



MAKATI CENTRAL ESTATE ASSOCIATION, INC.

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December 11, 2020

MEMORANDUM CIRCULAR 2020-20

**TO : ALL MEMBERS/BUILDING ADMINISTRATORS AND
GENERAL CONTRACTORS**

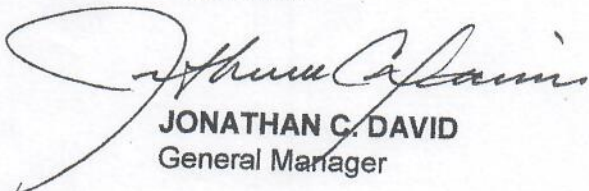
SUBJECT : CITY ORDINANCE 2018-090

We furnish you a copy of the above stated ordinance entitled "AN ORDINANCE PROHIBITING EXCESSIVE, UNNECESSARY AND UNUSUALLY LOUD SOUNDS GENERATED FROM NOISE PRODUCING EQUIPMENT AND CONTRIVANCES, AND OTHER FORM OF NOISE POLLUTION WITHIN THE CITY OF MAKATI AND FURTHER PROVIDING PENALTIES FOR VIOLATIONS, THEREOF", for your guidance.

Members are enjoined to comply with the requirements of the ordinance particularly on the running of gensets (for test runs, emission tests, preventive maintenance and repairs). We also advise all general contractors of construction projects to strictly follow what is required in the ordinance.

The necessary permit obtained from the barangay by the member-building or general contractor will suffice as far as our office is concerned and MACEA shall no longer issue a separate permit for such purpose.

Thank you.


JONATHAN C. DAVID
General Manager

AWG



Republika ng Pilipinas
LUNGSOD NG MAKATI
Republic of the Philippines
SANGGUNIAN NG PANLUNGSOD
CITY OF MAKATI

PRESENT:

Vice Mayor	MONIQUE YAZMIN MARIA Q. LAGDAMEO – Presiding Officer
Councilor	SHIRLEY C. ASPILLAGA
Councilor	MARIE ALETHEA SJ. CASAL-UY
Councilor	GRAZIELLE IONY N. DE LARA-BES
Councilor	VIRGILIO V. HILARIO JR.
Councilor	DIVINA A. JACOME
Councilor	LUIS S. JAVIER JR.
Councilor	LEONARDO M. MAGPANTAY
Councilor	ROMEO C. MEDINA
Councilor	MA. ARLENE M. ORTEGA
Councilor	NELSON S. PASIA
Councilor	MARY RUTH C. TOLENTINO
Councilor	EVELYN DELFINA E. VILLAMOR
Councilor	MARIA CONCEPCION M. YABUT
Councilor	NEMESIO S. YABUT JR.
LnB President	ARMANDO P. PADILLA
SK President	RODOLFO C. SAN PEDRO, JR.

ABSENT:

Councilor	FERDINAND T. EUSEBIO
Councilor	ENRICO J. PUNO

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On motion presented by Hon. M.C.M. Yabut, which was duly seconded by all Members present, the Sangguniang Panlungsod of Makati approved City Ordinance No. 2018-090 on third and final reading.

CITY ORDINANCE NO. 2018-090

Authors: Hon. M.C.M. Yabut, Hon. M.A.S.J. Casal-Uy, Hon. D.A. Jacome,
Hon. G.I.N. de Lara-Bes, Hon. N.S. Yabut Jr., Hon. L.S. Javier, Jr., Hon. V.V. Hilario, Jr., Hon. A.P.
Padilla, Hon. R.C. Medina, Hon. M.A.M. Ortega, Hon. N.S. Pasia
and Hon. E.D.E. Villamor

Co-Authors: Hon. S.C. Aspillaga, Hon. F.T. Eusebio, Hon. L.M. Magpantay,
Hon. E.J. Puno, Hon. M.R.C. Tolentino and Hon. R.C. San Pedro, Jr.

AN ORDINANCE PROHIBITING EXCESSIVE, UNNECESSARY, AND UNUSUALLY LOUD SOUNDS GENERATED FROM NOISE PRODUCING EQUIPMENT AND CONTRIVANCES, AND OTHER FORMS OF NOISE POLLUTION WITHIN THE CITY OF MAKATI, AND FURTHER PROVIDING PENALTIES FOR VIOLATIONS THEREOF, SUBJECT TO ALL LAWS AND EXISTING LEGAL RULES AND REGULATIONS.

