

THIRTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES }  
First Regular Session

'04 JUN 30 P10:28

SENATE  
S. No. 716

RECEIVED BY: *Ortega*

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INTRODUCED BY HON. MANUEL B. VILLAR, JR.

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**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 tile streets leaving in their wake a cloud of black smoke. The operators of these vehicles go on their way not realizing the effect the emission of their vehicles have on the environment and on the Health of the people.

Article 11, 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 proposes the imposition of an additional requirement before a vehicle's registration will be allowed or renewed. The requirement of subjecting the vehicle to a smoke belching test for its initial registration and every year thereafter will minimize, if not totally eradicate, air pollution caused by smoke-belching vehicles.

Approval of this bill is earnestly sought.

  
**MANUEL B. VILLAR, JR.**  
Senator

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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. 11181, AND FOR OTHER PURPOSES

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

SECTION 1. 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

SEC. 2. When used in this Act, the following terms shall mean as follows:

a. "Motor Vehicle" - 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" - 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" - any device or apparatus used to prevent,  
control or abate the pollution of air caused by emission from motor vehicles at levels  
within the air pollution control standards established by the Department of  
Environment and Natural Resources.

d. "Owner or Operator" - any person, whether Natural or juridical, who owns  
leases, controls or operates a motor vehicle.

e. "DENR" - The Department of Environment and Natural Resources

SECTION 3. It shall be unlawful for any unlawful for any motor vehicle owner to:

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

c. 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. 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 which has  
been certified as meeting the established emission standards can be registered.

SECTION 5. 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. 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. 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 trial. The decision shall become final and executory within fifteen (15) days from notice of the decision.

The penalty to be imposed for every violation thereof shall be a fine of not less than fifty pesos (P50.00) and not more than Two hundred pesos (P200.00)

SECTION 8. All cases involving violations of this shall be filed with the proper court. Any person found guilty of violating the provisions of this Act shall for the first offense shall be liable to 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; for the second offense, to a fine of Five thousand pesos (P5,000.00) plus the suspension of his vehicle's certificate of registration until such time as he shall have complied with the requirements of the regulations, plus confiscation of the license of the owner/operator of the vehicle and the vehicle plates; and for the third or succeeding offenses, to a fine of Ten thousand Pesos (P 10,000.00) 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 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. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.