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Department of Environment and Natural Resources
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JAN 07 2000

ADMINISTRATIVE ORDER
No. 2000-03

**SUBJECT: INTERIM IMPLEMENTING RULES AND REGULATIONS
OF REPUBLIC ACT NO. 8749, "THE PHILIPPINE CLEAN
AIR ACT OF 1999"**

Pursuant to the provisions of Section 51 of RA 8749 mandating the Department to promulgate the Implementing Rules and Regulations (IRR) of this Act within one (1) year from its enactment, and in view of Section 55 of the said law repealing Presidential Decree No.1181 and partly modifying Presidential Decree Nos. 984, 1152 and 1586 thereby correspondingly repealing and modifying their respective IRRs, the Department therefore, hereby temporarily adopts the DENR Administrative Orders (DAOs) indicated below with modified provisions to conform with the requirements of RA 8749, to wit:

1. DENR Administrative Order No. 14, Series of 1993
2. DENR Administrative Order No. 98-46

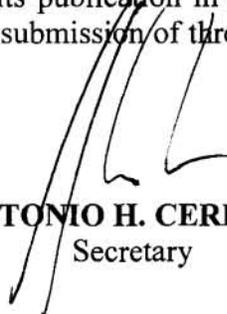
Pursuant to the provisions of Section 21 of R.A. 8749 the Department of Transportation and Communication (DOTC) shall enforce and implement the following provisions:

- a. Section 4 - Item Nos. b, e, g and j (Annex "1")
- b. Section 8 (Annex "2")
- c. Section 29-33,41 and 42 (Annex "2")

Pursuant to Section 34 of RA 8749 the Environmental Management Bureau (EMB) of the Department shall provide technical assistance, training and continuing capability-building program to DOTC. To ensure proper and effective enforcement of RA 8749, the EMB shall certify the conformity to standards of emission control technology or equipment, and emission test equipment before it can be used and introduced into commerce.

All other provisions of the above-mentioned Administrative Orders not indicated herein and are likewise not in conformity with R.A. 8749 are hereby repealed and modified accordingly.

This Order takes effect fifteen (15) days after its publication in at least two (2) newspapers of national circulation in the Philippines or submission of three copies hereof to the UP Law Center.


ANTONIO H. CERILLES
Secretary

Section 4. Administration and Enforcement. - These Rules and Regulations shall be administered by the Department and/or by its authorized representative(s) as the primary government agency responsible for the effective administration and enforcement of these Rules. As such, it shall have the following functions, powers and responsibilities:

- a) Establish emission standards after due consultation with the concerned sectors;
- b) **Prepare and implement an integrated framework and annual action plans for the management of motor vehicles' emissions;**
- c) Update itself on the advanced and modern methods of combating and minimizing air pollution from motor vehicles;
- d) Coordinate with the Department of Science and Technology (DOST) and the Department of Energy (DOE) in finding alternative sources of fuel and transport systems that would rely less on fossil fuel;
- e) **Establish a cooperative effort among the national government, local government units, non-governmental organizations (NGOs), people's organizations (POs) and the private sector in order to effectively implement these Rules;**
- f) Issue policy guidelines, instructions or procedures, design criteria governing the preparation of plans and specifications for pollution control devices;
- g) **Call on the on the Department of Transportation and Communication (DOTC), Department of Trade and Industry (DTI), DOST, DOE pursuant to section 7 and 9 of PD 1181; and other concerned government agency, corporation, institution, and other instrumentalities, should they approve, for assistance in the form of personnel, facilities, and other resources, as the need arises in the discharge of its functions,**
- h) Disseminate information and conduct educational awareness campaigns on the effects of air pollution from motor vehicles on health and the environment, with particular emphasis to the concerns on climate change;
- i) Encourage, participate in, and conduct continuing studies, investigations, researches and demonstrations on the effective means of controlling, preventing and managing air pollution including improvement in the implementation strategy, technology or instrumentation to rationalize the basis emission standards for motor vehicles;
- j) **Issue order against any person or entity and impose the appropriate fines, penalties and other administrative or penal sanctions as provided by our motor vehicle pollution control laws to compel compliance with emission regulations and the provisions of these Rules; and**
- k) Exercise such powers and perform such other functions as may be necessary to carry out its duties and responsibilities under PD 1181 and these Rules.

Section 8. *Deputization.* - The Department, through the Secretary may deputize in writing as many agents as it shall deem necessary for the effective implementation and enforcement of these Rules. The Secretary shall also designate hearing officers to hear and decide cases of violation of the motor vehicle pollution control laws, PD 1181 and the provisions of these Rules.

Section 29. *Scope.* This Chapter shall apply to the control of exhaust emissions for in-use motor vehicles and unregistered rebuilt vehicles including imported used vehicles emphasizing regular and proper vehicle maintenance and utilizing appropriate test procedures and equipment. The objective is to bring about significant reduction in exhaust emissions by:

- a) Bringing about the repair of vehicles that fail the tests due to excessive emissions of carbon monoxide, hydrocarbons and visible emissions;
- b) Assisting the LTO and other concerned agencies in the proper inspection and maintenance of vehicles to insure that they conform to prescribed emissions standards; and
- c) Deterring owners/drivers from tampering the adjustment of engine system, pollution control devices and misfuelling of vehicles.

