

[LTO MEMORANDUM, June 21, 2005]

**RULES ON APPREHENSION, IMPOUNDING AND ADJUDICATION
OF MOTOR VEHICLES EXCEEDING EMISSION LIMITS**

Pursuant to the pertinent provisions of R.A. 8749 and consistent with DENR AO No. 03-2000, dated January 7, 2000, in order to provide for a uniform and consistent standard operating procedure in the apprehension, testing and adjudication of smoke-belching motor vehicles and to clarify and effect the application and implementation of R.A. 8749, Sections 4 and 5 of its Implementing Rules and Regulations set-out in DENR AO No. 81-2000, dated November 7, 2000, are hereby reiterated, adopted and incorporated herein for the information and guidance of all concerned as to proper procedures in the apprehension, impounding and adjudication of smoke-belching violations, to wit:

"RULE XXXV Roadside Inspection of Motor Vehicles (IRR of R.A. 8749)

x x x

**SECTION 4. Apprehension and Impounding of Vehicles Exceeding
Emission Limits -**

Pursuant to Section 46 of the Act, the procedure for apprehension and impounding of vehicles which emit pollutants beyond allowable limits shall be as follows:

a. A vehicle suspected of violation of emission standards through visual signs shall be flagged down by the apprehending officer.

b. The apprehending officer shall conduct an emission test of the vehicle using portable emission testing equipment and using test procedures given in Annex B and Annex C, to determine whether the vehicle complies with the emission standards. Should the results show an exceedance of the emission limits, the computerized print-out, or other test result generated by the portable emission testing equipment shall serve as prima facie evidence of violation of the emission standards.