



Republic of the Philippines
 Province of Cavite
MUNICIPALITY OF BACOOR
Office of the Sangguniang Bayan

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 EDWING GAWARAN
 Councilor

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 AVELISO B. SOLIS
 Councilor

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 REYNALDO M. FABIAN
 Councilor

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 VENUS D. DE CASTRO
 Councilor

[Signature]
 JAIME A. SAPANGHILA
 Councilor

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 BAYANI M. DE LEON
 Councilor

Absent
 CATHERINE H. SARINO
 Councilor / ABC President

Absent
 GIANNE LOUISE A. OLEGARIO
 Councilor - SK President

Attested by:
[Signature]
 ATTY. KHALID A. ATEGA, JR.
 Secretary to the Sangguniang Bayan

Certified by:
[Signature]
 ROSETTE MIRANDA FERNANDO
 Municipal Vice Mayor/Presiding Officer

Approved by:
[Signature]
 STRIKE REVILLA
 Municipal Mayor

MUNICIPAL ORDINANCE NO. 19
 Series of 2010

AN ORDINANCE REQUIRING ALL TYPES OF MOTOR VEHICLES AND MOTORIZED EQUIPMENT PLYING THE HIGHWAYS, ROADS AND STREETS OR OPERATED WITHIN THE TERRITORIAL LIMITS OF THE MUNICIPALITY OF BACOOR, CAVITE TO UNDERGO SMOKE TESTING AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF.

Sponsored by Councilor Jaime A. Sapanghila & Councilor Venus D. De Castro

WHEREAS, Section 447, par. A (1) (vi) of Republic Act No. 7160 (otherwise known as the "Local Government Code of 1991") empowers the Sangguniang Bayan to approve ordinances and pass resolutions necessary to protect the environment and impose appropriate penalties for acts which endanger the environment;

WHEREAS, Section 36 of Republic Act No. 8479 (also known as the "Philippine Clean Air Act of 1999") empowered local government units to share the responsibility in the management and maintenance of air quality within their territorial jurisdiction;

WHEREAS, despite being subjected to smoke emission testing by the Land Transportation Office (LTO) annually, many motor vehicles and motorized equipment being operated within the territorial jurisdiction of the Municipality of Bacoor has been observed to be smoke belchers that contribute to the poor air quality of the municipality;

NOW, THEREFORE, upon joint motion of Councilor Jaime A. Sapanghila and Councilor Venus D. De Castro in regular session assembled, be it ordained by the Sangguniang Bayan of Bacoor, Cavite, that:

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SECTION 1: - Short Title. - This ordinance shall be known as the "Anti-Smoke Belching Ordinance of Bacoor".

SECTION 2: - Definition of Terms - The following terms as used in this ordinance shall be understood to mean as follows:

- a. **Smoke Belching** - refers to the excessive emission of black or dark and thick smoke emanating from any motor vehicle or motorized equipment such as generator sets, boat engines, and the like which are attached to a motor vehicle arising from



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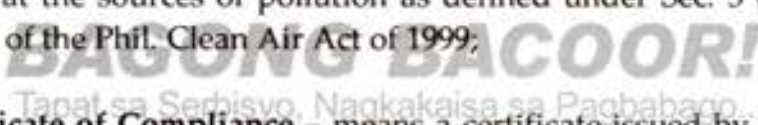
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poor conditions of the engine due to lack of care and/or maintenance;

