

[DENR ADMINISTRATIVE ORDER NO. 46-98, June 29, 1998]

**1998 REVISED RULES AND REGULATIONS FOR THE
PREVENTION, CONTROL AND ABATEMENT OF AIR POLLUTION
FROM MOTOR VEHICLES**

Pursuant to the provisions of the United Nations Framework Convention on Climate Change, Presidential Decree No. 1181, entitled "Providing for the Prevention, Control and Abatement of Air Pollution from Motor Vehicles and for Other Purposes", and by virtue of Executive Order No. 192, the Department of Environment and Natural Resources hereby adopts and promulgates the following revised Rules and Regulations:

**CHAPTER I
General Provisions and Administrative Procedures**

GENERAL PROVISIONS

SECTION 1. TITLE. — These Rules and Regulations shall be known as the "1998 Revised Rules and Regulations for the Prevention, Control and Abatement of Air Pollution from Motor Vehicles".

SECTION 2. SCOPE. — These Rules and Regulations shall govern the implementation and enforcement of Presidential Decree No. 1181 and other related laws, rules and regulations, policy issuances, instructions and circulars, which shall hereafter be referred to as "Motor Vehicle Pollution Control Laws".

SECTION 3. DEFINITIONS. — For the purpose of these Rules, the following terms shall have the meanings:

(a) "*Advance Emission Control Technology*" means a high technology standard equipment/accessory for low-emission vehicles to control CO, HC and NO_x pollutants (e.g. three-way catalytic converters and feedback system).

(b) "*Air Pollutants*" means any harmful or undesirable matter emitted in the atmosphere, other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gases in natural or normal concentrations, and includes dust, smoke, soot, cinders, fly ash, solid particles of any kind, undesirable gases, fumes, mists, odors and radioactive substances.

(c) "*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.

(d) *"Approved"* means duly authorized by the Department of Environment and Natural Resources.

(e) *"Car or Passenger Car"* means a four-wheeled motor vehicle used for the carriage of not more than six passengers including the driver and having a gross vehicle mass not exceeding 2,500 kg.

(f) *"Certificate of Conformity"* means a certificate issued by the Department to a vehicle manufacturer, assembler or importer certifying that a particular new vehicle or vehicle type meets the emission requirements provided under these Rules.

(g) *"Certificate of Emission Compliance"* means a certificate issued by the Department to a registered vehicle owner certifying that a particular in-use vehicle meets the emission requirements of these Rules and Regulations.

(h) *"Compression-Ignition Engine"* means an internal combustion engine in which fuel ignition is accomplished by high compression and without the use of spark-plug, e.g., diesel engines.

(i) *"Department"* means the Department of Environment and Natural Resources.

(j) *"Emission"* means any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passes into the atmosphere.

(k) *"Fuel Evaporative Emission Control System"* means a system, which incorporates a particular principle of operation to control or cause the reduction of fuel evaporative emissions.

(l) *"Greenhouse Gases"* means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.

(m) *"Gross Vehicle Mass"* or *"Maximum Vehicle Weight"* means the technically permissible maximum mass declared by vehicle manufacturer

(n) *"Imported Used Vehicle"* means vehicle used and/or registered in the country of origin and not yet registered in the Philippines.

(o) *"In-Use Vehicle"* means a motor vehicle duly registered with the Land Transportation Office (LTO).

(p) *"Light Duty Vehicles (LDV)"* means motor vehicles other than cars, used for the carriage of passengers and/or goods and having a gross vehicle mass not exceeding 3,500 kilograms.

(q) *"Mandatory Periodic Inspection"* means the scheduled emission tests and inspection conducted, as a pre-condition among others for the renewal of registration of in-use motor vehicles or initial registration of rebuilt and imported used vehicles in accordance with Section 11 of PD 1181.

(r) *"Manufacturer", "Assembler" or "Maker"* means any person who makes,

manufactures or assembles motor vehicles, for eventual use in the Philippines.

(s) "*Medium/Heavy Duty Vehicle*" means a motor vehicle used for the carriage of passengers, goods or special purpose ones and having a gross vehicle mass exceeding 3,500 kilograms.

(t) "*Model Life*" means the period of time during which a car model does not undergo a major change of the engine and/or of the car body panel.

(u) "*Model Year*" or "*Production Year*" means the manufacturer's annual production period, which includes January 1 of such calendar year, provided that, if the manufacturer has no annual productions period, the term "Model of the Year" shall mean the calendar year.

(v) "*Motor Vehicle*" means any vehicle propelled by a gasoline or diesel engine or by any means other than human or animal power, constructed and operated principally for the conveyance of persons or the transporting of property or goods in a public highway or street open to public use.

(w) "*New Vehicle*" means any brand new motor vehicle which has never been duly registered with the LTO.

(x) "*Owner or Operator*" means any person who owns, leases, controls, or operates a motor vehicle.

(y) "*Person or Persons*" include any being natural or juridical, susceptible of rights and obligations or of being the subject of legal relations.

(z) "*Pollution Control Device*" means any device or apparatus used to prevent, control or abate the pollution of air caused by emissions from motor vehicles at levels within the air pollution control standards established by these Rules, and other pertinent laws, rules and regulations.

