Likewise RA 8749, or the Clean Air Act, defines emissions as "any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere." Unwanted sound in this context is noise pollution.

Definitely the dangers posed by noise pollution cannot be underestimated. The World Health Organization (WHO) has earlier published a report stating that noise can impact on human health and well-being in a number of ways like annoyance reaction, sleep disturbance, interference with communication, performance effects, and effects on social behavior among others. Likewise, it is an established medical fact that exposure to noise has been associated with a range of possible physical effects like colds, blood pressure and other cardiovascular changes, problems with the digestive system and general fatigue. Moreover regular or prolonged exposure to noise beyond 80 decibels can cause permanent hearing loss.

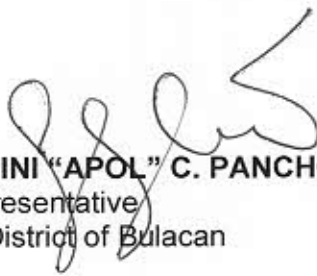
According to a 2010 study by the Asian Development Bank (ADB), most prone to the effects of noise pollution are residents in the metropolis who have to contend with the large amount of vehicular noise, particularly of the motorcycles and tricycles which have become a common choice of transportation in many communities. The ADB study showed that the tailpipe (or muffler) noise emitted by tricycles produced noise levels from as high as 97 to more than 110 decibels. The national standard for residential areas is only 60 decibels during daytime and 50 decibels during nighttime.

From the 7.7 million registered vehicles in the country last year (2013), 53 percent were motorcycles. The problem however lies not in the proliferation of motorcycles and tricycles, but in the fact that many tricycle and motorcycle owners have taken to intentionally altering their tailpipes either by removing their tailpipe silencers or putting in modified open tailpipes. These modified tailpipes are produced by local backyard manufacturers and do not conform to the nationally accepted standards.

Under RA 8749, the Department of Environment and Natural Resources (DENR) has the power to prescribe the implementing rules on, and penalize violations of noise emission standards, whether for "stationary sources" like buildings, factories, facilities or installations or for motor vehicles. Likewise the Department of Transportation and Communications (DOTC) is authorized not only to test motor vehicles for compliance with noise emission standards but also to apprehend and penalize violators. However there are no clear-cut guidelines or procedure on how these anti-noise pollution laws are to be enforced and implemented.

The purpose of this bill is to ban the use of modified/ open tailpipes to safeguard the health and welfare of our citizens and help strengthen the implementation of Republic Act 8749 together with PD 984 or the Pollution Control Law to prevent, abate and control different types of pollution; and PD 1152 or the Philippine Environmental Code which establishes the standards for acceptable noise levels for communities as well as for noise-producing equipment.

With this purpose in mind, the immediate approval of this bill is strongly requested.



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INTRODUCED BY HONORABLE GAVINI "APOL" C. PANCHO

**AN ACT PROHIBITING THE USE OF MODIFIED EXHAUST PIPES
(OPEN/LOUD PIPE) OF MOTORCYCLES AND PROVIDING PENALTIES FOR
VIOLATION THEREOF AND FOR OTHER PURPOSES**

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

SECTION 1. Short Title. --- *This Act shall be known as "Anti-modified Tail-
Pipe Act of 2014".*

SECTION 2. Declaration of Principles. *This Act is governed by the following
principles:*

- (a) Excessive noise is a serious hazard to the public health and welfare.*
- (b) Exposure to certain levels of noise can result in physiological,
psychological, and economic damage.*
- (c) There is a continuous and increasing bombardment of noise in the urban
and rural areas.*
- (d) There is currently no national legislation to provide for the control,
abatement, and prevention of unwanted and hazardous noise coming from modified
tailpipes of motorcycles and tricycle vehicles.*
- (e) The State has a responsibility to protect the health and welfare of its
citizens by the control, prevention, and abatement of noise.*
- (f) All Filipinos are entitled to a peaceful and quiet environment without the
intrusion of noise which may be hazardous to their health or welfare.*

SECTION 3. Declaration of Policy. *(a) It is hereby declared the policy of the
State to protect and promote the rights of the people to health, a balanced and
healthful ecology and instill health consciousness among them.*

(b) The State shall promote an environment for all its citizens free from unnecessary, excessive and annoying noises that put their health and welfare at risk.

(c) The State shall pursue a policy of sustainable development, balancing progress, the protection of the environment, and the health and welfare of its people.

(d) The State shall pursue the implementation of the provisions of the RA 8749 otherwise known as the Clean Air Act together; PD 984 or the Pollution Control Law; and PD 1152 or the Philippine Environmental Code which establishes the standards for acceptable noise levels for communities as well as for noise-producing equipment.

(e) Towards this end, the State shall ban the use of modified tail pipes for all motorcycles and tricycles and establish a means for effective coordination of relevant government agencies including local government units, to apprehend and penalize violators and to take such action as will be necessary to achieve the purposes of this Act.

SECTION 4. Definition of Terms. *For purposes of this Act the following terms are hereby defined as:*

- a.) **"Ambient Noise"**. --- The background noise in an area or environment, being a composite of sounds from many sources near and far.
- b.) **"Ambient Air Quality"**. -- the general amount of pollution present in a broad area; and refers to the atmosphere's average purity as distinguished from discharge measurements taken at the source of pollution;
- c.) **"Community Noise Standards"**. - Appropriate standards for community noise levels shall be established considering, among others, location, zoning and land use classification.
- d.) **"Decibel"**. -- a unit for expressing the relative intensity of sounds on a scale from zero for the average least perceptible sound to about 130 for the average pain level.
- e.) **"Emission"**. -- As defined under the Clean Air Act, any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere. For purposes of this Act, the term emission will primarily mean "unwanted sound" generated by the tailpipes of motorcycles and tricycles.
- f.) **"Employee"**. -- Includes any person whose services are used by the authority and who is, in respect of those services, subject to the direction and control of the authority.
- g.) **"Government Agencies"**. --- Refers to national, local and regional agencies and instrumentalities including government-owned and controlled corporations.

