

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **6635**



Introduced by **Rep. MARIO VITTORIO "MARVEY" A. MARINO**
5th District, Batangas

EXPLANATORY NOTE

The 1987 Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Smoke belching is one of the sources of air pollution. In fact, a 2014 Environment and Hazard Risk Reduction Study conducted by the Japan International Cooperation Agency (JICA) and the National Economic and Development Authority (NEDA) focused on air pollution from mobile sources. The Philippine National Emission Inventory in 2008 showed that 65% of the total emission comes from mobile sources.

At present, the only law we have to curb the proliferation of smoke belching vehicles in our roads is thru the roadside inspection system conducted by the Department of Transportation and its deputized agents as mandated in the Clean Air Act. This "checkpoint" method has been in use for several years, but has produced no noticeable reduction in pollution. The incredibly small scale of the program renders the approach nearly useless against the huge number of smoke-belching vehicles on Metro Manila roads. It is also a major cause of traffic in the main roads and has been abused and become a source of corruption. Another approach is needed to replace the existing procedure which has become inefficient and non-productive.

For example in the United States, they adopted a policy where the traffic enforcer issues drivers of smoke-belching vehicles a traffic citation for a "corrective violation," typically issued for violations involving repairable vehicle equipment. Upon receipt of the ticket, the violator has a window of time in which to correct the violation (i.e. to get the vehicle repaired). Before the end of that grace period, the owner must present the vehicle at an accredited testing center for actual chemical analysis (using the standard emission-testing device).

If, after testing, the vehicle is found to be in compliance (regardless of whether it has been repaired or if it was not in violation all along), the citation is voided and no penalty assessed. If the vehicle is found to still be in violation after testing, the citation remains valid and appropriate penalties are applied. In addition, if a violator

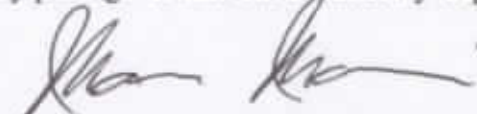
fails to present his vehicle for testing within the allowed period, the citation also remains valid. There is no second chance for no-shows.¹

This measure proposes to adopt the same practice here in the Philippines. With this measure, all deputized traffic enforcers are authorized to issue citations to the operators of smoke-belching vehicles. Probable cause for issuing the citation is based, not on chemical analysis, but rather on the subjective assessment that any vehicle which emits visible exhaust can be reasonably assumed to be not in proper working order. The enforcer uses visual observation as justification for stopping a suspect vehicle.

This bill seeks to amend certain provisions of the Clean Air Act in order for the government to be more efficient in curbing the use of smoke belching vehicles, the emissions of which contribute to the poor air quality in our urban centers, contrary to the goals of the Clean Air Act. Another objective of this proposed measure is not only to catch violators per se but to ensure that only properly maintained vehicles (i.e. those that do not belch smoke) are allowed to operate on the roadways. When a vehicle falls below that standard, it must be identified and the owner shall be required to make the necessary repairs.

With this proposed measure, the owner of the smoke belching vehicle is not automatically penalized but is given the chance to rectify or repair their vehicle so as to make it emission compliant. Only after their failure to do so are the penalties imposed. Another salient feature of the measure is the discontinuance of the practice of conducting roadside inspections on smoke belching vehicles. Moreover, discontinuing this practice also prevents the erring motorist from being unduly inconvenienced and takes into consideration the safety of the motorist, as on the roadside, the motorist may feel threatened, coerced and anxious over his or her safety. Lastly, for erring vehicles, the liability of shouldering the penalties and making said vehicle smoke emission compliant is transferred to the owner or operator of the vehicle(s) in question.

In view of the foregoing, the early passage of this bill is earnestly requested.



MARIO VITTORIO "MARVEY" A. MARIÑO

¹ <http://www.investphilippines.info/arangkada/the-corrective-violation-ticket-a-realistic-approach-to-smoke-belching/>

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**AN ACT AMENDING SECTION 46 OF REPUBLIC ACT 8749,
OTHERWISE KNOWN AS THE PHILIPPINE CLEAN AIR ACT OF
1999**

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

SECTION 1. Short Title. – This Act shall be known as the "Visible Smoke
Control Act of 2017".

SECTION 2. Section 46 of Republic Act No. 8749 is hereby amended to read as
follows:

Section 46. Violation of Standards for Motor Vehicles. – xxx

Any vehicle found to be in of violation of emission standards through visual signs,
such as, but not limited to smoke-belching, which is the emission of visible smoke
from the tailpipe of a moving or a non-moving vehicle with a running engine, shall be
cause for apprehension and the issuance of a "corrective violation" citation or ticket
by the Department of Transportation (DOTr) or its deputized representatives. The
practice of establishing roadside inspection system by any traffic enforcement unit or
LGU is hereby discontinued.

Upon receipt of citation or ticket, the vehicle owner is given ten (10) days in
which to correct the violation. Before the end of that grace period, the owner must
present the vehicle at a duly accredited emission testing center for an emission test.

If, after testing, the vehicle is found to be in compliance (regardless of whether it
has been repaired or if it was not in violation all along), the owner of the vehicle shall
submit the passing certification issued by the emission testing center to the nearest
LTO office to have the citation voided. No offense will be charged and no penalty
will be assessed against the owner of the vehicle. Emission testing will be charged to
the owner of the vehicle.

If the vehicle is found to still be in violation after testing, the emission testing center will flag the motor vehicle's records so as to inform the LTO of the failed result. The citation therefore remains valid, the owner or operator of vehicle is charged with his or her 1st Offense and the appropriate penalties are applied. In addition, if a violator fails to present his vehicle for testing within the allowed period, the citation also remains valid.

If the same vehicle is apprehended for the same reason but at another time and place, the same procedure shall apply but shall count as the 2nd Offense, so on and so forth.

In addition, the owner of the apprehended vehicle shall undergo a seminar on pollution control management conducted by the DOTR and shall also suffer the following penalties for non-compliance:

- a. First Offense – a fine of Ten Thousand Pesos (P 10,000.00);
- b. Second Offense – a fine Twenty Thousand Pesos (P20,000.00); and
- c. Third offense upwards – One (1) year suspension of the Motor Vehicle Registration (MVR) and a fine of Thirty Thousand Pesos (P30,000.00)

Emission Testing Centers found to have falsified Emission Testing Certificates or Reports shall be penalized according to applicable laws and their accreditation with the Department of Transportation revoked.

xxx

SECTION 2. *Repealing Clause.* – All laws, decrees, orders, issuance, rules and regulations inconsistent herewith are hereby repealed or modified accordingly.

SECTION 3. *Effectivity.* – This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,