

INFORMATION SHEET

ON

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COMMITTEE REPORT NO. \_\_\_\_\_  
RE 1255 \_\_\_\_\_ 98 OCT -7 A9:07

Short Title "CLEAN AIR ACT"

Filed on \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

a) COMMITTEE(s) which reported out the bill(s)/resolution(s)/other matters:

ENVIRONMENT AND NATURAL RESOURCES (primary)  
FINANCE & WAYS AND MEANS (secondary)

b) BILL(s) and/or RESOLUTION(s)/OTHER MATTER(s) reported out and taken into consideration:

Bill/Resolution/others	Referred to the Cttee(s) on:	Author(s)
1. <u>S.B. 9</u>	<u>ENVIRONMENT</u>	<u>FLAVIER</u>
2. <u>S.B. 864</u>	<u>ENVIRONMENT</u>	<u>JAWORSKI</u>
3. <u>S.B. 912</u>	<u>ENVIRONMENT</u>	<u>LEGARDA-LEVISTE</u>

-Other bill(s)/resolution(s)/other matters of similar subject matter not included in this report:

Reason(s): \_\_\_\_\_

c) ACTION TAKEN by the Committee(s):

Primary Committee

Secondary Committee  
(If this is not a joint report)

Recommending Approval \_\_\_\_\_

with amendments \_\_\_\_\_

without amendments \_\_\_\_\_

in substitution of 9, 864, 912

in consolidation with \_\_\_\_\_

Laid on the Table/Archived \_\_\_\_\_

Pending in the  
Committee on \_\_\_\_\_

d) COMMITTEE MEETINGS/PUBLIC HEARINGS/TWG/OTHERS CONDUCTED:

Date:	Venue:	Date:	Venue:
<u>9-9-98</u>	<u>Sen. Pecson Room</u>		
<u>9-17-98</u>	<u>Sen. Padilla Room</u>		

e) Does this Bill/Resolution contain any REVENUE or APPROPRIATION Provision? YES

If Yes, has it been referred to the Finance or Ways and Means Committee and what were its recommendations? Letter for the comments/recommendations of the committee on Finance's Chairman was sent to his office but cannot give comment on the bill due to his physical absence in the Philippines.

f) RELATED/COUNTERPART MEASURE from the HOUSE OF REPRESENTATIVES:

Bill/Resolution No.(s)	Status in the House	Status in the Senate
<u>H.B. 1016</u>	<u>First Reading</u>	
<u>H.B. 1121</u>	<u>-do-</u>	

g) MEMBER(s) without signature in the report; and reason(s):

Both Senator's Osmeña and Oreta are out of the country.


h) Additional remarks: \_\_\_\_\_

Submitted by: GEMMA GENOVEVA G. TANPIENGCO  
Legislative Committee Secretary  
Date submitted: October 07, 1998

CONGRESS OF THE REPUBLIC OF THE PHILIPPINES }  
ELEVENTH CONGRESS }  
FIRST REGULAR SESSION

'98 OCT -7 A9:07

SENATE

RECEIVED BY: 

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COMMITTEE REPORT NO. 8

Submitted by the Committees on Environment and Natural Resources, Finance and Ways and Means on 10/7/98.

Re : S. No. 1255, prepared by the Committees.

Recommending its approval in substitution of Senate Bill Nos. 9, 864 and 912.

Sponsor: Senator Honasan.

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Mr. President:

The Committees on Environment and Natural Resources, Finance and Ways and Means to which were referred S. No. 9, introduced by Senator Flavier entitled:

**“AN ACT  
PROVIDING FOR A COMPREHENSIVE AIR POLLUTION CONTROL  
POLICY, AND FOR OTHER PURPOSES**

S. No. 864, introduced by Senator Jaworski entitled:

**AN ACT  
PROVIDING FOR A COMPREHENSIVE AIR POLLUTION CONTROL  
POLICY, AND FOR OTHER PURPOSES**

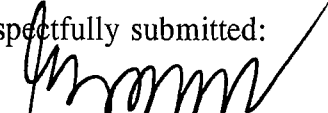
and S. No. 912, introduced by Senator Legarda-Leviste

**“AN ACT  
PROVIDING FOR A COMPREHENSIVE AIR POLLUTION CONTROL  
POLICY, AND FOR OTHER PURPOSES.”**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, S. No. 1255 prepared by the Committees, entitled:

**“AN ACT  
PROVIDING FOR A COMPREHENSIVE AIR POLLUTION CONTROL  
POLICY, AND FOR OTHER PURPOSES.”**

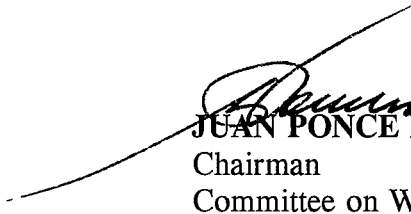
be approved in substitution of S. Nos. 9, 864 and 912 with Senators Flavier, Jaworski, Legarda-Leviste, Honasan, Osmeña, Enrile and Aquino-Oreta as authors thereof.

Respectfully submitted:  


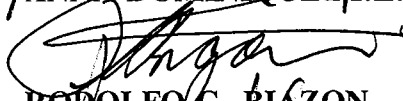
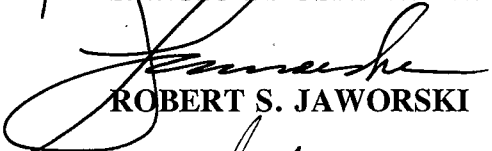
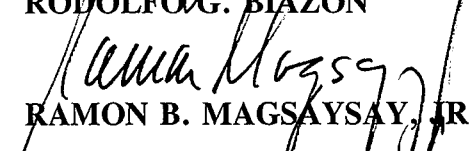
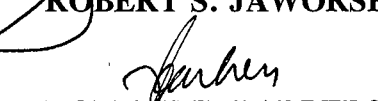



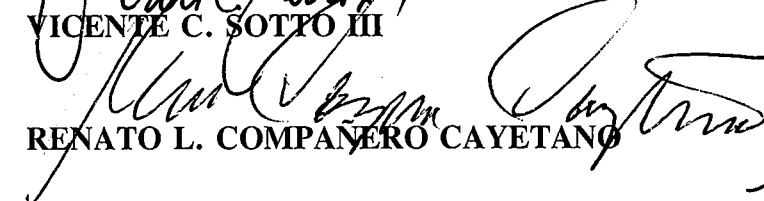
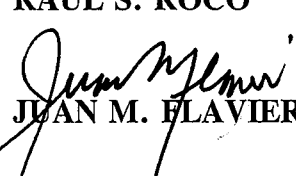
**GREGORIO B. HONASAN**  
Chairman

Committee on Environment and Natural Resources

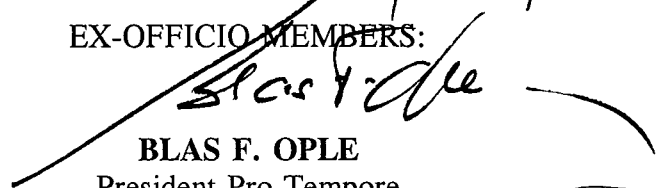
**JOHN H. OSMEÑA**  
Chairman  
Committee on Finance