WHEREAS, Sec. 16, Art. II of the 1987 Philippine Constitution provides that the "State shall protect and advance the right of the people to a balanced and healthful ecology";

WHEREAS, Sec. 6 of P.D. 1152, otherwise known as the Philippine Environmental Code of 1977, speaks of the need to "set a limit on the acceptable level of noise emitted from a given equipment for the protection of public health and welfare, considering among others, the magnitude and condition of use, the degree of noise reduction achievable through the application of best available technology and the cost of compliance;

WHEREAS, Sec. 16, of R.A. No. 7160, otherwise known as the Local Government Code of 1991, provides that "(E)very local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare";

WHEREAS, Sec. 5 (h) of R.A. No. 8749, otherwise known as the Philippine Clean Air Act of 1999, provides that "Emission" means any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere";

WHEREAS, Sec. 10 (6) of R.A. No. 7854, otherwise known as the Charter of the City of Makati, provides that the Sangguniang Panlungsod shall "(P)rotect the environment and impose appropriate penalties for acts which endanger the environment and such other activities which result in pollution, acceleration or eutrophication of rivers or of ecological imbalance";

WHEREAS, on 13 April 2011, the Sangguniang Panlungsod of Makati enacted City Ordinance No. 2011-019, which is entitled as, "An Ordinance Prohibiting Excessive, Unnecessary and Unusually Loud Sounds Generated from Videoke/Karaoke Systems or Other Amplified Audio Devices within the Residential Areas and along Public Streets in Makati City, and Further Providing Penalty for Violation Thereof, Subject to All Laws and Existing Legal Rules and Regulations."

WHEREAS, there is a growing need for the City to regulate both households and commercial establishments generating unwanted sound or noise beyond the standards provided under the National Pollution Control Commission (NPCC) Memorandum Circular No. 002 Series 1980 as it aims to be known both as the country's financial capital and leader in environmental sustainability;

WHEREAS, the residential houses in the city are in close proximity to places and/or establishments which use videoke/karaoke systems and/or any amplified audio devices for private and/or commercial purposes;

WHEREAS, likewise, according to a study by the Asian Development Bank (ADB), the millions of two-wheeled vehicles thundering through our streets and neighborhoods contribute to the noise pollution within the metropolis. The same ADB study showed that the tailpipe (or muffler) noise emitted by tricycles produced noise levels as high as 97 decibels.

WHEREAS, to protect the health and welfare of its citizens from the excessive sound and vibration and inadequately controlled noise, there is a need to further widen the scope of City Ordinance No. 2011-019 so as to cover households and commercial establishments, update the noise standards and repeal all inconsistent and obsolete Ordinances as the city aims to maintain its position as the country's premiere city, both in business and environmental protection.



NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED BY THE SANGGUNIAN PANLUNGSOD OF MAKATI, METRO MANILA, BY VIRTUE OF THE POWERS VESTED IN IT BY LAW, IN SESSION ASSEMBLED, that;

ARTICLE I GENERAL PROVISIONS

Section 1. This Ordinance shall be known as the "Anti-Noise Pollution Code of the City of Makati".

Section 2. DEFINITION OF TERMS: As used in this Ordinance, the terms below shall have the meanings ascribed to them in this Section. Any words or terms not defined shall be given their plain and customary meanings unless the context requires otherwise and shall be interpreted in a manner consistent with the purpose and spirit of this Ordinance.

- a. *Ambient Noise* - refers to the all-encompassing noise that is associated with a given environment, being usually a composite of sounds from many sources near and far.
- b. *Amplified Device*- refers to any mechanism which is intended to produce, or which actually produces, sound when operated or handled including, but not limited to, videoke /karaoke and sound amplifiers.
- c. *Decibels* - refer to a measure of sound level equal to 10 times the logarithm of the square of measures of 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 level which the human ear can sense.
- d. *Decibel meter* - refers to a sound level meter.
- e. *Dwelling* -refers to any building or structure occupied in whole or in part either as the temporary or permanent residence of an individual or a group of individuals.
- f. *Establishment* - refers to any business or commercial establishment that offers goods and/or services to the public such as apartelles, bars, beer gardens, cafés, canteens, clubs, disco houses, eateries, hotels, motels, pubs and any other establishments that use electrically amplified audio devices and sound systems such as, but not limited to, videoke / karaoke systems for any purpose.
- g. *Motor Vehicles* - refers to any vehicle propelled by any power other than muscular power which uses the public highways, but excepting road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian trucks, and cranes if not used on public highways, vehicles which run only on rails or tracks, and tractors, trailers and traction engines of all kinds which are used exclusively for agricultural purposes. Private cars, private jeepneys, utility mini-buses, passenger jeepneys, trucks of all kinds, motorcycles, and tricycles, vans, electric motorcycles, and electric cars shall be considered as vehicles.
- h. *Muffler* - refers to a device that reduces the noise from the exhaust of an internal combustion engine.