Section 30. *Mandatory Periodic Emission Inspection*

a) Gasoline-Powered Motor Vehicles

The mandatory periodic emission inspection for this type of vehicle shall include the measurement of CO and HC concentration at low idle and raised idle speed in accordance with Annex 1 of these regulation.

b) Diesel-Powered Motor Vehicles

The mandatory periodic emission inspection of motor vehicles powered by compression ignition engines shall include measurement of smoke opacity by the free acceleration method from low idle speed in accordance with Annex 2.

c) Schedule of Mandatory Periodic Emission Inspection

The frequency or schedule of mandatory periodic emission inspection is based on the Gross Vehicle Mass and intended use of such motor vehicles, under the basic assumption that for hire, public utility and heavier vehicles should undergo more frequent emission inspection. The following schedule of mandatory emission inspection is hereby adopted:

- i. For privately owned vehicles and those not for hire and not considered public utility vehicles such as passenger cars, owner-type jeeps, diplomatic and government vehicles, motor cycles and light duty vehicles of not more than 4.5 T gross vehicle mass, the first emission inspection shall commence on the fourth registration year and subsequently, will be biennial until the twelfth year and annually thereafter. For vehicles that are rebuilt or imported used, the first emission inspection shall commence on the first registration year; and
- ii. For hire and public utility and other vehicles with gross vehicle mass of more than 4.5T not included in A above, the mandatory emission inspection shall be annually starting from the second to fourth registration year and semi-annually thereafter. For vehicles that are rebuilt or imported used, the first emission inspection shall commence on the first registration year.

Section 31. *Random Road Inspections*

a) The random roadside inspection shall be undertaken when a motor vehicle is emitting visible emission and shall consist of two types:

i) Roadside pull-overs with portable emission test equipment. This is applicable to both gasoline- and diesel-powered vehicles; and

ii) Roadside pull-overs and applicable to diesel-powered vehicles only where no test equipment is available but using only the Ringelmann Chart and/or inspector's expertise for visually determining the smoke density.

b) Under the type (i) random inspection system, an emission test for CO and HC is conducted using a non-dispersive infra-red (NDIR) instrument (Annex 2) for spark-ignition engines and a duly approved opacimeter or smoke meter for diesel engines (Annex 1) to determine vehicle compliance with the pertinent smoke opacity standards.

After passing the emission test, a Certificate of Emission Compliance sticker is issued for attachment to either the front windshield or the glass window at the rear of the driver. If the vehicle fails the test, this shall be deemed as a prima facie evidence of violation and shall cause the monitoring team/unit to issue a charge and subpoena ticket in accordance with Section 13 of PD 1181.

c) Similarly under the Type (ii) random inspection system, the inspecting team shall issue an order for emission testing to be done at a duly accredited testing center or repair shop.

If the results of the emission test indicate compliance with the standard, the driver/owner

shall be issued a Certificate of Emission Compliance.

However, if the test results indicate non-compliance with the standards, the head of the testing station shall issue a repair order to be undertaken by any accredited repair shop within a period of two weeks, with instructions to the driver/owner to submit the vehicle for a retest at the same station within forty-eight (48) hours after completion of the repair. The said vehicle shall be prohibited from being operated on any public road or highway until issued a Certificate of Emission Compliance. The repair order shall be attached to the front windshield of the vehicle.

Section 32. *Agencies Authorized to Perform Emission Inspection*

The agencies or special units that shall conduct mandatory periodic inspection and random roadside inspection are the following:

- a) For Mandatory Periodical Inspection, Prior to Renewal of Registration
 - Land Transportation Office (LTO), in addition to the inspection of safety and road worthiness, in accordance with RA 4136,
 - Special Testing Centers that may be accredited or authorized by DENR, LTO and DTI, whenever necessary.

- b) For Random Roadside Inspection
 - DENR Regional Offices
 - LTO and its Law Enforcement Service Offices
 - Metro Manila Development Authority
 - Local Government Units
 - Philippine National Construction Corporation Special Team for the North and South Expressway
 - Other duly authorized agencies or entities such as Non-Government Organizations

Section 33. *Authorized/Accredited Repair Shops*

The repair of motor vehicle engines, exhaust system and pollution control devices shall preferably be done by automotive repair shops or service stations that are duly accredited by the DTI. These facilities shall be equipped with standard automotive repair tools, standard spare parts and pollution test equipment conforming to applicable ECE, ISO or SAE standards. It is also required that these repair shops or service stations shall have highly skilled mechanics and/or

technicians who have on-the-job training certificates from DTI, local assemblers and manufacturers of motor vehicles. The DENR, DTI and DOTC shall establish the criteria for accreditation of automotive repair shops and service stations in consultation with motor vehicle assemblers within sixty (60) days from the effectivity of these Rules.

Section 41. Prohibitions.

- (a) No owner or operator of a vehicle shall be allowed to discharge air pollutants at levels greater than the pollutant concentration standards prescribed in these Rules.
- (b) No owner or operator of a motor vehicle shall use or cause or allow such vehicle to be used unless it meets the emission standards established in these Rules and Regulations.
- (c) No person shall sell, register or operate any new imported or locally manufactured motor vehicle without any certification from the Department that it meets the emission standards prescribed in these Rules.
- (d) No person shall do any other act that is prohibited in these Rules and Regulations.

Section 42. Penalties. Any person violating PD 1181 and/or any provision of these Rules and Regulations involving the same vehicle shall, for the first offense be liable to a fine of not exceeding P 200.00, for the second offense to a fine of not exceeding p 500.00 and for the third and succeeding offense to a fine of not exceeding P 1,000.00 plus the suspension of his vehicle's certificate of registration, until such time as there shall be compliance with the requirements of these Rules.

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