



Republic of the Philippines  
 PROVINCE OF CAGAYAN  
 City of Tuguegarao  
**EIGHTH CITY COUNCIL**



EXCERPTS FROM THE MINUTES OF THE 62<sup>nd</sup> REGULAR SESSION  
 OF THE EIGHTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN  
 HELD ON OCTOBER 27, 2020, TUESDAY, 1:00 P.M.,  
 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Bienvenido C. De Guzman II	City Vice Mayor/Presiding Officer
Hon. Maila Rosario T. Que	Sangguniang Panlungsod Member (via Teleconferencing)
Hon. Imogen Claire M. Callangan	-do-
Hon. Gilbert S. Labang	-do-
Hon. Danilo L. Baccay	-do-
Hon. Ronaldo S. Ortiz	-do-
Hon. Arnel T. Arugay	Sangguniang Panlungsod Member
Hon. Mary Marjorie P. Martin-Chan	Sangguniang Panlungsod Member (via Teleconferencing)
Hon. Winnoco R. Abraham	-do-
Hon. Grace B. Arago	Sangguniang Panlungsod Member
Hon. Raymund P. Guzman	Sangguniang Panlungsod Member (via Teleconferencing)
Hon. Karina S. Gauani	Sangguniang Panlungsod Member
Hon. Gil G. Pagulayan	Ex Officio Member (via Teleconferencing)
Hon. Karen L. Taguinod	-do-

**CITY ORDINANCE NO. 79-08-2020**

**AN ORDINANCE PROHIBITING THE USE OF KARAOKES, VIDEOKES AND OTHER SIMILAR SOUND PRODUCING GADGETS THAT DISTURB AND DISRUPT MODULAR AND ON-LINE CLASSES AMONG HOMES IN THE 49 BARANGAYS OF TUGUEGARAO CITY FROM MONDAY TO FRIDAY (7:00AM TO 7:00 PM) AND SATURDAY (7:00 AM TO 5:00 PM), AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

Sponsored by: **Hon. Bienvenido C. De Guzman II**  
**Hon. Ronaldo S. Ortiz**  
**Hon. Mary Marjorie P. Martin-Chan**  
**Hon. Maila Rosario T. Que**  
**Hon. Danilo L. Baccay**  
**Hon. Arnel T. Arugay**  
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**Hon. Gilbert S. Labang**  
**Hon. Grace B. Arago**  
**Hon. Imogen Claire M. Callangan**  
**Hon. Gil G. Pagulayan**  
**Hon. Karen L. Taguinod**

**WHEREAS**, on 8 March 2020, Presidential Proclamation No. 922 of 2020 was issued declaring a State of Public Health Emergency throughout the Philippines due to the Coronavirus Disease 2019 (COVID-19) and the Code Alert System for COVID-19 was raised to Code Red Sublevel Two (2) in accordance with the recommendation of the Department of Health (DOH) and the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID);

**WHEREAS**, the COVID-19 pandemic poses a lot of challenges to various sectors especially in responding to the education sector. With the physical distancing and community quarantine being among the measures to contain COVID-19, the education sector is heavily affected as schools and community learning centers are closed for physical conduct of classes;

**WHEREAS**, on 19 June 2020, the Department of Education issued Department Order No. 12, Series of 2020 titled “*Adoption of Basic Education Learning Continuity Plan for School Year 2020-2021 in Light of the Covid-19 Public Health Emergency*” providing among others the use of e-learning or online platform as an alternative to face to face classes;

**WHEREAS**, with the blended learning approach, the home becomes the classroom and different types of technology are used to provide a more personalized approach to learning giving students a control over the time, place, path and pace of their learning, hence, the community’s cooperation to provide a peaceful environment is hereby enjoined;

**WHEREAS**, Article 682 of the Civil Code of the Philippines provides that every building or piece of land is subject to an easement which prohibits the proprietor or possessor from committing nuisance through noise while Article 26 states that every person shall respect the dignity, personality, privacy and peace of mind of his/her neighbors and other persons;

**WHEREAS**, the Eighth City Council of Tuguegarao City, consistent with Article 11 of the 1987 Constitutional, upholds the welfare of the youth and the value of their education;

**WHEREAS**, Section 458, Paragraph 4 of Republic Act No. 7160 provides that “*the Sangguniang Panlungsod as the legislative body of the city shall enact ordinances to regulate activities relative to the use of land, buildings and structures within the city in order to promote the general welfare and for said purpose shall declare, prevent or abate any nuisance.*”

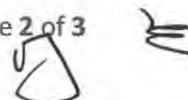
**NOW, THEREFORE, RESOLVE**, as it is hereby **RESOLVED**, to enact:

**Section 1. Title.** This Ordinance shall be known as “*An Ordinance Prohibiting the Use of Karaoke, Videokes and Other Similar Sound Producing Gadgets that Disturb and Disrupt Modular and On-line Classes Among Homes in the 49 Barangays of Tuguegarao City from Monday to Friday (7:00AM to 7:00PM) Saturday (7:00 AM to 5:00 PM) and Providing Penalties for Violations Thereof.*”

**Section 2. Applicability.** The provisions of this Ordinance are applicable within residential areas only, hence, commercial spaces where there are no nearby houses are exempted.

