

SENATE OF THE PHILIPPINES
BILLS AND INDEX DIVISION

LEGISLATIVE HISTORY

HBN-6216, entitled:

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

S T A T U S

[First Regular Session, 11th Congress]
[1999]

- Introduced by Reps. ACOSTA, ALVAREZ (H.), ABUEG, JR., PUNZALAN, JR., SARMIENTO (R.), et al;
- Mar. 25 - Sent to the Senate requesting for concurrence;
- Apr. 19 - Read on First Reading and referred to the Committee(s) on RULES;
- House of Representatives requested the Senate for a conference on the disagreeing provisions of HBN-6216 and SBN-1255, designating Representatives Sandoval, Jr., Acosta, Sy-Alvarado, Escudero (F.J.), Singson (G.), Abueg, Jr., Abaya, Verceles, Jr., Suarez, Punzalan, Jr., Tuazon, Fuentebella, Padilla, Belmonte, Jr., Apostol, Alvarez, Espina, Bunye, Farinas, Teodoro, Jr., Gonzales II and Roxas II as its conferees on March 22, 1999;
- Senate agreed to the request of the House of Representatives for a conference on the disagreeing provisions of both Bills, designating Senators Honasan, Tatad, Flavier, Osmena (J.), Roco, Legarda-Leviste, Jaworski, and Barbers as its conferees on March 23, 1999; and designated Senator Osmena III as additional conferee on motion of Senator Drilon on March 24, 1999;
- 27 - House of Representatives designated Representatives Gullas and Saludo, Jr. as members of its panel in the Conference Committee on April 21, 1999;
- May 12 - Conference Committee Report submitted, recommending that SBN-1255, in consolidation with HBN-6216 be approved as reconciled;
- Sponsorship speech of Senator Honasan on the Conference Committee Report;
- Interpellation of Senator Guingona, Jr.;
- Conference Committee Report Approved by the Senate;
- 13 - Reconsideration of approval of the Conference Committee Report;
- Interpellation of Senator Osmena (J.);
- Conference Committee Report approved by the Senate;
- 18 - Conference Committee Report approved by the House of Representatives on May 10, 1999;
- Jun. 23 - Consolidated with SBN-1255 which was approved and signed into law by the President of the Philippines and became REPUBLIC ACT NO. 8749.

HOUSE OF REPRESENTATIVES

H. No. 6216

INTRODUCED BY HONORABLE ACOSTA, ALVAREZ (H.), ABUEG JR., PUNZALAN JR., SARMIENTO (R.), LIBAN, LORENZO-VILLAREAL, MONTEMAYOR, BASCUG, VILLAROSA, LORETO-GO, MONFORT, MALIKSI, CRUZ-DUCUT, PALMA GIL, SANDOVAL (V.), SY-ALVARADO, ESCUDERO, LAGMAN-LUISTRO, MARAÑON JR., GOLEZ, ZUBIRI, ABAYA, SINGSON, ROMUALDO, BARINAGA, CERILLES, TILANDUCA, FLOIRENDO JR., IPONG, BRIONES, MACARAMBON JR., PAEZ, ZARTIGA, GUNIGUNDO I, JACOB, GULLAS, DUAVIT, VERCELES JR., GARCIA (E.) JR., FUENTEBELLA, PEREZ JR., ABAD, AUMENTADO, ANDAYA (V.) JR., ANTONINO, LAPUS, LOPEZ (E.), CUA, LOCSIN, OCAMPO, DUMPIT, MARCOS, WACNANG, AQUINO III, BONDOC, JOSON, ROMAN, ANDAYA (M.), JOAQUIN, REYES JR., RODRIGUEZ JR., COJUANGCO, GARIN, SYJUCO, YOTOKO-VILLANUEVA, CUENCO, MACIAS II, PARAS, ABAYON, LOBREGAT, SALAPUDDIN, BACULIO, CAGAS, LOPEZ (R.), ANGPING, CAYETANO, YOUNG, DEL MAR, ROMUALDEZ, KINTANAR, HERRERA (E.F.), SHAHANI, LARA, SARMIENTO (A.), CHIPECO JR., RECTO, ALVAREZ JR., LEDESMA IV, QUIMPO, TUAZON, MONTILLA, CALALAY, DILANGALEN, ADIONG, JAAFAR, CAPPLEMAN, VERGARA, PANCHO, SILVERIO, LIBARIOS, ASISTIO, PADILLA (C.), DIAZ, ESPINOSA JR., DY JR., BACANI, MENDOZA, SALUDO JR., PONCE JR., GONZALEZ (J.), TEODORO JR., NACHURA, ARROYO, ALMARIO, ANDAYA (R.) JR., APOSTOL, BAUTISTA, BRAGANZA, DEFENSOR, ESPINA, GARCIA (M.), GONZALEZ (R.), GORDON JR., ECHIVERRI, AQUINO (A.), BUNYE, SANDOVAL II, MORENO, LEVISTE, LIM, ENRILE, SUAREZ, TEVES, SUPLICO, GONZALES (R.), DEQUIÑA, CANDAZO, SALCEDA, NEPOMUCENO, BUESER, MADRONA, NANTES, OROLA JR., YAPHA JR., LIBANAN, VICENCIO, ALVAREZ (P.), TAMMANG, COSALAN, LANOT, OSABEL, PILAPIL, SARENAS, JALA, VELOSO, BANAAG, TULAGAN, TAÑADA, CRUZ (T.), DATUMANONG, FORTUNO, MAGTUBO, AGUINALDO, ALBANO III, AMIN, BATERINA, BELMONTE JR., FARIÑAS, GARCIA (S.) JR., GONZALES II, HIZON, NIEVA, RODRIGUEZ (O.), RÓXAS II SUMULONG, ANGARA-CASTILLO, VILLAR JR. AND OCAMPO, PER COMMITTEE REPORT NO. 141

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

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

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CHAPTER I

GENERAL PROVISIONS

ARTICLE I

BASIC AIR QUALITY POLICIES

SECTION 1. *Short Title.* – This Act shall be known as the “Philippine Clean Air Act of 1999.”

