



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 820, S-2021

**AN ORDINANCE REGULATING THE USE OF
KARAOKE, VIDEOKE AND OTHER SIMILAR
MACHINES, AND DEVICES OR INSTRUMENTS
IN THE CITY OF MANDALUYONG**

WHEREAS, the 1987 Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy;

WHEREAS, Section 16 of Republic Act No. 7160 otherwise known as the "Local Government Code of 1991" states that every 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. Within their respective territorial jurisdictions, local government units shall ensure and support the promotion of health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitant;

WHEREAS, the same Code provides that the Sangguniang Panlungsod shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants, and for an efficient and effective city government, maintain peace and order by enacting measures to prevent and suppress lawlessness and disorder, regulate events or activities for amusement or entertainment which tend to disturb the community or annoy the inhabitants, and declare, prevent or abate any nuisance;

WHEREAS, on March 16, 2020, President Rodrigo Roa Duterte issued Proclamation No. 929 (s.2020) declaring a State of Calamity in the entire country for a period of six (6) months due to the COVID-19 pandemic. Such declaration was extended by the President for one (1) year from September 13, 2020 to September 12, 2021 by virtue of Proclamation No. 1021 (s.2020);

WHEREAS, one of the most affected sectors by the COVID-19 pandemic is the education sector as the President was very firm in forbidding face-to-face classes in schools until a vaccine is available in the country or until all are safe from the virus;

WHEREAS, on June 19, 2020, the Department of Education (DepEd) adopted the Basic Education Learning Continuity Plan (BE-LCP) for SY 2020-2021 in light of the COVID-19 Public Health Emergency, and it featured a shift from the traditional face-to-face classes to blended learning, which is characterized by the conduct of online classes and/or printed modules;

WHEREAS, the Department of the Interior and Local Government (DILG) urged local government units (LGUs) to enact ordinances prohibiting videoke and other loud, distracting noises during online class schedules of students and teachers;

WHEREAS, the City Government of Mandaluyong deems it necessary to regulate the use of karaoke, videoke and similar sound-producing devices, which may cause disturbance to the community and distractions to our students and teachers during their blended learning activities.

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Mandaluyong, in session assembled:

SECTION 1. TITLE. - This Ordinance shall be known as the "THE USE OF KARAOKE, VIDEOKE AND OTHER SIMILAR MACHINES, and DEVICES OR INSTRUMENTS IN THE CITY OF MANDALUYONG"

SECTION 2. DECLARATION OF POLICY. - The City of Mandaluyong values the education of Mandaleño students. It shall support and promote their welfare by providing a safe and healthy environment conducive for learning.

SECTION 3. OBJECTIVE. - This Ordinance intends to regulate the use of karaoke, videoke and similar sound-producing devices, which may cause disturbance to the community and distractions to our students and teachers in their blended learning activities and those engaged in work-from-home arrangements during the COVID-19 pandemic.

SECTION 4. DEFINITION OF TERMS. - The terms below when use in this Ordinance shall mean as follows:

- a.) Noise disturbance - means a disturbing or excessive sounds or noise level that create actual mutual or eminent interference with the peace and order which can be heard in the distance of 50 feet in which the system or sound amplify equipment is located;
- b.) Videoke, karaoke and similar sound producing devices - means any machine or device that is used for the amplification of the human voice, music or any other sound.

SECTION 5. ALLOWABLE ACTS. - Any person, found in any residential area of the City of Mandaluyong, shall be allowed to properly use karaoke, videoke or other similar machines, devices or instruments that produce a loud noise only on the following periods:

- a.) Fridays from 8:00 PM to 10:00 PM,
- b.) Saturdays from 10:00 AM to 10:00 PM,
- c.) Sundays from 10:00 AM to 8:00 PM, and
- d.) Regular holidays.

Establishments in commercial areas in Mandaluyong City may properly use karaoke, videoke and other similar machines, devices or instruments that produce a loud noise in the conduct of their business; Provided that, the owners, managers and/or employees of such establishments shall put in place appropriate measures or devices that will minimize the noise; Provided finally that, in case of failure to minimize the noise after notice, such establishment shall immediately stop and cease from further using the sound producing device, otherwise, they shall be cited for violation of the Ordinance.

SECTION 6. PROHIBITED ACTS. - Using, or abetting the use of karaoke, videoke or other similar machines, devices or instruments that produce a loud noise outside the periods mentioned in Section 5 hereof is prohibited, and the penalties in Section 10 hereof shall apply.

SECTION 7. EXEMPTIONS. - Machines, devices or instruments actually used by students and teachers for their blended learning activities shall be exempt from the implementation of the Ordinance. Public service announcements made by national and local government officials or employees using sound-producing devices shall be exempt. The use of machines, devices or instruments by religious organizations during worship service and activities related to the exercise of freedom of religion shall, likewise, be exempt.

SECTION 8. ENFORCEMENT. - The PNP-Mandaluyong, assisted by the following authorities: (a) Punong Barangay and their Barangay Tanods, (b) City Ordinance and Enforcement Division (COED), (c) Mandaluyong Action Command (MAC), and (d) Anti-Vice Division, shall enforce the Ordinance.

In implementing this Ordinance, the provisions of Ordinance No. 740, S-2019 entitled: AN ORDINANCE ESTABLISHING THE PROCEDURE IN THE IMPLEMENTATION AND ENFORCEMENT OF A CITY ORDINANCE” shall be applied; Provided that, any person who fail to comply with the given notice and continue to violate this Ordinance shall no longer be taken into custody and brought to the Mandaluyong Police Station, but shall be issued an Ordinance Violation Receipt (OVR) upon apprehension or citation.

SECTION 9. NO CONTEST PROVISION. – The No Contest Provision as provided in Ordinance No. 740, S-2019 applies to this Ordinance.

SECTION 10. PENALTIES. - Any person found violating this Ordinance shall suffer the following penalties:

a.) First Offense	Notice;
b.) Second Offense	a fine of Five Hundred Pesos (P500.00);
c.) Third Offense	a fine of One Thousand Five Hundred Pesos (P1,500.00);
d.) Fourth Offense	a fine of Three Thousand Pesos (P3,000.00); and
e.) Subsequent Offenses	a fine or Five Thousand Pesos (P5,000.00), or imprisonment of thirty (30) days, or both, at the discretion of the court.

Any commercial establishment found, after notice and hearing, violating the second paragraph of Section 5 hereof shall suffer the penalties of Five Thousand Pesos (P5,000.00) fine, and/or suspension or revocation of business permit or license.

SECTION 11. SEPARABILITY CLAUSE. - If any provision of this Ordinance is determined to be invalid, illegal or unenforceable, its remaining provisions shall remain in full force as though the Ordinance did not originally include such invalid, illegal or unenforceable provision.

SECTION 12. REPEALING CLAUSE. - All ordinances and resolutions or any part thereof which are inconsistent with the foregoing provisions are hereby repealed or modified accordingly.

 **SECTION 13. EFFECTIVITY CLAUSE. - This Ordinance shall take effect after publication in a newspaper of general circulation.**

ENACTED on this 5th day of March, 2021 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED AND APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN A SPECIAL SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

 **ATTESTED BY:**


ANTONIO DLS. SUVA
City Vice Mayor &
Presiding Officer

APPROVED:


CARMELITA A. ABALOS
City Mayor

Date: MAR 05 2021

