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[ REPUBLIC ACT NO. 8749 ]

AN ACT PROVIDING FOR A COMPREHENSIVE AIR POLLUTION CONTROL POLICY AND FOR OTHER PURPOSES

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

CHAPTER I  
GENERAL PROVISIONS

ARTICLE ONE  
BASIC AIR QUALITY POLICIES

SECTION 1. *Short Title* - This Act shall be known as the "Philippine Clean Air Act of 1999."

ARTICLE TWO  
DEFINITION OF TERMS

SEC. 5. *Definitions.* - As used in this Act:

- a) "Air pollutant" means any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the 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 mists, steam and radio-active substances;
- b) "Air pollution" means any alteration of the physical, chemical and biological properties of the atmospheric air, or any discharge thereto of any liquid, gaseous or solid substances that will or is likely to create or to render the air resources of the country harmful, detrimental, or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational, or other legitimate purposes;
- c) "Ambient air quality guideline values" means the concentration of air over specified periods classified as short-term and long-term which are intended to serve as goals or objectives for the protection of health and/or public welfare. These values shall be used for air quality management purposes such as determining time trends, evaluating stages of deterioration or enhancement of the air quality, and in general, used as basis for taking positive action in preventing, controlling, or abating air pollution;
- d) "Ambient air quality" means the general amount of pollution present in a broad area; and refers to the atmosphere's average purity as distinguished from discharge measurements taken at the source of pollution;
- e) "Certificate of Conformity" means a certificate issued by the Department of Environment and Natural Resources to a vehicle manufacturer/assembler or importer certifying that a particular new vehicle or vehicle type meets the requirements provided under this Act and its rules and regulations;
- f) "Department" means the Department of Environment and Natural Resources;

- g) "Eco-profile" means the geographic-based instrument for planners and decision-makers which present an evaluation of the environmental quality and carrying capacity of an area. It is the result of the integration of primary and secondary data and information on natural resources and anthropogenic activities on the land which are evaluated by various environmental risk assessment and forecasting methodologies that enable the Department to anticipate the type of development control necessary in the planning area;
- h) "Emission" means any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere;
- i) "Greenhouse gases" means those gases that can potentially or can reasonably be expected to induce global warming, which include carbon dioxide, methane, oxides of nitrogen, chlorofluorocarbons, and the like;
- j) "Hazardous substances" means those substances which present either: (1) short-term acute hazards such as acute toxicity by ingestion, inhalation, or skin absorption, corrosivity or other skin or eye contact hazard or the risk of fire explosion; or (2) long-term toxicity upon repeated exposure, carcinogenicity (which in some cases result in acute exposure but with a long latent period), resistance to detoxification process such as biodegradation, the potential to pollute underground or surface waters;
- k) "Infectious waste" means that portion of medical waste that could transmit an infectious disease;
- l) "Medical waste" means the materials generated as a result of patient diagnosis, treatment, or immunization of human beings or animals;
- m) "Mobile source" means 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;
- n) "Motor vehicle" means any vehicle propelled by a gasoline or diesel engine or by any means other than human or animal power,

- c) Other pertinent qualitative and quantitative information concerning the extent of air pollution and the air quality performance rating of industries in the country.

The Department, in cooperation with the National Statistical Coordination Board (NSCB), shall design and develop an information network for data storage, retrieval and exchange.

The Department shall serve as the central depository of all data and information related to air quality.

**SEC. 7. Integrated Air Quality Improvement Framework.** - The Department shall, within six (6) months after the effectivity of this Act, establish, with the participation of LGUs, NGOs, POs, the academe and other concerned entities from the private sector, formulate and implement the Integrated Air Quality Improvement Framework for a comprehensive air pollution management and control program. The framework shall, among others, prescribe the emission reduction goals using permissible standards, control strategies and control measures to be undertaken within a specified time period, including cost-effective use of economic incentives, management strategies, collective action, and environmental education and information.

The Integrated Air Quality Improvement Framework shall be adopted as the official blueprint with which all government agencies must comply with to attain and maintain ambient air quality standards.

