

[LTO MEMORANDUM, February 27, 2003]

CONTESTABILITY OF SMOKE BELCHING CASES

Pursuant to the provisions of Republic Act No. 8749, and consistent with DENR Administrative Order No. 3, series of 2000, dated 07 November 2000, effective immediately and in order to provide for a uniform and consistent standard operating procedure in the apprehension, testing and adjudication of smoke belching motor vehicles, all concerned are hereby directed to observe the following:

1. Drivers/Operators apprehended may contest the emission test performed only within twenty-four (24) hours from the date and time of apprehension.

Provided, that the contested roadside inspection is supported, among others, by a printout of the roadside inspection result on the involved unit;

2. The LTO MVIS/PETC, for purposes of the aforesaid contested apprehension, shall not conduct Smoke Emission Test (SET) on the apprehended motor vehicle **UNLESS** the printout of the questioned roadside inspection result for the unit is submitted as part of the SET application;

3. After 24 hours had elapsed without the motor vehicle having been tested as when the apprehension was made on a Friday, Saturday, or a holiday, the 24-hour contestability period shall not be deemed extended. In such a case, Section 4 (d), Rule XXXV of the IRR of RA 8749 dated 07 November 2000 shall be applicable.

All orders and directives in conflict with the guidelines herein set forth are deemed revoked and superseded.

For guidance and strict compliance.

Adopted: 27 Feb. 2003

(SGD.) ROBERTO T. LASTIMOSO
Assistant Secretary



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