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

(a) The right to breathe clean air;

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

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

(d) The right to participate in the decision-making process concerning development policies, plans and programs, projects or activities that may have adverse impact on the environment and public health;

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

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

1 (g) The right to bring action in court or quasi-judicial bodies to
2 enjoin all activities in violation of environmental laws and regulations, to
3 compel the rehabilitation and cleanup of affected area, and to seek the
4 imposition of penal sanctions against violators of environmental laws; and

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

8 SEC. 3. *Declaration of Policies.* – The State shall pursue a policy of
9 balancing development and environmental and public health protection. To
10 achieve this end, the framework for sustainable development shall be
11 pursued. It shall be the policy of the State to:

12 (a) Formulate a holistic national program of air pollution
13 management that shall be implemented by the government through proper
14 delegation and effective coordination of functions and activities;

15 (b) Encourage cooperation and self-regulation among citizens and
16 industries through the application of market-based instruments;

17 (c) Focus primarily on pollution prevention rather than on control
18 and provide for a comprehensive management program for air pollution:

19 (d) Promote public information and education and to encourage the
20 participation of an informed and active public in air quality planning and
21 monitoring; and

22 (e) Formulate and enforce a system of accountability for short and
23 long-term adverse environmental impact of a project, program or activity.
24 This shall include the setting up of a funding or guarantee mechanism for
25 clean-up and environmental rehabilitation and compensation for personal
26 damages.

ARTICLE 2

DEFINITION OF TERMS

SEC. 4. *Definitions.* – As used in this Act the term:

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

(b) “Air pollution” means any alteration of the physical, chemical and biological properties of the atmospheric 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 country harmful, detrimental, or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational or other legitimate purposes;

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

(d) “Ambient air quality” means the average atmosphere purity as distinguished from discharge measurements taken at the source of pollution. It is the general amount of pollution present in a broad area;

(e) “Certificate of Conformity” means a certificate issued by the Department of Environment and Natural Resources to a vehicle manufacturer/assembler or importer certifying that a particular new vehicle

1 or vehicle type meets the requirements provided under this Act and its rules
2 and regulations;

3 (f) "Department" refers to the Department of Environment and
4 Natural Resources;

5 (g) "Eco-profile" refers to geographic-based instrument for planners
6 and decision-makers which present an evaluation of the environmental
7 quality and carrying capacity of an area. It is the result of the integration of
8 primary and secondary data and information on natural resources and
9 anthropogenic activities on the land which are evaluated by various
10 environmental risk assessment and forecasting methodologies that enable
11 the Department to anticipate the type of development control necessary in
12 the planning area.

13 (h) "Emission" refers to any air contaminant, pollutant, gas stream
14 or unwanted sound from a known source which is passed into the
15 atmosphere;

16 (i) "Greenhouse gases" refer to those gases that can potentially or
17 can reasonably expected to induce global warming, which include carbon
18 dioxide, methane, oxides of nitrogen, chlorofluorocarbons, and the like;

19 (j) "Hazardous substances" refer to those substances which present
20 either: (1) short-term acute hazards such as acute toxicity by ingestion,
21 inhalation, or skin absorption, corrosivity or other skin or eye contact
22 hazard or the risk of fire explosion; or (2) long-term toxicity upon repeated
23 exposure, carcinogenicity (which in some cases result in acute exposure but
24 with a long latent period), resistance to detoxification process such as
25 biodegradation, the potential to pollute underground or surface waters, or
26 aesthetically objectionable properties such as offensive odors;

27 (k) "Mobile source" means any vehicle propelled by or through
28 combustion of carbon-based or other fuel, constructed and operated

1 principally for the conveyance of persons or the transportation of property
2 or goods;

3 (l) "Motor vehicle" means any vehicle propelled by a gasoline or
4 diesel engine or by any means other than human or animal power,
5 constructed and operated principally for the conveyance of persons or the
6 transportation of property or goods in a public highway or street open to
7 public use;

8 (m) "Octane Rating or the Anti-Knock Index (AKI)" means the
9 rating of the anti-knock characteristics of a grade or type of automotive
10 gasoline determined by dividing by two (2) the sum of the Research Octane
11 Number (RON) and the Motor Octane Number (MON);

12 (n) "Ozone depleting substances" refer to those substances that
13 significantly deplete or otherwise modify the ozone layer in a manner that is
14 likely to result in adverse effects on human health and the environment such
15 as, but not limited to, chlorofluorocarbons, halons, and the like;

16 (o) "PM 10" refers to particulate matters ten (10) microns or less in
17 diameter;

18 (p) "Persistent organic pollutants" refers to organic compounds that
19 persist in the environment, bioaccumulate through the food web, and pose a
20 risk of causing adverse effects to human health and the environment. These
21 compounds resist photolytic, chemical and biological degradation;

22 (q) "Person(s)" refers to any being, natural or juridical, susceptible
23 of rights and obligations or of being the subject of legal relations;

24 (r) "Pollution control device" refers to any device or apparatus used
25 to prevent, control or abate the pollution of air caused by emissions from
26 identified pollution sources at levels within the air pollution control
27 standards established by the Department;

1 (s) "Pollution control technology" refers to pollution control
2 devices, production processes, fuel combustion processes or other means
3 that effectively prevent or reduce emissions or effluent;

4 (t) "Standard of performance" refers to a standard for emissions of
5 air pollutants which reflects the degree of emission limitation achievable
6 through the application of the best system of emission reduction, taking into
7 account the cost of achieving such reduction and any non-air quality health
8 and environmental impact and energy requirement which the Department
9 determines, and adequately demonstrates;

10 (u) "Stationary source" refers to any building or immobile structure,
11 facility or installation which emits or may emit any air pollutant; and

12 (v) "TSP" refers to total suspended particulates in the air.

