

The Sounds of Sirens: Renewed Interest in Presidential Decree No. 96 and Other Related Issuances

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I. INTRODUCTION

Perhaps the most oft-quoted statement in President Benigno “Noynoy” C. Aquino III’s inaugural address last 30 June 2010 involved *wang-wangs* or sirens. Speaking before a hopeful nation after securing victory from a personal and emotional presidential race, the President evoked a commonplace notion of estrangement and disbelief when he asked, “[*k*]ayo ba ay nagtiis na sa trapiko para lamang masingitan ng isang naghahari-hariang *de-wang-wang sa kalsada?* (Have you had to endure being rudely shoved aside by the siren-blaring escorts of those who love to display their position and power over you?)”¹

Quoted in Facebook profiles and newspaper headlines throughout the country and to Filipinos across the world, the colloquial term for sirens or

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1. Benigno C. Aquino III, President of the Philippines, Inaugural Address (Jun. 30, 2010) in Inaugural Address of President Benigno Aquino III (transcript available at <http://www.abs-cbnnews.com/insights/06/30/10/president-benigno-aquino-iii-inaugural-speech-june-30-2010> (last accessed Nov. 7, 2010)).

similar signaling devices (*wang-wangs*) has emerged to become a symbol of privilege, abuse, and inequality.

Manila has recently been listed as one of the “10 worst cities in the world to drive in.”² With increasing volume of traffic and lax enforcement of traffic rules and regulations, the average driver or commuter would experience vehicles’ “triple-lane changes, failure to signal, and breezing through red lights.”³ Not surprisingly, the Automobile Association of the Philippines cited “lack of driver education” and “poor traffic enforcement” as two of the reasons for Manila’s “infamous traffic situation.”⁴

With the kind of traffic Manila motorists experience on a daily basis, it is understandably frustrating to witness public officials and private vehicles weave through the heavy sea of metal with their blaring and flashing sirens in disregard of the traffic rules and regulations which the common *tao* diligently observes.

The President’s statement against these traffic violations has renewed interest in laws and regulations governing the use of *wang-wangs*, as well as other traffic rules and regulations.⁵ Its revitalized illegality had motorists scampering for regulations lest they violate any.⁶ Unbeknownst to many, perhaps including some government officials, Presidential Decree (P.D.) No. 967 is the governing law. It declares unlawful “for the owner or possessor of any motor vehicle to use or attach to his vehicle any siren, bell, horn, whistle, or other similar gadgets that produce exceptionally loud or startling

2. Carmela G. Lapeña, Manila one of worst cities to drive in, *available at* <http://www.gmanews.tv/story/202920/manila-one-of-10-worst-cities-to-drive-in> (last accessed Nov. 7, 2010).

3. *Id.*

4. The other two being “poor infrastructure” and “lenient processing of drivers’ licenses.” *Id.*

5. See, e.g., Ray B. Gamboa, The motoring public speaks, PHIL. STAR, July 14, 2010 *available at* <http://www.philstar.com/Article.aspx?articleId=593055&publicationSubCategoryId=72> (last accessed Nov. 7, 2010) & P. Noy’s ‘wang-wang’ policy spawns Facebook campaign, *available at* <http://www.abs-cbnnews.com/lifestyle/classified-odd/06/30/10/wang-wang-statement-spawns-facebook-campaign> (last accessed Nov. 7, 2010).

6. See Ira Pedrasa, P. Noy’s ‘wang-wang’ policy sets culture change, *available at* <http://www.abs-cbnnews.com/-depth/07/20/10/p-noy%E2%80%99s%E2%80%98wang-wang%E2%80%99-policy-sets-culture-change> (last accessed Nov. 7, 2010).

7. Declaring Unlawful the Use or Attachment of Sirens, Bells, Horns, Whistles or Similar Gadgets that Emit Exceptionally Loud or Startling Sounds, including Domelights and other Signaling or Flashing Devices on Motor Vehicles and Providing Certain Exceptions Therefor, Presidential Decree No. 96 (1973).

sound including domelights, blinkers and other similar signaling or flashing devices.”⁸

This Essay revisits P.D. No. 96 and other relevant issuances regarding the regulation of the use of *wang-wangs* and other similar signaling devices. Though there are some measures which could provide for more effective regulation, examining the governing laws reveals that, as with many things in the Philippines, there is no insufficiency of laws, only insufficiency in their enforcement.