**SEC. 8. Air Quality Control Action Plan.** - Within six (6) months after the formulation of the framework, the Department shall, with public participation, formulate and implement an air quality control action plan consistent with Section 7 of this Act. The action plan shall:

a) Include enforceable emission limitations and other control measures, means or techniques, as well as schedules and time tables for compliance, as may be necessary or appropriate to meet the applicable requirements of this Act;

b) Provide for the establishment and operation of appropriate devices, methods, systems and procedures necessary to monitor, compile and analyze data on ambient air quality;

c) Include a program to provide for the following: (1) enforcement of the measures described in subparagraph (a); (2) regulation of the modification and construction of any stationary source within the areas covered by the plan, in accordance with land use policy to ensure that ambient air quality standards are achieved;

d) Contain adequate provisions, consistent with the provisions of this Act, prohibiting any source or other types of emissions activity within the country from emitting any air pollutant in amounts which will significantly contribute to the non-attainment or will interfere with the maintenance by the Department of any such ambient air quality standard required to be included in the implementation plan to prevent significant deterioration of air quality or to protect visibility;

e) Include control strategies and control measures to be undertaken within a specified time period, including cost effective use of economic incentives, management strategies, collection action, and environmental education and information;

f) Designate airsheds; and

g) All other measures necessary for the effective control and abatement of air pollution.

The adoption of the plan shall clarify the legal effects on the financial, manpower and budgetary resources of the affected government agencies, and on the alignment of their programs with the plans.

In addition to direct regulations, the plan shall be characterized by a participatory approach to the pollution problem. The involvement of private entities in the monitoring and testing of emissions from mobile and/or stationary sources shall be considered.

Likewise, the LGUs, with the assistance from the Department, shall prepare and develop an action plan consistent with the Integrated Air Quality Improvement Framework to attain and maintain the ambient air quality standards within their respective airsheds as provided in Section 9 hereof.

The local government units shall develop and submit to the Department a procedure for carrying out the action plan for their

to existing, direct industrial emitters of non-conventional and toxic pollutants; and

c) Alternative fuels, processes and operating methods which will result in the elimination or significant reduction of emissions.

Such information may also include data relating to the cost of installation and operation, energy requirements, emission reduction benefits, and environmental impact of the emission control technology.

The issuance of air quality guideline values, standards and information on air quality control techniques shall be made available to the general public: *Provided*, That the issuance of information on air quality control techniques shall not be construed as requiring the purchase of certain pollution control devices by the public.

#### SEC. 12. *Ambient Air Quality Guideline Values and Standards.*

The Department, in coordination with other concerned agencies, shall review and/or revise and publish annually a list of hazardous air pollutants with corresponding ambient guideline values and/or standard necessary to protect public health and safety, and general welfare. The initial list and values of the hazardous air pollutants shall be as follows:

a) For National Ambient Air Quality Guideline for Criteria Pollutants:

Pollutants	Short Term <sup>a</sup>		Averaging Time	Long Term <sup>b</sup>		Averaging Time
	µg/Ncm	ppm		µg/Ncm	ppm	
Suspended Particulate Matter - TSP	230		24 hours	90	--	1 year
- PM-10	150		24 hours	60	--	1 year
Sulfur Dioxide	180	0.07	24 hours	80	0.03	1 year
Nitrogen Dioxide	150	0.08	24 hours	--	--	--
Photochemical Oxidants	140	0.07	1 hour	--	--	--
As Ozone	60	0.03	8 hours	--	--	--
Carbon Monoxide	35 mg/Ncm	30	1 hour	--	--	--
	10 mg/Ncm	9	8 hours	--	--	--
Lead	1.5	--	3 months	1.0	--	1 year

<sup>a</sup> Maximum limits represented by ninety-eight percentile (98%) values not to exceed more than once a year.

<sup>b</sup> Arithmetic mean

- SO<sub>2</sub> and Suspended Particulate matter are sampled once every six days when using the manual methods. A minimum of twelve sampling days per quarter or forty-eight sampling days each year is required for these methods. Daily sampling may be done in the future once continuous analyzers are procured, and become available.
- Limits for Total Suspended Particulate Matter with mass median diameter less than 25-50 µm.
- Annual Geometric Mean
- Provisional limits for Suspended Particulate Matter with mass median diameter less than 10 microns and below until sufficient monitoring data are gathered to base a proper guideline.
- Evaluation of this guideline is carried out for 24-hour averaging time and averaged over three moving calendar months. The monitored average value for any three months shall not exceed the guideline value.

b) For National Ambient Air Quality Standards for Source Specific Air Pollutants from Industrial Sources/Operations:

