

ORDINANCE NO. 8174

AN ORDINANCE CREATING THE MANILA EMISSION CONTROL SYSTEM FOR MOTORIZED VEHICLES AND PROVIDING PENALTIES FOR SMOKE BELCHING VEHICLES PLYING AND TRAVERSING THE TERRITORIAL JURISDICTION OF THE CITY OF MANILA.

Be it ordained by the City Council of Manila, in session, assembled, THAT:

SECTION 1. This shall be known as the "**Vehicle Emission Control Ordinance of the City of Manila**".

SEC. 2. CREATION OF THE MANILA ANTI-SMOKE BELCHING UNIT. -

The Manila Anti-Smoke Belching Unit, or ASBU for brevity, is hereby created and shall be under the control and supervision of the **OPERATIONS DIVISION** of the **DEPARTMENT OF PUBLIC SERVICES**. It shall discharge the function of apprehending all violators of this Ordinance, within the territorial jurisdiction of the City of Manila.

In addition to its primary functions of handling the City's Solid Waste Management, the Department of Public Services, is also mandated under Section 1 of City Ordinance 7770, otherwise known as the "**Creation of D.P.S.**", to uphold the Environmental Sanitation of the City.

Sec. 2.a. ADMINISTRATION.

The Department of Public Services (DPS) as mandated under Sec. 1 of C.O. 7770 shall implement and enforce the vehicle emission standards fixed in this Ordinance. The Department and its authorized deputies may conduct mobile emission testing anywhere within the City of Manila.

Since tricycle drivers are considered as belonging to the marginalized sector of society, there shall be two phases in the implementation of the provisions applicable to them. There shall be a grace period of six (6) months from the date of enactment of this Ordinance for the conduct of a massive information campaign and another six (6) months for a warning violation with no penalties and charges yet imposable.

Any vehicle plying within the City of Manila, which is not complying with the emission standards set in this Ordinance, may be apprehended and subjected to emission control test.

In case the vehicle fails the test, the driver shall be issued an Ordinance Violation Receipt (OVR) and his/her driver's license and/or vehicle license plates will be confiscated. The Driver's License/Vehicle License Plates will only be released to the violator after the vehicle has passed the emission control test and upon payment of testing fee and fines provided for, under Sections 5 and 6, hereof.

Sec. 2.b. PUBLIC EDUCATION AND INFORMATION CAMPAIGN.

A continuing air quality information and education campaign shall be intensified by the City Government through the DPS and shall encourage the participation of the other offices such as the DCS, MHD and other government agencies, the private sector including NGOs, POs, the academe, environmental groups, transport sector and other private entities in the implementation of a multi-sectoral information campaign.

The enforcement and the implementation of the emission standards shall require the active cooperation of the importers, local assemblers, owners/operators and the users of all motor vehicles. To ensure the cooperation of these groups, there is a need for an intensified and sustained awareness raising campaign which shall focus on: (1) the harmful impact of gas emissions on the general public and workers in the transport sector; (2) the technological options available to the transport sector to prevent smoke belching; and, (3) the commitment of the City Government to enforce emission standards through strengthening of apprehension activities.

SEC. 3. DEFINITION OF TERMS. – As used in this Ordinance, the following terms shall mean and defined as follows:

Air Pollutant - any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and other inert gases, in their natural or normal concentrations, that is detrimental to health or the environment, which includes but not limited to smoke, dust, soot, cinders, fly ash, solid particles of any kind, gases, fumes, chemical mist, steam and radio active substance.

AQI (Air Quality Indices) - Level of air quality for suspended particles.

Department - the Department of Public Services.

DCS - Division of City Schools.

Emission - any air contaminant, pollutant, gas stream, or unwanted gas stream from a known source which is passed into the atmosphere.

EMF - Environmental Management Fund.

Motor Vehicle - any vehicle propelled by a gasoline or diesel engine or by any other than human or animal power constructed and operated principally for the conveyance of persons or transportation of property or goods in a public highway or street open to public use.

