

HON. JULIUS G. JAMERO
SB Member

HON. JO VINCENT J. MORPOS
SB Member

HON. DEAN KAISER C. TANGALIN
SB Member

HON. FRANCIS JOERAY T. GUMBAN
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HON. DOMINGO M. GINGCO
Ex-Officio Member

HON. KIRBY TRACY V. ESTILLORE
Ex-Officio Member

JESSIE B. PALON
Secretary to the Sanggunian

HON. EDGARDO C. JAMERO
Municipal Vice Mayor

HON. GERRY T. PAGLINAWAN
Municipal Mayor

Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Dumingag
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OFFICE OF THE SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE 69th REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON APRIL 1, 2024.

OFFICERS/MEMBERS	POSITION	PRESENT	ABSENT	OB	OL
Hon. Edgardo G. Jamero	Municipal Vice Mayor	___/___	___	___	___
Hon. Julius G. Jamero	SB Member	___/___	___	___	___
Hon. Jo Vincent J. Morpos	SB Member	___/___	___	___	___
Hon. Dean Kaiser C. Tangalin	SB Member	___/___	___	___	___
Hon. Francis Joeray T. Gumban	SB Member	___/___	___	___	___
Hon. Jerson L. Cabahug	SB Member	___/___	___	___	___
Hon. Julito C. Mandac	SB Member	___/___	___	___	___
Hon. Percalixia Y. Bazar	SB Member	___/___	___	___	___
Hon. Efren A. Costanilla	SB Member	___/___	___	___	___
Hon. Domingo M. Gingco	Ex - Officio Member, LnB	___/___	___	___	___
Hon. Kirby Tracy V. Estillore	Ex - Officio Member, SK	___/___	___	___	___

Municipal Ordinance No. 11th-7-2024

AN ORDINANCE PROVIDING GUIDELINES FOR THE OPERATION OF VIDEOKE, KARAOKE, AND OTHER SOUND-PRODUCING DEVICES IN THE MUNICIPALITY OF DUMINGAG, ZAMBOANGA DEL SUR AND IMPOSING PENALTIES FOR ANY VIOLATIONS THEREOF.

SECTION 1. TITLE

This Ordinance shall be known as the "Videoke and Karaoke Ordinance" in the municipality of Dumingag, Zamboanga del Sur.

SECTION 2. LEGAL BASIS

Section 16 of the Local Government Code of 1991 or RA 7160, 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".

SECTION 3. DECLARATION OF POLICY

The municipality of Dumingag values the comfort and convenience of its constituents. With this, it is hereby declared the policy of the municipality of Dumingag to protect its people by providing legal measures in enjoying the advantages of using videoke and karaoke machines while maintaining peace and order and minimizing noise pollution.

SECTION 4. RATIONALE

Singing is a well-known medium for expressing wide range of emotions such as sadness, happiness, patriotism, love of God or even in times of grief. Videoke sing-along is undoubtedly an integral part of the Philippine culture. Over the years, videoke became a normal pastime of everyday Filipino life. Aside from the joy and entertainment videoke brings, it even became vital in the discovery and the development of Filipino singing talent. As a rural municipality, access to musical studios and vocal teacher is rare, the absence of affordable musical studios and vocal instructors often limits the opportunities for aspiring

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singers to receive formal training, as a result many individuals turn to videoke as an accessible platform for practicing and honing their singing skills. Over the years, through various success stories of many individuals, videoke proved to be a great avenue of nurturing singing talent.

This ordinance aims to solidify the significance of videoke and other sound producing devices use for karaoke and the importance of having fixed time limitations. It emphasizes the benefits of videoke in discovering and nurturing talents, maintaining peace and security, ensuring the well-being of the community and its surroundings through time limitations, and promoting socialization. By recognizing these aspects, it aims to underscore the positive impact of videoke while also addressing the need for responsible usage and consideration for the welfare of all individuals involved.

In order to mitigate and prevent any potential disturbances and conflicts within the community, this proposed ordinance emphasizes the use of open and soundproof rooms following its design time limitation. By implementing this measure, it aims to create a more harmonious environment for everyone while still enjoying the advantages that videoke machines bring. As change is the only constant and culture by nature is define as complex and dynamic, this ordinance will also highlight the evolvement of our culture over time. Furthermore, this ordinance allows the use of videoke sing-along machines and other sound producing devices use for karaoke in 23 barangays within the Ancestral Domain Area of this municipality. This signifies a significant leap forward for the municipality, as it embraces modernization while still preserving and respecting our cultural heritage.

SECTION 5. PURPOSE

- a. Ensure that peace and security is orderly maintained.
- b. To maximize videoke sing-along as avenue for discovery and honing of singing talent as well as developing the interpersonal skills of the youth.
- c. Ensure and allow the wellness of the community and its surroundings, especially nighttime.
- d. Promote harmonious neighborhood relationship by minimizing noise disturbances.
- e. Encourage social interaction and bonding among individuals without causing inconvenience to others.
- f. Prevent potential conflicts arising from prolonged karaoke sessions, which can lead to disagreements among neighbors.