II. SIRENS, SIGNALING DEVICES, AND *WANG-WANGS*

A. *The Sounds of Sirens*

Under the Land Transportation and Traffic Code or Republic Act (R.A.) No. 4136,⁹ horns or signaling devices are recognized accessories of motor vehicles.¹⁰ Nevertheless, horns or signaling devices that emit “an exceptionally loud, startling, or disagreeable sound”¹¹ are prohibited.¹² P.D. No. 96 is consistent with this proscription.¹³ The Code also recognizes that emergency vehicles shall be equipped with an approved type of *wang-wang* and that “no such device shall be installed or used in any other vehicle.”¹⁴ Also, only motor vehicles¹⁵ are allowed by the Code to be equipped with horns or other devices.¹⁶

8. *Id.* whereas cl.

9. An Act to Compile the Laws Relative to Land Transportation and Traffic Rules, to Create a Land Transportation Commission and for Other Purposes [LAND TRANSPORTATION AND TRAFFIC CODE], Republic Act No. 4136 (1964).

10. *Id.* § 34.

11. *Id.* § 34 (b-1).

12. *Id.*

13. *See* P.D. No. 96 (1).

14. LAND TRANSPORTATION AND TRAFFIC CODE, § 34 (b-1).

15. Under the Code, a motor vehicle is defined as

any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian trucks, and cranes if not used on public highways, vehicles which run only on rails or tracks, and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes.

Id. § 3 (a).

16. *Id.* § 34 (b-1).

Metro Manila Development Authority (MMDA)¹⁷ Regulation (Reg.) No. 03-005¹⁸ goes further by classifying ordinary horns, power/loud horns, similar devices, and sirens or *wang-wangs*.¹⁹ The significant qualifier among these devices is whether they produce sound or noise or “disagreeable sound.”²⁰

On the one hand, an ordinary horn does not produce a “loud, disturbing and disagreeable sound.”²¹ On the other hand, a power or loud horn emits “exceptionally loud, disturbing and disagreeable sound.”²² Similar devices are those which produce “noise or startling sound when operated or handled.”²³ Finally, sirens or *wang-wangs* are “kind[s] of whistle that [produce] loud piercing sound[s]” installed on emergency services vehicles.²⁴

B. White Noise

17. Under its charter, R.A. No. 7924, the MMDA is mandated to “perform planning, monitoring and coordinative functions ... [and] exercise regulatory and supervisory authority over the delivery of metro-wide services within Metro Manila.”

An Act Creating the Metropolitan Manila Development Authority, Defining Its Powers and Functions, Providing Funds Therefor and For Other Purposes, Republic Act No. 7924, § 2 (1995).

These metro-wide services include transport and traffic management which includes “[formulating, coordinating, and monitoring] policies, standards, programs, and projects to rationalize existing transport operations, the use of thoroughfares, and the promotion of safe and convenient movement of persons and goods.” The MMDA may also “regulate road users [and] administer and implement all traffic enforcement operations ... and traffic education programs.” *Id.* § 3 (b).

18. Metro Manila Development Authority, Banning the Installation of Loud/Power Horns of Varying Sounds, Sirens (*WangWang*) and Other Similar Devices that Produce Exceptionally Loud or Startling Sound on All Types of Vehicles Traversing Along the Thoroughfares of Metro Manila, MMDA Regulation No. 03-005, Series of 2003 [MMDA Reg. No. 03-005] (May 22, 2003).

19. *Id.* § 1.

20. *Id.* § 1 (c). Curiously, sound is also defined as the “sensation produced by the stimulation of the organs of hearing by vibrations transmitted through the air or other medium,” or “the particular auditory effect produced by a given cause.” *Id.* § 1 (i).

21. *Id.* § 1 (d).

22. *Id.* § 1 (f).

23. MMDA Reg. No. 03-005, § 1 (g).

24. *Id.* § 1 (h).