- i. *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.
- j. *Noise* - refers to any sound which annoys or disturbs humans or which causes or tend to cause an adverse psychological effect on humans.
- k. *Noise Disturbance* - refers to any noise, sound or signal which unreasonably disturbs the comfort, peace, or repose of another person or persons.
- l. *Person*- refers to any natural or juridical entity enjoying rights and who can be subjected to obligations and can enter into contract(s).
- m. *Public Right of Way* - refers to any street, avenue, alley, sidewalk or public space which has been dedicated for the use of the general public and the dedication of which has been accepted by a governmental entity.
- n. *Reasonable Person* - refers to an objective standard against which any individual's conduct can be measured. It is used to determine if a breach of the standard of care has occurred, provided a duty of care is proven. The reasonable person holds: each person owes a duty to behave as a reasonable person would under the same or similar circumstances.
- o. *Sound Level Meter or Sound Measuring Device* - refers to devices used for acoustic (sound that travels through air) measurements. It is commonly a hand-held instrument with a microphone. The diaphragm of the microphone responds to changes in air pressure caused by sound waves. That is why the instrument is sometimes referred to as a Sound Pressure Level (SPL) Meter. This movement of the diaphragm, i.e. the sound pressure deviation (pascal Pa), is converted into an electrical signal (volts V).
- p. *Unreasonably Loud* - refers to noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace and order.
- q. *Videoke/ Karaoke System*- refers to any audio-video equipment operated and built to produce images and/or lyrics of a song on a television screen to afford a person to sing along using any electronic device. Such operation may be free or for free or thru operation by dropping tokens/coins on the machine.

Whenever used herein, the masculine pronoun shall include the feminine gender, the singular number shall include the plural, and the plural shall include the singular, unless the context indicates otherwise.

Section 3. SCOPE. This Ordinance shall be applicable to the following:

- a. All persons who live or sojourn within the territorial jurisdiction of the city;
- b. Operation or use of electronically and/or mechanically amplified audio devices and sound systems such as, but not limited to, videoke / karaoke systems;
- c. Establishments which use electronically and/or mechanically amplified audio devices and sound systems such as, but not limited to, videoke/karaoke systems for any purpose;



- d. Persons and/or establishments which use construction equipment in any operation;
- e. Motor vehicle owners; and
- f. Other forms of excessive, uncontrollable and/or unnecessary sounds which annoy, disturb, injure, or endanger the comfort, health, peace, or safety of others within the city; within or outside the residence or any place / or any establishment; and along public streets, road sides or public right of way in Makati City.

Section 4. ENVIRONMENTAL QUALITY STANDARDS. Pursuant to the National Pollution Memorandum Circular No. 2 Series of 1980, the noise level standards provided therein are hereunder set forth to serve as basis of the acceptable noise level in respective circumstances. The following factors shall be considered in determining whether the sound produced in a particular area is acceptable or not.

ENVIRONMENTAL QUALITY STANDARDS FOR NOISE IN GENERAL AREAS			
Category of Area	Daytime 9:00 a.m. - 6:00 p.m.	Morning 5:00 a.m. - 9:00 a.m. Evening 6:00 p.m. - 10:00 p.m.	Night Time 10:00 p.m. - 5:00 a.m.
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

Class AA - section or contiguous area which requires quietness within one hundred meters (100 m) from schools, nursery schools, hospitals, retirement homes/homes for the aged, and places of religious worship.

Class A - section or contiguous areas primarily used for residential purposes.

Class B - section or contiguous areas that is primarily a commercial area.

Class C - section primarily reserved as a light industrial area.

Class D - section primarily reserved as a heavy industrial area.

The abovementioned classification shall be deemed to apply to public streets, road sides, and public right of way within the areas provided.

The Department of Environmental Services (DES) and/or the barangay shall use a calibrated sound level meter or sound measuring device to determine the sound level produced in the said areas.

Section 5. Operation and use of devices (i.e. videoke/karaoke, etc.) in public streets or road sides, and within or outside any place or any establishment shall be allowed only upon securing of a permit from the barangay which has territorial jurisdiction over the area and under the condition of the following period of time to wit:




Sunday to Thursday - until 10:00 PM; and
Friday to Saturday - until 12:00 midnight

ARTICLE II COMMUNITY NOISE

Section 6. REGULATED ACTIVITIES. The following acts committed by any person shall be regulated:

- (a) Use of devices within the premises of a house or property if the sound emitted therefrom reaches beyond the twenty feet (20 ft) radius from the place in which such device is located.
- (b) Use of devices within residential areas and along public streets or road sides beyond the allowable time as provided in the preceding Section, whether or not there is a permit to operate issued.
- (c) Use of devices within residential areas and along public streets or road sides located within one hundred meters (100 m) from schools, nursery schools, hospitals, retirement homes/homes for the aged, and places of religious worship.
- (d) The operating, playing, or permitting the operation of any device with such volume that annoys the quiet ambience or with a volume louder than what is necessary for convenient hearing of persons who are in the place, whether a dwelling or a residence in which such device is operated, played, or permitted to be played.
- (e) The operation of a device in such a manner as to be plainly audible at a distance of fifty feet (50 ft) from the place in which such device is located shall be a *prima facie* evidence for violation of this Ordinance.