13 CHAPTER II

14 INSTITUTIONAL MECHANISM

15 SEC. 5. *Lead Agency.* – The Department of Environment and Natural
16 Resources, unless otherwise provided herein, shall be the primary
17 government agency responsible for the implementation and enforcement of
18 this Act.

19 SEC. 6. *Linkage Mechanism.* – The Department shall consult,
20 participate, cooperate and enter into agreement with other government
21 agencies, or with affected nongovernmental organizations (NGOs) or
22 people's organizations (POs), or private enterprises in the furtherance of the
23 objectives of this Act.

24 SEC. 7. *Role of Local Government Units.* – Local government units
25 (LGUs) shall share the responsibility in the management and maintenance
26 of air quality within their territorial jurisdiction.

27 The Department shall provide the LGUs with technical assistance,
28 trainings and a continuing capability-building program to prepare them to

1 undertake full administration of the air quality management and regulation
2 within their territorial jurisdiction

3 SEC. 8. *Environment and Natural Resources Office.* – The
4 environment and natural resources officer in every province, city or
5 municipality shall, among others, have the following powers and duties, to
6 wit:

7 (a) Prepare comprehensive air quality management programs, plans
8 and strategies within the limits set forth in Republic Act No. 7160 and this
9 Act which shall be implemented within its territorial jurisdiction upon the
10 approval of the *sanggunian*;

11 (b) Provide technical assistance and support to the governor or
12 mayor, as the case may be, in carrying out measures to ensure the delivery
13 of basic services and provision of adequate facilities relative to air quality;

14 (c) Take the lead in all efforts concerning air quality protection and
15 rehabilitation;

16 (d) Coordinate with other government agencies and NGOs and POs
17 in the implementation of measures to prevent and control air pollution; and

18 (e) Exercise such other powers and perform such other duties and
19 functions as may be prescribed by law or ordinance to ensure that air
20 quality standards are achieved: *Provided, however,* That in provinces, cities
21 or municipalities where there are no environment and natural resources
22 officers, the local executive concerned may designate any of his official
23 and/or chief of office preferably the provincial, city or municipal
24 agriculturist or any of his employee: *Provided, finally,* That in case an
25 employee is designated as such he must have a minimal experience in
26 environmental and natural resources management, conservation and
27 utilization.

28 SEC. 9. *Record-keeping, Inspection, Monitoring and Entry by the*
29 *Department.* – The Department or its duly accredited entity shall, after

1 proper consultation and notice, require any person who owns or operates
2 any emission source or who is subject to any requirement of this Act to: (a)
3 establish and maintain relevant records; (b) make relevant reports; (c)
4 install, use and maintain monitoring equipment or methods; (d) sample
5 emission in accordance with the methods, locations, intervals, and manner
6 prescribed by the Department; (e) keep records on control equipment
7 parameters, production variables or other indirect data when direct
8 monitoring of emissions is impractical; and (f) provide such other
9 information as the Department may reasonably require.

10 Any record, report or information obtained under this section shall be
11 available to the public, except upon a satisfactory showing to the
12 Department by the entity concerned that the record, report, or information
13 or parts thereof, if made public, would divulge secret methods or processes
14 entitled to protection as intellectual property. Such record, report or
15 information shall likewise be incorporated in the Department's industrial
16 rating system.

17 SEC. 10. *Report to Congress.* – The Department shall report to
18 Congress, not later than March 30 of every year following the approval of
19 this Act, the progress of the pollution control efforts and make the
20 necessary recommendations in areas where there is need for legislative
21 action.

22 SEC. 11. *Public Education and Information Campaign.* – A
23 continuing air quality information and education campaign shall be
24 promoted by the Department, the Department of Education, Culture and
25 Sports (DECS), the Department of the Interior and Local Government
26 (DILG), the Department of Agriculture (DA) and the Philippine
27 Information Agency (PIA). Consistent with Section 13 of this Act, such
28 campaign shall encourage the participation of other government agencies

1 and the private sector including NGOs, POs, the academe, environmental
2 groups and other private entities in a multi-sectoral information campaign.

3 CHAPTER III

4 AIR QUALITY MANAGEMENT SYSTEM

5 ARTICLE I

6 GENERAL PROVISIONS

7 SEC. 12. *Air Quality Monitoring and Information Network.* – The
8 Department shall prepare an annual National Air Quality Status Report
9 which shall be used as the basis in formulating the Integrated Air Quality
10 Improvement Framework Plan, as provided for in Section 13. The said
11 Report shall include, but shall not be limited to the following:

12 (a) Extent of pollution in the country, per type of pollutant and per
13 type of source, based on reports of the Department's monitoring stations;

14 (b) Analysis and evaluation of the current state, trends and
15 projections of air pollution on the national, zonal, regional, provincial and
16 municipal levels;

17 (c) Identification of critical areas, activities, or projects which will
18 need closer monitoring or regulation;

19 (d) Recommendations for necessary executive and legislative
20 action; and

21 (e) Other pertinent qualitative and quantitative information
22 concerning the extent of air pollution and the air quality performance
23 rating of industries in the country.

