

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD AT THE SB SESSION ROOM, MUNICIPAL HALL ON TUESDAY, SEPTEMBER 6, 2016

COUN. ALVIN DALE M. SIBAL

COUN. NOEL S. RIVERA

COUN. JOSE M. SALTING, JR.

Present: Vice-Mayor William P. Cura, Presiding Officer  
Councilor Johnny M. Sales  
Councilor Ernesto M. Salting  
Councilor Alvin Dale M. Sibal  
Councilor Danilo L. Lugtu  
Councilor Reynaldo L. Pangilinan, Sr.  
Councilor Noel S. Rivera  
Councilor Ariel S. Alimurong  
Councilor Ernesto P. Go  
Councilor Jose M. Salting, Jr. President Liga ng mga Barangay

Absent : No one

***EXPLANATORY NOTE***

WHEREAS, drivers whose motorcycles create unbearable and destructing noise due to rigged exhaust system or with no working muffler continue to plague the local streets and roads thus violating peace and causing public nuisance;

WHEREAS, Municipal Ordinance No. 04-97, otherwise known as Municipal Traffic Code of Bamban imposes a penalty of One Hundred Fifty (Php150.00) Pesos or imprisonment of five (5) days or both to apprehended motorcycle owners or drivers whose motorcycles have modified mufflers, rigged exhaust system or do not have silencers;

WHEREAS, such penalty, by today's standard is considered somewhat light so that it could hardly deter any offender from committing or repeating such violation;

WHEREAS, this Body deems it necessary to impose stringent penalties to deter not only motorcycle owners/drivers but to include also drivers of private vehicles, PUJs, as well as local motorcycle shop and automotive shop owners who take part in modifying these mufflers;

NOW THEREFORE, on joint motion of Councilor Danilo Lugtu and Councilor Ernesto P. Go, duly seconded:

BE IT RESOLVED, to enact:

**MUNICIPAL ORDINANCE NO. 27-2016**

AN ORDINANCE IMPOSING STRINGENT PENALTIES TO OWNERS/DRIVERS OF PUJs, ALL KINDS OF PRIVATE VEHICLES AND SINGLE MOTORCYCLES WITH MODIFIED MUFFLERS OR RIGGED EXHAUST SYSTEM AND TO LOCAL MOTORCYCLE AND AUTOMOTIVE SHOPS MODIFYING THESE MUFFLERS

Be it enacted by the Sangguniang Bayan in session assembled, that :

Section 1. **Prohibition.** Drivers or owners of private cars, public utility jeepneys (PUJs), motorcycles and all kinds of vehicles with no working mufflers, no silencers or with rigged exhaust system or who installed noise-producing part

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or parts in their vehicles, are hereby prohibited from driving the roads and streets in the Municipality of Bamban, at any time of the day. Owners and operators of local motorcycle and automotive shops who install, or stores who sell motorcycle parts are likewise prohibited from accepting jobs of removing or modifying the mufflers of these motorcycles/ vehicles.

Section 2. **Penalties.** Violators of this ordinance shall suffer the following penalties:

**2.1 Owner/driver of motorcycle, PUJs, and other vehicles:**

**First Offense:** Impoundment of vehicle/motorcycle and on the spot destruction of the modified muffler or noise-producing part by the owner/driver himself in the presence of PNP personnel. The motorcycle/ vehicle shall only be released upon replacement of the muffler.

**Second Offense:** Similar to the penalty under first offense and Php1, 500.00

**Third & Final Offense:** Similar to the penalty under first offense and Php 2,000.00 or imprisonment of seven (7) days or both upon discretion of the court.

**2.2 Owner/operator of motorcycle/automotive shop:**

**First offense:** Five Hundred (Php500.00) Pesos

**Second Offense:** One Thousand (Php1,000.00) Pesos

**Third and final offense:** One thousand Five Hundred (Php1,500.00) Pesos and revocation of business permit.

Section 3. **Apprehension of Violators.** Aside from PNP personnel, barangay officials (kagawad and or CVOs) are hereby authorized to apprehend violators in their respective jurisdictions. The barangay officials are hereby authorized to impound and bring to the barangay hall the impounded vehicle. The offender driver shall be required to bring a replacement muffler within twenty four (24) hours. Otherwise, the vehicle shall then be turned-over to the local PNP.

Section 3.1. **Proceeds from penalties.** Proceeds shall accrue to the barangay that has jurisdiction over the road or place where the vehicle was apprehended and shall be utilized for maintenance of peace and order in that barangay, provided that since it will not form part of the general fund of the barangay, there shall be a barangay resolution approving it as such providing for its utilization. Once the vehicle is turned over to the PNP, it shall have authority to issue the traffic violation ticket and as such, the corresponding fine will accrue to the Municipal Treasury.

Section 4. **Exemption.** Drivers of motorized Tricycles-for-hire shall be exempted from the penal provisions of this ordinance and shall be instead penalized under **Section 15 of Municipal Ordinance No. 10-2012** otherwise known as “Tricycles-for-Hire Regulatory Ordinance of 2012”.

Section 5. **Modifying clause.** The provisions of Municipal Traffic Code of Bamban

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(Municipal Ordinance No. 04-97) and all other ordinances or regulations that are found inconsistent with this ordinance are hereby amended or modified accordingly.

Section 6. **Effectivity.** This Municipal ordinance shall take effect ten (10) days after copies of the approved ordinance are disseminated to the local PNP and all concerned barangay officials and posted in at least three (3) conspicuous public places in the municipality.

Certified correct:

**MARLENE C. PANGILINAN**  
SB Secretary

ATTESTED:

**WILLIAM P. CURA**  
Municipal Vice-Mayor & Presiding Officer

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