In line with Presidential Proclamation No. 1081,²⁵ P.D. No. 96 “envisioned, among other goals, the bringing about of a social order characterized by a high state of discipline and order among the citizenry.”²⁶ Although the regime which promulgated P.D. No. 96 is long gone,²⁷ said law nevertheless remains in effect.²⁸ Also, the goal of a disciplined and ordered citizenry is not misaligned with contemporary notions of civil society, even down to traffic rules and regulations. In fact, P.D. No. 96 and other pertinent regulations still find relevance today.

P.D. No. 96 states that the “indiscriminate and unregulated use” of said devices is “inconsistent with sound traffic discipline and control on the highways and, in effect, constitute a major problem in the maintenance of peace and order.”²⁹ As a direct result, “people have suffered and still continue to suffer” “chaotic” conditions.³⁰

Aside from reasons of public order, MMDA Reg. No. 03-005 even invokes public “health” as a consideration for the ban on vehicles which produce noise.³¹ This becomes relevant when considered in the context of noise pollution³² and noise regulation.

Nevertheless, P.D. No. 96 provides exceptions as said devices may be attached and used only to motor vehicles “designated for official use” by the Armed Forces of the Philippines, the National Bureau of Investigation, the now Land Transportation Office (LTO) (statutory successor to the Land

25. Proclaiming a State of Martial Law in the Philippines, Presidential Proclamation No. 1081 (1972).

26. P.D. No. 96, whereas cl.

27. President Ferdinand E. Marcos promulgated P.D. No. 96 on January 13, 1973. Under his regime, the President exercised legislative powers. While it may seem excessive for a seemingly traffic regulation to be the subject of penal legislation, one must keep in mind that legislative power is plenary in nature. JOAQUIN G. BERNAS, S.J., *THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY* 681 (2009 ed.).

28. PHIL. CONST. art. XVIII, § 3.

29. P.D. No. 96, whereas cl.

30. *Id.*

31. MMDA Reg. No. 03-005, whereas cl.

32. Noise pollution is “a type of energy pollution that is created by displeasing noises from any source — human, animal or machine.” These types of noises “fill specific areas with sound, and cause many health and behavioral effects.” Jane Nepomuceno, When noise is too much, *MANILA BULL.*, Sep. 1, 2010, available at <http://www.mb.com.ph/articles/275150/when-noise-too-much> (last accessed Nov. 7, 2010).

Transportation Commission),³³ and emergency services like police and fire departments and hospital ambulances.³⁴

Any doubt as to the applicability of this law before President Aquino III's administration is dispelled by Administrative Order (A.O.) No. 122³⁵ issued by former President Gloria Macapagal-Arroyo. It directs all government officials to "strictly adhere to the provisions of [P.D.] No. 96."³⁶ Ironically, A.O. No. 122 reminds government officials of the dangers of the indiscriminate use of *wang-wangs* and even enjoins public officials to "serve as an example and encourage the general public to comply" with P.D. No. 96 and "take the lead in strictly observing the prohibitions" on the use of *wang-wangs*.³⁷

Newspaper reporters and commentators repeatedly state that the President, Vice-President, Senate President, Speaker of the House of Representatives, and the Supreme Court Chief Justice are "entitled by law" to use *wang-wangs*.³⁸ However, there is no law exempting the top five

33. Amending Executive Order No. 125 Entitled "Reorganizing the Ministry of Transportation and Communications, Defining Its Powers and Function and Other Purposes," Executive Order No. 125-A, § 13-A (1987).

34. P.D. No. 96, § 2.

35. Office of the President, Directing All Government Offices to Strictly Comply with Presidential Decree No. 96 Declaring Unlawful the Indiscriminate Use of Sirens, Blinkers or Similar Devices, Administrative Order No. 122-2005 [A.O. No. 122-2005] (June 30, 2005).

36. *Id.*

37. *Id.* whereas cl.