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

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

1 SEC. 13. *Integrated Air Quality Improvement Framework.* – The
2 Department shall, within six (6) months after the effectivity of this Act,
3 establish, with the participation of NGOs, POs, the academe and other
4 concerned entities from the private sector, formulate and implement the
5 Integrated Air Quality Improvement Framework for a comprehensive air
6 pollution management and control program. The framework shall, among
7 others, prescribe the emission reduction goals using permissible standards,
8 control strategies and control measures to be undertaken within a specified
9 time period, including cost-effective use of economic incentives,
10 management strategies, collective action, and environmental education and
11 information.

12 The Integrated Air Quality Improvement Framework shall be
13 adopted as the official blueprint with which all government agencies must
14 comply with to attain and maintain ambient air quality standards.

15 SEC. 14. *Air Quality Control Action Plan.* – Within six (6) months
16 after the formulation of the framework, the Department shall, with public
17 participation, formulate and implement an air quality control action plan
18 consistent with Section 13 of this Act. The action plan shall:

19 (a) Include enforceable emission limitations and other control
20 measures, means or techniques, as well as schedules and timetables for
21 compliance, as may be necessary or appropriate to meet the applicable
22 requirements of this Act;

23 (b) Provide for the establishment and operation of appropriate
24 devices, methods, systems and procedures necessary to monitor, compile
25 and analyze data on ambient air quality;

26 (c) Include a program to provide for the following: (1) enforcement
27 of the measures described in subparagraph (a); (2) regulation of the
28 modification and construction of any stationary source within the areas

1 covered by the plan, in accordance with land use policy to ensure that
2 ambient air quality standards are achieved;

3 (d) Contain adequate provisions, consistent with the provisions of
4 this Act, prohibiting any source or other types of emissions activity within
5 the country from emitting any air pollutant in amounts which will
6 significantly contribute to the nonattainment or will interfere with the
7 maintenance by the Department of any such ambient air quality standard
8 required to be included in the implementation plan to prevent significant
9 deterioration of air quality or to protect visibility;

10 (e) Designate airsheds;

11 (f) All other measures necessary for the effective control and
12 abatement of air pollution.

13 The adoption of the plan shall clarify the legal effects on the
14 financial, manpower and budgetary resources of the affected government
15 agencies, and on the alignment of their programs with the plans.

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

20 Likewise, the LGUs, with the assistance from the Department, shall
21 prepare and develop an action plan consistent with the Integrated Air
22 Quality Improvement Framework to attain and maintain the ambient air
23 quality standards within their respective air quality control zones as
24 provided in Section 15 hereof.

25 The LGUs shall develop and submit to the Department a procedure
26 for carrying out the action plan within their jurisdiction. The Department,
27 however, shall maintain its authority to independently inspect the
28 enforcement procedure adopted and shall have the power to control all or

1 parts of the air quality action plan until such time that the LGU concerned
2 can assume the function to enforce the standards set by the Department.

3 A multi-sectoral monitoring team with broad public representation
4 shall be convened for each LGU to conduct periodic inspections of air
5 pollution sources to assess compliance with the emission limitations
6 contained in their permits.

7 SEC. 15. *Airsheds*. – Pursuant to Section 14 of this Act, the
8 designation of airsheds shall be on the basis of, but not limited to, areas
9 with similar climate, meteorology and topology which affect the
10 interchange and diffusion of pollutants in the atmosphere, or areas which
11 share common interest or face similar development programs, prospects or
12 problems.

13 For a more effective air quality management, a system of planning
14 and coordination shall be established and a common action plan shall be
15 formulated for each airsheds. A governing board, hereinafter referred to as
16 the "Board," composed of mayors and governors of the LGUs belonging to
17 the airsheds and representatives of government agencies, POs and NGOs
18 and the private sector shall be organized, with the Department as the head.

19 The functions of the Board shall include:

- 20 (a) Formulation of policies;
- 21 (b) Preparation of a common action plan;
- 22 (c) Coordination of functions among its members; and
- 23 (d) Submission and publication of an annual Air Quality Status

24 Report for each airshed.

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

28 Designated regional industrial centers may be designated as airsheds
29 and shall require an independent action plan whenever practicable.

1 Emissions trading may be allowed among pollution sources within
2 an airshed or regional industrial center (RIC).

3 SEC. 16. *Management of Nonattainment Areas.* – The Department
4 shall designate areas where specific pollutants have already exceeded
5 ambient standards as nonattainment areas. The Department shall prepare
6 and implement a program that will prohibit new sources of exceeded air
7 pollutant without a corresponding reduction in existing sources.

8 In coordination with other appropriate government agencies, the
9 LGUs shall prepare and implement a program and other measures including
10 relocation, whenever necessary, to protect the health and welfare of
11 residents in the area.

12 For those designated as nonattainment areas, the Department, after
13 consultation with local government authorities, may*revise the designation
14 of such areas and/or expand its coverage depending on the condition of the
15 areas.

16 SEC. 17. *Air Quality Control Techniques.* – Simultaneous with the
17 issuance of the guideline values and standards, the Department, through the
18 research and development program pursuant to Section 19 and upon
19 consultation with the appropriate advisory committees, government
20 agencies and LGUs, shall issue, and, from time to time, revise information
21 on air pollution control techniques. Such information shall include:

22 (a) Best available technology and alternative methods of prevention
23 and control of air pollution; and

24 (b) Alternative fuels, processes and operating methods which will
25 result in the significant reduction of emissions.

