

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



'15 MAY 18 P4 :40

SENATE
S. No. 2772

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

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 TO THE OWNER OF THE MOTOR VEHICLE

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 and 16 provide:

Section 15. The State shall protect and promote the right to health of the people and *instill health consciousness among them.*

Section 16. 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.

This Bill seeks to shift liability for smoke-belching from the driver and operator to *the owner of the motor vehicle.*

According to a 2007 World Bank report, the treatment of air pollution-related cardiovascular and respiratory diseases costs the Philippines about US\$19 million a year. Lost income was estimated at US\$134 million from air pollution-related deaths. It was also estimated that 5,000 people die early due to respiratory and cardiovascular diseases resulting from exposure to poor air quality in Metro Manila.¹ Eight years later, the traffic situation has only gotten worse, and with it, the pollution from vehicle emissions.

Apart from the obvious health and economic impacts, increased vehicle emissions also discourage healthier and cleaner alternative transportation such as biking and walking. The worse it gets, the less people will be willing to take cleaner options.

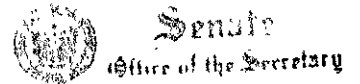
¹ <http://cleanairasia.org/portal/node/4324>

The current version of the Clean Air Act of 1999 penalizes the drivers and operators of motor vehicles apprehended for violation of emission standards. This may not have the desired effect of pushing vehicle owners to make the necessary repairs or replacements in order to comply with the standards. The reason for this is that the vehicles that are in violation are usually trucks, buses, public utility jeepneys, and the like, rather than privately owned vehicles. It follows that the drivers are mere employees of the owners and do not have the necessary control over major repairs and replacement of the vehicles, yet they are the ones held liable. The current law also provides different penalties for the first, second and third offenses, thus implying the lack of urgency in requiring the repairs.

This Bill will shift the burden from the drivers and operators to the owners, as well as provide one, increased penalty for all instances of smoke-belching.


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

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

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

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

10 Any vehicle suspected of violation of emission standards through
11 visual signs, such as, but not limited to smoke-belching, shall be subjected
12 to an emission test by a duly authorized testing center for this purpose, the
13 DOTC or its authorized testing center shall establish a roadside inspection
14 system. Should it be shown that there was no violation of emission
15 standards, the vehicle shall be immediately released. Otherwise, a testing
16 result indicating an exceedance of the emission standards would warrant the
17 continuing custody of the impounded vehicle unless the appropriate
18 penalties are fully paid, and the license plate is surrendered to the DOTC
19 pending the fulfillment of the undertaking by the owner/operator of the

1 motor vehicle to make the necessary repairs so as to comply with the
2 standards. A pass shall herein be issued by the DOTC to authorize the use
3 of the motor vehicle within a specified period that shall not exceed seven
4 (7) days for the sole purpose of making the necessary repairs on the said
5 vehicle. The owner/operator of the vehicle shall be required to correct its
6 defects and show proof of compliance to the appropriate pollution control
7 office before the vehicle can be allowed to be driven on any public or
8 subdivision roads.

9 **IN ADDITION OWNER OF THE APPREHENDED VEHICLE**
10 **SHALL UNDERGO A SEMINAR ON POLLUTION CONTROL AND**
11 **MANAGEMENT CONDUCTED BY THE DOTC AND SHALL ALSO**
12 **SUFFER A PENALTY OF ONE (1) YEAR SUSPENSION OF THE**
13 **MOTOR VEHICLE REGISTRATION (MVR) AND A FINE OF TEN**
14 **THOUSAND PESOS (₱10,000.00).**

15 Any violation of the provisions of Section 21 paragraph (d) with
16 regard to national inspection and maintenance program, including
17 technicians and facility compliance shall be penalized with a fine of not less
18 than Thirty thousand pesos (₱30,000.00) or cancellation of license of both
19 the technician and the center, or both, as determined by the DTI.

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

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

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

Approved,

/aml 8May2015