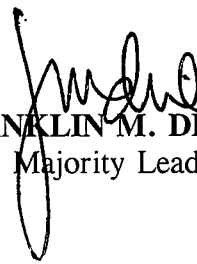
  
**JUAN PONCE ENRILE**  
Chairman  
Committee on Ways and Means

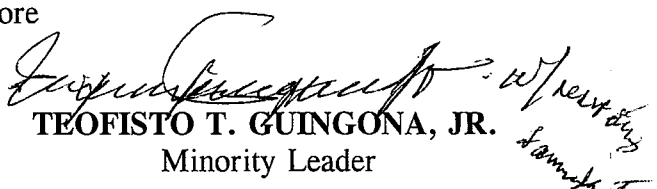
MEMBERS:

- |   |  |
|---|--|
| <i>Reservations/amendments</i>  | <i>Reservations/amendments</i>   |
| <b>ANNA DOMINIQUE M.L. COSETENG</b>   | <b>SERGIO R. OSMEÑA III</b>  |
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| <b>VICENTE C. SOTTO III</b>   | <i>Reservations/amendments</i>   |
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| <b>RENATO L. COMPANERO CAYETANO</b>   | <b>JUAN M. FLAVIER</b>   |

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**FRANKLIN M. DRILON**  
Majority Leader

  
**TEOFISTO T. GUINGONA, JR.**  
Minority Leader

The Honorable  
**MARCELO B. FERNAN**  
Senate President  
Pasay City

## INITIAL LIST OF HAZARDOUS AIR POLLUTANTS

Pollutant	Industrial Sources/Operations		National Ambient Air	
	Maximum Allowable Concentration µg/Ncm	Averaging Time (min)	Maximum Allowable Concentration on µg/Ncm	Averaging Time (min)
Ammonia	200	30		
Carbon Disulfide	30	30		
Chlorine and Chlorine compounds expressed as Cl-2	100	5		
Formaldehyde	100	30		
Hydrogen Chloride	50	30		
Hydrogen Sulfide	200	30	1.5	3 months
Lead	375	60	150	24 hours
Nitrogen Dioxide	260	30		
Phenol	100	30		
Sulfur Dioxide	470	60	180	24 hours
Suspended Particulate Matter	300	60	230	24 hours
TSP	200	60	150	24hours
PM-10				

**LIST OF OZONE DEPLETING SUBSTANCES  
AND THE PHASEOUT SCHEDULE**

Substances	Year of Phaseout
Trichlorofluoromethane (CFC-11) (new)* (service)**	1998 2010
Dichlorofluoroethane (CFC-12) (new)* (service)**	1998 2010
Trichlorofluoroethane (CFC-113)	1996
Dichlorotetrafluoroethane (CFC-114)	1998
Hexafluoroethane (CFC-15)	1998
Bromochlorodifluoromethane (Halon 1211)	1998
Bromotrifluoromethane (Halon 1301)	1998
Carbon Tetrachloride (CCI-4)	1996
Methylchloroform (CHCl-3)	1996

\* refers to CFCs being used in the production of new equipment/appliances

\*\* refers to CFCs being used in servicing old equipment containing the said substance.

ELEVENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
FIRST REGULAR SESSION }

'98 OCT -7 A9:07

SENATE

RECEIVED BY: 

S. B. No. 1255

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Introduced by Senators Flavier, Jaworski, Legarda-Leviste, Honasan, Osmeña J., Enrile  
and Aquino-Oreta

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**“AN ACT  
PROVIDING FOR A COMPREHENSIVE AIR POLLUTION CONTROL POLICY,  
AND FOR OTHER PURPOSES.”**

*Be it enacted upon by the Senate and the House of Representative in Congress assembled:*

1 SECTION 1. *Short Title.* Philippine Clean Air Act of 1998.

2 SEC. 2. *Declaration of Principle.* Recognizing that the right of the people to a  
3 balanced and healthful ecology in accord with the rhythm and harmony of nature is a  
4 fundamental right of citizens inextricably linked to their basic right to life and to survive as  
5 a people, the State shall guarantee and protect the following rights of all citizens:

6 (a) The right to breathe clean air;

7 (b) The right to equitably share in the utilization and enjoyment of all natural  
8 resources without depriving the future generations of their right to use and enjoy the same;

9 (c) The right to participate in environmental policy formulation, planning,  
10 management, monitoring and enforcement activities of the State;

11 (d) The right to participate in the decision-making process concerning development  
12 projects or activities that may have adverse impact on the environment;

13 (e) The right to be informed of the nature and extent of potential hazard posed by a  
14 project, activity or event. This shall include the community-right-to-know and be alerted  
15 of alarming rise in pollution level; accidental or deliberate release into the atmosphere of  
16 harmful or hazardous substances;

17 (f) The right of access to public or private records necessary for the complete  
18 assessment of environmental risks;

19 (g) The right to bring action in court or quasi-judicial bodies to enjoin all activities  
20 in violation of environmental laws and regulations, to compel the rehabilitation and

1 cleanup of affected area, and to seek the imposition of penal sanctions against violators of  
2 environmental laws; and

3 (h) The right to bring action in court for compensation of personal damages  
4 resulting from the adverse environmental impact of a project or activity.

5 SEC. 3. *Declaration of Policies.* The State shall pursue a policy of balancing  
6 development and environmental protection. To achieve this end, the framework for  
7 sustainable development shall be pursued. It shall be the policy of the State:

8 (a) To formulate a holistic national program of air pollution management that shall  
9 be implemented by the government through proper delegation and effective coordination of  
10 functions and activities;

11 (b) To encourage cooperation and self-regulation among citizens and industries  
12 through the application of disincentives and market-based instruments and to promote the  
13 role of private judgment of industrial enterprise in shaping its regulatory profile within the  
14 acceptable boundaries of public health and environmental protection;

15 (c) To focus primarily on pollution prevention rather than control and provide for a  
16 comprehensive management program for air pollution;

17 (d) To promote public information and education and to encourage the participation  
18 of an informed and active public in air quality planning and monitoring; and

19 (e) To formulate and enforce a system of accountability for short and long-term  
20 adverse environmental impact of a project, program or activity. This shall include the  
21 setting up of a funding or guarantee mechanism for clean-up and environmental  
22 rehabilitation and compensation for personal damages.

23 SEC. 4. - *Definitions.* As used in this Act..

24 (a) Air pollutant - refers to any matter found in the atmosphere other than oxygen,  
25 nitrogen, water vapor, carbon dioxide, and the inert gases in their natural or normal  
26 concentrations, and includes smoke, dust, soot, cinders, fly ash, solid particles of any kind,  
27 gases, fumes, mists, odors and radio-active substances;

28 (b) Air pollution - means any alteration of the physical, chemical and biological  
29 properties of the atmospheric air, or any discharge thereto of any liquid, gaseous or solid  
30 substances that will or is likely to create or to render the air resources of the country  
31 harmful, detrimental, or injurious to public health, safety or welfare or which will  
32 adversely affect their utilization for domestic, commercial, industrial, agricultural,  
33 recreational, or other legitimate purposes;

1 (c) Alternative technologies – refers to all ecologically safe and non-burn  
2 technologies, methods and techniques of dealing with municipal, medical and hazardous  
3 waste; such technologies include waste segregation at source, composting and recycling for  
4 municipal solid waste; autoclaving, chemical disinfection and microwaving technique  
5 among other for infectious waste.