ARTICLE III BUSINESS / COMMERCIAL ESTABLISHMENTS

Section 7. All equipment which are intended for public/commercial purposes that produce/emit sound and exceed the noise level standard provided under Section 4 of this Ordinance shall be registered with the Department of Environmental Services (DES). For this purpose, a specially made marker or label indicating the details of the particular audio equipment shall be pasted on said equipment every renewal thereafter.

Section 8. Establishments which use electrically amplified audio devices and sound systems such as, but not limited to, videoke/karaoke systems for any purpose shall likewise secure a recommendation to use the said equipment from the barangay which has jurisdiction over the area wherein such equipment shall be used. The said recommendation shall be required for the issuance of the Barangay Permit to operate.

Section 9. No permit shall be issued unless the establishments operating with audio equipment soundproof their premises in order to secure that the sound produced by their use of said equipment is contained only within the establishment's premises.

Section 10. For establishments already operating and utilizing audio equipment, they are hereby given six (6) months from the effectivity of this Ordinance to comply.

Section 11. Establishments engaged in the business of modifying mufflers are hereby enjoined to observe the regulations laid down by this Ordinance. They may continue to exercise said profession; provided however, that they inform their clients that its use in the

City of Makati is prohibited by this Ordinance. The client referred herein can only use the vehicle with modified muffler in going out of the City immediately after its dispatch from the mechanic shop.

ARTICLE IV MOTOR VEHICLES

Section 12. MUFFLERS AND NOISE CONTROLLING DEVICES. No motor vehicle shall be allowed to be driven or operated without having been properly equipped, at all times, with either a muffler or any noise dissipative device in constant operation and of sufficient capacity to its motor engine to prevent the escape of excessive and disturbing noise. Noise control should include both the exhaust system and engine components of a motor vehicle.

Section 13. MODIFIED AND DEFECTIVE MUFFLER. No motor vehicle, motorcycle, motorbike, scooter, tricycle, among others, whether for private or public use, shall likewise use any modified muffler, sound booster or any device that will increase the noise of the said vehicle or emit a sound of more than seventy (70) decibels. Any owner or operator of a motor vehicle who has caused or permitted a vehicle to be used when its muffler or noise control equipment is defective or not securely in place shall likewise be liable under this Ordinance.

Section 14. EXCEPTION. Motor vehicles which are modified and used exclusively for sports competition, motor shows and similar endeavours shall be exempted from this Ordinance: Provided, that these vehicles shall only be operated and used during the sports competition, motor shows and similar endeavours: Provided, further, that in case these vehicles shall be transported to and from the sports competition, motor shows and similar endeavours and shall use the public roads within the City of Makati for its transport, the same shall comply with the provisions of this Ordinance.

ARTICLE V CONSTRUCTION EQUIPMENT

Section 15. All operations of any tools or equipment used in construction, drilling, repair, alteration, maintenance, or demolition work such that the sound therefrom creates a noise disturbance in public streets or road sides and public right of way within the City of Makati, shall be required to secure a permit from the City and shall only be allowed upon furnishing a copy of such permit to the DES and the barangay which has territorial jurisdiction over the area wherein the intended activity is to be held.

Section 16. Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in the schedule provided under Section 4 of this Ordinance.

Section 17. WEEKDAYS. No person shall operate any tools or equipment used in construction, drilling, repair, alteration, maintenance, or demolition work in such a manner or with sound level exceeding the standards provided under Section 4 of this Ordinance, or which otherwise annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of others within the city; within or outside the residence or any place or any establishment; and along public streets, road sides or public right of way in the City of Makati on any weekday except between the hours of seven a.m. (7:00 a.m.) and seven p.m. (7:00 p.m.).

Section 18. WEEKENDS. No person shall operate any tools or equipment used in construction, drilling, repair, alteration, maintenance, or demolition work in such a manner or with sound level exceeding the standards provided under Section 4 of this Ordinance, or which otherwise annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of others within the City; within or outside the residence or any place or any

establishment; and along public streets, road sides, public right of way in the City of Makati on any on any weekend day or any holiday except between the hours of seven a.m. (7:00 a.m.) and five p.m. (5:00 p.m.).

Section 19. EXCEPTIONS. The provisions of Sections 17 and 18 of this Ordinance shall be strictly observed except in the following circumstances:

- (a) maintenance, repair or improvement of any public work or facility by the National Government, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency;
- (b) maintenance, repair or improvement of any public work or facility when such is determined by the City Government of Makati as immediately necessary to maintain public services;
- (c) maintenance, repair or improvement which cannot feasibly be conducted between the hours of seven a.m. (7:00 a.m.) and five p.m. (5:00 p.m.); or
- (d) any emergency repair and construction so as to prevent further damage to persons or properties in the occasion of any life-threatening emergencies.