38. See Sophia M. Dedace, Law vs 'wang-wangs' already existing; implementation absent — De Lima, *available at* <http://www.gmanews.tv/story/194882/law-vs-wang-wangs-already-existing-implementation-absent-de-lima> (last accessed Nov. 7, 2010); Cynthia Balana, No Sirens for US envoy too, PHIL. DAILY INQ., July 7, 2010, *available at* <http://newsinfo.inquirer.net/breakingnews/nation/view/20100707-279774/No-sirens-for-US-envoy-too> (last accessed Nov. 7, 2010); Chito O. Aragon, Checkpoints net more 'wang-wangs,' fog lamps, PHIL. DAILY INQ., July 9, 2010, *available at* <http://globalnation.inquirer.net/cebu/dailynews/metro/view/20100709-280092/Checkpoints-net-more-wang-wangs-fog-lamps> (last accessed Nov. 7, 2010); MMDA sees positive effect of 'wang-wang' confiscation, MANILA BULL., July 7, 2010, *available at* <http://www.mb.com.ph/node/265632/mmda> (last accessed Nov. 7, 2010); Dong Magsajo, Of sirens and promises, PHIL. STAR, July 7, 2010, *available at* <http://www.philstar.com/Article.aspx?articleId=590926&publicationSubCategoryId=72> (last accessed Nov. 7, 2010); Aie B. See, 90 sirens seized in south Metro, PHIL. STAR, July 8, 2010, *available at* <http://www.philstar.com/Article.aspx?articleId=591226&publicationSubCategoryId=65> (last accessed Nov. 7, 2010); & Mario B. Casayuran, Miriam: Motor escorts only for President, VP, etc., MANILA BULL.,

government officials from the coverage of P.D. No. 96. At most this is customary or can be attributed to protocol. The President, as commander-in-chief, could conceivably come within the exception³⁹ as the Armed Forces could legally use *wang-wangs* in their official sorties.⁴⁰

To date, P.D. No. 96 is the only law enforcing the ban and providing exceptions thereof, and neither it nor any subsequent law exempts these officials from the prohibition.

C. Cacophonics

I. Noise Regulation

P.D. No. 96 is certainly not the only statute or regulation to deal with loud, startling, disturbing, or disagreeable sounds.⁴¹ Urbanization and industrialization are bound to produce noise to the point where it becomes noise pollution. The 1987 Constitution recognizes the “right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.”⁴² Furthermore, the State “shall protect and promote the right to health of the people and instill health consciousness among them.”⁴³ In line with this, the Philippines has a number of laws and regulations to address violations of this right as regards noise pollution.⁴⁴

Jan. 19, 2010, available at <http://www.mb.com.ph/node/239271/miriam-motor-e> (last accessed Nov. 7, 2010).

39. Cops helpless vs. ‘wang-wang’ dealers, available at <http://www.gmanews.tv/story/195016/cops-helpless-vs-wang-wang-dealers> (last accessed Nov. 7, 2010).

40. P.D. No. 96 (2).

41. See, e.g., MMDA Reg. No. 003-05; A.O. No. 122-0005; & LAND TRANSPORTATION AND TRAFFIC CODE, § 34.

42. PHIL. CONST. art. II, § 16. This has been recognized by jurisprudence as a self-executing provision of the Constitution. BERNAS, *supra* note 27, at 38.

For creative applications of this provision, see generally *Oposa v. Factoran, Jr.*, 224 SCRA 792 (1993); *Laguna Lake Development Authority v. Court of Appeals*, 251 SCRA 42 (1995); & *Metropolitan Manila Development Authority v. Concerned Residents of Manila Bay*, 574 SCRA 661 (2008). See also RULES OF PROCEDURE FOR ENVIRONMENTAL CASES, A.M. No. 09-6-8-SC, rule 7, Apr. 29, 2010, which provides for the writ of *kalikasan*.

43. PHIL. CONST. art. II, § 15.

44. Under R.A. No. 3931, “pollution” is defined as

such alteration of the physical, chemical and/or biological properties of any water and/or atmospheric air of the Philippines, or any such discharge of any liquid, gaseous or solid substance into any of the waters and/or atmospheric air of the country as will or is likely to create or render such waters and/or atmospheric air harmful or

Under the Philippine Environment Code or P.D. No. 1152,⁴⁵ noise regulation was the function of the defunct National Pollution Control Commission.⁴⁶ That mandate is now relegated to the Environmental Management Bureau of the Department of Environment and Natural Resources (EMB-DENR).⁴⁷

The EMB-DENR is tasked with coordinating with other government agencies for enforcing ambient noise standards and promulgating the appropriate rules and regulations.⁴⁸ In doing so, community noise standards according to location, zoning, and land use classification are taken into account.⁴⁹ Regulating noise includes the EMB-DENR formulating standards for noise-producing equipment⁵⁰ and aircraft noise.⁵¹

2. Civil and Penal Code Provisions

Under the Civil Code,⁵² the use of sirens, bells, horns, whistles, or similar gadgets that emit noise could conceivably be considered a nuisance.⁵³ In this case, a nuisance is defined as “any act, omission, establishment, business, condition of property, or anything else which ... annoys or offends the

detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses, or to livestock, wild animals, birds, fish or of her aquatic life.