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

1 Information on air quality control techniques shall be made available
2 to the general public .

3 SEC. 18. *Ambient Air Quality Guideline Values and Standards.* – The
4 Department, in coordination with other concerned agencies, shall review
5 and/or revise and publish annually a list of hazardous air pollutants with
6 corresponding ambient guideline values and/or standard necessary to
7 protect public health and safety, and general welfare. The initial list and
8 values of the hazardous air pollutants shall be as follows:

9 For National Ambient Air Quality Guideline for Criteria Pollutants,

Pollutants	Short Term ^a			Long Term ^b		
	µg/Ncm	Ppm	Averaging Time	µg/Ncm	ppm	Averaging Time
Suspended Particulate Matter ^c –TSP	230 ^d		24 hours	90	--	1 year ^e
PM-10	150 ^f		24 hours	60	--	1 year ^e
Sulfur Dioxide ^c	180	0.07	24 hours	80	0.03	1 year
Nitrogen Dioxide	150	0.08	24 hours	--	--	--
Photochemical Oxidants	140	0.07	1 hour	--	--	--
As Ozone	60	0.03	8 hours	--	--	--
Carbon Monoxide	35 mg/Ncm	30	.1 hour	--	--	--
Lead ^g	10 mg/Ncm	9	8 hours	--	--	--
	1.5	--	3 months ^g	1.0	--	1 year

10 ^a Maximum limits represented by ninety-eight percentile (98%)
11 values not to be exceeded more than once a year.

12 ^b Arithmetic mean

13 ^c SO₂ and Suspended Particulate matter are sampled once every six
14 days when using the manual methods. A minimum of twelve sampling days
15 per quarter or forty-eight sampling days each year is required for these
16 methods. Daily sampling may be done in the future once continuous
17 analyzers are procured and become available.

18 ^d Limits for Total Suspended Particulate Matter with mass median
19 diameter less than 25-50 µm.

20 ^e Annual Geometric Mean

1 ^f Provisional limits for Suspended Particulate Matter with mass
2 median diameter less than 10 microns and below until sufficient monitoring
3 data are gathered to base a proper guideline.

4 ^g Evaluation of this guideline is carried out for 24-hour averaging
5 time and averaged over three moving calendar months. The monitored
6 average value for any three months shall not exceed the guideline value.

7 For National Ambient Air Quality Standards for Source Specific Air

8 Pollutants from Industrial Sources/Operations:

Pollutants ¹	Concentration ²		Averaging time (min.)	Method of Analysis/ Measurement ³
	µg/Ncm	ppm		
1. Ammonia	200	0.28	30	Nesslerization/ Indo Phenol
2. Carbon Disulfide	30	0.01	30	Tischer Method
3. Chlorine and Chlorine compounds expressed as Cl ₂	100	0.03	5	Methyl Orange
4. Formaldehyde	50	0.04	30	Chromotropic acid Method or MBTH Colorimetric Method
5. Hydrogen Chloride	200	0.13	30	Volhard Titration with Iodine Solution
6. Hydrogen Sulfide	100	0.07	30	Methylene Blue
7. Lead	20		30	AAS ^c
8. Nitrogen Dioxide	375	0.20	30	Greiss-Saltzman
	260	0.14	60	
9. Phenol	100	0.03	30	4-Aminoantipyrine
10. Sulfur Dioxide	470	0.18	30	Colorimetric- Pararosaniline
	340	0.13	60	
11. Suspended Particulate Matter – TSP PM10	300	--	60	Gravimetric -do-
	200	--	60	

9 ¹ Pertinent ambient standards for Antimony, Arsenic, Cadmium,
10 Asbestos, Nitric Acid and Sulfuric Acid Mists in the 1978 NPCC Rules and
11 Regulations may be considered as guides in determining compliance.

1 ² Ninety-eight percentile (98%) values of 30-minute sampling
2 measured at 25°C and one atmosphere pressure.

3 ³ Other equivalent methods approved by the Department may be
4 used.

5 The basis in setting up the ambient air quality guideline values and
6 standards shall reflect, among others, the latest scientific knowledge
7 including information on:

8 (a) Variable factors, including atmospheric conditions, which of
9 themselves or in combination with other factors may alter the effects on
10 public health or welfare of such air pollutant;

11 (b) The other types of air pollutants which may interact with such
12 pollutant to produce an adverse effect on public health or welfare; and

13 (c) The kind and extent of all identifiable effects on public health or
14 welfare which may be expected from the presence of such pollutant in the
15 ambient air, in varying quantities.

16 The Department shall base such ambient air quality standards on
17 World Health Organization (WHO) standards, but shall not be limited to
18 nor be less stringent than such standards.

19 SEC. 19. *Emission Charge System.* – The Department, in case of
20 industrial dischargers, and the Department of Transportation and
21 Communications (DOTC), in case of motor vehicles dischargers shall,
22 based on environmental techniques, design, impose on and collect regular
23 emission fees from said dischargers as part of the emission permitting or
24 vehicle registration renewal system, as the case may be. The system shall
25 encourage the industries and motor vehicles to abate, reduce, or prevent
26 pollution. The basis of the fees include, but is not limited to, the volume
27 and toxicity of any emitted pollutant.

28 SEC. 20. *Air Quality Management Fund.* – An Air Quality
29 Management Fund to be administered by the Department as a special
30 account in the National Treasury is hereby established to finance

1 containment, removal, and cleanup operations of the government in air
2 pollution cases, guarantee restoration of ecosystems and rehabilitate areas
3 affected by the acts of violators of this Act, to support research,
4 enforcement and monitoring activities and capabilities of the relevant
5 agencies, as well as to provide technical assistance to the relevant agencies.
6 Such fund may likewise be allocated per airshed for the undertakings herein
7 stated.

8 The Fund shall be sourced from the fines imposed and damages
9 awarded to the Republic of the Philippines by the Pollution Adjudication
10 Board (PAB), proceeds of licenses and permits issued by the Department
11 under this Act, emission fees and from donations, endowments and grants
12 in the forms of contributions. Contributions to the Fund shall be exempted
13 from donor taxes and all other taxes, charges or fees imposed by the
14 government.

