



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
19th City Council

PO19CC-040

15th Regular Session

ORDINANCE NO. SP- 2245, S-2013

AN ORDINANCE REGULATING THE ESTABLISHMENT AND/OR OPERATION OF PRIVATE EMISSION TESTING CENTERS (PETCS) WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

*Introduced by Councilors GIAN CARLO G. SOTTO
and JESUS MANUEL C. SUNTAY.*

Co-Introduced by Councilors Anthony Peter D. Crisologo, Dorothy A. Delarmente, Victor V. Ferrer, Jr., Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Roderick M. Paulate, Ranulfo Z. Ludovica, Ramon P. Medalla, Estrella C. Valmocina, Allan Benedict S. Reyes, Franz S. Pumaren, Eufemio C. Lagumbay, Jaime F. Borres, Vincent DG. Belmonte, Raquel S. Malafigen, Jessica Castelo Daza, Bayani V. Hipol, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Karl Edgar C. Castelo, Candy A. Medina, Diorella Maria G. Sotto, Marivic Co-Pilar, Rogelio "Roger" P. Juan, Richard N. Yu and Donato C. Matias.

WHEREAS, the Local Government Code of 1991 strongly provides that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;



WHEREAS, Section 36 of Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999, states that Local Government Units (LGUs) share the responsibility in the management and maintenance of air quality within their territorial jurisdiction;

WHEREAS, the Philippine Clean Air Act was enacted to maintain the quality of air and protect human life from the dangers of air pollution. It calls for a holistic national program of air pollution management through cooperation and self-regulation to be mainly focused on pollution prevention rather than control;

WHEREAS, Private Emission Testing Center or PETC is a privately owned facility for determining the level of opacity and testing the gaseous content of motor vehicle emissions. It determines the conformity of vehicle emissions to the standards set by the DENR under the Philippine Clean Air Act;

WHEREAS, PETCs are commissioned by the government through accreditation by the Department of Trade and Industry and authorization by the Department of Transportation and Communication;

WHEREAS, PETCs are mandated to test private vehicles for which they issue the Certificate of Emission Compliance (CEC) if they passed the emission test. Renewal of motor vehicle registration, redemption of confiscated plate(s), and registration of imported and rebuilt vehicles shall be allowed only upon presentation of a valid CEC from an accredited and authorized PETC;

WHEREAS, since 2010, there were reports of erring PETCs that conduct anomalous mandatory car smoke emission testing and engage in so-called "non-appearance" cases wherein unscrupulous PETCs issue certificates of compliance (COCS) to motor vehicle owners even if their motor vehicles did not undergo smoke testing thus, resulting to proliferation of black smoke-spewing vehicles littering the streets and highways of the metropolis;  

WHEREAS, various groups including government offices sought the help of LGUs and asked the public to cooperate with their efforts especially vehicle owners to have their vehicles to undergo an honest-to-goodness emission test prior to renewing their registration;

WHEREAS, the Quezon City Government through its Environmental Protection and Waste Management Department (EPWMD) is in full swing to strengthen its clean air campaign by creating policies that will help eliminate system that continues to worsen the air quality in Quezon City and threatens the health of its citizenry in conformity with its thrust of greening the City.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. This Ordinance shall be known as the "Quezon City Private Emission Testing Centers (PETCs) Regulation Ordinance".

SECTION 2. DECLARATION OF POLICY. - It is the policy of the State to maintain a quality of air that protects human health and welfare and to promote and protect the global environment to attain sustainable development while recognizing the primary responsibility of local government units to deal with environmental problems.

SECTION 3. SCOPE. - All new and existing (PETCs) within the territorial jurisdiction of Quezon City shall be strictly monitored and inspected by the city government's business Permits and Licensing Office (BPLO) and the Environmental Protection and Waste Management Department (EPWMD). The Department of Transportation and Communication authorization and Department of Trade and Industry accreditation shall be included as part of the requirements when applying for new application and/or renewal of business permit. /

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SECTION 4. MANDATORY EMISSION TESTING. Emission testing checks the levels of hazardous materials that escape from a motor vehicle with a combustion engine. The task of conducting emission testing is delegated to the private sector to stress transparency and competitiveness. Under the Republic Act 8749 or the Clean Air Act, accredited private emission testing centers are tasked to check the exhaust system of private vehicles.

SECTION 5. ROLES OF CITY DEPARTMENTS.