- b. **Motor Vehicles** – any vehicle propelled by a gasoline or diesel engine constructed principally for the conveyance of persons or for the transport of goods and other movable properties in public highways, roadways or streets which shall include, but shall not be limited to, motorcycles or pedicabs with engines known as “kuliglig”;
- c. **Highway, Roadway or Street** – refers to any national, city or barangay road or passageway where motor vehicles can pass;
- d. **Owner or Operator** – any person who owns, leases or operates any motor vehicle whether or not the same is registered with the LTO or with any department or unit of the municipal government of Bacoor;
- e. **Air Pollution** – means any alteration of the physical, chemical and biological properties of the atmosphere 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 municipality harmful, detrimental, or injurious to public health, safety or welfare or which will adversely affect their utilization of domestic, commercial, industrial, agricultural, recreational, or other legitimate purposes as defined under Sec. 5 (b), Art. II of the Phil. Clean Air Act of 1999;
- f. **Ambient Air Quality** – means the general amount of pollution present in a given broad area and refers to the atmosphere’s average purity as distinguished from discharge measurements taken at the sources of pollution as defined under Sec. 5 (d), Art. II of the Phil. Clean Air Act of 1999;
- g. **Certificate of Compliance** – means a certificate issued by the Municipal Environment & Natural Resources Office (MENRO) of Bacoor in coordination with the LTO of the Province of Cavite and/or the Tricycle Franchising and Regulatory Unit (TFRU) of Bacoor, Cavite on its equipment to an owner or operator of any motor vehicle that said vehicle passed or failed the Smoke Emission Test based on the rates established under the Clean Air Act using a Smoke Tester duly accredited by the LTO and the Department of Environment and Natural Resources Office (DENR);





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- h. **Emissions** – refers to any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere as defined under Sec.5 (H), Art. II of the Phil. Clean Air Act 1999;
- i. **Motorboat/Motorized Banca** – refers to bancas and boats propelled by outboard motors and engines entering and navigating the Zapote River or the Bacoor Bay;
- j. **Stationary Engines** – all engines or generators located in establishments and/or commercial or private places within the territorial jurisdiction of the Municipality of Bacoor;
- k. **Agricultural Machineries** – refers to tractors, threshers, and blowers propelled by motors and engines.

SECTION 3: - Scope.

- a. This Ordinance shall cover all and any type of motor vehicle regardless of whether or not it is privately operated, passenger or owner driven, or registered with any branch of the LTO or any unit or department of the municipal government of Bacoor as long as they traverse any highway, road or street within the territorial jurisdiction of the Municipality of Bacoor;
- b. For this purpose, tricycle or *kuligligs* whether or not registered and licensed by the local government of Bacoor, Cavite and whether or not they are operating as public conveyances are covered by the provisions of this Ordinance;
- c. Stationary engines like generators, waterborne vehicles like motorboats and motor launchers as well as agricultural equipment are likewise covered by the provisions of this Ordinance.

SECTION 4: - Spot-Checks. To ensure the effective implementation of the Clean Air Act and of this Ordinance the Municipal Government with the assistance of the DENR shall conduct spot checks of all vehicles plying all the main and secondary roads of Bacoor. The schedule and location of the said spot checks shall not be announced beforehand. Except for vehicles fueled with liquefied



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petroleum gas or other government approved biofuels proven not to produce any harmful emission, no vehicle shall be exempted from the said spot checks.

Moreover, the fact that a vehicle already passed the annual standard smoke testing requirement of the LTO shall not prevent the testing of the said vehicle under this Ordinance. Vehicles that pass the spot smoke emission tests shall not be required to pay a testing fee.

SECTION 5: - Smoke Emission Standards. The Smoke Emission Standards set herein are those derived from smoke/emission testers such as the NISSALCO KOMYO Brand or similar other brands which are as follows:

5.1 For Diesel – Fuelled Vehicles:

- a. Any diesel-fuelled motor vehicle after undergoing a smoke test found to have a corresponding reading of fifty percent (50%) pollution rate and below shall be considered to have passed the test hence, its smoke emission is within the allowable standard.
- b. Any diesel-fuelled motor vehicle, after undergoing a smoke test, found to have a corresponding reading of above fifty percent (50%) pollution rate shall be considered to have failed the test hence, the vehicle is said to be a pollutant.

5.2 For Gasoline-fuelled Vehicles:

- a. Any gasoline-fuelled motor vehicle, after undergoing a smoke test, found to have a corresponding reading of:

CO (Carbon Monoxide): 6% pollution rate and above shall be considered to have failed the test hence, the vehicle is deemed to be a pollutant.