15 SEC. 21. *Air Pollution Research and Development Program.* – The
16 Department, in coordination with the Department of Science and
17 Technology (DOST), other agencies, the private sector, the academe, NGOs
18 and POs, shall establish a National Research and Development Program for
19 the prevention and control of air pollution. The Department shall give
20 special emphasis to research on and the development of improved methods
21 having industry-wide application for the prevention and control of air
22 pollution.

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

ARTICLE 2

AIR POLLUTION CLEARANCES

AND PERMITS FOR STATIONARY SOURCES

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4 SEC. 22. *Permits.* – Consistent with the provisions of this Act, the
5 Department shall have the authority to issue permits as it may determine
6 necessary for the prevention and abatement of air pollution.

7 Said permits shall cover emission limitations for the regulated air
8 pollutants to help attain and maintain the ambient air quality standards.

9 SEC. 23. *Emission Quotas.* – The Department may allow each
10 regional industrial center that is designated as special airshed to allocate
11 emission quotas to pollution sources within its jurisdiction that qualify
12 under an environmental impact assessment system programmatic
13 compliance program pursuant to the implementing rules and regulations of
14 Presidential Decree No. 1586.

15 SEC. 24. *Financial Liability for Environmental Rehabilitation.* – As
16 part of the environmental management plan attached to the environmental
17 compliance certificate pursuant to Presidential Decree No. 1586 and rules
18 and regulations set therefor, the Department shall require program and
19 project proponents to put up financial guarantee mechanisms to finance the
20 needs for emergency response, cleanup or rehabilitation of areas that may
21 be damaged during the program or project's actual implementation.
22 Liability for damages shall continue even after the termination of a program
23 or project, where such damages are clearly attributable to that program or
24 project and for a definite period to be determined by the Department and
25 incorporated into the environmental compliance certificate.

26 Financial liability instruments may be in the form of a trust fund,
27 environmental insurance, surety bonds, letters of credit, as well as self-
28 insurance. The choice of the guarantee instrument or combinations thereof
29 shall depend, among others, on the assessment of the risks involved.

1 Proponents required to put up guarantee instruments shall furnish the
2 Department with evidence of availment of such instruments.

3 ARTICLE 3

4 POLLUTION FROM STATIONARY SOURCES

5 SEC. 25. *Pollution from Stationary Sources.* – The Department shall,
6 within two (2) years from the effectivity of this Act, and every two (2)
7 years thereafter or as the need therefor arises, review, revise and publish
8 emission standards based on mass rate of emission for all stationary sources
9 of air pollution based on internationally accepted standards, but not be
10 limited to, nor be less stringent than such standards and with the standards
11 set forth in this section. The standards, whichever is applicable, shall be the
12 limit on the acceptable level of pollutants emitted from a stationary source
13 for the protection of the public's health and welfare.

14 With respect to any trade, industry, process and fuel-burning
15 equipment or industrial plant emitting air pollutants, the concentration at the
16 point of emission shall not exceed the following limits:

Pollutants	Standard Applicable to Source	Maximum Permissible Limits (mg/Ncm)	Method of Analysis ^a
1. Antimony and its compounds	Any source	10 as Sb	AAS ^b
2. Arsenic and its compounds	Any source	10 as As	AAS ^b
3. Cadmium and its compounds	Any source	10 as Cd	AAS ^b
4. Carbon Monoxide	Any industrial source	500 as CO	Orsat Analysis
5. Copper and its compounds	Any industrial source	100 as Cu	AAS ^b
6. Hydrofluoric Acids and Fluoride compounds	Any source other than the manufacture of Aluminum from Alumina	50 as HF	Titration with Ammonium Thiocyanate

7. Hydrogen Sulfide	i) Geothermal power plants ii) Geothermal exploration and well-testing iii) Any source other than (i) and (ii)	cd e 7 as H ₂ S	Cadmium Sulfide Method Cadmium Sulfide Method
8. Lead	Any trade, industry or process	10 as Pb	AAS ^b
9. Mercury	Any source	5 as elemental Hg	AAS ^b /Cold-Vapor Technique or Hg Analyzer
10. Nickel and its compounds, except Nickel Carbonyl ^f	Any source	20 as N.	AAS ^b
11. NO _x	i) Manufacture of Nitric Acid ii) Fuel burning steam generators Existing Source New Source • Coal-fired • Oil-fired iii) Any source other than (i) and (ii) Existing Source New Source	2,000 as acid and NO _x and calculated as NO ₂ 1,500 as NO ₂ 1,000 as NO ₂ 500 as NO ₂ 1,000 as NO ₂ 500 as NO ₂	Phenol-disulfonic acid Method Phenol-disulfonic acid Method Phenol-disulfonic acid Method
12. Phosphorus Pentoxide ^g	Any source	200 as P ₂ O ₅	spectrophotometry
13. Zinc and its compounds	Any source	100 as Zn	AAS ^b

1 ^a Other equivalent methods approved by the Department may be used.

2 ^b Atomic Absorption Spectrophotometry

1 ^c All new geothermal power plants starting construction by 01 January
2 1995 shall control H₂S emissions to not more than 150 g/GMW-Hr

3 ^d All existing geothermal power plants shall control H₂S emissions to
4 not more than 200 g/GMW-Hr. within 5 years from the date of effectivity
5 of these revised regulations.

6 ^e Best practicable control technology for air emissions and liquid
7 discharges. Compliance with air and water quality standards is required.

8 ^f Emission limit of Nickel Carbonyl shall not exceed 0.5 mg/Ncm.