Pollutants <sup>1</sup>	Concentration <sup>2</sup>		Averaging time (min.)	Method of Analysis/Measurement <sup>3</sup>
	µg/Ncm	ppm		
1. Ammonia	200	0.28	30	Nesslerization/Indo Phenol
2. Carbon Disulfide	30	0.01	30	Tischer Method
3. Chlorine and Chlorine compounds expressed as Cl <sub>2</sub>	100	0.03	5	Methyl Orange
4. Formaldehyde	50	0.04	30	Chromotropic acid Method or MBTH Colorimetric Method
5. Hydrogen Chloride	200	0.13	30	Volhard Titration with Iodine Solution
6. Hydrogen Sulfide	100	0.07	30	Methylene Blue
7. Lead	20		30	AAS
8. Nitrogen Dioxide	375 260	0.20 0.14	30 60	Greiss-Saltzman
9. Phenol	100	0.03	30	4-Aminoantipyrine
10. Sulfur Dioxide	470 340	0.18 0.13	30 60	Colorimetric-Pararosaniline
11. Suspended Particulate Matter - TSP - PM10	300 200	--	60 60	Gravimetric -do-

<sup>1</sup> Pertinent ambient standards for Antimony, Arsenic, Cadmium, Asbestos, Nitric Acid and Sulfuric Acid Mists in the 1978 NPCC Rules and Regulations may be considered as guides in determining compliance

<sup>2</sup> Ninety-eight percentile (98%) values of 30-minute sampling measured at 25°C and one atmosphere pressure

<sup>3</sup> Other equivalent methods approved by the Department may be used

The basis in setting up the ambient air quality guideline values and standards shall reflect, among others, the latest scientific knowledge including information on:

**SEC. 18. Financial Liability for Environmental Rehabilitation.** - As part of the environmental management plan attached to the environmental compliance certificate pursuant to Presidential Decree No. 1586 and rules and regulations set therefor, the Department shall require program and project proponents to put up financial guarantee mechanisms to finance the needs for emergency response, clean-up or rehabilitation of areas that may be damaged during the program or project's actual implementation. Liability for damages shall continue even after the termination of a program or project, where such damages are clearly attributable to that program or project and for a definite period to be determined by the Department and incorporated into the environmental compliance certificate.

Financial liability instruments may be in the form of a trust fund, environmental insurance, surety bonds, letters of credit, as well as self-insurance. The choice of the guarantee instrument or combinations thereof shall depend, among others, on the assessment of the risks involved. Proponents required to put up guarantee instruments shall furnish the Department with evidence of availment of such instruments.

### ARTICLE THREE POLLUTION FROM STATIONARY SOURCES

**SEC. 19. Pollution From Stationary Sources.** - The Department shall, within two (2) years from the effectivity of this Act, and every two (2) years thereafter, review, or as the need therefor arises, revise and publish emission standards, to further improve the emission standards for stationary sources of air pollution. Such emission standards shall be based on mass rate of emission for all stationary sources of air pollution based on internationally-accepted standards, but not be limited to, nor be less stringent than such standards and with the standards set forth in this section. The standards, whichever is applicable, shall be the limit on the acceptable level of pollutants emitted from a stationary source for the protection of the public's health and welfare.

With respect to any trade, industry, process and fuel-burning equipment or industrial plant emitting air pollutants, the concentration at the point of emission shall not exceed the following limits:

Pollutants	Standard Applicable to Source	Maximum Permissible Limits (mg/Ncm)	Method of Analysis
1. Antimony and its compounds	Any source	10 as Sb	AAS
2. Arsenic and its compounds	Any source	10 as As	AAS
3. Cadmium and its compounds	Any source	10 as Cd	AAS
4. Carbon Monoxide	Any industrial source	500 as CO	Oxid Analysis
5. Copper and its compounds	Any industrial source	100 as Cu	AAS
6. Hydrofluoric Acids and Fluoride compounds	Any source other than the manufacture of Aluminum from Alumina	50 as HF	Titration with Ammonium Thiocyanate
7. Hydrogen Sulfide	i) Geothermal power plants ii) Geothermal exploration and well-testing iii) Any source other than (i) and (ii)	c,d e 7 as H <sub>2</sub> S	Cadmium Sulfide Method  Cadmium Sulfide Method
8. Lead	Any trade, industry or process	10 as Pb	AAS
9. Mercury	Any source	5 as elemental Hg	AAS Cold Vapor Technique or Hg Analyzer

Emission Limits for Light Duty Vehicles

Type Approval  
(Directive 91/441/EEC)

CO (g/km)	HC + NO <sub>x</sub> (g/km)	PM <sup>a</sup> (g/km)
2.72	0.97	0.14

<sup>a</sup> for compression-ignition engines only

b) For light commercial vehicles, the exhaust emission limit of gaseous pollutants as a function of the given reference mass shall be:

