



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 99-084

AN ORDINANCE REQUIRING ALL TYPES OF MOTOR VEHICLES AND MOTORIZED EQUIPMENT PLYING THE HIGHWAYS, ROADS AND STREETS OR OPERATED WITHIN THE TERRITORIAL LIMITS OF THE CITY OF NAGA TO UNDERGO SMOKE TESTING TO BE CONDUCTED BY THE ENRO FOR THE PURPOSES OF ANTI-SMOKE BELCHING AND AIR POLLUTION CONTROL:-

Author: Hon. Simeon Adan

Be it enacted by the Sangguniang Panlungsod of the City of Naga, that:

SECTION 1. - SHORT TITLE. - This ordinance shall be known as the “Anti-Smoke Belching Ordinance of the City of Naga”.

SECTION 2. - DEFINITION OF TERMS. -

- a. Smoke Belching - refers to the excessive emission of black or dark and thick smoke emanating from any motor vehicle arising from poor conditions of the engine due to lack of care and maintenance;
- b. Motor vehicle - any vehicle propelled by gasoline or diesel engine constructed principally for the conveyance of persons or for the transport of goods and other movable properties in public highways, roadways or streets;
- c. Highway, Roadway or Street - refers to any national, city or barangay road or passageway where motor vehicles can pass;
- d. Owner or Operator - any person who owns, leases or operates any motor vehicle;
- e. 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 of domestic, commercial, industrial, agricultural, recreational, or other legitimate purpose (Sec.5 (b), Art. II of the Phil. Clean Air Act of 1999);
- f. 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 sources of Pollution (Sec.5 (d), Art. II of the Phil. Clean Air Act of 1999);
- g. Certificate of Compliance - means a certificate issued by the Environment & Natural Resources Office (ENRO) in coordination with the Land Transportation Office (LTO) of the City to an owner or operator of any motor vehicle that said vehicle had

passed or failed the test on Smoke Emission based on the rates established under the Clean Air Act using a Smoke Tester duly accredited by the Land Transportation Office (LTO) and the Department of Environment & Natural Resources Office (DENR);

- h. Emissions - means any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere (Sec.5 (h), Art. II of the Phil. Clean Air Act of 1999);
- i. Motorboat/Motorized Banca - bancas and boats propelled by outboard motors and engines entering and navigating the Naga River;
- j. Stationary Engines - all engines or generators stationed in establishment, commercial or private places within the territorial jurisdiction of the City of Naga;
- k. Agricultural Machineries - includes tractors, threshers, and blowers propelled by motor and engines commercially.

SECTION 3. - SCOPE AND COVERAGE OF THIS ORDINANCE. -

- a. This ordinance shall cover all and any type of motor vehicle, or privately operated, passenger or owner driven, whether registered at the local Land Transportation Office or elsewhere in the country as long as they traverse any highway, road or street within the territorial jurisdiction of the City of Naga;
- b. For this purpose, tricycles or trimobiles registered and licensed by the local government of Naga City and Metro Naga municipalities whether passenger or non-passenger service are covered by the provisions of this ordinance;
- c. Stationary engines like generators, waterborne vehicles like motorboats and motor launchers as well as agricultural equipment are likewise covered by the provisions of this ordinance.

SECTION 4. - ISSUANCE OF CERTIFICATE OF COMPLIANCE. -

- a. There shall be a Memorandum of Agreement signed between the Land Transportation Office (LTO), Naga City and the Local Government of the City of Naga, and the Community Environment & Natural Resources Office of the Department of Environment & Natural Resources (CENRO-DENR) authorizing the City thru its Anti-Smoke Belching Team created under this ordinance to issue a Certificate of Compliance to all motor vehicle owners or operators after their vehicles have been tested by a duly approved and accredited Smoke Testing Equipment owned and operated by the City;
- b. If the motor vehicle or motorized equipment concerned has passed the standard set as revealed by the gauge of the Smoke Tester, the Certificate of Compliance shall state so as "PASSED" prompting the LTO to issue a license to operate;
- c. Should the test shows that motor vehicle concerned did not pass the standard rate for its type or class, the Certificate of Compliance should state so and the LTO shall not issue a license to the motor vehicle owner or operator nor register the same unless and until such vehicle passes the test later after the same has been overhauled or corrected;