6 (d) Ambient air quality guideline values – means the concentration of air over  
7 specified periods classified as short-term and long-term which are intended to serve as  
8 goals or objectives for the protection of health and/or public welfare. These values are not  
9 necessarily intended for direct enforcement but only for air quality management purposes  
10 such as determining time trends, evaluating stages of deterioration or enhancement of the  
11 air quality and in general use as basis for taking positive action in preventing, controlling,  
12 or abating air pollution;

13 (e) Ambient air quality – means the average atmosphere purity as distinguished  
14 from discharge measurements taken at the source of pollution. It is the general amount of  
15 pollution present in a broad area;

16 (f) Certificate of conformity – means a certificate issued by the Department of  
17 Environment and Natural Resources to a vehicle manufacturer/assembler or importer  
18 certifying that a particular new vehicle or vehicle type meets the requirements provided  
19 under this Act and its rules and regulations;

20 (g) Department - refers to the Department of Environment and Natural Resources;

21 (h) Eco-profile – refers to geographic-based instrument for planners and decision-  
22 makers which present an evaluation of the environmental quality and carrying capacity of  
23 an area. It is the result of the integration of primary and secondary activities on the land  
24 which are evaluated by various environmental risk assessment and forecasting  
25 methodologies that enable the Department to anticipate the type of development control  
26 necessary in the planning area.

27 (i) Emission - refers to any air contaminant, pollutant, gas stream or unwanted  
28 sound from a known source which is passed into the atmosphere;

29 (j) Greenhouse gases – refer to those gases that can potentially or be reasonably  
30 expected to induce global warming, which include carbon dioxide, methane, oxides of  
31 nitrogen, chlorofluorocarbons, and the like.

32 (k) Hazardous substances – refer to those substances which present either: (1)  
33 short-term acute hazards such as acute toxicity by ingestion, inhalation, or skin absorption,  
34 corrosivity or other skin or eye contact hazard or the risk of fire explosion; or (2) long-term



1 toxicity upon repeated exposure, carcinogenicity (which in some cases result in acute  
2 exposure but with a long latent period), resistance to detoxification process such as  
3 biodegradation, the potential to pollute underground or surface waters, or aesthetically  
4 objectionable properties such as offensive odors;

5 (l) Incineration – refers to the process by which chemical compounds from waste  
6 materials are converted into innocuous carbon dioxide and water through the process of  
7 rapid oxidation. This method is utilized to reduce the volume of solid wastes chemically  
8 which includes pyrolysis, gasification and electro-chemical oxidation. Most features  
9 include methods of energy recovery through the collection of by-product such as useful  
10 gases and excess heat. Waste heat from the incineration process can be utilized to produce  
11 electricity commonly referred to as “waste-to-energy process”;

12 (m) Infectious waste – refers to that portion of medical waste that could transmit an  
13 infectious disease;

14 (n) Medical waste – refers to materials generated as a result of patient diagnosis,  
15 treatment, or immunization of human beings or animals.

16 (o) Motor vehicle/mobile source" means any vehicle propelled by or through  
17 combustion of carbon-based or other fuel or by any means other than human or animal  
18 power, constructed and operated principally for the conveyance of persons or the  
19 transportation of property or goods;

20 (p) Octane Rating or the Anti-Knock Index (AKI) - means the rating of the anti-  
21 knock characteristics of a grade or type of automotive gasoline as determined by dividing  
22 by two (2) the sum of the Research Octane Number (RON), plus the Motor Octane Number  
23 (MON);

24 (q) Ozone Depleting Substances - are substances that significantly deplete or  
25 otherwise modify the ozone layer in a manner that is likely to result in adverse effects on  
26 human health and the environment such as, but not limited to, chlorofluorocarbons, halons,  
27 etc.;

28 (r) PM 10 - refers to particulate matters ten (10) microns or less in diameter;

29 (s) Persistent Organic Pollutants (POPs) – refers to organic compounds that persist  
30 in the environment, bioaccumulate through the food web, and pose a risk of causing  
31 adverse effects to human health and the environment. These compounds resist photolytic,  
32 chemical and biological degradation. Example of POPs include dioxine, furnace,  
33 Polychlorinated Biphenyls (PCBs), organochlorine pesticides such as aldrin, dieldrin,  
34 DDT, hexachlorobenzene, lindane, toxaphere and chlordane.

1 (t) Person(s) - refers to any being, natural or juridical, susceptible of rights and  
2 obligations or of being the subject of legal relations;

3 (u) Pollution control device - refers to any device or apparatus used to prevent,  
4 control or abate the pollution of air caused by emissions from identified pollution sources  
5 at levels within the air pollution control standards established by the Department;

6 (v) Pollution control technology - refers to pollution control devices, production  
7 processes, fuel combustion processes or other means that effectively prevent or reduce  
8 emissions or effluent

9 (w) Standard of performance – refer to a standard for emissions of air pollutant  
10 which reflects the degree of emission limitation achievable through the application of the  
11 best system of emission reduction, taking into account the cost of achieving such reduction  
12 and any non-air quality health and environment impact and energy requirement which the  
13 Department determines, and adequately demonstrates;

14 (x) Stationary Source - refers to any building or immobile structure, facility or  
15 installation which emits or may emit any air pollutant; and

16 (y) TSP - refers to total suspended particulates in the air

17 *SEC. 5. Air Quality Monitoring and Information Network.* - The Department shall  
18 prepare an annual National Air Quality Status Report which shall be used as a basis  
19 in formulating an Air Quality Improvement Framework Plan, as provided for in Section 8.  
20 The said report shall include, but shall not be limited to the following issues:

21 a) extent of pollution in the country, per type of pollutant and per type of source,  
22 based on reports of the Department's monitoring stations;

23 b) analysis and evaluation of the current state, trends and projections of air  
24 pollution on the national, regional, provincial and municipal levels;

25 c) identification of critical areas, activities, or projects which will need closer  
26 monitoring or regulation;

27 d) recommendations for necessary executive and legislative action; and

28 e) other pertinent qualitative and quantitative information concerning the extent of  
29 air pollution and the environmental performance rating of industries in the country.

30 The Department, in cooperation with the National Statistical Coordination Board  
31 (NSCB), shall design and develop an information network for data storage, retrieval and  
32 exchange.

1           The Department shall serve as the central depository of all data and information  
2 related to air quality.

3           SEC. 6. *Integrated Air Quality Improvement Framework Plan..* The Department  
4 shall establish the policy framework for a comprehensive air pollution management and  
5 control program and shall formulate and implement an integrated Air Quality Improvement  
6 Action Plan for the prevention, control and abatement of air pollution. The action plan  
7 shall:

8           a) include enforceable emission limitations and other control measures, means, or  
9 techniques, as well as schedules and time tables for compliance, as may be necessary or  
10 appropriate to meet the applicable requirements of this Act;

11           b) provide for the establishment and operation of appropriate devices, methods,  
12 systems, and procedures necessary to monitor, compile, and analyze data on ambient air  
13 quality;

14           c) include a program to provide for the following: (1) enforcement of the measures  
15 described in subparagraph (a), (2) regulation of the modification and construction of any  
16 stationary source within the areas covered by the plan, in accordance with land use policy,  
17 and as necessary to assure that ambient air quality standards are achieved;

18           d) contain adequate provisions, consistent with the provisions of this Act,  
19 prohibiting any source or other types of emissions activity within the country from  
20 emitting any air pollutant in amounts which will contribute significantly to the non-  
21 attainment or will interfere with the maintenance by the Department of any such ambient  
22 air quality standard required to be included in the implementation plan to prevent  
23 significant deterioration of air quality or to protect visibility;

24           e) include control strategies and control measures to be undertaken within a  
25 specified time period, including cost effective use of economic incentives, management  
26 strategies, collective action, and environmental education and information;

27           f) clarify the legal effects on the financial, manpower and budgetary resources of  
28 the affected departments and agencies, and on the alignment of their programs with the  
29 plan;

30           g) designate air quality control zones;

31           h) include all other measures necessary for the effective control and abatement of  
32 air pollution .