Emission Limits for Light Commercial Vehicles

Type Approval  
(Directive 93/59/EEC)

Reference Weight (RW) (kg)	CO (g/km)	HC + NO <sub>x</sub> (g/km)	PM <sup>a</sup> (g/km)
Category 1	1250 < RW	2.72	0.97
Category 2	1250 < RW < 1700	5.17	1.4
Category 3	RW > 1700	6.9	1.7

<sup>a</sup> for compression-ignition engines only

c) For heavy duty vehicles, the exhaust emission limits of gaseous pollutants shall be:

Emission Limits for Heavy Duty Vehicles

Type Approval  
(Directive 91/542/EEC)

CO (g/kWh)	HC (g/kWh)	NO <sub>x</sub> (g/kWh)	PM (g/kWh)
4.5	1.1	8.0	0.36 <sup>a</sup>

<sup>a</sup> In the case of engines of 85 kW or less, the limit value for particular emissions is increased by multiplying the quoted limit by a coefficient of 1.7

Fuel evaporative emission for spark-ignition engines shall not exceed 2.0 grams hydrocarbons per test. Likewise, it shall not allow any emission of gases from crankcase ventilation system into the atmosphere.

b) The Department, in collaboration with the DOTC, DTI and LGUs, shall develop an action plan for the control and management of air pollution from motor vehicles consistent with the Integrated Air Quality Framework. The DOTC shall enforce compliance with the emission standards for motor vehicles set by the Department. The DOTC may deputize other law enforcement agencies and LGUs for this purpose. To this end, the DOTC shall have the power to:

- (1) Inspect and monitor the emissions of motor vehicles;
- (2) Prohibit or enjoin the use of motor vehicles or a class of motor vehicles in any area or street at specified times; and
- (3) Authorize private emission testing centers duly accredited by the DTI.

c) The DOTC, together with the DTI and the Department, shall establish the procedures for the inspection of motor vehicles and the testing of their emissions for the purpose of determining the concentration and/or rate of emission of pollutants discharged by said sources.

d) In order to ensure the substantial reduction of emissions from motor vehicles, the Department of Trade and Industry (DTI), together with the DOTC and the Department, shall formulate and implement a national motor vehicle inspection and maintenance program that will promote efficient and safe operation of all motor vehicles. In this regard, the DTI shall develop and implement standards and procedures for the certification of training institutions, instructors and facilities and the licensing of qualified private service centers and their technicians as prerequisite for performing the testing, servicing, repair and the required adjustment to the vehicle emission system. The DTI shall likewise prescribe regulations requiring the disclosure of odometer readings and the use of tamper-resistant odometers for all motor vehicles including tamper-resistant fuel management systems for the effective implementation of the inspection and maintenance program.

**SEC. 22. Regulation of All Motor Vehicles and Engines.** - Any imported new or locally-assembled new motor vehicle shall not be registered unless it complies with the emission standards set pursuant to this Act, as evidenced by a Certificate of Conformity (COC) issued by the Department.

Any imported new motor vehicle engine shall not be introduced into commerce, sold or used unless it complies with emission standards set pursuant to this Act.

Any imported used motor vehicle or rebuilt motor vehicle using new or used engines, major parts or components shall not be registered unless it complies with the emission standards set pursuant to this Act.

In case of non-compliance, the importer or consignee may be allowed to modify or rebuild the vehicle or engine so that it will be in compliance with applicable emission standards.

No motor vehicle registration (MVR) shall be issued unless such motor vehicle passes the emission testing requirement promulgated in accordance with this Act. Such testing shall be conducted by the DOTC or its authorized inspection centers within sixty (60) days prior to date of registration.

The DTI shall promulgate the necessary regulations prescribing the useful life of vehicles and engines including devices in order to ensure that such vehicles will conform to the emissions which they were certified to meet. These regulations shall include provisions for ensuring the durability of emission devices.

**SEC. 23. Second-Hand Motor Vehicle Engines.** - Any imported second-hand motor vehicle engine shall not be introduced into commerce, sold or used unless it complies with emission standards set pursuant to this Act.

#### ARTICLE FIVE POLLUTION FROM OTHER SOURCES

**SEC. 24. Pollution from Smoking.** - Smoking inside a public building or an enclosed public place including public vehicles and other means of transport or in any enclosed area outside of one's private

residence, private place of work or any duly designated smoking area is hereby prohibited under this Act. This provision shall be implemented by the LGUs.