**Section 3. Definition of Terms –**

- a. **Alternative Delivery Modes (ADM)** – are tried and tested alternative modalities of education delivery within the confines of the formal system that allow schools to deliver quality education to marginalized students and those at risk of dropping out in order to help them overcome personal, social and economic constraints in their schooling.
- b. **Blended Learning** – refers to a learning modality that allows for a combination of face to face and online distance learning (ODL), face-to-face and modular distance learning (MDL), face-to-face and TV/Radio-based instruction (RBI), and face-to-face learning and a combination with two or more types of distance learning.
- c. **Distance Learning** – refers to a learning delivery modality where learning takes place between the teacher and the learners who are geographically remote from each other during instruction.
- d. **Home Schooling** – refers to the alternative delivery mode (ADM) that aims to provide learners with equal access to quality basic education through a home-based environment to be facilitated by qualified parents, guardians or tutors who have undergone relevant training.
- e. **Modular Distance Learning** – is in the form of individualized instruction that allows learners to use self-learning modules (SLMs) in print or digital format/electronic copy, whichever is applicable in the context of the learner and other learning resources like learner’s materials, textbooks, activity sheets, study guides and other study materials.
- f. **Nuisance** – is an activity which affects an indefinite number of persons or all the residents of a particular locality or all people coming within the extent of its range or operation, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (City Ordinance No. 08-2003)
- g. **Online Distance Learning** – features the teacher facilitating learning and engaging learners’ active participation using various technologies accessed through the internet while they are geographically remote from each other during instruction. (City Ordinance No. 08-2003)
- h. **Face-to-Face Learning** – refers to a learning delivery modality where the students and the teacher are both physically present in the classroom, and there are opportunities for active engagement, immediate feedback and socio-emotional development of learners.



- i. **Videoke** – refers to the TV-like appliance complete with accessories like microphones, speaker, etc. designed primary to aid the singer by flashing the lyrics of song on the screen.

**Section 4.** It is the policy of the City Government of Tuguegarao to protect the health, safety and well-being of learners, teachers and school personnel, and to ensure that learners have access to quality education in unprecedented times through alternative learning modalities in the form of modular and on-line classes.

**Section 5. Prohibited Acts.** It shall be unlawful to operate or use karaokes, videokes and other similar sound producing gadgets which tend to disturb or disrupt the learning time of students during Monday to Friday (7:00AM to 7:00PM) and Saturday (7:00AM to 5:00PM) within the City of Tuguegarao. Devices used for online or e-learning by students or teachers are hereby exempted from his ordinance.

**Section 6. Penalties.** Violators of this Ordinance shall be fined as follows, upon the discretion of the court:

First Offense -	Fine of One Thousand Pesos (P1,000.00)
Second Offense -	Fine of Two Thousand Pesos (P2,000.00)
Third Offense -	Fine of Three Thousand Pesos (P3,000.00)

**Section 7. Implementing Rules and Regulations (IRR).** The Office of the City Mayor shall issue the implementing rules and regulations for the smooth and efficient implementation of this ordinance.

**Section 8. Implementation.** The Philippine National Police and all Barangay Officials are tasked to implement this Ordinance.

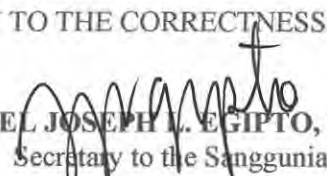
**Section 9. Repealing Clause.** Prior ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby amended, suspended or modified accordingly.

**Section 10. Separability Clause.** If any portion of this Ordinance shall be declared by a competent authority or court as unconstitutional, the other portions not so declared as such shall remain valid and operative.


**Section 11. Effectivity.** This Ordinance shall take effect during the Distance Learning System.

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:

  
**JOEL JOSEPH L. EGIPTO, Ph.D.**  
Secretary to the Sanggunian

ATTESTED:

  
**HON. BIENVENIDO C. DE GUZMAN II**  
City Vice Mayor/Presiding Officer  
Date: 10/28/2020

APPROVED:

  
**HON. ATTY. JEFFERSON P. SORIANO**  
Date: 10-20-2020

ed