

**[SAN JUAN CITY ORDINANCE NO. 13 SERIES OF
2014, March 10, 2014]**

OFFICE OF THE SANGGUNIANG PANLUNGSOD

**AN ORDINANCE CREATING THE SAN JUAN CITY EMISSION
CONTROL SYSTEM FOR MOTORIZED VEHICLES AND PROVIDING
PENALTIES FOR SMOKE BELCHING VEHICLES PLYING AND
TRAVERSING THE TERRITORIAL JURISDICTION OF THE CITY OF
SAN JUAN, METRO MANILA, AND APPROPRIATING THE AMOUNT
OF ONE HUNDRED FIFTY THOUSAND PESOS (PHP 150,000.00)
FOR THE PURCHASE OF THE NECESSARY EQUIPMENT THEREOF.**

Sponsored by: The Committee on Public Works, Transportation,
Communication and Information Technology
(Councilor Ferdinand A. Velasco, Rolando M. Bernardo and Michael Cristopher R.
Mathay)

and The Committee on Health and Environmental Protection
(Councilors Rolando M. Bernardo, William C. Go and Maria O'neal S. Mendoza)

EXPLANATORY NOTE

The Department of Environment and Natural Resource (DENR), Metropolitan Manila Development Authority (MMDA) and the other Anti Smoke-Belching Units (ASBUs) of the different cities of Metro Manila have re-launched the "Ligtas Hangin" program that aims to control air pollution by way of penalizing owners or drivers of vehicles that emit big amounts of black smoke exhaust.

Mayor Guia Gomez, an advocate of environment protection and preservation, was the first local government chief executive to sign the Memorandum of Understanding pertinent to the said project.

San Juan City's streets are now being used by thousands of motorists every day from other cities as a passageway or short-cut route to and from different destinations.

The initial results of the Air Quality Monitoring for the 1st quarter of 2013 in San Juan City as reported by Berkman System, Inc. showed some areas that yielded negative results with regards to Total Suspended Particles (TSP) to wit:

- N. Domingo St. near San Juan - Sta. Mesa Boundary Bridge
March 11 10:42- TSP 599.5
11:42
am

March 16 3:00 - TSP 932.0
4:30 pm

- New City Hall of San Juan aling Pinaglabanan St.
March 12 6:15 - TSP 388.2
7:15 am

The national ambient air quality standard is TSP 300 only.

In 2003, the then Sangguniang Bayan of San Juan, Metro Manila approved Municipal Ordinance No. 3 Series of 2003 entitled:

"AN ORDINANCE AMENDING SECTIONS 2 & 3 AND DELETING SECTION 5 OF ORDINANCE NO. 33 SERIES OF 1989 ENTITLED "AN ORDINANCE BANNING THE OPERATION OF SMOKE BELCHING VEHICLES IN THE TERRITORIAL JURISDICTION OF SAN JUAN AND PROVIDING PENALTIES THEREOF AND APPROPRIATING THE AMOUNT OF P15,000.00 FOR THE PURCHASE OF TESTING EQUIPMENT"

The above-mentioned ordinance penalizes the violators up to a maximum amount of Five Hundred pesos (500) only, the lowest of its kind in Metro Manila, while some Local Government Units charge One Thousand pesos (Php 1,000) and higher.

It is now imperative that the city government of San Juan amend and update the said ordinance to further empower the operations of the Anti-Smoke Belching Unit of the city under the CENRO (City Environment and Natural Resource) and eventually encourage vehicles owners to comply with the provisions of the Philippine Clean Air Act of 1999 or Republic Act No. 8749.

Now, therefore, be it ordained by the City Council of San Juan, in a session duly assembled, to adopt An Ordinance Creating The San Juan City Emission Control System For Motorized Vehicles And Providing Penalties For Smoke Belching Vehicles Plying And Traversing The Territorial Jurisdiction Of The City Of San Juan, Metro Manila.

SECTION 1. TITLE: This shall be known as the **"Vehicle Emission Control Ordinance of the City of San Juan"**.

SECTION 2. DUTIES AND RESPONSIBILITIES:

- 2.1. The Anti-Smoking Belching Unit (ASBU) of the San Juan City Environment and Natural Resources Office (CENRO) shall perform acts and duties expected of a CITY ANTI-SMOKE BELCHING UNIT and shall implement and enforce the vehicle emission standard fixed in this Ordinance and discharge the function of apprehending all violators. The CENRO may conduct mobile emission testing anywhere within the territorial jurisdiction of the City of San Juan.

2.2 ADMINISTRATION.

Since tricycle drivers are considered as belonging to the marginalized sector of society, there shall be two phases in the implementation of the provisions of this Ordinance applicable to them. There shall be a grace period of six (6) months from

the date of enactment of this Ordinance for the conduct of a massive information campaign and another six (6) months for a warning stage with no penalties and charges yet imposable for violation.