An Act Creating the National Water and Air Pollution Control Commission, Republic Act No. 3931, § 2 (a) (1964).

The Supreme Court has ruled that the determination of the existence of pollution “requires specialized knowledge of technical and scientific matters,” therefore a technical issue. *Mead v. Argel*, 115 SCRA 256, 268 (1982).

45. Philippine Environmental Code [ENVIRONMENT CODE], Presidential Decree No. 1152 (1977).

46. *Id.* § 8.

47. Providing for the Reorganization of the Department of Environment, Energy and Natural Resources, Renaming it as the Department of Environment and Natural Resources, and for other Purposes [Reorganization Act of the Department of Environment and Natural Resources], Executive Order No. 192 § 16 (1987).

48. ENVIRONMENT CODE, § 8.

49. *Id.* § 3.

50. *Id.* § 6.

51. *Id.* § 7.

52. An Act to Ordain and Institute the Civil Code of the Philippines [CIVIL CODE], Republic Act No. 386 (1950).

53. *Id.* art. 694.

senses.”⁵⁴ P.D. No. 96 and MMDA Reg. No. 03-005 both point to the offending devices as impediments to public order and public health.⁵⁵ As such, the provisions on nuisance under the Civil Code appropriately “operates as a restriction upon the right of the owner of property to make such use of it as he pleases,”⁵⁶ which in this instance, such restriction is placed on the accessory to his motor vehicle.

Moreover, *wang-wangs* are public nuisance given that they affect “a considerable number of persons, although the extent of the annoyance ... upon individuals may be unequal.”⁵⁷

Article 699 provides the remedies against a public nuisance which includes prosecution under the Revised Penal Code⁵⁸ or any local ordinance, a civil action, or abatement, without judicial proceedings.⁵⁹ Of the three remedies, summary abatement is the most expedient manner of dealing with the noise nuisance of *wang-wangs*.⁶⁰

The noise nuisance may also be the subject of an action for damages as acts contrary to good customs, provided it is deliberate.⁶¹ Article 2219 of the Civil Code enumerates the instances where moral damages⁶² is recoverable.⁶³ Acts and actions referred to in Article 21 of the Civil Code are actionable for moral damages.⁶⁴ Under Article 21, any person “who willfully causes loss or injury to another in a manner that is contrary to morals, good customs or public policy shall compensate the latter for damages.”⁶⁵

54. *Id.* art. 694 (4).

55. *See* MMDA Reg. No. 03-005, whereas cl.

56. HECTOR S. DE LEON, *COMMENTS AND CASES ON PROPERTY* 550 (5th ed. 2007).

57. *CIVIL CODE*, art. 659.

58. An Act Revising the Penal Code and Other Penal Laws [*REVISED PENAL CODE*], Act No. 3815 (1932).

59. *CIVIL CODE*, art. 699.

60. “Subject to limitations, the right may be exercised by public officers, municipal corporations, and by private individuals.” DE LEON, *supra* note 56, at 559.

61. *See* Magbanua v. Intermediate Appellate Court, 137 SCRA 329, 332 (1985).

62. “Moral damages include physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury. Though incapable of pecuniary computation, moral damages may be recovered if they are the proximate result of the defendant’s wrongful act or omission.” *CIVIL CODE*, art. 2217.

63. *Id.* art. 2219.

64. *Id.* art. 2219 (10).

65. *Id.* art. 21.