ARTICLE VI OTHER FORMS OF NOISE POLLUTION

Section 20. The barangay officials are hereby directed to implement the provisions of this Article.

Section 21. ANIMAL SOUNDS. Animal or pet owners shall be responsible for the excessive, uncontrollable and/or unnecessary sounds produced by such animal which annoy, disturb, injure, or endanger the comfort, health, peace or safety of others within the city.

Section 22. HUMAN SOUNDS. No person shall produce or create excessive, uncontrollable and/or unnecessary sounds which annoy, disturb, injure, or endanger the comfort, health, peace or safety of others within the city; within or outside the residence or any place or any establishment; and along public streets, road sides or public right of way in the City of Makati.

Section 23. OTHER SOUND PRODUCING DEVICES. The operating, playing or permitting the operation of any radio, compact disc (CD) player, television set, amplified musical instruments, drums, loudspeakers, subwoofers, car stereo, or other sound producing devices in such a manner or with sound level exceeding the standards provided under Section 4 of this Ordinance, or which otherwise annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of others within the city; within or outside the residence or any place or any establishment; and along public streets, road sides or public right of way in the City of Makati shall be prohibited.

ARTICLE VII ISSUANCE OF A BARANGAY PERMIT

Section 24. APPLICATION OF PERMIT.

- (a) Pursuant to Sec. 4 of this Ordinance, the operation or use of devices in public streets or road sides and within or outside any establishment shall be allowed only upon securing of a permit from the barangay which has territorial jurisdiction over the area wherein the intended activity is to be held.

- (b) Applicants, including establishments, shall complete and fill out an application form and file the same with the barangay at least five (5) working days prior to the date of the intended activity before a permit to operate or use electronically amplified audio devices and sound system may be issued.
- (c) The application shall describe the nature of the intended activity, the type of audio device, the specific location at which such audio device is to be used or operated and such other pertinent information as necessary for the barangay to carry out its duties under this Section. Such permit may be amended by the applicant from time to time depending on the upgrade or downgrade of the intended amplified audio devices such as but not limited to videoke/karaoke system.
- (d) It shall be the duty of the barangay to monitor the activity of the grantee of the permit. On its own initiative, the trained and authorized deputy officer shall conduct testing of the noise emitted from the activity. The barangay shall position its personnel at the end of the twenty feet (20 ft) radius and from there measure the noise level.
- (e) If the noise exceeds what is allowed by this Ordinance, the barangay shall immediately notify the grantee for compliance. When the grantee refuses or fails to comply with the directive, the permit given shall be deemed voided. As such, the said activity shall be ordered to desist from continuing.
- (f) Any violation of the conditions for the issuance of the permit shall automatically void the permit issued.

Section 25. RESTRICTIONS. No permit shall be issued for the operation or use of videoke/karaoke system and other amplified audio devices for use in residential areas and along public streets or road side:

- (a) at any location where the barangay, upon investigation, shall determine that the conditions of vehicular or pedestrian traffic or both are such that the use of public street or road side will constitute serious hazards to the safety and comfort of pedestrians or vehicle operators;
- (b) at any location within one hundred meters (100 m) from schools, hospitals, retirement homes/homes for the aged, places of religious worship, or any other place where silence is expected; or
- (c) at any location where the barangay, upon investigation, shall determine that the conditions of overcrowding or other physical conditions are such that the use of public street or road side will deprive the public of the reasonable right to safe and peaceful enjoyment of any public street or other public place.

ARTICLE VIII ENFORCEMENT AND ABATEMENT

Section 26. ENFORCEMENT AND ABATEMENT. It is the duty of the barangay, Department of Environmental Services (DES), Public Safety Department (PSD), and other departments/offices authorized by the City Mayor to enforce the provisions of this Ordinance. The DES shall deputize and train the barangay personnel with regard to the conduct of proper enforcement and abatement of noise pollution.

- I. **COMMUNITY NOISE AND OTHER FORMS OF NOISE POLLUTION.** The barangay personnel shall primarily handle the complaints within their

respective territorial jurisdictions regarding the noise pollution produced as stated in Sections 6, 24, and 25 of this Ordinance.

1. Enforcement.

- a. Upon receiving the complaint, the deputized barangay personnel shall proceed to the area or household complained of and advise the owner/s of the device/s or person/s present therewith to minimize the noise;
- b. In case such person/s refuse/s to comply, the deputized barangay personnel shall seek assistance from the DES to measure the sound level of the noise created by the person/s or device/s complained of;
- c. The DES shall use a calibrated sound level meter or sound measuring device to determine the sound level produced in the areas enumerated under Section 4 of this Ordinance
- d. In case the parties cannot settle the said complaint(s), the DES will now mediate the complaints prior to filing of case(s) in court; and
- e. The barangay personnel shall record the facts of the incident and the sound level produced by the person/s or device/s complained of.