9 ^g Provisional Guideline

10 *Provided*, That the maximum limits in mg/ncm particulates in said
11 sources shall be:

1. Fuel Burning Equipment	
a) Urban or Industrial Area	150 mg/Ncm
b) Other Area	200 mg/Ncm
2. Cement Plants (Kilns. etc.)	150 mg/Ncm
3. Smelting Furnaces	150 mg/Ncm
4. Other Stationary Sources	200 mg/Ncm

12 *Provided, further*, That the maximum limits for sulfur oxides in said
13 sources shall be:

(1) Existing Sources	
(i) Manufacture of Sulfuric Acid and Sulfonation Process	2.0 gm.Ncm as SO ₃
(ii) Fuel Burning Equipment	1.5 gm.Ncm as SO ₂
(iii) Other Stationary Sources except (i) and (ii)	1.0 gm.Ncm as SO ₃
(2) New Sources	
(i) Manufacture of Sulfuric Acid and Sulf(on)ation Process	1.5 gm.Ncm as SO ₃
(ii) Fuel Burning Equipment	0.7 gm.Ncm as SO ₂
(iii) Other Stationary Sources except (i) and (ii)	0.2 gm.Ncm as SO ₃

- 1 For other stationary sources of pollution the following emission
 2 standards shall not be exceeded in the exhaust gas

3 I. Daily And Half Hourly Average Values

	Daily Average Values	Half Hourly Average Values
Total dust	10 mg/m ³	30 mg/m ³
Gaseous and vaporous organic substances, expressed as total organic carbon	10 mg/m ³	20 mg/m ³
Hydrogen chloride (HCl)	10 mg/m ³	0 mg/m ³
Hydrogen fluoride (HF)	1 mg/m ³	4 mg/m ³
Sulphur dioxide (SO ₂)	50 mg/m ³	200 mg/m ³
Nitrogen monoxide (NO) and nitrogen dioxide (NO ₂), expressed as nitrogen dioxide for incineration plants with a capacity exceeding 3 tonnes per hour	200 mg/m ³	400 mg/m ³
Nitrogen monoxide (NO) and nitrogen dioxide (NO ₂), expressed as nitrogen dioxide for incineration plants with a capacity of 3 tonnes per hour or less	300 mg/m ³	
Ammonia	10 mg/m ³	20 mg/m ³

1 II. All Average Values Over The Sample Period Of A Minimum Of
2 4 And Maximum Of 8 Hours

Cadmium and its compounds, expressed as cadmium (Cd)	total 0.05 mg/m ³
Thallium and its compounds, expressed as thallium (Tl)	
Mercury and its compounds, expressed as mercury (Hg)	0.05 mg/m ³
Antimony and its compounds, expressed as antimony (Sb)	total 0.5 mg/m ³
Arsenic and its compounds, expressed as arsenic (As)	
Lead and its compounds, expressed as lead (Pb)	
Chromium and its compounds, expressed as chromium (Cr)	
Cobalt and its compounds, expressed as cobalt (Co)	
Copper and its compounds, expressed as copper (Cu)	
Manganese and its compounds, expressed as manganese (Mn)	
Nickel and its compounds, expressed as nickel (Ni)	
Vanadium and its compounds, expressed as vanadium (V)	
Tin and its compounds, expressed as tin (Sn)	

3 These average values cover also gaseous and the vapor forms of the
4 relevant heavy metal emission as well as their compounds: *Provided*, That
5 the emission of dioxins and furans into the air shall be reduced by the most
6 progressive techniques: *Provided, further*, That all average values of dioxin
7 and furans measured over the sample period of a minimum of 6 hours and a
8 maximum of 8 hours must not exceed the limit value of 0.1 nanogram/m.

9 Incineration, which is hereby defined as the mass destruction of
10 municipal solid, bio-medical and hazardous wastes, including open burning
11 of such wastes, is hereby prohibited: *Provided, however*, That the
12 Department shall promote the use of approaches to prevent the generation
13 of wastes including, but not limited to, source reduction, waste elimination,
14 sorting, recycling and composting as well as the use of safer and state-of-
15 the-art technologies for the handling, treatment, destruction and disposal of
16 sorted, unrecycled, uncomposted municipal solid, bio-medical and
17 hazardous wastes.

18 Pursuant to Section 14 of this Act, the Department shall prepare a
19 detailed action plan setting the emission standards or standards of
20 performance for any stationary source, the procedure for testing emissions

1 for each type of pollutant, and the procedure for enforcement of said
 2 standards. To further improve the emission standards for stationary sources
 3 of air pollution, such standards will be reviewed and/or revised and
 4 published every two (2) years, or as the need arises.

5 For existing industries, the Department shall allow a grace period of
 6 one (1) year for the establishment of an environmental management plan
 7 and the installation of an air pollution control device acceptable to both the
 8 Department and the owner concerned.

9 ARTICLE 4

10 POLLUTION FROM MOTOR VEHICLES

11 SEC. 26. *Pollution From Motor Vehicles.* - (a) The DOTC shall
 12 implement the emission standards for motor vehicles as provided in this
 13 Act. To further improve the emission standards, the Department shall
 14 review, revise and publish the standards every two (2) years or as the need
 15 arises. It shall consider the maximum limits for all major pollutants to
 16 ensure substantial improvement in air quality for the health, safety and
 17 welfare of the general public.