HC (Hydro carbon): 1200 ppm (parts per minutes) pollution rate and above for vehicle with a 4-stroke engine shall be considered to have failed the test hence, the vehicle is deemed a pollutant.

HC (Hydro Carbon): 7800 ppm pollution rate and above for vehicles with a 2-stroke engine shall be considered to have failed the test hence, the vehicle is deemed is deemed a pollutant.

SECTION 6: - Purchase of Testing Equipment. By virtue of this Ordinance, the Municipal Mayor is hereby authorized to purchase emission testing machines of such make and quantity as to effectively

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Certified by:

ROSETTE MIRANDA FERNANDO
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Approved by:

STRIKE REVILLA
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implement this ordinance subject to prevailing auditing and bidding requirements if applicable. After their purchase, the said machines shall

be placed under the custody of the MEMRO of Bacoor who shall be responsible for its maintenance, operation, and upkeep.

SECTION 7: - Composition of the Smoke Emission Testing Team.

Two Smoke Emission Testing Teams (to be known hereafter as "Bantay Usok Teams") is hereby created. Each team shall be composed of the following:


- a) The MEMRO or his duly authorized representative as Team Leader.
- b) A smoke emission testing machine operator who shall be tasked primarily to conduct the test.
- c) A traffic policeman who shall be primarily responsible in apprehending any motorist who shall refuse to be subjected to the spot check.
- d) A representative of the Municipal Treasurer's office who shall collect any penalty or fee under this Ordinance and shall issue the corresponding receipt.
- e) A representative of the LTO who shall be duly authorized to confiscate the license plate of the vehicle who fails to pass the test on three or more occasions.

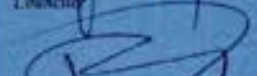
SECTION 8: - Operation of the Smoke Emission testing teams.


The Bantay Usok Teams shall operate in this manner:

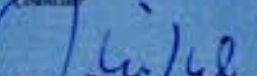
- a. Each team leader shall pick a place, time, and date when the spot check shall be conducted. No prior announcement of the said spot check shall be announced.
- b. Each team shall set up a mobile headquarter on the curb or sidewalk of any main or secondary road in Bacoor.
- c. The mobile headquarter of each team shall be clearly identifiable even from afar.
- d. The team members shall hail vehicles at random and shall politely ask the drivers of the subject vehicles to park on the rearest road side. While the vehicle is being readied for a smoke emission test



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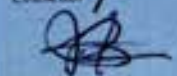

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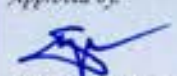
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Approved by:

STRIKE REVILLA
 Municipal Mayor

The team leader shall distribute brochures announcing the municipal government's various projects regarding the environment, if any.

- e. If the vehicle passes the test, the vehicle shall be allowed to leave free of any charge for the testing. If the vehicle fails the test, the driver shall be required to fill up a test form and to pay the corresponding fines under this Ordinance. An official receipt shall then be issued to the driver and a sticker that indicates the following information shall be posted on the windshield of the vehicle, to wit:

"First Offense" _____ (date of checking) Checked by: _____
 "Second Offense" _____ (date of checking) Checked by: _____
 "Third Offense" _____ (date of checking) Checked by: _____

The team leader shall write the date when the vehicle was tested on the space provided on the sticker and sign the same.

- f. No driver/passenger shall be subjected to any abuse or discourtesy by the team members. The driver of the subject vehicle shall be allowed to observe the conduct of the testing.
- g. As an incentive and to prevent corruption, ten percent of the total amount collected by each team shall be distributed equally to the team members subject to proper auditing regulations and implementing rules and regulations to be drafted after the enactment of this ordinance.

The balance of the amount collected shall be deposited in the General Funds of the Municipal Government and shall be used for the maintenance of the testing machines and other similar purposes. Nagkakaisa sa Pagbabago...