2. Abatement.

- a. Any person who violates Sections 6, 24 and 25 of this Ordinance shall receive a verbal order from the barangay to lower down the sounds or stop the use of the device/s immediately.
- b. In the event the operator/s of the device/s refuse/s to comply with the orders of the barangay, the deputized barangay personnel shall seek the assistance of DES and shall use a sound measuring device to measure the sound level of the noise created by the person/s or device/s complained of.
- c. The continued use and generation of excessive sound shall be considered a public nuisance and the law enforcement officers may assist the complainant in seeking recourse to the district health officer, with the assistance of DES, to extrajudicially abate the device without prejudice to the filing of a case in court, subject to the provisions of the New Civil Code of the Philippines and other pertinent laws.
- d. The district health officer shall determine whether or not abatement, without judicial proceedings, is the best remedy against the public nuisance.
- e. Once the extrajudicial abatement has already been granted, it shall be enforced whether or not the excessive sound ceases to exist.

- II. ANIMAL SOUNDS.** The barangay personnel shall primarily handle the complaints within their respective territorial jurisdictions regarding the noise pollution produced as provided by Section 21.

A. Enforcement and Abatement.

- a. Upon receiving the complaint regarding the noise, the deputized barangay personnel shall proceed to the area or household complained of and advise the animal owner of the complaint.
- b. The animal owner shall be directed by the deputized barangay personnel to keep the animal within their house or any place within their premises which effectively reduces the sound emitted by the said animal.
- c. In case the owner refuses to comply and in case the noise becomes a regular occurrence, the barangay officials/personnel shall secure assistance from the Makati Veterinary Services Office to allow the animal owner to consult professional veterinary service.
- d. The barangay personnel shall record the facts of the incident and the sound level produced by the animal complained of.

- III. COMMERCIAL/BUSINESS ESTABLISHMENTS.** The DES will be the primary office responsible in regulating the business/commercial establishments and or any establishments causing the noise pollution in the manner provided under Article III of this Ordinance.

A. Enforcement.

- a. The deputized barangay personnel shall receive complaints regarding noise pollution produced by equipment used in business/commercial establishments;
- b. Upon receiving the complaint, the deputized barangay personnel shall proceed to the area or establishment complained of and advise the owner of the device/s or person/s in charge therewith to minimize the noise;
- c. In case such person/s refuse/s to comply, the deputized barangay personnel shall seek the assistance of DES and shall use a sound measuring device to measure the sound level of the noise created by the equipment in the establishment complained of;
- d. The DES shall use a calibrated sound level meter or sound measuring device to determine the sound level produced in the areas enumerated under Section 4 of this Ordinance.
- e. The barangay personnel shall record the facts of the incident and the sound level produced by the equipment of the establishment complained of.

B. Abatement.

- a. Any person who violates the provisions of Article III of this Ordinance shall receive a verbal order from the Barangay to lower down the sounds or stop the use of the device immediately.
- b. In the event the establishment refuses to comply with the orders of the barangay, the deputized barangay personnel shall seek the assistance of DES and shall use a sound measuring device to measure the sound level of the noise created by the equipment in the establishment complained of and determine whether the sound produced therewith exceeds the allowable sound level in the areas enumerated under Section 4 of this Ordinance.
- c. The continued use and generation of excessive sound shall be considered a public nuisance and the law enforcement officers may assist the complainant in seeking recourse to the district health officer, with the assistance of DES, to extrajudicially abate the device without prejudice to the filing of a case in court, subject to the provisions of the New Civil Code of the Philippines and other pertinent laws.
- d. The district health officer shall determine whether or not abatement, without judicial proceedings, is the best remedy against the public nuisance.
- e. Once the extrajudicial abatement has already been granted, it shall be enforced whether or not the excessive sound ceases to exist.
- f. Responsible officer/s or owner/s must immediately stop its operation and/or use of devices which produce/s the excessive noise. Failure to comply with the order will result to a recommendation for the revocation of its business permit.

IV. MOTOR VEHICLES. Public Safety Department (PSD) shall primarily handle the complaints regarding the noise pollution produced under the circumstances provided under Article IV of this Ordinance.

A. Enforcement.

- a. Deputized personnel of the PSD shall flag down vehicles which produce excessive, uncontrollable and/or unnecessary sounds which annoy, disturb, injure, or endanger the comfort, health, peace, or safety of others within the city.
- b. The deputized personnel shall seek the assistance of DES and shall use a sound measuring device to measure the sound level of the noise created by the motor vehicle.
- c. The DES shall use a calibrated sound level meter or sound measuring device to determine the sound level produced in the areas enumerated under Section 4 of this Ordinance.