- Mobile Resources** - any vehicle propelled by or through combustion of carbon-based or other fuel, constructed and operated principally for the conveyance of persons or the transportation of property or goods.
- Motorcycle** - any two wheeled motor vehicle with at least one headlight, taillight and a spotlight, and one or more saddle seats. For purposes of this Ordinance, motorcycle shall include that with attached car or also known as "tricycle".
- Smoke Opacity Meter (Opacimeter)** - an instrument which determines the smoke opacity in exhaust gases emitted by the engine system.
- Type Approval** - the official ratification of the compliance of a vehicle type which is applicable to local or national regulations.
- Poisonous and Toxic Fumes** - any emission and fumes which are beyond the internationally accepted standards, including but not limited to the World Health Organization (WHO) guideline value.
- Pollution Control Device** - any device or apparatus used to prevent, control or abate the pollution of air caused by emissions from identified pollution sources at levels within the established air pollution control standards.
- Vehicle Type** - a category or power-driven vehicle which do not differ in such essentials as reference mass or weight, engine type, number of cylinders, body configuration, manner of transmission, fuel used and similar characteristics.

SEC. 4. Apprehension of smoke-belching vehicles shall be conducted in conformity to the Work Instruction and Emission Standard set forth in this Ordinance.

Section 4.a. WORK INSTRUCTION FOR ROADSIDE APPREHENSION OF SMOKE BELCHING VEHICLES.

1.0 Purpose and Scope. – this procedure defines in detail the proper conduct of roadside apprehension, consistent with the provisions of the Clean Air Act of 1999 and its Implementing Rules and Regulations (DENR Administrative Order (DAO) 2000-81) and LTO's Memorandum Circulars.

2.0 Responsibilities. -

- 2.1.** The main responsibility of the Apprehending Team is to ensure that vehicles comply with the emission standards set forth under this Ordinance. The team shall be composed of twelve (12) to thirteen (13) persons, as follows:
 - 1 Team Leader
 - 2 Apprehending Officers
 - 1 Testing Team (1 machine operator, 1 prober,
 - 1 Standard Team for Detection and Recording or STDR (optional))
 - 3 Flaggers
 - 2 Spotters
 - 2 Plate Detachers/Removers
 - 1 Plate Keeper
- 2.2.** The TEAM LEADER shall ensure that the team properly and efficiently executes the apprehension procedure.
- 2.3.** DESIGNATED APPREHENDING OFFICER issues Ordinance Violation Receipt (OVR) to drivers of apprehended vehicles.
- 2.4.** TESTING TEAM conducts smoke emission testing.
- 2.5.** SPOTTER(s) identifies through visual means smoke-belching vehicles and relays the information to the flaggers and apprehending officers of the team.
- 2.6.** FLAGGER(s) motions the driver of smoke belching vehicles to pull over.
- 2.7.** PLATE DETACHER/REMOVER(s) detaches the license plate (front and rear).
- 2.8.** PLATE KEEPER receives record and keeps the confiscated license plates.

3.0 Job Requirements. -

3.1 Preparation.

- 3.1.1.** Apprehending team members must wear proper uniform and Identification Card (I.D.).
- 3.1.2.** Testing team must prepare according to Work Instruction for smoke emission test.
- 3.1.3.** Team Leader must ensure that all equipment, documents and supplies are complete and all equipment are in good working condition.

3.2 Activities.

3.2.1 Identification and flagging down of a smoke-belching vehicle

3.2.1.1 The SPOTTER, who is positioned about 50 to 100 meters from the apprehension team, spots and identifies the smoke-belching vehicle.

3.2.1.2 The SPOTTER informs the TEAM LEADER the description of the spotted smoke-belching vehicle through pre-arranged signals or through the use of radio communication device.

3.2.1.3 The TEAM LEADER WILL ORDER THE FLAGGER to flag down the reported smoke-belching vehicle.

3.2.1.4 The FLAGGER motions the driver of the smoke-belching vehicle to pull over to the outer most lane of the road near the sidewalk.