- d. When a motor vehicle passes the test, the owner or operator pays only a testing fee of Fifty Pesos (P50.00) for cars, jeepneys, trucks, buses and vans; and Twenty Five Pesos (P25.00) for tricycle and trimobile as well as motorcycles to the ENRO Testing Center and issued a corresponding receipt;
- e. Stationary engines, motorboats and agricultural equipment and machineries shall pay a testing fee the same as trimobiles;
- f. When the motor vehicle concerned fails the test as stated above, the owner or operator thereof shall pay the testing fee as well as a fine graduated as follows:
 - f.1 For Tricycles, Trimobile, Motorcycles, Motorboats and Motorized Bancas and Stationary Engines and Equipment – Five Hundred (P500.00) Pesos for the first apprehension; One Thousand (P1,000.00) Pesos for the second apprehension; and One Thousand Five Hundred (P1,500.00) Pesos for the third and subsequent apprehensions plus a suspension of operation of the vehicle for a period of one (1) month;
 - f.2 For Owner-type cars and Jeepneys, Passenger Jeepneys, and Multicabs – One Thousand (P1,000.00) Pesos for the first apprehension; One Thousand Five Hundred (P1,500.00) Pesos for the second apprehension; and Two Thousand (P2,000.00) Pesos for the third and subsequent apprehensions plus suspension of use and operations on the road for three (3) months. The LTO shall also confiscate the license and the motor vehicle impounded.
 - f.3 For Trucks and Buses – Two Thousand (P2,000.00) Pesos for the initial apprehension; Three Thousand (P3,000.00) for the second apprehension; and Five Thousand (P5,000.00) of the third and subsequent apprehensions plus cancellation of its franchise and impounding of the vehicle by the LTO.

SECTION 5. - ESTABLISHMENT OF A SMOKE TESTING CENTER. -

- a. The establishment of a center sufficient enough to house the smoke testing equipment, one for the diesel-fed motor vehicles and another for the gasoline-fed engines, a shelter to protect these equipment and the staff to conduct the tests is necessary;
- b. The center must also have a convenient yard area where the vehicles which submit for smoke testing can be parked temporarily and be maneuvered accordingly. This center can be established in one of the existing facilities of the City, like in the old City Engineer's Office or at leased premises preferably along the Diversion Road.

SECTION 6. - PURCHASE OF THE SMOKE TESTING EQUIPMENT AND SMOKE EMISSION STANDARDS. -

- a. The Smoke Testing Center shall be furnished with Smoke Testers – one for the diesel fuelled vehicles and another for the gasoline fuelled vehicles, which will be the instruments to determine whether the motor vehicles plying the streets of the City are within the smoke emission standards set as not to pollute the air;
- b. The Smoke Emission Standards set herein are those derived from Testers such as the NISSALCO KOMYO Brand or similar other brands which are as follows:
 - b.1. For Diesel-Fuelled Vehicles:

b.1.1. - Any diesel-fuelled motor vehicle, undergoing a smoke test found to have corresponding reading of fifty percent (50%) pollution rate and below shall have considered to have passed the test hence, its smoke emission is within the allowable standard.

b.1.2. - Any diesel-fuelled motor vehicle, after undergoing a smoke test, found to have a corresponding reading of above fifty percent (50%) pollution rate shall be considered to have failed the test hence, the vehicle is said to be a pollutant.

b. 2. For Gasoline-Fuelled Vehicles:

b.2.1. Any gasoline-fuelled motor vehicle, after undergoing a smoke test, found to have corresponding reading of:

CO (Carbon Monoxide): 6% pollution rate and below shall be considered to have passed the test.

HC (Hydro Carbon): 1200 ppm pollution rate and below for vehicle with 4-stroke engine shall be considered to have passed the test.

: 7800 ppm pollution rate and below for vehicle with 2-stroke engine shall be considered to have passed the test.

b.2.2. Any gasoline-fuelled motor vehicles, after undergoing a smoke test, found to have a corresponding reading of:

CO (Carbon Monoxide): 6% pollution rate and above shall be considered to have failed the test hence, the vehicle is said to a pollutant.

HC (Hydro Carbon): 1200 ppm pollution rate and above for vehicle with 4-stroke engine shall be considered to have failed the test hence, the vehicle is said to a pollutant.

: 7800 ppm pollution rate and above for vehicles with 2-stroke engine shall be considered to have failed the test hence, the vehicle is said to be a pollutant.

c. These instruments are available in the local market, and the City of Naga by this ordinance shall acquire thru purchase or grant in order to make the Center fully operational. Pending, however, the actual purchase, the Smoke Tester being made available by the CENRO and PENRO of the DENR shall continue to be used by the Anti-Smoke Belching Campaign Team in accordance with the new operational guidelines.