B. Abatement.

- a. Any person who violates the provisions of this Ordinance shall be issued an Official Violation Receipt (OVR) to which he shall be made liable to pay the corresponding penalties provided under Section 28 of this Ordinance and shall advise the driver or owner of the motor vehicle to remove the noise producing device on the said vehicle.
- b. In the event the driver, owner or operator of the motor vehicle violated the provisions of this Ordinance for the second (2nd) time or oftener, the deputized PSD personnel shall seek assistance from the DES to remove and confiscate the noise producing device on the said vehicle

V. CONSTRUCTION EQUIPMENT. The DES shall be the primary office responsible in regulating the use of construction equipment which cause the noise pollution in the manner provided under Article V of this Ordinance.

A. Enforcement.

- a. The deputized barangay personnel shall receive complaints regarding the noise pollution produced by the construction equipment.
- b. Upon receiving the complaint, the deputized barangay personnel shall proceed to the area or establishment complained of and advise the owner/s of the device/s or person/s in charge therewith to minimize the noise.
- c. In case such person/s refuse/s to comply, the deputized barangay personnel shall seek assistance from the DES to measure the sound level of the noise created by the construction equipment.
- d. The DES shall use a calibrated sound level meter or sound measuring device to determine the sound level produced in the areas enumerated under Section 4 of this Ordinance.
- e. The barangay personnel shall record the facts of the incident and the sound level produced by the equipment of the establishment complained of.

B. Abatement.

- a. Any person who violates the provisions of Article V of this Ordinance shall receive a verbal order from the barangay to lower down the sounds or stop the use of the device immediately.
- b. In the event the contractor/s or any responsible person/s refuse/s to comply with the orders of the barangay, the deputized barangay personnel shall seek the assistance of the DES and shall use a sound measuring device to measure the sound level of the noise created by the equipment in the establishment complained of and determine whether the

sound produced therewith exceeds the allowable sound level in the areas enumerated under Section 4 of this Ordinance.

- c. The continued use and generation of excessive sound shall be considered a public nuisance and the law enforcement officers may assist the complainant in seeking recourse to the district health officer, with the assistance of DES, to extrajudicially abate the device without prejudice to the filing of a case in court, subject to the provisions of the New Civil Code of the Philippines and other pertinent laws.
- d. The district health officer shall determine whether or not abatement, without judicial proceedings, is the best remedy against the public nuisance.
- e. Once the extrajudicial abatement has already been granted, it shall be enforced whether or not the excessive sound ceases to exist.
- f. In case the noise was produced by the operation of any tool or equipment used in construction, drilling, repair, alteration, maintenance, or demolition, the contractor/s or its responsible officer/s or owner/s must immediately stop its operation and/or use of such equipment which produce the excessive noise. Failure to comply with the order will result to a recommendation for the revocation of its building permit.

Section 27. In the abovementioned cases where a sound measuring device is necessary, the barangay may use their own sound measuring device, if there is any, to measure the sound level of the noise created in the preceding Sections without the assistance of the DES.

ARTICLE IX PENALTIES

Section 28. PENAL PROVISIONS. The following penalties will be imposed for violations of the Ordinance:

- a. Any person who violates the provisions of this Ordinance shall be liable to pay a fine of One Thousand Pesos (Php 1,000.00) or imprisonment of not more than six (6) months or both, upon the discretion of the Court.
- b. In case of establishments, a violation of any of the provisions of this Ordinance shall make the establishment liable to pay a fine of not less than Five Thousand Pesos (Php 5,000.00) or imprisonment for not less than six (6) months to be imposed against the owner/s, partner/s, general manager, or president of the establishment, or both upon the discretion of the Court. Continuous violation of the provisions of this Ordinance shall cause the revocation of its business permit issued by the City Government of Makati.
- c. In case the noise was produced by the operation of any tools or equipment used in construction, drilling, repair, alteration, maintenance, or demolition, the contractor/s of such works shall liable to pay a fine of not less than Five Thousand Pesos (Php 5,000.00) or imprisonment for not less than six (6) months to be imposed against the owner/s, partner/s, general manager, or

president of the contracting company, or both upon the discretion of the court. Continuous violation of the provisions of this Ordinance shall cause the revocation of its business permit issued by the City Government of Makati.

ARTICLE X MISCELLANEOUS PROVISIONS

Section 29. EXCEPTIONS. The provisions of this Ordinance shall not apply to any person who shall make use of any sound producing device or equipment such as, but not limited to, amplified signals from any alarm, bell, chime, siren, whistle, megaphones or similar device during emergencies and for other purposes which ensure the safety, welfare, and public health; provided, that the necessity to use such device shall be proven by the existence of an actual emergency or life-threatening situations. The exception shall likewise apply to emergency vehicle operations or actions by emergency service providers during such emergencies.

Likewise, a person may apply for a special permit from the City for the conduct of the following:

- a) Special occasions in the locality such as fiestas and other similar gatherings;
- b) Religious activities;
- c) Political gatherings or campaigns; and
- d) Other similar activities.

The copy of such permit shall be furnished to the Punong Barangay.