**SEC. 25. Pollution from Other Mobile Sources.** - The Department, in coordination with appropriate agencies, shall formulate and establish the necessary standards for all mobile sources other than those referred to in Section 21 of this Act. The imposition of the appropriate fines and penalties from these sources for any violation of emission standards shall be under the jurisdiction of the DOTC.

### CHAPTER 3 FUELS, ADDITIVES, SUBSTANCES AND POLLUTANTS

#### ARTICLE ONE FUELS, ADDITIVES AND SUBSTANCES

**SEC. 26. Fuels and Additives.** - Pursuant to the Air Quality Framework to be established under Section 7 of this Act, the Department of Energy (DOE), co-chaired by the Department of Environment and Natural Resources (DENR), in consultation with the Bureau of Product Standards (BPS) of the DTI, the DOST, the representatives of the fuel and automotive industries, academe and the consumers shall set the specifications for all types of fuel and fuel-related products, to improve fuel composition for increased efficiency and reduced emissions: *Provided, however,* That the specifications for all types of fuel and fuel-related products set-forth pursuant to this section shall be adopted by the BPS as Philippine National Standards (PNS).

The DOE, shall also specify the allowable content of additives in all types of fuels and fuel-related products. Such standards shall be based primarily on threshold levels of health and research studies. On the basis of such specifications, the DOE shall likewise limit the content or begin the phase-out of additives in all types of fuels and fuel-related products as it may deem necessary. Other agencies involved in the performance of this function shall be required to coordinate with the DOE and transfer all documents and information necessary for the implementation of this provision.

**ARTICLE TWO**  
**OTHER POLLUTANTS**

**SEC. 30. Ozone-Depleting Substances.** - Consistent with the terms and conditions of the Montreal Protocol on Substances that Deplete the Ozone Layer and other international agreements and protocols to which the Philippines is a signatory, the Department shall phase out ozone-depleting substances.

Within sixty (60) days after the enactment of this Act, the Department shall publish a list of substances which are known to cause harmful effects on the stratospheric ozone layer.

**SEC. 31. Greenhouse Gases.** - The Philippine Atmospheric, Geophysical and Astronomical Service Administration (PAGASA) shall regularly monitor meteorological factors affecting environmental conditions including ozone depletion and greenhouse gases and coordinate with the Department in order to effectively guide air pollution monitoring and standard-setting activities.

The Department, together with concerned agencies and local government units, shall prepare and fully implement a national plan consistent with the United Nations Framework Convention on Climate Change and other international agreements, conventions and protocols on the reduction of greenhouse gas emissions in the country.

**SEC. 32. Persistent Organic Pollutants.** - The Department shall, within a period of two (2) years after the enactment of this Act, establish an inventory list of all sources of Persistent Organic Pollutants (POPs) in the country. The Department shall develop short-term and long-term national government programs on the reduction and elimination of POPs such as dioxins and furans. Such programs shall be formulated within a year after the establishment of the inventory list.

**SEC. 33. Radioactive Emissions.** - All projects which will involve the use of atomic and/or nuclear energy, and will entail release and emission of radioactive substances into the environment, incident to the establishment or possession of nuclear energy facilities and radioactive materials, handling, transport, production, storage, and use of radioactive materials, shall be regulated in the interest of public health and welfare by the Philippine Nuclear Research Institute (PNRI), in coordination with the Department and other appropriate government agencies.

**CHAPTER 4**  
**INSTITUTIONAL MECHANISM**

**SEC. 34. Lead Agency.** - The Department, unless otherwise provided herein, shall be the primary government agency responsible for the implementation and enforcement of this Act. To be more effective in this regard, the Department's Environmental Management Bureau (EMB) shall be converted from a staff bureau to a line bureau for a period of no more than two (2) years, unless a separate, comprehensive environmental management agency is created.

**SEC. 35. Linkage Mechanism.** - The Department shall consult, participate, cooperate and enter into agreement with other government agencies, or with affected nongovernmental organizations (NGOs) or people's organizations (POs), or private enterprises in the furtherance of the objectives of this Act.

**SEC. 36. Role of Local Government Units.** - Local government units (LGUs) shall share the responsibility in the management and maintenance of air quality within their territorial jurisdiction. Consistent with Sections 7, 8 and 9 of this Act, LGUs shall implement air quality standards set by the Board in areas within their jurisdiction: *Provided, however,* That in case where the Board has not been duly constituted and has not promulgated its standards, the standards set forth in this Act shall apply.