3.2.1.5 The APPREHENDING OFFICER identifies himself to the driver and informs him that his/her vehicle is being stopped because it is visually emitting smoke and, therefore, must be tested for smoke emission as specified in the Vehicle Emission System of Manila.

3.2.1.6 The APPREHENDING OFFICER requests the driver to present a copy of the Vehicle OR and CR and his/her driver's license.

3.2.1.7 The APPREHENDING OFFICER verifies the documents for authenticity.

3.2.1.8 While the APPREHENDING OFFICER verifies the documents, the MACHINE OPERATOR boards the vehicle and informs the passengers that the team is conducting smoke-belching test in consonance with the Clean Air Act (R.A. 8749).

3.2.1.9 A team member distributes copies of printed information materials (if available).

3.2.2 Smoke Emission Testing of Vehicles.

3.2.2.1 The TESTING TEAM (Machine operator and Prober) conducts smoke emission test following the work instruction for Smoke Emission test in motorized vehicle.

3.2.2.2 The MACHINE OPERATOR submits the result of the test to the APPREHENDING OFFICER and informs the latter whether the vehicle passed or failed the test.

3.2.3 Releasing of vehicle that passed the smoke emission test.

If the result shows that the vehicle passed the test, the APPREHENDING OFFICER returns all documents requested earlier and releases the vehicle.

3.2.4 Issuance of ORDINANCE VIOLATION RECEIPT (OVR) and confiscation of license plates of vehicle that fail the smoke emission test.

3.2.4.1 The APPREHENDING OFFICER issues an OVR. He records all test results in the OVR whether the offense is the first, the second, etc., of the vehicle. He explains to the driver that the OVR is issued to allow the driver to take possession of the vehicle for purposes of undertaking needed repairs.

3.2.4.2 The APPREHENDING OFFICER instructs the PLATE REMOVER to remove the vehicle's license plates (front and rear).

3.2.4.3 The PLATE REMOVER detaches the vehicles license plates.

3.2.4.4 The PLATE REMOVER endorses vehicle's license plates to PLATE KEEPER.

3.2.4.5 The PLATE KEEPER receives all records and safekeeps the confiscated license plates.

3.2.5 Turn-over and realizing of confiscated license plates.

3.2.5.1 At the end of the roadside operation, the PLATE KEEPER shall properly endorse all confiscated plates to the OPERATIONS DIVISION, DEPARTMENT OF PUBLIC SERVICES (DPS).



3.2.5.2 The MACHINE OPERATOR shall turn-over to the OPERATIONS DIVISION, all vehicle information including the test result.

3.2.5.3 The OPERATIONS DIVISION, upon approval of the Department Head will release the license plates when the owner of apprehended vehicles pay the corresponding penalty to the OVR Redemption Center and meet the required vehicle emission standard set in consonance with the Clean Air Act of 1999 (R.A. 8749).

In the event the driver of the apprehended vehicle contests the apprehension and/or result of the emission standards, he may appeal the same to the City Adjudication Board where he will be given the opportunity to be heard and present his evidence.

Pending the creation of the City Adjudication Board, through a Local Executive Order, the City Legal Office shall exercise its functions.

The City Adjudication Board may adopt its rules and procedures in the conduct of its hearing in concurrence with the rules and procedures observed by the DOTC/LTO and DENR.

SEC. 5. FEES/CHARGES. - A fee equivalent to PhP 300.00 shall be collected for the conduct of emission testing service, PhP 50.00 of which shall be earmarked in favor of the Anti-Smoke Belching Unit of the City.

The amount shall be paid upon presentation of the vehicle for testing to determine whether or not it has already complied with the emission standards set in this Ordinance. Passing the emission test shall be a requirement for the release of the confiscated driver's license and/or vehicle plate to its owner.

The Office of the City Mayor, upon the recommendation of the DPS shall issue Accreditation Certificates to Private Emission Testing Centers to conduct emission testing for the City. ONLY the Emission Certificate Result issued by accredited emission testing centers shall be honored by the City.