- h. The representative of the LTO shall have custody of any license plate confiscated under this ordinance and shall issue a separate receipt for the said license plate to the driver of the subject vehicle.
- i. Municipal employees assigned to the team shall not receive extra salaries. However, all members of the team may be given extra allowance for their snacks and meals. Members of the team who are not employees of the Municipality



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may be given daily honoraria in an amount to be determined by the Municipal Mayor and the agency to which the said team member is assigned.

- j. Protective gear and goggles shall be issued to all team members free of charge all to the account of the Municipality subject to availability of funds.

SECTION 9: - Appeal. The registered owner of a vehicle who failed to pass the spot check shall be allowed to appeal the findings of the Bantay Usok Team with the Office of the Mayor subject to such rules and procedures as may be determined after the enactment of this ordinance.

SECTION 10: - Penalties. When a motor vehicle concerned fails the test as stated above, the owner or operator thereof shall pay the testing fee as well as a fine graduated as follows:

1. For Tricycles, Motorcycles, Kuligligns and Stationary Engines and Equipment – Five Hundred (P500.00) Pesos for the first apprehension; One Thousand (P1,000.00) Pesos for the second apprehension; and One Thousand Five Hundred (P1,500.00) Pesos for the third apprehension plus the filling of the proper criminal case against the registered owner of the vehicle, engine, or equipment for violation of the pertinent provisions of this Ordinance.
2. For Owner-type Cars and Jeepneys, Passenger Jeepneys, cars (of any type, model and engine displacement) and Multicabs – one Thousand (P1,000.00) Pesos for the first apprehension; One Thousand Five Hundred (P1,500.00) Pesos for the second apprehension; and Two Thousand (P2,000.00) Pesos for the third and subsequent apprehensions plus suspension of use and operations of the said vehicle for three (3) months. The LTO shall also impound the said vehicle which shall not be released until it passed an emission test to be conducted by the MENRO.
3. For Trucks and Buses – One Thousand Five Hundred (P1,500.00) Pesos for the initial apprehension; Two Thousand (P2,000.00) Pesos for the second apprehension; and Two Thousand Five Hundred (P2,500.00) Pesos for the



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third and subsequent apprehensions. The said vehicle shall not be released until it passes an emission test to be conducted by the MENRO.

SECTION 11: – Establishment Of A Smoke testing Center. – The establishment of a smoke testing center by the municipal government is hereby mandated.

SECTION 12: – Appropriations.

- a. The sum of the One Million (P1,000,000.00) Pesos is hereby appropriated to be taken from annual budget of the municipal government or from any other source of funding to be used for the immediate purchase and acquisition of the Smoke Testing equipment as described herein. The same amount shall be replenished gradually from the fees generated by the operations of the Smoke Emission Testing teams and of the Smoke Testing Center.
- b. This appropriation may also be used partly for the establishment and maintenance of the Smoke Testing Center.

SECTION 13: – Implementing Rules and Procedure. – The Office of the Municipal Mayor is hereby empowered to draft the implementing rules and regulations of this Ordinance. The said implementing rules and regulations shall be based on the recommendations of the MENRO.

SECTION 14: Repealing Clause. – Any provision of any ordinance, resolution, executive order, rules and regulations and/or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed and/or modified accordingly.

SECTION 15: – Effectivity. – This Ordinance shall take effect immediately upon its approval and after its posting in a newspaper of general circulation.

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ENACTED by the Sangguniang Bayan of Bacoor this 15th day of November 2010.

I hereby certify the correctness and accuracy of the foregoing Ordinance.

Certified by:


HON. ROSETTE M. FERNANDO
Municipal Vice-Mayor/Presiding Officer

Attested by:



ATTY. KHALID A. ATEGA, JR.
Secretary to the Sangguniang Bayan


Approved by:


HON. STRIKE B. REVILLA
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BAGONG BACOOR!
Tapat sa Serbisyo, Nagkakaisa sa Pagbabago...

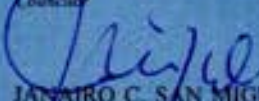


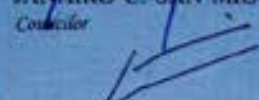

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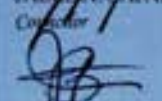

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