SECTION 6. DEFINITION OF TERMS

- a. VIDEOKE - refers to a form of entertainment that combines video and karaoke, enabling individuals to sing along with pre-recorded music videos using a microphone and a display screen.
- b. KARAOKE MACHINE - refers to an electronic device that plays instrumental tracks of songs, allowing individuals to sing along using a microphone.
- c. SOUND-PRODUCING DEVICES - refers to any electronic or mechanical equipment capable of amplifying sound.
- d. COMMERCIAL VIDEOKE - refers to videoke or karaoke systems that are operated for profit or in a commercial establishment.
- e. OPEN ESTABLISHMENT - open establishment refers to a setting where the sound produced by the device is audible and intentionally set at a level that allows not only the participants within the establishment but also the surrounding community to hear and enjoy the songs being sung.

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- f. **SOUNDPROOF ESTABLISHMENT** - closed establishment refers to a setting where the sound does not carry beyond the confines of the venue, maintaining a quieter environment for the surrounding areas outside the establishment.

SECTION 7. REGULATORY PROVISION

- a. The commercial use and operation of videoke, karaoke machines and other sound-producing devices use for karaoke vary depending on the establishment. The establishments can be classified as either open or soundproof establishment. To regulate the operation of videoke machines and other sound devices, the following time limitations shall be observed:
- a.1. Open Establishment - The operation hours will be from 10:00 AM to 9:00 PM
- a.2. Soundproof Establishment - The operation hours will be from 10:00 AM to 10:00 PM
- b. In any residential and privately-owned places, the operation for all videoke sing-along, coin or non-coin-operated machines, and other sound producing devices use for karaoke will be from 10:00 AM to 10:00 PM.
- c. All private activities conducted within a commercial or business spaces that involve the use of videoke machines and other sound-producing devices use for karaoke, shall strictly adhere to the designated time of operation. The permitted operating hours shall be from 10:00 AM to either 9:00 PM or 10:00 PM, depending on the nature of the establishment, whether it is an open or soundproof establishment.
- d. This ordinance shall be applicable and inclusive to all 44 barangays located within the municipality.
- e. This ordinance also applies to magic sing, MP3 players, DVD players, and other sound producing devices use for karaoke.
- f. Business owners of videoke machines, karaoke machines, and other non-coin-operated machines are entitled to choose whether they will operate their business in an open or soundproof establishment provided that time limitation is observed.
- g. The operation of videoke machines, karaoke machines, and other sound-producing devices for karaoke is allowed only if they are situated at a distance of at least one hundred meters from school and church premises. However, there are exceptions to this:
- g.1. Regardless of the 100-meters proximity to a church or school, videoke machines and other sound producing devices may operate on weekends, government-declared holidays, during school vacations, and within businesses operating in soundproof establishments.
- g.2. On Sundays and Saturdays, the use and operation of videoke machines are permitted from 1:00 PM to 9:00 PM or 10:00 PM, depending on the specific establishment's policies. It's important to note that videoke and other device operation is allowed from 10:00 AM if the location is beyond the 100-meter mark from the designated worship area or if the business operates within a soundproof establishment.
- h. For businesses, strict adherence to the "No business permit, no operation" policy is required.

It is imperative to emphasize that all videoke machines, karaoke machines, and other sound-producing devices used for karaoke should be regulated to prevent disturbance. Operating them at maximum volume levels should be avoided.

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Municipal Mayor

SECTION 8. IMPLEMENTING BODY

The provisions of this Ordinance and its implementing rules and regulations shall be implemented by the Office of the Municipal Mayor (OMM) and the Barangay Captain. The enforcement of this ordinance shall be led by the Dumingag Municipal Police Station.

In cases of noise complaints, the Dumingag Municipal Police Station or the barangay officials of the relevant barangay may promptly visit the establishment in question.

SECTION 9. EXEMPTION

This provision will establish a specific time limit for various special occasions held in private and commercial settings. In such instances, the utilization of videoke machines and other sound-producing devices use for karaoke is permissible, albeit subject to the monitoring and oversight of the Dumingag Municipal Police and Barangay Officials as their presence is necessary to ascertain the authenticity of the occasion and to ensure that the residents are not deprived of a peaceful night's sleep and rest. Moreover, prior to the activity, the organizer of the events must duly inform the barangay captain about the planned activity.

The following guidelines shall be observed for the conduct of such special occasions:

SPECIAL OCCASIONS	TIME LIMITATION
1. Fiesta	On the night preceding the Fiesta, videoke is permitted until 3:00 AM of the following day, after the Fiesta has concluded.
2. Charter Day (Municipality & Barangay)	Videoke is allowed from 10:00 AM until 4:00 AM the next day.
3. Christmas	On the 24th of December, videoke is allowed from 10:00 AM until 1:00 AM of the following day or the Christmas day. On Christmas Day, videoke is permitted from 10:00 AM until 12:00 midnight.
4. New Year	On the last day of the year, the operation of videoke is allowed from 10:00 AM until 12:00 midnight.
5. Reunion/batch party	Videoke operation is permitted from 10:00 AM until 12:00 midnight.
6. Birthday	
7. Wedding/Death Anniversary	
8. Foundation Day	
9. Thanksgiving (Graduation, Dedication, Retirement, Board Passer, Bienvenida & Dispedida)	

During special occasions, especially during church masses, particularly on Fiesta, videoke establishments located outside a 100-meter radius from the designated mass venue and soundproof establishments will be allowed to operate. However, those within the 100-meter mark, if operating in an open establishment, will be prohibited.