SEC. 6. FINES AND PENALTIES. - Fines and penalties for violation of this Ordinance shall be as follows:

1. Fines for Violation of Section 2, Article III on emission limits for Motorcycles/Tricycles:

First Offense	-	PhP 300.00
Second Offense	-	PhP 500.00
Third and subsequent Offenses	-	PhP 700.00

2. Fines and penalties for Violation of emission limits for Four (4) wheeled or more vehicles:

	Four (4) wheeled vehicle	Six (6) wheeled Vehicle	Eight (8) wheeled Vehicle
First Offense	PhP 1,000.00	PhP 2,500.00	PhP 3,000.00
Second Offense	PhP 2,000.00	PhP 3,500.00	PhP 4,000.00
Third and subsequent Offenses	PhP 3,000.00	PhP 4,500.00	PhP 5,000.00

In all cases, the driver's license and /or Vehicle License Plates shall be confiscated and shall only be released to the owner subject to the provisions of Section 4.a Subsection 3.2.5.3 of this Ordinance.

SEC. 7. ENVIRONMENTAL MANAGEMENT FUND.

There is hereby created the **Environmental Management Fund (EMF)** to handle/manage the financial concerns of this Ordinance subject to standard accounting and auditing procedures.

Emission testing fees and private emission testing Center Accreditation fees shall accrue to the City of Manila's Environmental Management Fund.

All collection from fines and penalties of any section of this Ordinance shall accrue to the Manila Environmental Management Fund, subject to standard accounting and auditing procedures. The City Accountant shall keep and maintain a special account and all records hereto.

Incentives equivalent to Ten Percent (10%) of all collected fines shall be given to the designated Anti-Smoke Belching Operatives/Teams.

The remaining 90% of the fund earmarked for the use of DPS shall only be disbursed for environmental related projects and activities including personnel capability building activities, allowances for personnel with official business, maintenance facilities, devices and equipment relative to the functions of the Department but excluding salaries of personnel. Any unused balance at the end of the calendar year shall be reverted back to the fund.

SEC. 8. MISCELLANEOUS PROVISIONS.

Sec. 8.a.

SAVING CLAUSE. - The rules, regulations and issuances of the Department of Environment and Natural Resources (DENR) and ~~other~~ national agencies pertaining to Clean Air Act of 1999 not in conflict with this Ordinance are hereby adopted.

Sec. 8.b.

SEPARABILITY CLAUSE. - If for any reason/s, any part of this Ordinance is declared illegal or invalid, other parts or provisions hereof which are not affected thereby shall remain valid and in full force and effect.

Sec. 8.c.

REPEALING CLAUSE. - Any Ordinance, or parts or provision thereof which are inconsistent with any of the provisions of this Ordinance herewith are hereby repealed or modified accordingly.

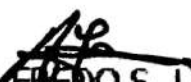
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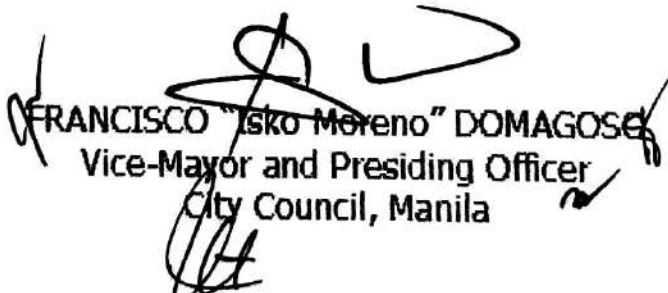
EFFECTIVITY CLAUSE. - This Ordinance shall take effect upon its approval, fifteen (15) days following its posting and publication in two (2) newspapers of general circulation.

Enacted by the City Council of Manila at its regular session held today, October 2, 2008.


Approved by His Honor, the Mayor, on *November 21, 2008*

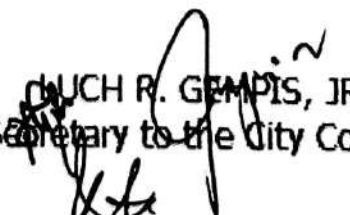
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