1 In addition to direct regulations, the plan shall be characterized by a participatory  
2 approach to the pollution problem. The involvement of private entities in the monitoring  
3 and testing of emissions from mobile and/or stationary sources may be considered.

4 The integrated air quality improvement framework plan shall be adopted as the  
5 official blueprint with which all government agencies must comply to attain and maintain  
6 ambient air quality standards.

7 The plan shall be formulated within six (6) months after the effectivity of this Act  
8 with the participation of non-government organizations (NGOs), people's organizations  
9 (POs), the academe and other concerned entities from the private sector.

10 *SEC. 7. Air Quality Control Zones.* - Pursuant to Sec. 6 of this Act, the designation  
11 of the Air Quality Control Zone (AQCZ) shall be on the basis of, but not limited to, areas  
12 with similar climate, meteorological and topology which affect the interchange and  
13 diffusion of pollutants in the atmosphere, or areas which share common interest or face  
14 similar development programs, prospects or problems.

15 For a more effective air quality management, a system of planning and coordination  
16 shall be established and a common action plan shall be formulated for each AQCZ. A  
17 governing board, hereinafters referred to as the Board, composed of the mayors and  
18 governors of the local government units belonging to the AQCZ and representatives of  
19 government agencies, PO's and NGO's and the private sector, shall be organized with the  
20 Department as head. The functions of the Board shall include:

- 21 a) formulation of policies;
- 22 b) preparation of a common action;
- 23 c) coordination of functions among its members; and
- 24 d) annually report and publish an air quality status report of the AQCZ.

25 The Department shall, from time to time and by utilizing eco-profiling techniques  
26 and undertaking scientific studies, and upon consultation with appropriate local  
27 government authorities, revise the designation of AQCZ.

28 *SEC. 8. Air Quality Control Action Plan.* - Within six (6) months after the  
29 formulation of the Framework Plan, local government units (LGU's) with the assistance  
30 from the DENR shall prepare and develop an air quality control action plan consistent with  
31 the integrated air quality improvement framework plan to attain and maintain the ambient  
32 air quality standards within their respective air quality control zone as provided in Sec. 7.

1           The local government units shall develop and submit to the DENR a procedure for  
2 carrying out the action plan for their jurisdiction. The Department, however, shall maintain  
3 its authority to independently inspect the enforcement procedure adopted. The DENR shall  
4 have the power to control all or parts of the air quality action plan until such time the local  
5 government unit concerned can assume the function to enforce the standards set by the  
6 DENR.

7           A multi- sectoral monitoring team with broad public representation shall be  
8 convened by the Department for each LGU to conduct periodic inspections of air pollution  
9 sources to assess compliance with the emission limitations contained in their permits.

10           SEC.9. *Management of Nonattainment Areas.* - The Department shall designate  
11 areas where specific pollutants have already exceeded ambient standards as nonattainment  
12 areas. The Department shall prepare and implement a program that will prohibit new  
13 sources of exceeded air pollutant without a corresponding reduction in discharges from  
14 existing sources.

15           The LGU's having jurisdiction over designated non-attainment areas shall prepare,  
16 in coordination with the Department for the purpose of improving air quality in the said  
17 area, a more stringent program to regulate emission therein. The LGUs, in coordination  
18 with other appropriate government agencies shall likewise prepare and implement a  
19 program and other measures including relocation, whenever necessary, to protect the health  
20 and welfare of residents in the area.

21           For those designated as nonattainment areas, the Department, after consultation  
22 with local government authorities, may revise the designation of such areas and expand its  
23 coverage to cover larger areas depending on the condition of the areas.

24           SEC. 10. *Air Quality Control Techniques.* - Simultaneous with the issuance of the  
25 guideline values and standards, the Department, through the research and development  
26 program contained in this Act and upon consultation with the appropriate advisory  
27 committees, government agencies and LGU's, shall issue, and from time to time, revise  
28 information on air pollution control techniques. Such information shall include:

29           a) best available technology and alternative methods of prevention and control of  
30 air pollution;

31           b) best available technology economically achievable which shall refer to the  
32 technological basis/ standards for emission limits applicable to existing, direct industrial  
33 emitters of non-conventional and toxic pollutants; and

1 c) alternative fuels, processes and operating methods which will result in the  
2 elimination of significant reduction of emissions.

3 Such information may also include data relating to the cost of installation and  
4 operation, energy requirements, emission reduction benefits, and environmental impact of  
5 the emission control technology.

6 The issuance of air quality guideline values/standards and information on air  
7 quality control techniques shall be made available to the general public. Provided, That the  
8 issuance of information on air quality control techniques shall not be construed as requiring  
9 the purchase of certain pollution control devices by the public.

10 SEC. 11. *Ambient Air Quality Guideline Values and Standards.* - The Department,  
11 after public consultations and hearings, shall establish ambient air quality guideline values  
12 and standards, either on a national or AQCZ level. The Department, in coordination with  
13 other concerned agencies, shall review and or revise and publish annually a list of  
14 hazardous air pollutants with corresponding guideline values and/or standard necessary to  
15 protect public health, safety and general welfare. The initial list and the values of the  
16 hazardous air pollutants are included and made an integral part of this Act as Annex "A".

17 The Department shall issue air quality guideline values for an air pollutant within  
18 twelve (12) months after such pollutant has been included in the list. The basis in setting  
19 up the ambient air quality guideline values and standards shall reflect, among others, the  
20 latest scientific knowledge including information on:

21 1) Variable factors, including atmospheric conditions, which of themselves or in  
22 combination with other factors may alter the effects on public health or welfare of such air  
23 pollutant;

24 2) The other types of air pollutants which may interact with such pollutant to  
25 produce an adverse effect on public health or welfare; and

26 3) The kind and extent of all identifiable effects on public health or welfare which  
27 may be expected from the presence of such pollutant in the ambient air, in varying  
28 quantities.

29 The Department shall base such ambient air quality standards on WHO standards,  
30 but shall not be limited to nor be less stringent than such standards.

31 SEC. 12. *Air Pollution Research and Development Program.* - The Department, in  
32 coordination with the Department of Science and Technology (DOST), other agencies, the  
33 private sector, the academe, NGOs and people's organizations, shall establish a National  
34 Research and Development Program for the prevention and control of air pollution. The

1 Department shall give special emphasis to research on and the development of improved  
2 methods having industry-wide application for the prevention and control of air pollution.

3 Such a research and development program shall develop air quality guideline  
4 values and standards in addition to internationally accepted standards. It shall also  
5 consider the socio-cultural, political and economic implications of air quality management  
6 and pollution control.

7 SEC. 13. *Lead Agency.* - The Department, unless otherwise provided herein, shall  
8 be the primary government agency responsible for the implementation and enforcement of  
9 this Act. As such, it shall have the following functions, powers and responsibilities:

10 (a) Establish air quality standards after due consultation with the concerned sectors;

11 (b) Prepare and implement an integrated framework plan and action plans for air  
12 quality management;

13 (c) Exercise jurisdiction over all aspects of air pollution, determine its location,  
14 magnitude, extent, severity, causes, effects and other pertinent information, and to take  
15 necessary measures or direct the proper party to take measures, using available methods  
16 and technologies to prevent and abate such pollution;

17 (d) Update itself on the advanced/modern methods of other countries in combating  
18 and minimizing air pollution;

19 (e) Coordinate with the Department of Science and Technology (DOST) and the  
20 Department of Energy (DOE) on finding alternative sources of energy for industries and  
21 mass transport systems that would rely less on fossil fuel;

22 (f) Establish a cooperative effort among the national government, local government  
23 units, nongovernmental organizations, people's organizations and the private sector in  
24 order to implement the air pollution control management program;

25 (g) Issue rules and regulations, guidelines or procedures, design criteria governing  
26 the preparation of plans and specifications for pollution control device;

27 (h) Call on any government agency, department, corporation, institution, and other  
28 instrumentalities of the government for assistance in the form of personnel, facilities, and  
29 other resources, as the need arises in the discharge of its functions;

30 (i) Formulate policies that will serve as guidelines on the use, transport, storage,  
31 disposal, regulation or prohibition of elements proven hazardous to human health, and  
32 ecological balance

1 (j) Accept assistance, whether financial or otherwise, from any public or private  
2 organization: *Provided*, That such assistance shall not result to a conflict of interest;

3 (k) Disseminate information and conduct educational awareness campaigns on the  
4 effects of air pollution on health and environment;

5 (l) Encourage, participate in and conduct continuing studies, investigations,  
6 researches and demonstrations on the effective means of controlling, preventing and  
7 managing air pollution including improvement in the implementation strategy, technology  
8 or instrumentation; to rationalize the basis of air quality standards;

9 (m) Encourage the enactment of improved and, as far as practicable, uniform  
10 national and local laws relating to air pollution management and control;

11 (n) Issue order against any person or entity and impose fines, penalties and other  
12 administrative or penal sanctions provided by law to compel compliance with air quality  
13 regulations and the provisions of this Act; and

14 (o) Exercise such powers and perform such other functions as may be necessary to  
15 carry out its duties and responsibilities under this Act.

16 SEC. 14. *Linkage Mechanism*. The Department shall consult, participate, cooperate  
17 and enter into agreement with other government agencies, or with affected NGO's or PO's,  
18 or private enterprises in the furtherance of the objectives of this Act.

19 SEC. 15. *Role of Local Government Units*. Local government units shall share the  
20 responsibility in the management and maintenance of air quality within their territorial  
21 jurisdiction. Consistent with Sec. 6 and Sec.8 of this Act, LGU's may formulate and  
22 implement local air quality standards that shall be more stringent than those set by the  
23 Department and/or by the Board.

24 The Department may delegate to the local government units the authority to  
25 administer all or some aspects of air quality management and regulation, including but not  
26 limited to permit issuance, monitoring, and imposition of administrative penalties, when,  
27 upon the Department's determination, the LGU has demonstrated the technical and  
28 financial capability to undertake such functions. The Department shall provide the LGU's  
29 with technical assistance and trainings and launch a continuing capability-building  
30 program to prepare them to undertake full administration of the air quality management  
31 and regulation within their territorial jurisdiction. The exercise of such delegated authority  
32 shall be under the supervision, review and control of the Department.

33 SEC. 16. *Environment and Natural Resources Office*. - There shall be established  
34 an Environment and Natural Resources Office in every province, city or municipality



1 which shall be headed by the environment and natural resources officer in accordance with  
2 the provisions of Section 484 of Republic Act No. 7160. Its powers and duties, among  
3 others, are:

4 (a) To prepare comprehensive air quality management programs, plans and  
5 strategies within the limits set forth in Republic Act No. 7160 and this Act which shall be  
6 implemented within its territorial jurisdiction upon the approval of the *sanggunian*;

7 (b) To provide technical assistance and support to the governor or mayor, as the  
8 case maybe, in carrying out measures to ensure the delivery of basic services and provision  
9 of adequate facilities relative to air quality;

10 (c) To take the lead in all efforts concerning air quality protection and  
11 rehabilitation;

12 (d) To recommend local air quality standards which shall not exceed the maximum  
13 permissible standards set by the national laws;

14 (e) To coordinate with other government agencies and non-governmental  
15 organizations in the implementation of measures to prevent and control air pollution; and

16 (f) Exercise such other powers and perform such duties and functions as may be  
17 prescribed by law or ordinance.

18 SEC. 17. *Record-keeping, Inspection, Monitoring and Entry by the Department of*  
19 *Environment and Natural Resources (DENR).* The Department or its duly accredited entity  
20 shall, after proper consultation and notice, require any person who owns or operates any  
21 emission source or who is subject to any requirement of this Act to (a) establish and  
22 maintain such records, (b) make such reports, (c) install, use and maintain such monitoring  
23 equipment or method, (d) sample such emission, in accordance with such method, at such  
24 location, at such interval, and in such manner as the Department shall prescribe by  
25 regulation, (e) keep records on control equipment parameters, production variables or other  
26 indirect data when direct monitoring of emissions is impractical and, (f) provide such other  
27 information as the Department may reasonably require.

28 The Department, upon proper identification, shall have a right of entry to, or a  
29 ccess of, upon; or through any premises of such person or establishment, where the source  
30 of emission is maintained, and may, at any time during the day or night, have access to and  
31 copy any relevant record, inspect any pollution or waste source, control device, monitoring  
32 equipment or method required, and test any emission which such person is required to  
33 sample.

1           SEC. 18. *Report to Congress.* - The Department shall report to Congress, not later  
2 than March 30 of every year following the approval of this Act, the progress of the  
3 pollution control efforts and make the necessary recommendations in areas where there is  
4 need for legislative action.

5           SEC. 19. *Public Education and Information Campaign.* - A continuing air quality  
6 information and education campaign shall be promoted by the Department, the Department  
7 of Education, Culture and Sports (DECS), the Department of the Interior and Local  
8 Government (DILG), Department of Agriculture (DA) and the Philippine Information  
9 Agency (PIA). Consistent with Sec. 5, such campaign shall encourage the participation of  
10 other government agencies and the private sector including NGO's, PO's, the academe, the  
11 environmental groups and other private entities in a multi-sectoral information campaign.

12           SEC. 20. *Permits.* - Consistent with the provisions of this Act, the Department  
13 shall have the authority to issue permits as it may determine necessary for the prevention  
14 and abatement of air pollution.

15           Said permits shall cover emission limitations for the regulated air pollutants to help  
16 attain and maintain the ambient air quality standards. These permits shall serve as  
17 management tools for the LGU's in the development of their action plan.

18           SEC. 21. *Emission Charge System.* - The Department shall, based on  
19 environmental valuation techniques design, impose and collect regular emission fees on  
20 industrial dischargers as part of the emission permitting system. The system shall  
21 encourage the industries to abate, reduce, neutralize, recycle, reuse, minimize, or prevent  
22 pollution. The basis of the fees include, but is not limited to, the volume and toxicity of  
23 emitted pollutant.

24           SEC. 22 *Emission Quotas.* Then Department may allow each regional industrial  
25 center that is designated as special zone to allocate emissiion quotas to pollution sources  
26 within the jurisdiction that qualify under an environmental impact assessment system  
27 programmatic compliance compliance program as provided in the implementing rules and  
28 regulations of PD. 1586.

29           SEC. 23. *Financial Liability for Environmental Rehabilitation.* - As part of the  
30 environmental management plan attached to the environmental compliance certificate  
31 pursuant to P.D. No. 1586 and rules and regulations set therefore, the Department may  
32 require program and project proponents to put up financial guarantee mechanisms to  
33 respond to the needs for emergency response, clean- up or rehabilitation of areas that may  
34 be damaged during the program or project's actual implementation. Liability for damages  
35 shall continue even after program or project termination, where such damages are clearly

1 attributable to the program or project and for a definite period to be determined by the  
2 Department and incorporated into the environmental compliance certificate.

3 Financial liability instruments may be in the form of a trust fund, environmental  
4 insurance, surety bonds, letters of credit, as well as self-insurance. The choice of the  
5 guarantee instrument or combinations thereof shall depend, among others, on the  
6 assessment of the risks involved. Proponents required to put up guarantee instruments  
7 shall furnish the Department with an evidence of availment of such instruments.

8 SEC. 24. *Pollution from Stationary Sources.* - The Department shall establish  
9 emission standards for all stationary sources of air pollution, based on mass rate of  
10 emission, within one (1) year from the date of enactment of this Act. The standards shall  
11 set a limit on the acceptable level of pollutants emitted from a stationary source for the  
12 protection of public health and welfare.

13 As provided in Sec. 7 of this Act, the Department shall prepare a detailed action  
14 plan setting the emission standards or standards of performance for any stationary source,  
15 the procedure for testing emissions for each type of pollutant, and the procedure for  
16 enforcement of said standards. The emission standards for stationary sources of air  
17 pollution will be reviewed and/or revised and published every two (2) years, or as the need  
18 arises.

19 For existing industries, the Department shall allow a grace period of one (1) year  
20 for the establishment of an environmental management system and the installation of an air  
21 pollution control device acceptable to both the Department and the owner concerned.

22 SEC. 25. *Open Burning and Incineration.* - The open burning of refuse by any  
23 person, whether in private dumpsites of commercial or industrial establishments or in  
24 public dumpsites of local government units and agencies, is hereby declared illegal. Local  
25 government units are hereby mandated to promote, encourage and implement in their  
26 respective jurisdiction a comprehensive ecological waste management that includes waste  
27 segregation, recycling and composting.

28 Likewise, the construction and operation of incinerators including combustion-  
29 based waste-to-energy facilities dealing with municipal, medical and hazardous wastes  
30 shall be prohibited. Instead, long-term and more environmentally friendly approaches to  
31 the waste problem shall be promoted. In the case of infectious and pathological wastes, the  
32 development and use of safer alternatives, particularly non-burn technologies shall be  
33 encouraged. With respect to existing bio-medical waste incinerators such incinerators shall  
34 be phased-out within three (3) years after the approval of this Act. In the interim, such units

1 shall be limited to the burning of pathological and infectious wastes, and subjected to close  
2 monitoring by the department.

3 The Department shall promote the use of approaches to prevent the generation of  
4 hazardous waste including, but not limited to, source reduction, clean production, toxics-  
5 use reduction, and waste elimination in production processes. In the interim, the  
6 Department shall encourage the use of safer treatment and destruction technologies instead  
7 of incineration for the disposal of hazardous waste.

8 SEC. 26. *Pollution from Motor Vehicles.* - a) The Department shall set emission  
9 standards for all vehicles. It shall consider the maximum limits for all major pollutants to  
10 ensure substantial improvement in air quality for the health, safety and welfare of the  
11 general public.

12 b) The Department of Transportation and Communications (DOTC), in  
13 collaboration with the Department and LGU's, shall develop an action plan for the control  
14 and management of air pollution from mobile sources consistent with the Integrated Air  
15 Quality Improvement Framework Plan. As further outlined in its regulations, or through  
16 its duly accredited entities, the DOTC shall enforce compliance with the emission  
17 standards for motor vehicles set by the Department. The DOTC may deputize other law  
18 enforcement agencies and the LGU's for this purpose. To this end, the DOTC shall have  
19 the power to:

20 (1) Inspect and monitor the emissions of all mobile sources of pollution such as  
21 motor vehicles, trains, ships, airplanes and other similar sources;

22 (2) Prohibit or enjoin the use of motor vehicles or a class of motor vehicles in any  
23 area or street at specified times; and,

24 (3) Authorize private emission testing centers duly accredited by the Department of  
25 Trade and Industry (DTI).

26 c) The DOTC, together with the DTI and the Department, shall establish the  
27 procedures for the inspection of mobile sources of pollution, including gasoline and diesel-  
28 fueled vehicles, and the testing of their emissions for the purpose of determining the  
29 concentration and/or rate of emission of pollutants discharged by said sources. The DOTC  
30 shall also authorize private inspection centers.

31 d) In order to ensure the substantial reduction of emissions from motor vehicles the  
32 DTI, together with the DOTC and the Department, shall formulate and implement a  
33 national motor vehicle inspection and maintenance program that will promote efficient and  
34 safe operation of all vehicles. In this regard, the DTI shall develop and implement

1 standards and procedures for the certification of training institutions, instructors and  
2 facilities and the licensing of qualified private service and repair centers and their  
3 technicians as prerequisite for performing the testing, servicing, repair and the required  
4 adjustment to the vehicle emission system. The DTI shall likewise prescribe regulations  
5 requiring the disclosure of odometer readings and the use of tamper-resistant odometers  
6 for all motor vehicles including tamper-resistant fuel management systems for the effective  
7 implementation of the inspection and maintenance program.

8         *SEC. 27. Pollution form Other Mobile Sources.* - The Department, in coordination  
9 with the appropriate agencies, shall formulate and establish the necessary standards for all  
10 other mobile sources other than those referred to in Sec. 26 of this Act. The imposition of  
11 the appropriate fines and penalties from these sources for any violation of emission  
12 standards shall be under the jurisdiction of the DOTC.

13         *SEC. 28. Regulation of All Motor Vehicles and Engines.* Any imported new and  
14 used vehicle or engine shall not be registered unless it complies with the emission  
15 standards set pursuant to this Act, as evidenced by a Certificate of Conformity (COC)  
16 issued by the Department or any authorized emission testing facility.

17         In case of non-compliance, the importer or consignee may be allowed to modify or  
18 rebuild the vehicle or engine so that it will be in compliance with applicable emission  
19 standards.

20         Any imported new motor vehicle as well as locally assembled new motor vehicle  
21 shall not be registered and operated on any public highway or sold until the  
22 importer/assembler can present a COC. Any imported used motor vehicle as well as  
23 rebuilt motor vehicle with used engine shall be issued a COC by the importer/assembler  
24 prior to selling, registration, and operation on any public highway.

25         No in-use vehicle shall be re-registered unless it passes the emission testing  
26 requirement conducted by the DOTC or its authorized inspection centers valid within sixty  
27 (60) days to the date of registration.

28         Such report shall certify that the vehicle meet the emission requirements of this  
29 Act and the rules and regulations promulgated therefor.

30         The regulations shall prescribe the useful life of vehicles and engines including  
31 devices for purposes of controlling their emissions to acceptable levels.

32         *SEC. 29. Aircraft Noise.* - Community noise standards around airports shall be  
33 implemented by the Air Transportation Office in coordination with the Department.

1           SEC. 30. *Standards for Noise, Vibration and Odor Levels.* - The Department shall  
2 establish acceptable levels of noise, vibration and odor based on scientific criteria from all  
3 sources to protect public health and welfare.

4           SEC. 31. *Fuels and Additives.* - In order to further support the emission reduction  
5 objective of the inspection and maintenance program and other control measures, the  
6 Department, in consultation with the Bureau of Product Standards (BPS) of the DTI, the  
7 DOE, the DOST, the representatives of the fuel and automotive industries and the  
8 consumers, shall set the specifications of all types of fuel and fuel-related products with the  
9 objective of improving fuel composition in terms of increased efficiency and reduced  
10 emissions.

11           The Department, shall also specify the allowable content of additives in all types of  
12 fuels and fuel-related products. Such standards shall be based primarily on threshold levels  
13 of health and research studies. On the basis of such specifications, the Department,  
14 through the EMB, shall likewise limit the content or begin the phase-out of contaminants  
15 and additives in all types of fuels and fuel-related products as it may deem  
16 necessary. Other agencies involved in the performance of this function shall be required  
17 to coordinate with the Department and transfer all documents and information necessary  
18 for the implementation of this provision.

19           It is, therefore, declared that:

20           a) no later than eighteen (18) months after the effectivity of this Act, no person  
21 shall manufacture, sell, supply, offer for sale, dispense, transport or introduce into  
22 commerce unleaded gasoline fuel with a regular anti-knock index (AKI) of 87.5; By year  
23 2003, unleaded gasoline fuel should contain aromatics not to exceed twenty-five percent  
24 (25%) and benzene not to exceed one percent (1%);

25           b) no later than eighteen (18) months after the effectivity of this Act, no person  
26 shall manufacture, sell, supply, offer for sale, dispense, transport or introduce into  
27 commerce automotive diesel fuel which contains a concentration of sulphur in excess of  
28 0.20%, (by weight) and for which fails to meet the minimum cetane number of 47 and  
29 minimum cetane index of 55, and not later than January 1, 2003, the content of sulfur in  
30 automotive diesel fuel shall be limited to 0.05%;

31           c) no later than eighteen (18) months after the effectivity of this Act, no person  
32 shall manufacture, sell, supply, offer for sale, dispense, transport or introduce into  
33 commerce industrial diesel fuel which contains a concentration of sulfur in excess of  
34 0.30% (by weight).

1 No later than eighteen (18) months thereafter, the specifications of unleaded  
2 gasoline and of automotive and industrial diesel fuels shall be reviewed for further  
3 improvement in formulation and in accordance with the provisions of this Act.

4 The fuels characterized above shall likewise be the reference fuels and be  
5 commercially available with regard to emission and testing procedures to be established in  
6 accordance with the provisions of this Act.

7 After the date of the enactment of this Act, any person proposing to register any  
8 gasoline additive or to use any previously registered additive may elect to register the  
9 additive as a lead substitute gasoline additive for reducing the valve seat wear by providing  
10 the Department with such relevant information regarding product identity and composition  
11 as the Department deems necessary for conducting tests to determine the potential public  
12 health effects of such additive and furnishing the description of the analytical technique  
13 that can be used to detect and measure it in any fuel, and the recommended range of  
14 concentration and purpose in the use of the additive. No organo-metallic additive shall be  
15 allowed.

16 Any proposed additive shall not in any way increase emissions of any of the  
17 regulated gases: carbon monoxide, hydrocarbons, and oxides of nitrogen, including  
18 particulate matter, in order to be approved and certified by the Department.

19 SEC. 32. *Regulation of Fuels.* - The Department of Energy (DOE), in  
20 coordination with the Department and the BPS, shall regulate the use of any fuel or fuel  
21 additive. No manufacturer or processor of any such fuel or additive may sell, offer for sale,  
22 or introduce into commerce such fuel or additive unless these agencies have registered  
23 such fuel or additive. The regulations shall specify registration and testing requirements  
24 and a description of analytical techniques to be used.

25 SEC. 33. *Misfueling.* - In order to prevent the disabling of catalytic converters by  
26 lead contamination, no person shall introduce or cause or allow the introduction of leaded  
27 gasoline into any motor vehicle which is labeled "unleaded gasoline only", which is  
28 equipped with a gasoline tank filler inlet designed for the introduction of unleaded  
29 gasoline, or which such person knows or should know is a vehicle designed solely for the  
30 use of unleaded gasoline.

31 SEC. 34. *Prohibition on Manufacture, Import and Sale of Leaded Gasoline and of*  
32 *Engines and/or Components Requiring Leaded Gasoline.* - Effective not later than  
33 eighteen (18) months after the enactment of this Act, no person shall manufacture, import,  
34 sell, offer for sale and introduce into commerce, convey or otherwise dispose of in any  
35 manner engines and components requiring the use of leaded gasoline. The DTI shall

1 formulate standards and procedures that would allow non-conforming engines to comply  
2 with the use of unleaded fuel.

3 SEC. 35. *Ozone-Depleting Substances*. - Consistent with the terms and conditions  
4 of the Montreal Protocol on Substances that Deplete the Ozone Layer and other  
5 international agreements and protocols to which the Philippines is a signatory, the  
6 Department shall phase-out ozone-depleting substances.

7 Within sixty (60) days after the enactment of this Act, the Department, through the  
8 EMB, shall publish a list of substances which are known to cause harmful effects on the  
9 stratospheric ozone layer. An initial list of the aforementioned substances, including their  
10 year of phaseout is attached to this Act as "Annex B" and is made an integral part hereof.  
11 The Department shall periodically review and/or revise the said list.

12 SEC. 36. *Greenhouse Gases*. - The Philippine Atmospheric, Geophysical and  
13 Astronomical Service Administration (PAGASA) shall monitor regularly meteorological  
14 factors affecting environmental conditions including ozone depletion and greenhouse gases  
15 and coordinate with the Department in order to effectively guide air pollution monitoring  
16 and standard-setting activities.

17 The Department, together with concerned agencies and LGU's, shall prepare an  
18 action plan consistent with international conventions and agreements on the reduction of  
19 greenhouse gas emissions in the country.

20 SEC. 37. *Persistent Organic Pollutants*. - The Department shall develop a long-  
21 term national government program on the reduction and elimination of persistent organic  
22 pollutants (POPs) such as dioxins and furans. The Department shall within a period of  
23 two(2) years after the enactment of this Act shall establish an inventory list of sources and  
24 POPs in the country.

25 SEC. 38. *Radioactive Emissions*. - All projects which will involve the use of  
26 atomic and/or nuclear energy and would entail release and emission of radioactive  
27 substances into the environment, incident to the establishment or possession of nuclear  
28 energy facilities and radioactive materials, handling, transport, production, storage, and use  
29 of radioactive materials shall be regulated by the Philippine Nuclear Research Institute  
30 (PNRI), in coordination with the Department and other appropriate government agencies.

31 SEC. 39. *Citizen Suits*. Any citizen may initiate a special civil action in the regular  
32 courts:

33 a) Against any person who violates or fails to comply with the provisions of this  
34 Act or its implementing rules and; or



1           b) With respect to any order, rule or regulation issued by the agencies  
2 implementing this Act which are inconsistent herewith.

3           c) Against any public officer who willfully or grossly neglects the performance of  
4 an act which this Act and its implementing rules and regulations specifically enjoins as a  
5 duty, abuses his authority in the performance of his duty, or in any other manner  
6 improperly performs his duties under this Act and its implementing rules and regulations.

7           Said action shall be heard within forty-eight (48) hours from filing if there is an  
8 allegation that such neglect of duty, abuse of authority, or improper performance of  
9 function constitutes a risk to public health or safety. Such civil action may proceed  
10 independently and shall be without prejudice to any administrative or criminal action that  
11 may be filed under the circumstances.

12           SEC. 40. *Independent Civil Action.*

13           The fines imposed herein by the appropriate agency shall not preclude the filing of  
14 claims in court for the payment by the violator of damages to the affected communities for  
15 the pollution of the environment and its attendant effects, foreseeable or otherwise. Such  
16 civil action shall proceed independent of any administrative and/or criminal action.

17           SEC. 41. *Administrative Action.* - Without prejudice to the right of any affected  
18 person to file an administrative action, the Department, in the exercise of its powers and  
19 functions under this Act, shall institute administrative proceedings against any person who  
20 violates the:

21           a) Standards or limitation provided under this Act; or

22           b) Any order, rule or regulation issued by the Department with respect to such  
23 standard or limitation.

24           The filing of an administrative suit against such person/entity does not preclude the  
25 right of any other person to file any criminal or civil action for damages arising from the  
26 same act.

27           SEC. 42. *Lien Upon Personal and Immovable Properties of Violators.* - Fines and  
28 penalties imposed pursuant to this Act shall be liens upon personal and immovable  
29 properties of the violator. Such lien shall, in case of insolvency of the respondent violator,  
30 enjoy preference subsequent to laborer's wages under Article 2241 and 2242 of Republic  
31 Act No. 386, otherwise known as the New Civil Code of the Philippines.

32           SEC. 43. *Penalties for Violation by Stationary Sources.* For actual or imminent  
33 exceedance of any pollution or air quality standards under this Act or its rules and

1 regulations, the Pollution Adjudication Board (PAB) shall impose a fine of not more than  
2 One hundred thousand pesos (P100,000.00) for every day of violation.

3 For purposes of the application of the fines, the Pollution Adjudication Board shall  
4 prepare a fine rating system to adjust the maximum fine based on the violator's ability to  
5 pay, degree of willfulness, degree of negligence, history of noncompliance and degree of  
6 recalcitrance.

7 The fines herein prescribed shall be increased by at least ten percent (10%) every  
8 three (3) years to compensate for inflation and to maintain the deterrent function of such  
9 fines.

10 In addition to thie fines, the PAB shall order the closure,suspension of development  
11 or construction of operations of the stationary sources until such time that proper  
12 environmental safeguards are put in place; *Provided*, That an establishment found liable for  
13 a third offense shall suffer permanent closure immediately. This paragraph shall be  
14 without prejudice to the immediate issuance of an *ex parte* order for such closure,  
15 suspension of development or construction, or cessation of operations during the pendency  
16 of the case upon prima facie evidence that there is imminent threat to life, public health,  
17 safety or general welfare, or to plant or animal life, or whenever there is an exceedance of  
18 the emission standards set by the Department and/or the Board and/or the appropriate  
19 LGU.

20 SEC. 44. *Violation of Standards for Motor Vehicles.* - No motor vehicle shall be  
21 registered with the DOTC unless it meets the emission standards set by the Department for  
22 motor vehicles as provided for in Sec. 26 of this Act.

23 If any vehicle that has been apprehended for violation of emission standards or for  
24 smoke-belching is caught on the road, the vehicle shall be impounded immediately and  
25 shall so remain in custody. Should it be shown that there was no violation of the emission  
26 standards, the vehicle shall be immediately released. Otherwise, a testing result indicating  
27 an exceedance of the emission standards would warrant the continuing custody of the  
28 impounded vehicle unless the appropriate penalties are fully paid, and the license plate is  
29 surrendered to the DOTC pending the fulfillment of the undertaking by the owner/operator  
30 of the motor vehicle to make the necessary repairs so as to comply with the standards. A  
31 pass shall herein be issued by the DOTC to authorize the use of the motor vehicle within a  
32 specified period that shall not exceed seven (7) days for the sole purpose of making the  
33 necessary repairs on the said vehicle. The license plate shall only be released by the  
34 DOTC or the duly authorized testing center upon a final determination that the vehicle is in  
35 compliance with the standards.

1 For violations under this provision, the following penalties shall apply:

2 a) First offense - a fine not to exceed ten thousand pesos (P10,000);

3 b) Second offense - a fine not less than Ten thousand pesos (P10,000) and not  
4 to exceed Twenty thousand pesos (P20,000); and

5 c) Third offense - one (1) year suspension of the Motor Vehicle Registration  
6 Receipt (MVRR) and a fine of not less than Twenty thousand pesos (P20,000) and not  
7 more than Thirty thousand pesos (P30,000).

8 Any violation of the provisions of Sec. 25 paragraph (d) shall be penalized with a  
9 fine of not less than Thirty thousand pesos (P30,000) or cancellation of license of both the  
10 technician and the center, or both, as determined by the DTI.

11 SEC. 45. *Gross Violations* - In case of gross violation of this Act, the PAB shall  
12 recommend to the proper government agencies to file the appropriate criminal charges  
13 against the violators. The PAB shall assist the public prosecutor in the litigation of the  
14 case. Gross violation shall mean: (a) three (3) or more specific violation within a period of  
15 one (1) year; (b) three (3) or more specific offenses within any given three (3) year period;  
16 (c) blatant disregard of the orders of the PAB, such as but not limited to the breaking of  
17 seal, padlocks and other similar devices, or operating despite the existence of an order for  
18 closure, discontinuance or cessation of operation and (d) irreparable or grave damage to the  
19 environment as a consequence of any violation or omission of the provisions of this Act.

20 Offenders shall be punished with imprisonment of not less than six (6) years but not  
21 more than ten (10) years at the discretion of the court. If the offender is a juridical person,  
22 the president, manager or the pollution control officer shall suffer the penalty herein  
23 provided.

24 SEC 46. *Award of Damages* - The PAB may also award such amount that is  
25 necessary for clean-up and rehabilitation for the area.

26 SEC. 47. *Air Quality Management Fund* - An Air Quality Management Fund to be  
27 directly administered by the Department as a special account in the National Treasury is  
28 hereby established to finance containment, removal, and clean-up operations of the  
29 Government in air pollution cases, guarantee restoration of ecosystems and rehabilitate  
30 areas affected by the acts of violators of this Act, to support research, enforcement and  
31 monitoring activities and capabilities of the relevant agencies, as well as to provide  
32 technical assistance (to the relevant agencies).

33 The Fund shall be sourced from the fines imposed and damages awarded to the  
34 Republic of the Philippines by the Pollution Adjudication Board, proceeds of licenses and

1 permits issued by the Department under this Act, emission fees and from donations,  
2 endowments and grants in the forms of contributions. Contributions to the Fund shall be  
3 exempted from donor taxes and all other taxes, charges or fees imposed by the  
4 Government.

5 SEC. 48. *Appropriations.* - The amount of Four hundred twenty million pesos  
6 (P420,000,000) shall be appropriated to the Department for the procurement of air quality  
7 monitoring equipment necessary for the implementation of this Act. This amount shall be  
8 taken from the revenues of annual registration of vehicles in the DOTC.

9 The amount of Two hundred million pesos (P200,000,000) shall likewise be  
10 appropriated to the DTI. This amount shall be in addition to the annual appropriations of  
11 the DTI.

12 Thereafter, the amount necessary to carry out the provisions of this Act shall be  
13 included in the General Appropriations Act of subsequent years.

14 SEC. 49. *Implementing Rules and Regulations.* - The Department shall  
15 promulgate the implementing rules and regulations for this Act, including those covered  
16 within one (1) year after the enactment of this Act: Provided, That rules and regulations  
17 issued by other government agencies and instrumentalities for the prevention and/or  
18 abatement of pollution not inconsistent with this Act shall supplement the rules and  
19 regulations issued by the Department, pursuant to the provisions of this Act.

20 SEC. 50. *Separability of Provisions.* - If any provision of this Act or the  
21 application of such provision to any person or circumstances is declared unconstitutional,  
22 the remainder of the Act or the application of such provision to other persons or  
23 circumstances shall not be affected by such declaration.

24 SEC. 51. *Repealing Clause.* - P.D. No. 1181 is hereby repealed. P.D. Nos. 1152,  
25 1586, P.D. No. 984 are partly modified. All other laws, orders, issuance, rules and  
26 regulations inconsistent herewith are hereby repealed or modified accordingly.

27 SEC. 52. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from the  
28 date of its publication in the Official Gazette or in at least two (2) newspapers of general  
29 circulation.

30 Approved,