



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



SEVENTEENTH CONGRESS
Third Regular Session

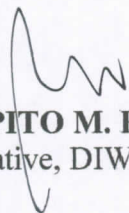
House Bill No. 8747

Introduced by **DIWA Party-list Representative Pepito M. Pico**

EXPLANATORY NOTE

Climate change is no longer just a mere political issue. It has already evolved into a moral issue for us. As we have experienced the worsening effects of climate change over the past years, it has now become our collective moral obligation to ensure that we take actions to somehow address this issue. Although we may be a considerably small nation who can only have so much contribution in resolving the global issue of climate change, this does not excuse us from not doing whatever we can to help combat this humanitarian concern.

One of the worst aspects of our environmental standing is the worsening problem of air pollution. Although we have passed the "Philippine Clean Air Act of 1999", its seventeen years of effectivity has failed to curb our problem of air pollution. Among the problems found under the law is its failure to impose liability upon the owners of erring motor vehicles. This Bill, a re-filing of House Bill No. 769 filed by former DIWA Party-list Representative Emmeline Villar, proposes to make the necessary amendments under the existing law in order to hold motor vehicle owners liable under the Philippine Clean Air Act of 1999.


PEPITO M. PICO
Representative, DIWA Party-list



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AN ACT
AMENDING SECTION 46 OF REPUBLIC ACT NO. 8749 OTHERWISE KNOWN AS
THE "PHILIPPINE CLEAN AIR ACT OF 1999" TO SHIFT LIABILITY FOR
SMOKE BELCHING FROM THE DRIVER TO THE OWNER OF THE MOTOR
VEHICLE

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

SECTION 1. Section 46 of Republic Act No. 8749, otherwise known as the "Philippine Clean Air Act of 1999" is hereby amended to read as follows:

Section 46. Violation of Standards for Motor Vehicles. - No motor vehicle shall be registered with the DOTC unless it meets the emission standards set by the Department as provided in Section 21 hereof.

Any vehicle suspected of violation of emission standards through visual signs, such as, but not limited to smoke-belching, shall be subjected to an emission test by a duly authorized testing center for this purpose, the DOTC or its authorized testing center, shall establish a roadside inspection system. Should it be shown that there was no violation of emission standards, the vehicle shall be immediately released. Otherwise, a testing result indicating an exceedance of the emission standards would warrant the continuing custody of the impounded vehicle unless the appropriate penalties are fully paid, and the license plate is surrendered to the DOTC pending the fulfillment of the undertaking by the owner/operator of the motor vehicle to make the necessary repairs so as to comply with the standards. A pass shall herein be issued by the DOTC to authorize the use of the motor vehicle within a specified period that shall not exceed seven (7) days for the sole purpose of making the necessary repairs on the said vehicle. The owner/operator of the vehicle shall be required to correct its defects and show proof of

compliance to the appropriate pollution control office before the vehicle can be allowed to be driven on any public or subdivision roads.

IN ADDITION, THE OWNER OF THE APPREHENDED VEHICLE SHALL UNDERGO A SEMINAR ON POLLUTION CONTROL AND MANAGEMENT CONDUCTED BY THE DOTC AND SHALL ALSO SUFFER A PENALTY OF ONE (1) YEAR SUSPENSION OF THE MOTOR VEHICLE REGISTRATION (MVR) AND A FINE OF TEN THOUSAND PESOS (P10,000.00).

Any violation of the provisions of Section 21 paragraph (d) with regard to national inspection and maintenance program, including technicians and facility compliance shall be penalized with a fine of not less than Thirty thousand pesos (P30,000.00) or cancellation of license of both the technician and the center, or both, as determined by the DTI.

All law enforcement officials and deputized agents accredited to conduct vehicle emissions testing and apprehensions shall undergo a mandatory training on emission standards and regulations. For this purpose, the Department, together with the DOTC, DTI, DOST, Philippine National Police (PNP) and other concerned agencies and private entities shall design a training program.

SECTION 2. Repealing Clause. - Any law presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 3. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,