The Department shall provide the LGUs with technical assistance, trainings and a continuing capability-building program to prepare them to undertake full administration of the air quality management and regulation within their territorial jurisdiction.

**SEC. 37. Environment and Natural Resources Office.** - There may be established an Environment and Natural Resources Office in every province, city, or municipality which shall be headed by the environment and natural resources officer and shall be appointed by the Chief Executive of every province, city or municipality in accordance with the provisions of Section 484 of Republic Act No. 7160. Its powers and duties, among others, are:

The fines herein prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain the deterrent function of such fines.

In addition to the fines, the PAB shall order the closure, suspension of development, construction, or operations of the stationary sources until such time that proper environmental safeguards are put in place: *Provided*, That an establishment found liable for a third offense shall suffer permanent closure immediately. This paragraph shall be without prejudice to the immediate issuance of an *ex parte* order for such closure, suspension of development or construction, or cessation of operations during the pendency of the case upon *prima facie* evidence that there is imminent threat to life, public health, safety or general welfare, or to plant or animal life, or whenever there is an exceedance of the emission standards set by the Department and/or the Board and/or the appropriate LGU.

**SEC. 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 emission 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 driver and operator of the apprehended vehicle shall undergo a seminar on pollution control and management conducted by the DOTC and shall also suffer the following penalties:

- a) First offense - a fine not to exceed Two thousand pesos (P2,000);
- b) Second offense - a fine not less than Two thousand pesos (P2,000) and not to exceed Four thousand pesos (P4,000); and
- c) Third offense - one (1) year suspension of the Motor Vehicle Registration (MVR) and a fine of not less than Four thousand pesos (P4,000) and not more than Six thousand pesos (P6,000).

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) 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.

**SEC. 47. Fines and Penalties for Violations of Other Provisions in the Act.** - For violations of all other provisions provided in this Act and of the rules and regulations thereof, a fine of not less than Ten thousand pesos (P10,000) but not more than One hundred thousand pesos (P100,000) or six (6) months to six (6) years imprisonment or both shall be imposed. If the offender is a juridical person, the president, manager, directors, trustees, the pollution control officer or the officials directly in charge of the operations shall suffer the penalty herein provided.

**SEC. 48. Gross Violations.** - In case of gross violation of this Act or its implementing rules and regulations, the PAB shall recommend to the proper government agencies to file the appropriate criminal charges against the violators. The PAB shall assist the public prosecutor in the litigation of the case. Gross violation shall mean: (a) three (3) or more

specific offenses within a period of one (1) year; (b) three (3) or more specific offenses within three (3) consecutive years; (c) blatant disregard of the orders of the PAB, such as but not limited to the breaking of seal, padlocks and other similar devices, or operating despite the existence of an order for closure, discontinuance or cessation of operation; and (d) irreparable or grave damage to the environment as a consequence of any violation or omission of the provisions of this Act.

- Offenders shall be punished with imprisonment of not less than six (6) years but not more than ten (10) years at the discretion of the court. If the offender is a juridical person, the president, manager, directors, trustees, the pollution control officer or the officials directly in charge of the operations shall suffer the penalty herein provided.

## CHAPTER 7 FINAL PROVISIONS

**SEC. 49. Potential Loss or Shifts of Employment.** - The Secretary of Labor is hereby authorized to establish a compensation, retraining and relocation program to assist workers laid off due to a company's compliance with the provisions of this Act.

**SEC. 50. Appropriations.** - An amount of Seven hundred fifty million pesos (P750,000,000) shall be appropriated for the initial implementation of this Act, of which, the amount of Three hundred million pesos (P300,000,000) shall be appropriated to the Department; Two hundred million pesos (P200,000,000) to the DTI; One hundred fifty million pesos (P150,000,000) to the DOTC; and, One hundred million pesos (P100,000,000) to the DOE.

Thereafter, the amount necessary to effectively carry out the provisions of this Act shall be included in the General Appropriations Act.

**SEC. 51. Implementing Rules and Regulations.** - The Department, in coordination with the Committees on Environment and Ecology of the Senate and House of Representatives, respectively and other concerned agencies, shall promulgate the implementing rules and regulations for this Act, within one (1) year after the enactment of this Act: *Provided*, That rules and regulations issued by other government

agencies and instrumentalities for the prevention and/or abatement of pollution not inconsistent with this Act shall supplement the rules and regulations issued by the Department, pursuant to the provisions of this Act.