Prosecuting a noisemaker under the Revised Penal Code entails the application Paragraphs 2 and 3 of Article 155 on Alarms and Scandals.⁶⁶ Article 155 punishes any person who “shall instigate or take an active part in any charivari⁶⁷ ... prejudicial to public tranquility”⁶⁸ or “while wandering about at night or while engaged in any other nocturnal amusements, shall disturb the public peace.”⁶⁹ The penalties imposed by Article 155, however, are considerably less than those under P.D. No. 96.⁷⁰ The Revised Penal Code only imposes the penalty of *arresto menor*⁷¹ or a fine not exceeding ₱200.00.⁷²

3. Administrative Regulations

MMDA Reg. No. 03-005 is not the first MMDA regulation to deal with noise. As recently observed, horn tooting, or the “unnecessary blowing of horns” whether continuously or not,⁷³ “has become a practice of most drivers in order to attract the attention of commuters for them to load more passengers thereby affecting the smooth flow of traffic along the major thoroughfares” of Metro Manila.⁷⁴ Because of this, the MMDA found it necessary to curb this irascible practice.

Aside from producing noise, horn tooting also causes disturbances and irritating sounds around schools, churches, hospitals, and commercial and residential zones,⁷⁵ despite street signs or markers prohibiting the blowing of horns or indicating the area as a “quiet zone.” Horn tooting also indicates drivers’ “impatience and irritability while waiting for the green traffic signal light” during heavy traffic.⁷⁶

66. REVISED PENAL CODE, art. 155.

67. Charivari is defined as including “a medley of discordant voices, a mock serenade of discordant noises made on kettles, tins, horns, etc., designed to annoy and insult.” 2 LUIS B. REYES, THE REVISED PENAL CODE: CRIMINAL LAW 169 (17th ed. 2008).

68. REVISED PENAL CODE, art. 155 (2).

69. *Id.* art. 155 (3).

70. *Compare* REVISED PENAL CODE, art. 155 *with* P.D. No. 96.

71. The duration of the penalty of *arresto menor* is from one day to 30 days. REVISED PENAL CODE, art. 28.

72. *Id.* art. 155.

73. Metro Manila Development Authority, Banning Horn Tooting Along Edsa and other Major Thoroughfares of Metro Manila, MMDA Regulation No. 04-002, Series of 2004 [MMDA Reg. No. 04-002], § 1 (a) (Mar. 4, 2004).

74. *Id.* *whereas* cl.

75. *Id.*

76. *Id.*

MMDA Reg. No. 04-002 penalizes horn tooting with a fine of ₱500.00 per offense.⁷⁷

D. Penal Provisions, Jurisdiction, and Procedure

The penalties provided in P.D. No. 96 differentiate between first and subsequent offenses.⁷⁸ First-time violators will be subject to the immediate confiscation of the *wang-wang* and subsequent offenses are subject to six months' imprisonment and/or a fine of ₱600.00.⁷⁹ Pursuant to the subsequent offense, the "certificate of registration of the motor vehicle on which the unauthorized gadget or device ... is installed, mounted or used shall be cancelled or revoked."⁸⁰

As to jurisdiction, originally, the text of P.D. No. 96 vests jurisdiction before the military tribunals.⁸¹ Current laws and rules would vest jurisdiction before civilian courts like the Metropolitan Trial Courts, Municipal Trial Courts, and the Municipal Circuit Trial Courts.⁸² These courts have exclusive original jurisdiction over criminal offenses punishable with imprisonment "not exceeding six (6) years irrespective of the amount of the fine, and regardless of other imposable accessory or other penalties, including the civil liability."⁸³

With respect to procedural rules, the 1991 Revised Rules of Summary Procedures would govern. These rules govern the summary procedure in the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit

77. *Id.* § 4.

78. P.D. No. 96.

79. *Id.*

80. *Id.*

81. P.D. No. 96 provides that "in cases of a second and subsequent offenses, the offender shall be prosecuted for violation ... before the military tribunal." *Id.*

This is in accordance with the mandate of P.D. No. 39 which provides that "[a]ll offenses where the range of punishment that may be imposed is confinement for at least six (6) years and one (1) day, or fine of not less than two thousand pesos (₱2,000.00) shall be referred to a military commission." *Governing the Creation, Composition, Jurisdiction, Procedure, and Other Matters Relevant to Military Tribunals, Presidential Decree No. 39, § 3 (1972).*

82. An Act Reorganizing the Judiciary, Appropriating Funds Therefor, and for Other Purposes [Judiciary Reorganization Act of 1980], Batas Pambansa Blg. 129, as Amended, § 32 (2) (1980). *See also* An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Blg. 129, Otherwise Known as the "Judiciary Reorganization Act of 1980," Republic Act No. 7691 (1994).