- a. The Business Permits and Licensing Office (BPLO) shall make sure that all PETCs operating in Quezon City are DOTC authorized, DTI accredited and EPWMD compliant. Copy of which shall be submitted along with all other requirements when applying for new and renewal of business permit.
- b. The Environmental Protection and Waste Management Department (EPWMD) is hereby authorized to inspect the compliance of PETCs of the following:

1. TESTING LANE

A testing lane (work area) should be within a permanent site with a maneuvering area of at least 6 meters wide and 6 meters long. APETC may have any number of testing lanes.

2. TESDA - Certified Motor Vehicle Emission Control Technicians (MVECT) PETCs should employ at least one (1) TESDA-Certified Motor Vehicle Emission Control Technicians (MVECT). This ensures the quality of services, expertise and facilities are consistent with international standards of testing laboratories. 7



3. PNS ISO/IEC 17025 Compliance (General Requirements for the competence of testing and Calibration Laboratories)

a. All PETCs must comply with the provisions of PNS ISO/IEC 17025 within one year from its initial accreditation and authorization. This ensures that quality of services, expertise and facilities are consistent with international standards of testing laboratories.

b. The EPWMD shall coordinate regularly with the concerned government agencies such as DENR, DTI and DOTC to be equipped with proper information regarding the procedures and processes for the authorization and accreditation of PETCs.

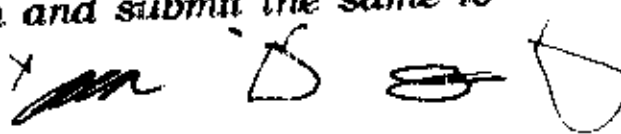
4. EPWMD Certification

The EPWMD shall issue a Certificate of Compliance upon recommendation by the monitoring and inspection team.

SECTION 6. MONITORING AND INSPECTION TEAM.

The BPLO and EPWMD and their authorized representatives are hereby tasked to do the following:

1. Conduct inspection of the work area and its qualified personnel;
2. Review pertinent documents of PETCs pertaining to its emission testing authorization and accreditation; and
3. Inspectors should prepare inspection report and recommendation and submit the same to head of the EPWMD.



Strict monitoring and frequent inspection of Private Emission Testing Centers are needed to ensure that no motor vehicle will be registered without undergoing and passing the emission test as required by the Clean Air Act. All PETCs operating and will operate within the territorial jurisdiction of Quezon City shall be obliged to comply with the provisions of this Ordinance.

SECTION 7. IMPLEMENTING RULES AND REGULATIONS.
-The Environmental Protection and Waste Management Department (EPWMD) and the Business Permits and Licensing Office (BPLO) shall jointly promulgate the necessary implementing rules and guidelines for the effective implementation of this ordinance.

SECTION 8. PENALTY. The following fines/penalties shall be imposed to the owner of PETCs for failure to comply with provisions of this Ordinance:

- a. First Offense - Fine of three thousand pesos (P 3,000.00);
- b. Second Offense - Fine of five thousand pesos (P 5,000.00);
- c. Third Offense - Revocation and/or cancellation of business permit upon recommendation by the monitoring and inspection team subject for approval of the mayor.

SECTION 9. REPEALING CLAUSE. - All ordinances, resolutions, executive orders, memorandum circulars and all other issuances or parts thereof which are inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 10. SEPARABILITY CLAUSE. - The provisions of this ordinance are separable, and in any event that any more of such provisions are declared invalid, the validity of all other provisions shall not be affected thereby.




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effect upon us approval. _____ shall take

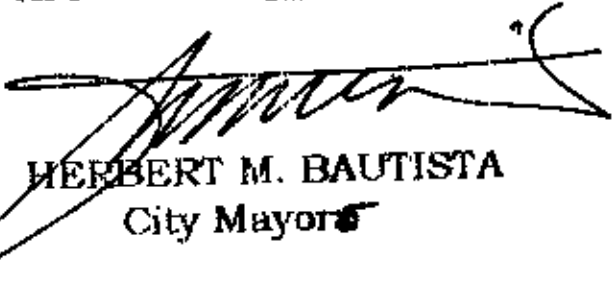
ENACTED: December 16, 2013.


DOROTHY A. DELARMENTE
President Pro-Tempore
Acting Presiding Officer

ATTESTED:


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 09 JAN 2014


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on December 16, 2013 and was PASSED on Third/Final Reading on December 20, 2013.


Atty. JOHN THOMAS S. ALFEROS III
/ City Gov't. Asst. Dept. Head III 