The draft of the implementing rules and regulations shall be published and be the subject of public consultations with affected sectors.

There shall be a mandatory review of the implementing rules and regulations and standards set pursuant to the provisions of this Act.

**SEC. 52. Report to Congress.** - The Department shall report to Congress, not later than March 30 of every year following the approval of this Act, the progress of the pollution control efforts and make the necessary recommendations in areas where there is need for legislative action.

**SEC. 53. Joint Congressional Oversight Committee.** - There is hereby created a joint congressional oversight committee to monitor the implementation of this Act. The committee shall be composed of five (5) senators and five (5) representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The oversight committee shall be co-chaired by a senator and a representative designated by the Senate President and the Speaker of the House of Representatives, respectively.

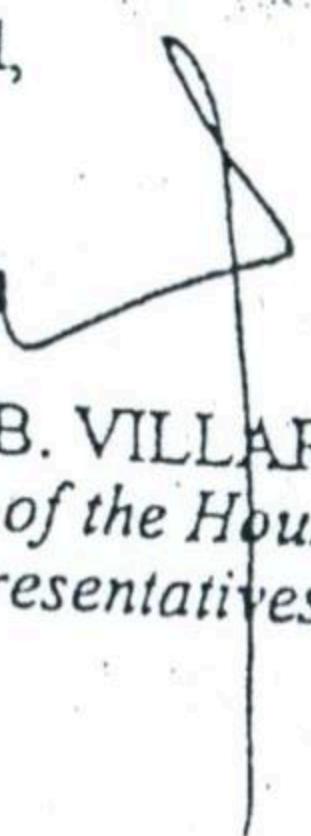
The mandate given to the joint congressional oversight committee under this Act shall be without prejudice to the performance of the duties and functions by the respective existing oversight committees of the Senate and the House of Representatives.

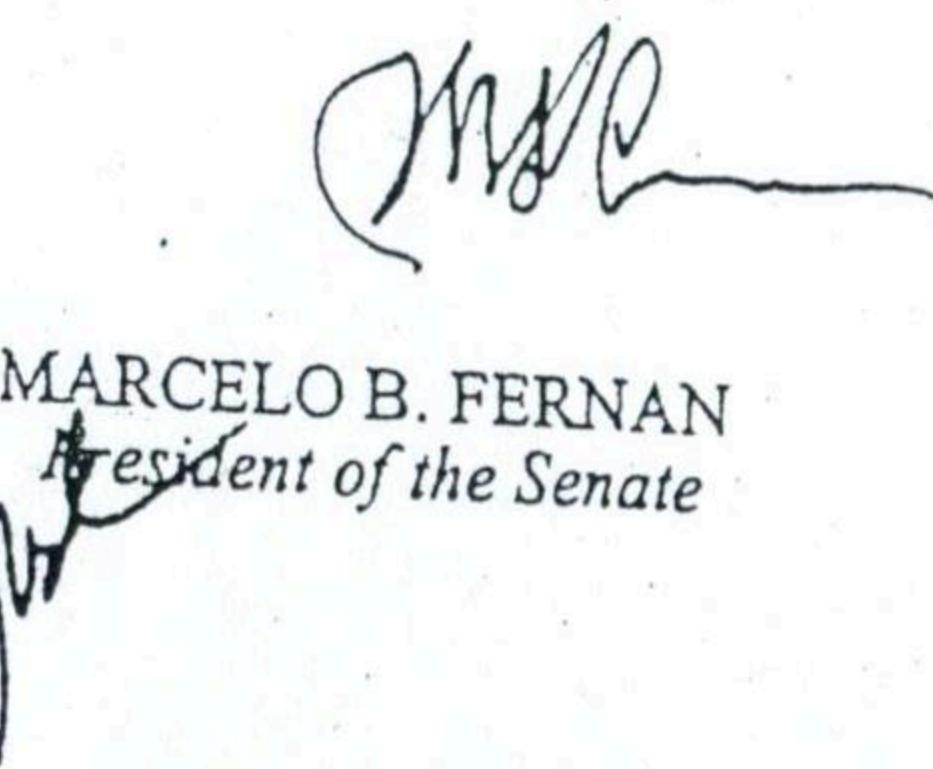
**SEC. 54. Separability of Provisions.** - If any provision of this Act or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

**SEC. 55. Repealing Clause.** - Presidential Decree No. 1181 is hereby repealed. Presidential Decree Nos. 1152, 1586, Presidential Decree No. 984 are partly modified. All other laws, orders, issuance, rules and regulations inconsistent herewith are hereby repealed or modified accordingly.

