

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.<sup>1</sup>

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, immediate passage of this bill is earnestly requested.

  
**MARIO VITTORIO "MARVEY" A. MARIÑO**

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



Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session

House Bill No. 894

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Introduced by **Rep. MARIO VITTORIO “MARVEY” A. MARIÑO**  
5<sup>th</sup> District, Batangas

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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 1<sup>st</sup> 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 2<sup>nd</sup> 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,