Section 30. APPROPRIATIONS. For the effective implementation of this Ordinance, a sum sufficient in amount shall be appropriated and included in the annual budget and/or supplemental budget of the City Government of Makati.

Section 31. SEPARABILITY CLAUSE. If for any reason/s, any part of this Ordinance is declared illegal or invalid, other parts or provisions not affected shall remain valid and in full force and effect.

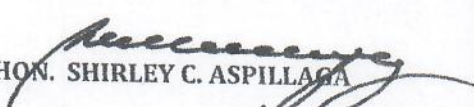
Section 32. REPEALING CLAUSE. All ordinances, resolutions and executive orders which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

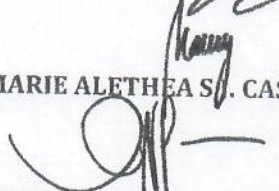
Section 33. EFFECTIVITY. This Ordinance shall take effect immediately upon its approval.

Let copies of this Ordinance be furnished the Office of the Mayor, Office of the City Administrator, Department of Environmental Services, Makati Health Department, Liga ng mga Barangay, Legal Department and other concerned offices for their information, guidance and reference.



ENACTED BY THE SANGGUNIANG PANLUNGSOD OF MAKATI, METRO MANILA, in its
Regular Session held on 17 October 2018.

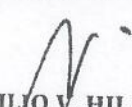

HON. SHIRLEY C. ASPILLAGA

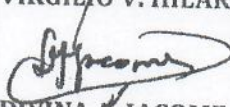

HON. MARIE ALETHEA S. CASAL-UY

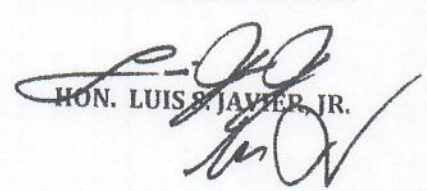

HON. GRAZIELLE IONY N. DE LARA-BES

ABSENT

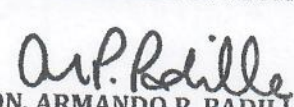
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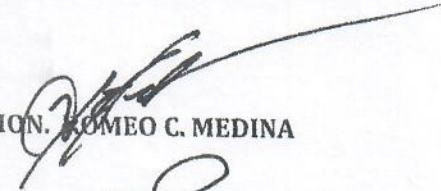

HON. VIRGILIO V. HILARIO, JR.


HON. DIVINA A. JACOME

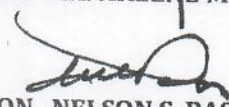

HON. LUIS S. JAVIER, JR.

HON. LEONARDO M. MAGPANTAY


HON. ARMANDO P. PADILLA
President, Liga ng mga Barangay

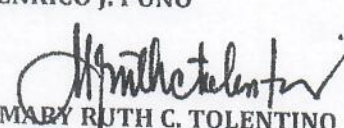

HON. ROMEO C. MEDINA

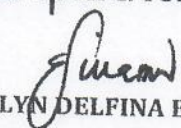

HON. MA. ARLENE M. ORTEGA

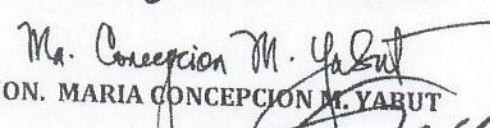

HON. NELSON S. PASIA

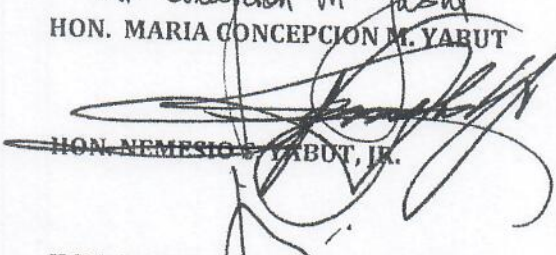
ABSENT

HON. ENRICO J. PUNO


HON. MARY RUTH C. TOLENTINO

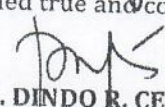

HON. EVELYN DELFINA E. VILLAMOR


HON. MARIA CONCEPCION M. YABUT

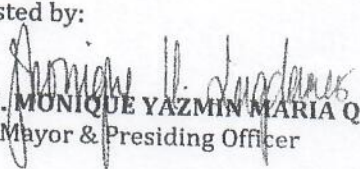

HON. NEMESIS E. YABUT, JR.

HON. RODOLFO C. SAN PEDRO, JR.
President, Sangguniang Kabataan Federation

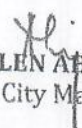
Certified true and correct by:


ATTY. DINDO R. CERVANTES
Secretary to the
Sangguniang Panlungsod

Attested by:


HON. MONIQUE YAZMIN MARIA Q. LAGDAMEO
Vice Mayor & Presiding Officer

Approved by:


HON. MAR-LEN ABIGAIL S. BINAY
City Mayor