(aa) "*Random Roadside Inspection*" means the supportive inspection conducted by duly authorized action teams/units of the Department, local government authorities, LTO or other concerned agencies or organizations for the purpose of identifying non-complying vehicles. The activities include visual and functional checks of engine, fuel filler and exhaust systems with subsequent emission tests, using portable equipments, and to ordering needed maintenance/repair work and/or imposing penalty fines for those that fail the test.

(bb) "*Rebuilt Motor Vehicles*" means a vehicle whether locally assembled using new or used engines, major parts or components, individually or backyard-assembled regardless of whether or not the components used were local or foreign-manufactured.

(cc) "*Reference Mass*" means the mass of the vehicle in running order with a full fuel tank and including the set of tools and spare wheel, plus 100 kilograms but does not include the mass of the passengers and driver.

(dd) "*Ringelmann Chart*" means the chart described in the U.S. Bureau of Mines, Information Circular No. 8333 and No. 7718, and used for measuring smoke density.

(ee) "*Smoke Opacity Meter (or Opacimeter)*" means an instrument, which determines the smoke opacity in exhaust gases emitted by the engine system.

(ff) "*Spark-Ignition Engine*" means an internal combustion engine in which air/fuel mixture is ignited by spark-plug, e.g. gasoline engines.

(gg) "*Vehicle Type*" means a category of power-driven vehicles which do not differ in such essentials as equivalent inertia determined in relation to the reference mass, engine type, number of cylinders, body configuration, manner of transmission, fuel used and similar characteristics.

(hh) "*Visible Smoke Emission*" — means emission greater than five percent (5%) opacity.

SECTION 4. ADMINISTRATION AND ENFORCEMENT. — These Rules and Regulations shall be administered by the Department and/or by its authorized representative(s) as the primary government agency responsible for the effective administration and enforcement of these Rules. As such, it shall have the following functions, powers and responsibilities:

- a) Establish emission standards after due consultation with the concerned sectors;
- b) Prepare and implement an integrated framework and annual action plans for the management of motor vehicles' emissions;
- c) Update itself on the advanced and modern methods of combating and minimizing air pollution from motor vehicles;
- d) Coordinate with the Department of Science and Technology (DOST) and the Department of Energy (DOE) in finding alternative sources of fuel and transport systems that would rely less on fossil fuel;
- e) Establish a cooperative effort among the national government, local government units, non-governmental organizations (NGOs), people's organizations (POs) and the private sector in order to effectively implement these Rules;
- f) Issue policy guidelines, instructions or procedures, design criteria governing the preparation of plans and specifications for pollution control devices;
- g) Call on the on the Department of Transportation and Communication (DOTC), Department of Trade and Industry (DTI), DOST, DOE pursuant to section 7 and 9 of PD 1181; and other concerned government agency, corporation, institution, and other instrumentalities, should they approve, for assistance in the form of personnel, facilities, and other resources, as the need arises in the discharge of its functions,
- h) Disseminate information and conduct educational awareness campaigns on the effects of air pollution from motor vehicles on health and the environment, with particular emphasis to the concerns on climate change;
- i) Encourage, participate in, and conduct continuing studies, investigations,

researches and demonstrations on the effective means of controlling, preventing and managing air pollution including improvement in the implementation strategy, technology or instrumentation to rationalize the basis emission standards for motor vehicles;

j) Issue order against any person or entity and impose the appropriate fines, penalties and other administrative or penal sanctions as provided by our motor vehicle pollution control laws to compel compliance with emission regulations and the provisions of these Rules; and

k) Exercise such powers and perform such other functions as may be necessary to carry out its duties and responsibilities under PD 1181 and these Rules.

SECTION 5. LINKAGE MECHANISM. — The Department shall consult, participate, cooperate and enter into agreement with other government agencies, or with affected non governmental organizations (NGOs), or people's organizations (POs), or private enterprises in the furtherance of the objectives of these Rules.

SECTION 6. ROLE OF LOCAL GOVERNMENT UNITS. — Local government units (LGUs) shall share the responsibility in the monitoring and enforcement of these Rules within their territorial jurisdiction. The LGUs may formulate and implement local emission standards which are more stringent than those set by the Department.

The Department may delegate to the LGUs the authority to administer all or some aspects of emission management and regulation, including but not limited to certificate issuance, monitoring and the imposition of administrative fines and penalties, when upon the Department's determination, the LGU has demonstrated the technical and financial capability to undertake such functions. The Department shall provide the LGUs with technical assistance, trainings and a continuing capability- building program to prepare them to undertake such responsibilities. The exercise of such delegated authority shall be under the constant supervision and control of the Department.

SECTION 7. PUBLIC EDUCATION AND INFORMATION CAMPAIGN. — A continuing public information campaign shall be conducted by the Department, DOTC, and the Philippine Information Agency (PIA) which shall include the following:

a) Promotion of the regular maintenance, adjustment and operation of vehicles by their owners and/or operators, in accordance with the recommendations of the manufacturer's as contained in their duly recognized operating manual;

b) Entreating of drivers to properly operate the motor vehicles, with particular caution against overloading vehicles or overfueling the engines when starting from cold or during acceleration;

c) Information on engine and other modification measures, alternative fuels, processes and operating methods which will result in minimizing air pollution, promote energy efficiency and conservation and reduce emissions, particularly of the greenhouse gases;

d) Data on the cost of installation and operation, energy requirements, emission