83. Judiciary Reorganization Act of 1980, § 32 (2).

Trial Courts.⁸⁴ P.D. No. 96 involves both a violation of traffic laws, rules, and regulations⁸⁵ and a criminal case where the prescribed penalty is imprisonment “not exceeding six months, or a fine not exceeding one thousand pesos (₱1,000.00), or both, irrespective of other imposable penalties, accessory or otherwise, or of the civil liability arising therefrom.”⁸⁶

2. Administrative Regulations

Under the Land Transportation and Traffic Code, a violation of the proper use of accessories of motor vehicles is subject to a fine not exceeding ₱100.00.⁸⁷

As if to give P.D. No. 96 more “teeth,”⁸⁸ MMDA Reg. No. 03-005 authorizes MMDA agents to effect the “[o]utright destruction of the prohibited devices at the place of apprehension.”⁸⁹ The MMDA deems this “imperative” as the difficulty of removing said devices in the roadways may cause traffic build-up or pose dangers to the commuting public.⁹⁰

Both the LTO and the MMDA provide for stiff fines for the unauthorized use of bells, sirens, or exhaust whistles, aside from outright confiscation or forfeiture of the gadget in favor of the government; while the MMDA follows P.D. No. 96 as regards the fine of ₱600.00,⁹¹ the LTO imposes a higher fine of ₱15,000.00.⁹²

III. LIMITATIONS IN THE LAW

A. Unregulated Possession and Sale

84. 1991 REVISED RULES ON SUMMARY PROCEDURE, § 1.

85. *Id.* § 1 B (1). *See also* P.D. No. 96.

86. 1991 REVISED RULES ON SUMMARY PROCEDURE, § 1 B (4). *See also* P.D. No. 96.

87. LAND TRANSPORTATION AND TRAFFIC CODE, § 56 (g).

88. The following conditions must be met in order for an administrative regulation to have the same effect or “force” as a penal law: “(1) the violation of the administrative regulation must be made a crime by the delegating statute itself; and (2) the penalty for such violation must be provided by the statute itself.” *Perez v. LPG Refillers Association of the Philippines, Inc.*, 492 SCRA 638, 649 (2006) (citing *United States v. Panlilio*, 28 Phil. 608, 613-14 (1914)).

89. MMDA Reg. No. 03-005, § 6.

90. *Id.*

91. Traffic Violations and Penalties, *available at* <http://www.mmda.gov.ph/penalties.html> (last accessed Nov. 7, 2010).

92. Fines/Penalties for Traffic and Administrative Violations, *available at* http://www.lto.gov.ph/ltows/fines_and_penalties/penalties.aspx#v_prohibited_MV (last accessed Nov. 7, 2010).

While the use of *wang-wangs* and similar devices is indeed regulated by the abovementioned laws and regulations, the sale and possession of said items are not.⁹³ The fact that these gadgets are legally considered accessories to motor vehicles implies some recreational or legal use. Nevertheless, this is somewhat negated by the language of P.D. No. 96 and MMDA Reg. No. 03-005. These issuances cite traffic discipline, peace and order, and even public health as policy considerations and justifications in banning *wang-wangs* and penalizing their unlawful use.⁹⁴

Therefore, for more efficient and effective implementation of P.D. No. 96, the government should extend regulation to the sale and possession of *wang-wangs*. The exceptions provided under law are clearly limited to the enumerated individuals or entities. Government regulators must ensure that only the exempt individuals or entities are entitled to procure and use *wang-wangs*.

B. Traffic Sweepers

Despite the ban on *wang-wangs*, some are finding creative ways of circumventing the law and the President's directive, not unheard of and to an extent, quite expected. Those in power, which for so long have held a firm grip to their privileges and perks, will find ways to extend their grasp or come up with new ways of expressing their privileged position.