It is imperative to acknowledge that when the clock strikes at 12:00 midnight, everyone is directed to minimize and reduce the volume of all videoke and other karaoke devices, ensuring that the residents are not deprived of their much-needed night's rest.

SECTION 10. APPLICATION OF PERMIT

The following guidelines shall be observed in the issuance of Permit:

- Except as provided under Section 7, the operation or use of videoke sing-along and other sound producing audio devices use for karaoke in public streets, roadsides,

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sidewalk, and other places/right of way, within the municipality shall be allowed only upon securing of a permit from the barangay or municipality that has jurisdiction over the place or area concerned. If the barangay has provisions regarding the issuance of such permits in its revenue code, then the permit will be issued by the barangay. However, if the barangay does not have such provisions, the permit will be obtained from the municipality;

- b. Applicants for a permit to operate or use videoke sing-along and other sound producing devices use for karaoke in public streets, roadsides, sidewalks, and other public places/right of way, within the municipality shall complete and fill up an application form and file the same with the barangay or municipality concerned at least five (5) working days prior to the date of the intended activity;
- 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 and the municipality to carry out its duties.

SECTION 11. ISSUANCE OF PERMIT

- a. The Municipal Mayor and/or the Punong Barangay or their duly authorized representative shall issue a permit for the operation or use of videoke and other sound producing devices use for karaoke in public streets, roadsides, sidewalks, and other public places/right of way, within the municipality only upon compliance with the provisions of the preceding section.
- b. The permit signed by the Municipal Mayor and/or Punong Barangay shall describe the nature of the intended activity, specific location, and type of audio device to be used or operated thereunder, and the period of time for which such device may be operated. It shall specify such other terms and conditions as are essential to secure and protect the public safety.

SECTION 12. RESTRICTIONS

The municipal and the barangay shall not issue a permit for the operation or use of videoke and other sound producing audio devices use for karaoke purposes:

- a. At any location within 100 meters of a school or place of worship during school hours or schedule of worship respectively;
- b. At any location where the barangay, upon investigation, shall determine that the use of public street or roadside will constitute serious hazards to the safety and comfort of pedestrians or vehicle operations; or
- c. At any location where the barangay, upon investigation, shall determine that the conditions of overcrowding or other physical conditions that the use of public street or roadside will deprive the public of the reasonable right to safe and peaceful enjoyment of any public street or other public place.

SECTION 13. PENAL PROVISION

- a. Any person found violating the provisions of this ordinance shall be penalized by a fine of:

1 st Offense	One thousand pesos (P1,000.00)
2 nd Offense	One thousand five hundred pesos (P1,500.00)
3 rd and subsequent offenses	Two thousand five hundred pesos (P2,500.00)

b. Any business found violating the provisions of this ordinance shall be penalized by a fine of:

1 st Offense	One thousand pesos (₱1,000.00) and one (1) week temporary closure of business establishment
2 nd Offense	Two thousand pesos (₱2,000.00) and one (1) month temporary closure of business establishment
3 rd Offense	Two thousand five hundred pesos (₱2,500.00) and six (6) month temporary closure of business establishment

SECTION 14. SEPARABILITY CLAUSE

Any provision of this ordinance or part thereof declared unconstitutional or unlawful, the other parts not affected shall remain in full force and effect.

SECTION 15. REPEALING CLAUSE

Any part of provisions of this ordinance in conflict with or contrary to the existing ordinance are hereby repealed, amended or modified accordingly.

SECTION 16. EFFECTIVITY CLAUSE

This ordinance shall take effect after fifteen (15) days following the completion of the posting requirements in three (3) conspicuous places in the municipality of Dumingag and its publication in any newspaper of general circulation or posting of copies in all the municipalities and one (1) city within the province of Zamboanga del Sur.

Enacted: April 1, 2024

CONCURRED:

SANGGUNIANG BAYAN MEMBERS:

Hon. Julius G. Jamero

Hon. Dean Kaiser C. Tangalin

Hon. Jerson L. Cabahug

Hon. Percalixia Y. Bazar

Hon. Domingo M. Gingco

Hon. Jo Vincent J. Morpos

Hon. Francis Joeray T. Gumban

Hon. Julito C. Mandac

Hon. Efren A. Costanilla

Hon. Kirby Tracy V. Estillo

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED

APPROVED: May 10, 2024

EDGARDO G. JAMERO
Presiding Officer / Municipal Vice Mayor

GERRY T. PAGLINAWAN
Municipal Mayor

I hereby certify that the foregoing ordinance is true and correct.

JESSYL B. PALON
Secretary to the Sanggunian