

DENR ADMINISTRATIVE ORDER
NO. 49

SUBJECT: **Amendment of the Rules and Regulations for the Prevention, Control and Abatement of Air Pollution from Motor Vehicles Provided in Presidential Decree No. 1181.**

Pursuant to the provisions of Section 16 of Executive Order No. 192, dated June 10, 1987, Section No. 6 of the Rules and Regulations for the prevention, control, and abatement of air pollution from motor vehicles issued pursuant to Presidential Decree No. 1181, dated August 19, 1977, is hereby amended to read as follows:

“Sec. 6. Apprehension and Grounding of Smoke-Belching Vehicles. The Deputized agent(s) shall, upon seeing any smoke-belching vehicle, determine whether it violates any of these regulations using the Ringelman chart and/or smoke meter. Upon finding of prima facie evidence of violation, the agency shall forthwith: (a) apprehend the vehicle taking into account the established apprehension procedures and traffic conditions; (b) CONFISCATE THE LICENSE OF THE DRIVER/OPERATOR OF THE VEHICLE TOGETHER WITH THE VEHICLE’S PLATES; (c) fill out a charge sheet in three (3) copies furnishing one to the driver for delivery to the owner or operator of the apprehended vehicle; (d) place a sticker on the windshield of said vehicle which reads “Apprehended under P.D. No. 1181”; (e) require the driver, owner or operator to submit the vehicle for smoke meter test, if not such test has been made, to the nearest test station of the DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES not later than the time specified IN THE CHARGE SHEET. The test station shall then conduct the smoke meter test on the vehicle and IF THE VEHICLE PASSES THE SMOKE METER TEST CONDUCTED THEREON, THEN THE CORRESPONDING CERTIFICATE OF COMPLIANCE SHALL BE ISSUED TO THE DRIVER/OWNER/OPERATOR OF THE VEHICLE WITHOUT PAYING ANY OF THE FINES HEREIN PROVIDED. HOWEVER, results of the smoke meter test conducted on the apprehended vehicle presented after the time specified by the apprehending agent shall not constitute a valid ground for the exculpation of the owner or operator from the payment of fine; and the DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES OR OTHER GOVERNMENT AGENCY CONCERNED SHALL NOT BE HELD LIABLE FOR ANY DAMAGE TO THE VEHICLE DURING THE CONDUCT OF THE SMOKE METER TEST.”

THIS ORDER TAKES EFFECT FIFTEEN (15) DAYS AFTER PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION.

CELSO R. ROQUE
Undersecretary & OIC
Office of the Secretary

Signed on June 8, 1989