13TH CONGRESS OF THE
REPUBLIC OF THE } PHILIPPINES
First Regular Session



HOUSE OF REPRESENTATIVES

House Bill No. 1208

INTRODUCED BY **HON. CYNTHIA A. VILLAR**

EXPLANATORY NOTE

Respiratory related diseases are fast becoming one of the major health problems afflicting Filipinos today. The growing problem of air pollution is a major contributor to the worsening health conditions of the people. Air pollution is a very complex problem caused by many different factors. However, one of these factors is encountered daily by the people.

Smoke-belching vehicles can be seen plying our roads and streets leaving in their wake a cloud of black smoke. The owners or operators of these vehicles go on their way not realizing the effect the emissions of their vehicles have on the environment and on the health of the people.

Article II, Section 15 of the 1987 Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them.

In line with this constitutional mandate, this bill will fortify the existing regulation of imposing the additional requirement of a smoke-belching test for vehicles before its registration will be allowed or renewed. The requirement of subjecting the vehicle to a smoke belching test will certainly minimize, if not totally eradicate, air pollution cased by smoke-belching vehicles.

Approval of this bill is earnestly sought.

CYNTHIA A. VILLAR

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AN ACT TO PROTECT AND PROMOTE THE HEALTH OF THE PEOPLE THROUGH THE PREVENTION, CONTROL AND ABATEMENT OF AIR POLLUTION CAUSED BY SMOKE-BELCHING VEHICLES, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1181, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Declaration of Policy.* - It is hereby declared the policy of the State to protect and promote the health of the people through the eradication of air pollution caused by smoke-belching vehicles

SECTION 2. *Definition of Terms.* - When used in this Act, the following terms shall mean:

a. "Motor Vehicle" shall refer to any vehicle propelled by a gasoline or diesel engine or by any means other than human or animal power, constructed and operated principally for the conveyance of persons or the transporting of property or goods on a public highway or street opened to public use.

b. "Air Pollutant" shall refer to any harmful or undesirable matter emitted in the atmosphere, including smoke, soot solid particles of any kind, undesirable gases, fumes and obnoxious odors.

c. "Pollution Control Device" shall refer to any device or apparatus used to prevent, control or abate the pollution of air caused by

emissions from motor vehicles at levels within the air pollution control standards established by the Department of Environment and Natural Resources.

d. "Owner or Operator" shall refer to any person, whether natural or juridical, who owns leases, controls or operates a motor vehicle.

e. "DENR" shall refer to the Department of Environment and Natural Resources.

SECTION 3. *Unlawful Practices.* It shall be unlawful for any motor vehicle owner or operator:

a. To cause or allow the discharge of air pollutants at levels greater than the acceptable pollutant concentration standards prescribed by the DENR with respect to the class of motor vehicles to which his motor vehicle belongs;

b. To use his motor vehicle or cause or allow it to be used unless such motor vehicle meets the established emission standards; and

c. To sell, register or operate imported or locally manufactured motor vehicle after the effectivity date of the implementing rules and regulations of this Act unless it meets the established emission standards as certified by the DENR.

SECTION 4. *Air Pollutant Tests.* - The Land Transportation Office shall require, as an additional requirement for the registration of every motor vehicle, the owner of motor vehicles to have their vehicles subjected to an air pollutant test. Only a motor vehicle that has been certified as meeting the established emission standards can be registered.

SECTION 5. *Office to conduct Air Pollutant Tests.* - The DENR shall assign the proper officer or employee to every Land Transportation Commission Office to conduct the air pollutant test for the purpose of determining the concentration and/or rate of emission of air pollutants emitted by them. The DENR shall also be responsible for the establishment and operation of a sufficient number of centers where testing may be effectively carried out and appropriate certificates of compliance issued.

SECTION 6. *Implementing rules and regulations.* - The DENR, in coordination with the Department of Science and Technology and the Land Transportation Office, shall promulgate rules and regulation for appropriate control measures to implement and attain the objectives of this Act.

SECTION 7. *Violations of the implementing rules and regulations.* All cases involving the violations of the implementing rules and regulations shall be reported to or filed with the Secretary of the DENR or with the authorized local DENR official by any person or by its deputized agents for summary hearing: *Provided, That* the report of the latter shall be made within twenty-four (24) hours from the time of knowledge of the violation: *Provided, further,* That the decision must be rendered within two (2) days after the conclusion of the administrative hearing.

The penalty to be imposed for every violation thereof shall be a fine of not less than Two Thousand Pesos (PhP2,000.00) and not more than Ten Thousand Pesos (PhP10,000.00).

SECTION 8. *Violations of this Act.* - All cases involving violations of this Act shall be filed with the proper court. Any person found guilty of violating the provisions of this Act shall be liable as follows:

(a) For the first offense - a fine of Two Thousand Pesos (P2,000.00) plus confiscation of the license of the owner/operator of the vehicle together with the vehicle plates;

(b) For the second offense - a fine of Five Thousand Pesos (PhP5,000.00) plus the suspension of his vehicle's certificate of registration until such time as he shall have complied with the requirements of the regulations and the confiscation of the license of the license of the owner/operator of the vehicle and the vehicle plates; and

(c) For the third or succeeding offenses - a fine of Ten Thousand Pesos (P10,000) plus ten (10) days of imprisonment, confiscation of his vehicles plate and cancellation of his vehicle's certificate of registration.

SECTION 9. The sum of Fifteen million pesos (P15,000,000.00) is hereby appropriated out of any funds of the National Treasury for the Operating expenses of the DENR in connection with the enforcement of this Act and its implementing rules and regulations.

SECTION 10. *Separability Clause.* – If any section or provision of this Act shall be declared invalid or unconstitutional, the remainder of the Act not otherwise affected shall remain in full force and effect.

SECTION 11. *Repealing Clause.* – All laws, decrees, orders, issuances, or parts thereof that are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 12. *Effectivity.* – This Act shall take effect fifteen days after its publication in the *Official Gazette* or in any two (2) national newspapers of general circulation.

Approved;