All Other vehicles plying within the City of San Juan, that does not comply with the emission standards set in this Ordinance, shall be subjected to emission control test upon effectivity of this Ordinance.

In case the vehicle fails the test, the driver shall be issued an Ordinance Violation Receipt (OVR) and his/her driver's license and/or vehicle license plates will be confiscated. The Driver's License/Vehicle License Plates will only be released to the violator after the vehicle has passed another emission control test and upon payment of testing fee and fines provided for, under Sections 5 and 6 hereof.

SECTION 3. PUBLIC EDUCATION AND INFORMATION CAMPAIGN.

A continuing air quality information and education campaign shall be intensified by the City Government through the CENRO and shall encourage the participation of the other offices such as the City Health Offices, the Barangay Operations Center and other government agencies, the private sector including NGOs, the academe, environmental groups, transport sector and other private entities in the implementation of a multi-sectoral information campaign.

The enforcement and the implementation of the emission standards shall require the active cooperation of the importers, local assemblers, owners/operators and the users of all motor vehicles. To ensure the cooperation of these groups, there is a need for an intensified and sustained awareness of the campaign which shall focus on: (1) the harmful effects of air pollutants to the general public and workers in the transport sector; (2) the technological options available to the transport sector to prevent smoke belching; and (3) the commitment of the City Government to enforce emission standards by strengthening apprehension standards.

SECTION 4. DEFINITION OF TERMS. - As used in the Ordinance, terms following terms shall mean and be defined as follows:

Air Pollutant	any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and other 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 mist, steam and radio active substance.
AQI (Air Quality Indicates)	Level of air quality for suspended particles.
CENRO	City Environment and Natural Resource Office
DCS	Division of City Schools
Emission	any air contaminant, pollution, gas stream, or

unwanted gas stream from a known source which is passed into the atmosphere

EMF

Environment Management Fund.

Motor Vehicle

any vehicle propelled by a gasoline or diesel or Liquified Petroleum Gas (LPG) or by any other means than human or animal power built. constructed and operated principally for the conveyance of persons or transportation of property or goods in a public highway or street open to public use.

Mobile Resources

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.

Motorcycle

any two- or three-wheeled motor vehicle with at least one headlight, tallight and a sportlight, and one or more saddle seats. For purposes of this Ordinance, motorcycle shall include those with attached side cars or those also known as a "tricycle".

Smoke Opacity Meter

an instrument which determines the (Opacimeter) smoke opacity in exhaust gases emitted by the engine system.

Type Approval

the official ratification of the complainece of a vehicle type which is applicable to local or national regulations.

Poisonous and Toxic Fumes

any emission and fume which are beyond the internationally accepted standards, including but not limited to the World Health Organization (WHO) guideline value.

Pollution Control Device

any device or apparatus used to prevent, control or abate the pollution of air caused by emissions from identified pollution sources at levels within the establishment air pollution controls standards.

Vehicle Type

a category of power-drivers vehicle which do not differ in such as reference mass or weight, engine type, number of cyclinders, body configuration, manner or transmission, fuel used and similar characteristics.

SECTION 5. Apprehension of smoke-belcttling vehicles shall be conducud in

conformity with the Work Instruction and Emission Standards set forth in this Ordinance.

Sec. 5.a. WORK INSTRUCTION FOR ROADSIDE APPREHENSION OF SMOKE BELCHING VEHICLES.

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1.0 Purpose of Scope - this procedure detail the in detail the proper conduct of roadside apprehension, consistent will the provisions of the Clean Air Act ol 1999 and its Implementing Rules and Regulations (DENR Administrative Order (DAO) 2000-81) and LTO's Memorandum Circulars.

2.0 Responsibilities -

2.1 The main responsibility of an Apprehending Team is to ensure that vehicles comply with the emission standards set forth under the Ordinance. Each ASBU or apprehending team shall preferably be composed of twelve (12) to fifteen (15) persons as follow:

- 1 Team Leader
- 2 Apprehending Officers
- 1 Testing Team (I machine operator. 1 prober,
- 1 Standard Team for Detection and Recording or STDR (optional))
- 3 Flaggors
- 2 Spotters
- 2 Plate Detache/Removers
- 1 Plate Keeper

2.2 The TEAM LEADER shall ensure that the team propety and efficiently executes the apprehension procedure.

2.3 DESIGNATED APPREHENDING OFFICER issues the Ordinance Violation Receipt (OVR) to drivers of the apprehended vehicle.

2.4 TESTING TEAM conducts smoke emission testing on the vihecle.

2.5 SPOTTER/s identities through visual means smoke-belching vehicles and relays the information to the flaggers and apprehending officers of the team.

2.6 FLAGGER/s motion the driver of smoke belching vehicles to pull over.

2.7 PLATE DETACHER/REMOVER/s detaches the license plate (front and rear)

2.8 PLATE KEEPER receives, records and stores the confiscated