Buhay Party-List Representative, Irwin C. Tieng, has noted that some government officials use "traffic sweepers" or escort vehicles, usually a pair of motorcycles or a back-up vehicle, to clear or block traffic to allow counterflow.⁹⁵ Tieng further observes that traffic sweepers "essentially replace the functions of the *wang-wang*."⁹⁶

IV. CONCLUSION: TRUST-BUILDING AND POLITICAL WILL

The President's directive has not been met without opposition. For a privilege that has been exercised to the point of abuse by public officials for so long, it would not easily be given up. Nevertheless, opposition even arises from within the President's contingent, but perhaps for valid grounds.

93. Cops helpless vs. 'wang-wang' dealers, *supra* note 39.

94. See P.D. No. 96, whereas cl. & MMDA Reg. No. 03-005, whereas cl.

95. Amita O. Legaspi, Goodbye wangwang, hello 'traffic sweepers,' *available at* <http://www.gmanews.tv/story/198263/goodbye-wangwang-hello-traffic-sweepers> (last accessed Nov. 7, 2010).

96. *Id.*

Vice-President Jejomar C. Binay was hesitant on giving up sirens based on his experience as a local government official.⁹⁷ When he was Mayor of Makati City, he needed to respond quickly to emergency situations necessitating the use of sirens.⁹⁸ Furthermore, a president's position as chief executive should entitle him to privileges.⁹⁹ Protocol also establishes the president make use of sirens.¹⁰⁰ Besides, it would be embarrassing for a president to be stuck in traffic.¹⁰¹

Aside from the Vice-President, members of the Presidential Security Group also cited security concerns for their hesitancy to conform with the President's directive.¹⁰²

Despite the laws' limitations, the issue of *wang-wangs* in the President's inaugural address resonates vibrantly in the context of trust-building and political will. Abuse of privilege manifests clearly in the commonplace like in traffic rules. The *wang-wang* is symbolic of the arrogance of power which has permeated throughout the years in the Filipino psyche — something the people could clearly grasp and identify with.

The Constitution mandates that public officials and employees are supposed to be “at all times, accountable to the people.”¹⁰³ Furthermore, R.A. No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees¹⁰⁴ states that public officials and employees should “discharge their duties with utmost responsibility, integrity, competence, loyalty, act with patriotism and justice, and uphold public interest over

97. No ‘wang-wang’ policy irks VP Binay, *available at* <http://www.abs-cbnnews.com/nation/metro-manila/06/30/10/no-wang-wang-policy-irks-vp-binay> (last accessed Nov. 7, 2010).

98. *Id.*

99. Gill C. Cabacungan, Jr. & Niña Calleja, Aquino, Binay split on ‘wangwang’ ban, PHIL. DAILY INQ., July 2, 2010, *available at* <http://newsinfo.inquirer.net/inquireheadlines/nation/view/20100702-278700/Aquino-Binay-split-on-wangwang-ban> (last accessed Nov. 7, 2010).

100. *Id.*

101. *Id.*

102. *Id.*

103. PHIL. CONST. art XI, § 1.

104. An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees, to Uphold the Time-Honored Principle of Public Office Being Public Trust, Granting Incentives and Rewards for Exemplary Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations Thereof and for Other Purposes [CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES], Republic Act No. 6713 (1989).

personal interest.”¹⁰⁵ The virtues which are supposedly expected of those in public office fly in the face of small acts of injustice.

Traffic rules and regulations represent the simplest and humblest of law and order in a modern and highly urbanized society. That it also has the most potential for corruption, also in its simplest form, represents a value and attitude a society places on rules in general.

The no-*wang-wang* policy, however, is a populist step in restoring faith and trust in government institutions. If government officials are to lead by example, then an example to follow when it comes to traffic rules and regulations is a good start. President Aquino, in his inaugural address, promises hope towards restoration of trust when he stated, “[w]alang lamangan, walang padrino, at walang pagnanakaw. Walang wang-wang, walang counterflow, walang tong. Panahon na upang tayo ay muling magkawang-gawa. (No more taking advantage of others, no more of the ‘godfather’ culture, no more stealing. No more sirens, no more shortcuts, no more bribes. It is time for us to work together once more.)”¹⁰⁶

105. *Id.* § 2.

106. Aquino, *supra* note 1.