- h.) **"Modified Tailpipe"**. --- An alteration, replacement or removal of the original tailpipe or muffler/silencer or parts thereof, of a motorcycle/ tricycle vehicle.
- i.) **"Noise"**. --- Refers to any excessive undesirable sound, including that produced by persons, pets and livestock, industrial equipment, construction, motor vehicles, boats, aircraft, home appliances, electric motors, combustion engines, and any other noise-producing objects.
- j.) **"Noise Pollution"**. --- Any form of unwanted or offensive sound that unreasonably intrudes into our daily activities.
- k.) **"Sound Level"**. --- The sound pressure level (in decibels) at a point in a sound field
- l.) **"Unwanted or Disturbing Sound"**. Any sound becomes unwanted when it either interferes with normal activities such as sleeping, conversation, or disrupts or diminishes one's quality of life.

SECTION 5. Scope. *Unless specified herein this Act shall apply to all private and public motorcycle and tricycle vehicles that will be used and found anywhere in the country.*

SECTION 6. Prohibitions. (a) *No driver of a motorcycle or tricycle vehicle shall operate, or permit the operation for private and public use of said vehicle, whose tailpipe has been altered from its original configuration either through the removal or modification of the silencer/ muffler system, or replacement of the whole or any component of its tailpipe system, resulting in emissions beyond the acceptable standard of ambient noise in our residential, commercial and industrial communities.*

(b) *Service centers, commercial enterprises or any person in a personal capacity shall be prohibited from selling, manufacture and/ or installation of modified tailpipes for motorcycles and tricycles as defined under this Act.*

SECTION 7. Enforcement. (a) *The DOTC shall enforce compliance with the emission standards for motorcycle and tricycle vehicles set. The DOTC may deputize other law enforcement agencies and LGUs for this purpose. To this end, the DOTC and those that it shall deputize shall have the power to:*

(1) *Inspect and monitor the emissions of motorcycle and tricycle vehicles;*

(2) *Prohibit or enjoin the use of motorcycle and tricycle vehicles in any area or street at specified times; and*

(b) *The DOTC, together with the DENR, shall establish the procedures for the inspection of motorcycle and tricycle vehicles and the testing of their emissions for the purpose of determining compliance with the Community Noise Standards by said vehicular sources.*

(c) In this regard, the DOTC shall authorize private testing emission testing centers duly accredited by the LTO or the DENR.

(d) Likewise the DOTC together with the DENR shall develop and implement standards and procedures for the certification of training institutions, instructors and facilities and the licensing of qualified private service centers and their technicians as prerequisite for performing the testing of emissions of motorcycle and tricycle vehicles for the effective implementation of the provisions set in this Act.

(e) Concerned agencies and local government units are hereby mandated to promote, encourage and implement in their respective jurisdiction the provisions for regulation and enforcement as provide in this Act. They will also be encouraged to embark on initiatives for the development of improved methods and standards for measurement and monitoring of noise coming from motorcycles and tricycles.

(f) No motor vehicle registration (MVR) shall be issued unless such motorcycle and tricycle vehicle passes the emission testing requirement promulgated in accordance with this Act. Such testing shall be conducted by the DOTC or its authorized inspection centers within thirty (30) days prior to date of registration.

SECTION 8. Role of the Local Government Units. – the LGU's shall have the primary responsibility in the effort of enforcing the provisions of this Act and its IRR particularly along the residential areas of their respective communities. For this reason the DOTC, through the DILG, shall provide LGU's with technical assistance, trainings and continuing capability development programs to attain the objectives of this Act.

SECTION 9. Appointment of Authorized Officers. (a) The DOTC and its deputized government agencies may appoint any person (including a class of persons) as an authorized officer for the purposes of this Act.

(b) Any other regulatory authority may appoint any officer or employee of the authority (including a class of such officers or employees) as an authorized officer for the purposes of this Act.

(c) In addition, a regulatory authority that is a local council may appoint any officer or employee of another local council (including a class of such officers or employees) as an authorized officer for the purposes of this Act in respect of the appointing local council's area.

SECTION 10. Penalties. – The DOTC shall promulgate the necessary regulations in order to ensure that such vehicles will conform to the emissions which they were certified to meet. Penalties for those violating the provisions of this Act shall be imposed together with other penalties as maybe applicable under the Clean Air Act, and other national and local laws or ordinances. The imposition of the appropriate fines and penalties for any violation of emission standards under this Act shall be under the jurisdiction of the DOTC.

SECTION 11. Appropriations. The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriation of the concerned government agencies. Thereafter, such sums as may be necessary for

the operation and maintenance of this Act shall be included in the General Appropriations Act.

SECTION 12. *Implementing Rules and Regulations.* *Within ninety (90) days after the effectivity of this Act, the DOTC, together with the DENR, DILG and the MMDA, shall promulgate the implementing rules and regulations governing this Act.*

SECTION 13. *Separability Clause.* *If for any reason, any provision of part hereof is declared invalid, the other provisions not affected thereby shall remain in full force and effect.*

SECTION 14. *Repealing Clause.* – *Any provision of the law, presidential decree, executive orders, rules and regulations contrary to the provision of this Act is hereby repealed, amended or modified accordingly.*

SECTION 15. *Effectivity.* – *This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.*

Approved,