

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Fifteenth Congress
First Regular Session

House Bill No. 1429

Introduced by Honorable Mar-Len Abigail S. Binay

EXPLANATORY NOTE

There is hardly any doubt that the current financial crisis has greatly affected a majority of countries. While the crisis has yet to be fully felt in the Philippines, the government must stay ahead of the curve and immediately implement programs that would cut unnecessary expenditures; thereby, ensuring that the meager government resources will be fully utilized to minimize the impact of the inevitable effects of the global financial crisis.

At present, millions of pesos are currently being spent by local government units (LGUs) to pay private companies for conducting emission tests on vehicles owned by the LGUs even if the latter have the similar, if not better, emission testing devices. The prohibition on the LGUs to conduct the emission testing on its own vehicles appears to be predicated on the current interpretation of Section 21(b) of Republic Act No. 8749 (RA 8749), wherein it is claimed that: (i) the LGUs may only be deputized by the Department of Transportation and Communication (DOTC) to enforce compliance with the emission standards for motor vehicles set by the Department of Environment and Natural Resources (DENR); and (ii) the authority to conduct emission tests is limited to the authorized private emission testing centers duly accredited by the Department of Trade and Industry (DTI).

It is, therefore, submitted that RA 8749 be amended in order to avoid the LGUs' unnecessary expenditures in engaging private emission testing centers even if it is more than capable of performing such tests on its own vehicles. Under the proposed amendment, LGU's and other government departments or agencies that have the appropriate emission testing devices may be duly authorized by the DOTC and accredited by the DTI to perform emission tests on their vehicles. The savings of the LGUs on emission testing of its own vehicles may thus be used for other projects, such as, but not limited to, job creation and livelihood projects for their constituents.

In view of the foregoing, I enjoin other members of the 15th Congress to consider and approve this measure with urgency.


MAR-LEN ABIGAIL S. BINAY

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AN ACT
AMENDING SECTION 21 OF REPUBLIC ACT NO. 8749, OTHERWISE KNOWN AS
THE CLEAN AIR ACT, AND FOR OTHER PURPOSES

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

SECTION 1. Section 1 of Republic Act No. 9164 is hereby amended to read as follows:

“b) The Department, in collaboration with the DOTC, DTI and LGU, shall develop an action plan for the control and management of air pollution from motor vehicles consistent with the Integrated Air Quality Framework. The DOTC shall enforce compliance with the emission standards for motor vehicles set by the Department. The DOTC may deputize other law enforcement agencies and LGUs for this purpose. To this end, the DOTC shall have the power to:

- 1) Inspect and monitor the emissions of motor vehicles;
- 2) Prohibit or enjoin the use of motor vehicles or a class of motor vehicles in any area or street at specified times; and
- 3) Authorize private emission testing centers, **LGUs and other government departments or agencies** duly accredited by the DTI.

1. The DOTC, together with the DTI and the Department, shall establish the procedures for the inspection of motor vehicles and the testing of their emissions for the purpose of determining the concentration and/or rate of emission of pollutants discharged by said sources.

2. In order to ensure the substantial reduction of emissions from motor vehicles, the Department of Trade and Industry (DTI), together with the DOTC and the Department, shall formulate and implement a national motor vehicle inspection and maintenance program that will promote efficient and safe operation of all motor vehicles. In this regard, the DTI shall develop and implement standards and procedures for the certification of training institutions, instructors and facilities and the licensing of qualified private service centers, **LGUs and other government departments or agencies**, and their technicians as prerequisite for performing the testing, servicing, repair and the required adjustment to the vehicle emission system. The DTI shall likewise prescribe regulations requiring the disclosure of odometer readings and the use of tamper-resistant fuel management systems for the effective implementation of the inspection and maintenance program.”

SECTION 2. Repealing Clause. - All laws, decrees, executive orders, and rules and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SECTION 3. Separability Clause. - If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected and thereby remain in full force and effect.

SECTION 6. Effectivity Clause. - This *Act* shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved.