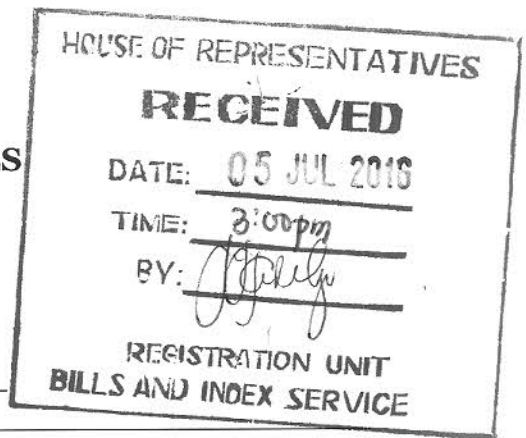


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1035



Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

AN ACT PROHIBITING THE USE OF VIDEOKE/KARAOKE SYSTEMS AND OTHER SOUND AMPLIFYING EQUIPMENT THAT CAUSE UNNECESSARY DISTURBANCE TO THE PUBLIC WITHIN THE RESIDENTIAL AREAS, AND PROVIDING PENALTIES THEREFOR

EXPLANATORY NOTE

Article 2, Section 15 of the Constitution provides that, "The State shall protect and promote the right to health of the people and instill health consciousness among them." It also provides that: "The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy." (Article II, Sec. 5).

Noise or sound pollution refers to any exposure of people or even animals to sound levels that are annoying, stressful, or damaging to a person's ears. Although loud and frightening sounds are part of nature, only in recent years has much of the world become urban, industrial, and chronically noisy.

Noise causes difficulty in conversations. It interferes with sleep and negatively impacts certain kinds of work. As a source of stress, it can promote high blood pressure and other cardiovascular problems as well as nervous disorders.


One major source of noise among residential areas in the country is caused by the use of videoke/karaoke systems. Everywhere in the Philippines, many local residents or groups are accustomed in utilizing public streets or road sides to gain wider area for a private activity or function, often making use of videoke/karaoke systems, amplified audio devices sheltered on collapsible tents as form of amusement, recreation or for private audience.

The making or creation of excessive, unnecessary or unusually loud sounds from videoke/karaoke systems or other amplified audio devices beyond limits and at unacceptable levels during unholy hours causes serious discomfort and has created numerous complaints and public condemnation as they are detrimental to public health, comfort, convenience, safety, welfare and prosperity of the general public.

Although there are existing anti-noise pollution laws in the country (i.e. the landmark Clean Air Act or Republic Act No. 8749, which regulates and controls emissions including unwanted sound from a known source that is passed into the atmosphere; Presidential Decree No. 1152 or the Philippine Environmental Code, which establishes the standards for acceptable noise levels for communities; Presidential Decree No. 984 or the Pollution Control Law, which seeks to prevent, abate and control different types of pollution including noise; and certain provisions of the Revised Penal Code), these legislations do not squarely address President Rodrigo Duterte's policy pronouncement of enforcing a 10 p.m. ban on videoke/karaoke singing as part of imposing strict discipline to make the entire country safe and orderly consistent with his Davao governance model.

In view thereof, this measure is being filed to address the problem of noise pollution in residential areas by prohibiting the use of videoke/karaoke systems and other sound amplifying equipment that cause unnecessary disturbance during specified hours of the day with the end view of protecting the welfare of the general public from the excessive sound and vibration and inadequately controlled noise which are serious hazards to health and safety and is a source of annoyance to the populace.

Hence, approval of this bill is earnestly requested.


ANGELINA "HELEN" D.L. TAN, M.D.
4th District, Quezon

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1035

Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

AN ACT PROHIBITING THE USE OF VIDEOKE/KARAOKE SYSTEMS AND OTHER SOUND AMPLIFYING EQUIPMENT THAT CAUSE UNNECESSARY DISTURBANCE TO THE PUBLIC WITHIN THE RESIDENTIAL AREAS, AND PROVIDING PENALTIES THEREFOR

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

SECTION 1. *Definition of Terms* - For purposes of this Act, the term:

(a) Reasonable person means 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. A reasonable person holds that each person owes a duty to behave as a reasonable person would under the same or similar circumstances;

(b) Sound Amplifying Equipment means any machine or device that is used for the amplification of the human voice, music or any other sound;

(c) Unnecessary Disturbance means any noise or sound that annoys or disturbs; or that creates an actual and imminent interference with peace and good order and is perceived by a reasonable person or ordinary sensibilities as interrupting the natural tranquility and calm of the area; or disturb, injure or endanger the health or safety of the public

(d) Videoke or Karaoke System means 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 or coins on the machine;

SEC. 2. *Prohibition in Making Unnecessary Disturbance to the Public.* - It shall be unlawful for any person or business establishment to cause unnecessary disturbance to the public.

The playing or operating or permitting the playing or operating of any radio, CD player, television set, amplified musical instrument, drums, loudspeaker, videoke or karaoke system, or other sound amplifying equipment shall only be allowed from eight o'clock in the morning until ten o'clock in the evening throughout the week.

The operation of such set, machine or device in such manner as to be plainly audible at a distance of 50 feet from the place in which it is located shall be *prima facie* evidence of a violation of this Act.

SEC. 3. *Penalties.* - Any person or business entity who violates the prohibition as prescribed in the preceding sections shall be punished by a fine of One Thousand Pesos (P1,000.00) or an imprisonment of not more than six (6) months or both, such fine and imprisonment at the discretion of the court.

For succeeding offenses, both penalties shall apply in addition to the revocation of the license to operate a business. If the violation is committed by a corporation, partnership, association or similar entity, the president, General Manager or most senior officers shall be held liable for the offense.

SEC. 4. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 5. *Separability Clause.* - If any part of provision of this Act shall be held unconstitutional or invalid, other provisions hereof which are not affected hereby shall continue to be in full force and effect.

SEC. 6. *Effectivity.* - This act shall take effect fifteen (15) days alter its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,