SECTION 7. - THE ANTI-SMOKE BELCHING CAMPAIGN TEAM. -

The Anti-Smoke Belching Campaign Team created under Executive Order No. 99-07 shall be adopted by this ordinance as the Inter-Agency group to administer and operate the Smoke Testing Center referred to in Section 5 herein. Consisting mostly as government employees they are not to receive additional salaries. Those belonging to other offices and agencies other than the local government of Naga maybe granted honoraria in amounts to be determined by the Chief Executive.

- a. When the actual operations is done outside the Testing Center but performing their functions in connection with the campaign they may be granted incidental expenses for snacks and meals;
- b. As soon as the Smoke Testing Center becomes fully operational and stable, regular employees may be hired to man the Center as necessary for the purpose;
- c. Uniforms and protective gears and other gadgets as are essential to proper implementation shall also be provided free to the members of the Team;
- d. Members of the Team shall attend trainings to be conducted by the LTO and the DENR and other agencies to upgrade themselves in the operation of the center especially in the proper use of the testing equipment as required under the Philippine Clean Air Act of 1999. Such trainings shall be supported and funded by the local government of Naga City from fund generated by the project.

SECTION 8. - TRUST FUND. -

- a. On account of a very special purpose of this Anti-Smoke Belching Campaign and in order to sustain this program and make it efficient and effective in its implementation, a Special Trust Fund is hereby created under this ordinance consisting of fees and fines generated and collected under Section 3 hereof;
- b. All the testing fees collected from the motor vehicle owners and operators during the routine testing as well as the fines and penalties imposed upon those vehicles which fail the test standards and all those apprehended for violation of the Anti-Smoke Belching Campaign, shall accrue to the fund and shall be remitted to the City Treasurer who shall keep the same in a Special Trust Fund for the sole use of the Smoke Testing Center;
- c. This Trust Fund under the preceding section can only be used for the operation of the Smoke Testing Center for the following purposes:
 1. To restore to the General Fund in installments the amount used to purchase the Smoke Testing equipment;
 2. To maintain the smoke testing equipment in good order;
 3. For use as incidental expenses of the Anti-Smoke Belching Team, such as transportation, snacks and meals during operations, purchase of uniforms and protective gears;
 4. Printing of receipts and Certificate of Compliance and other office supplies;
 5. Attendance of the members of the Team in seminars and trainings on the subject of anti-pollution measures and relevant travels;
 6. Acquisition of additional equipment and gadgets for the center;
 7. Maintenance and care of the Smoke Testing Center including the wages of needed personnel to man the Center;
 8. Other expenses that maybe determined and approved the City Mayor relevant

only to the operation of the center.

- d. All disbursements for the Trust Fund created for this purpose shall follow the usual disbursement and audit procedures.

SECTION 9. - APPROPRIATIONS. -

- a. The sum of the One Million (P1,000,000.00) Pesos is hereby appropriated under this ordinance to be used for the immediate purchase and acquisition of the Smoke Testing equipment as described herein, the same amount to be replenished gradually from the fees generated by its operation of the Center as it accrue to the Special Trust Fund in accordance with the preceding section;
- b. This appropriation may also be used partly for the establishment and maintenance of the Smoke Testing Center;
- c. This appropriation maybe charged to the Annual Budget for the ensuing year 2000 to specify under the Equipment Outlay of the ENRO.

SECTION 10. - PENALTIES. - Any person violating any provisions of this ordinance other than those specified in Section 4 hereof by owners or operators of motor vehicles shall be punished by a fine of not exceeding Two Hundred (P200.00) Pesos for the first offense; Three Hundred (P300.00) Pesos for the second offense; and Five Hundred (P500.00) Pesos for the third and subsequent offenses plus imprisonment as the court may deem proper.

SECTION 11. - REPEALING CLAUSE. - Any provision of law, ordinance, rules and regulations and/or parts thereof inconsistent with the provisions of this ordinance are hereby repealed and/or modified accordingly. Should any portion or provisions of this ordinance be declared unconstitutional or invalid, the other parts or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 12. - EFFECTIVITY. - This ordinance shall take effect immediately upon its approval and after publication in a newspaper of local circulation.

ENACTED: November 24, 1999.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

GIL A. DE LA TORRE
Board Secretary II
& Secretary-Designate

ESTEBAN R. ABONAL
City Vice Mayor & Presiding Officer

APPROVED:

SULPICIO S. ROCO, JR.
City Mayor