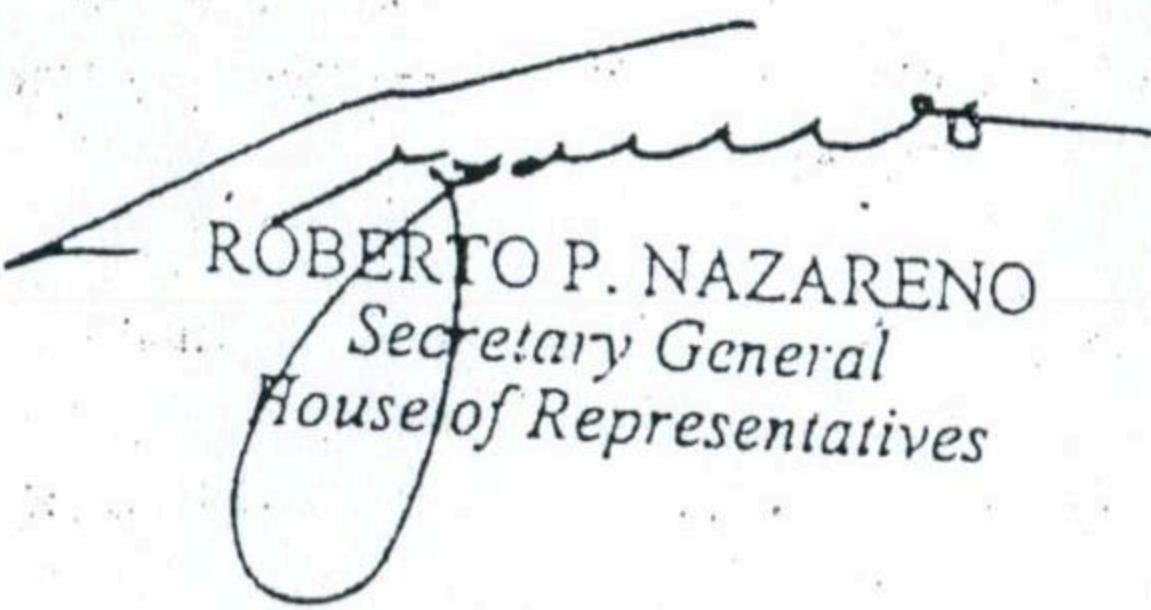
SEC. 56. Effectivity. - This Act shall take effect fifteen (15) days from the date of its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,

  
MANUEL B. VILLAR, JR.  
*Speaker of the House  
of Representatives*

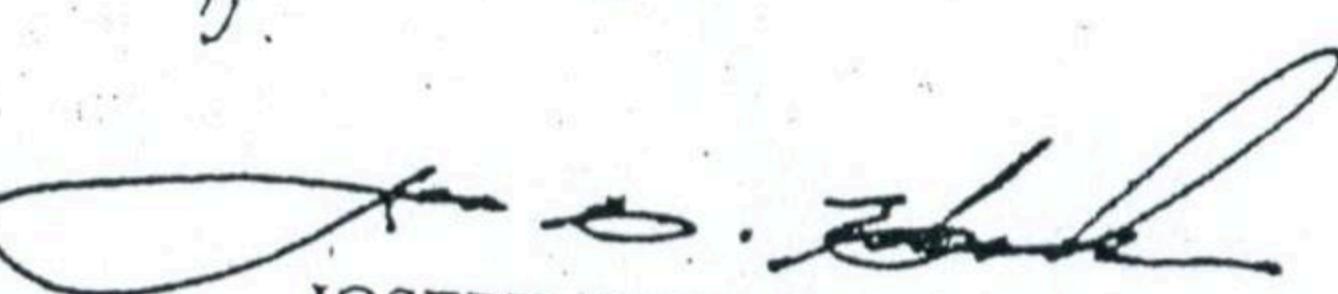
  
MARCELO B. FERNAN  
*President of the Senate*

This Act, which is a consolidation of Senate Bill No. 1255 and House Bill No. 6216 was finally passed by the Senate and the House of Representatives on May 13, 1999 and May 10, 1999, respectively.

  
ROBERTO P. NAZARENO  
*Secretary General  
House of Representatives*

  
HEZEL P. GACUTAN  
*Secretary of the Senate*

Approved: 23 June 1999

  
JOSEPH EJERCITO ESTRADA  
*President of the Philippines*