18 For cars equipped with spark-ignition and compression-ignition
 19 engines, the exhaust emission limits for gaseous pollutants shall be:

CO (g/km)	HC + NO _x (g/km)	PM ^a (g/km)
2.72	0.97	0.14

20 For light duty vehicles equipped with spark-ignition and
 21 compression engines, the exhaust emission limit of gaseous pollutants as a
 22 function of the given reference mass shall be:

Reference Weight (Rw)(kg)	CO (g/km)	HC + NO _x (g/km)	PM ^a (g/km)
Rw ≤ 1250	2.72	0.97	0.14
1250 ≤ 1700	5.17	1.4	0.19
Rw ≥ 1700	6.9	1.7	0.25

23

a = For compression-ignition engines only

1 For medium and heavy duty motor vehicles equipped with
 2 compression-ignition engines, the exhaust emission limits of gaseous
 3 pollutants shall be:

CO (g/km)	HC (g/km)	NO _x (g/km)	PM (g/km)
4.5	1.10	8.0	0.36

4 Fuel evaporative emission for spark-ignition engines shall not exceed
 5 2.0 grams hydrocarbons per test. Likewise, it shall not allow any emission
 6 of gases from crankcase ventilation system into the atmosphere.

7 For motorcycles, the CO emissions shall not exceed 6.0% for all
 8 types but shall be equipped with "tamper proof" seals on the carburetor.

9 (b) The Department, in collaboration with the DOTC and LGUs,
 10 shall develop an action plan for the control and management of air pollution
 11 from motor vehicles consistent with the framework. The DOTC shall
 12 enforce compliance with the emission standards for motor vehicles set by
 13 the Department. The DOTC may deputize other law enforcement agencies
 14 and LGUs for this purpose. To this end, the DOTC shall have the power to:

15 (1) Inspect and monitor the emissions of motor vehicles;

16 (2) Prohibit or enjoin the use of motor vehicles or a class of motor
 17 vehicles in any area or street at specified times;

18 (3) Authorize private emission testing centers duly accredited by the
 19 DTI.

20 (c) In order to ensure the substantial reduction of emissions from
 21 motor vehicles, the Department of Trade and Industry (DTI), together with
 22 the DOTC and the Department, shall formulate and implement a national
 23 motor vehicle inspection and maintenance program that will promote
 24 efficient and safe operation of all motor vehicles. In this regard, the DTI
 25 shall develop and implement standards and procedures for the certification
 26 of training institutions, instructors and facilities and the licensing of
 27 qualified private service centers and their technicians as prerequisite for

1 SEC. 29. *Aircraft Noise.* – Community noise standards around airport
2 shall be implemented by the Air Transportation Office in coordination with
3 the Department.

4 SEC. 30. *Standards for Noise and Odor Levels.* – The Department
5 shall establish acceptable levels of noise and odor based on scientific
6 criteria from all sources to protect public health and welfare.

7 CHAPTER IV

8 FUELS, ADDITIVES, SUBSTANCES AND POLLUTANTS

9 ARTICLE I

10 FUELS, ADDITIVES AND SUBSTANCES

11 SEC. 31. *Fuels and Additives.* – Pursuant to Section 13, the
12 Department, in consultation with the Bureau of Product Standards (BPS) of
13 the DTI, the DOE, the DOST, the representatives of the fuel and
14 automotive industries and the consumers, shall set the specifications for all
15 types of fuel and fuel-related products to improve fuel composition for
16 increased efficiency and reduced emissions.

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

26 Consistent with the provisions of the preceding paragraphs under this
27 section, it is declared that:

28 (a) not later than eighteen (18) months after the effectivity of this
29 Act, no person shall manufacture, import, sell, supply, offer for sale,

1 dispense, transport or introduce into commerce unleaded gasoline fuel with
2 a regular anti-knock index (AKI) of less than 87.5: *Provided*, That by year
3 2003, unleaded gasoline fuel should contain aromatics not to exceed thirty-
4 five percent (35%) by volume and benzene not to exceed two percent (2%)
5 by volume;

6 (b) not later than eighteen (18) months after the effectivity of this
7 Act, no person shall manufacture, import, sell, supply, offer for sale,
8 dispense, transport or introduce into commerce automotive diesel fuel
9 which contains a concentration of sulfur in excess of 0.20% by weight:
10 *Provided*, That by year 2003, the content of said sulfur shall be limited to
11 0.1% by weight: *Provided, further*, That by year 2005, content of said
12 sulfur shall be 0.05% by weight. The minimum cetane number or index of
13 the said fuel shall be forty-eight (48);

14 (c) not later than eighteen (18) months after the effectivity of this
15 Act, no person shall manufacture, import, sell, supply, offer for sale,
16 dispense, transport or introduce into commerce industrial diesel fuel which
17 contains a concentration of sulfur in excess of 0.30% (by weight).

18 Every two (2) years thereafter or as the need arises, the specifications
19 of unleaded gasoline and of automotive and industrial diesel fuels shall be
20 reviewed and revised for further improvement in formulation and in
21 accordance with the provisions of this Act.

22 The fuels characterized above shall be commercially available.
23 Likewise, the same shall be the reference fuels for emission and testing
24 procedures to be established in accordance with the provisions of this Act.

25 Any proposed additive shall not in any way increase emissions of
26 any of the regulated gases: carbon monoxide, hydrocarbons, and oxides of
27 nitrogen, including particulate matter, nor produce any other air pollutant.

28 SEC. 32. *Regulation of Fuels and Fuel Additives.* – The DOE, in
29 coordination with the Department and the BPS, shall regulate the use of any

1 fuel or fuel additive. No manufacturer, processor or trader of any fuel or
2 additive may import, sell, offer for sale, or introduce into commerce such
3 fuel or additive unless these have been registered with the DOE. Prior to
4 registration, the manufacturer, processor or trader shall provide the DOE
5 with the following relevant information:

6 (a) Product identity and composition to determine the potential
7 health effects of such fuels and additives;

8 (b) Description of the analytical technique that can be used to detect
9 and measure the additive in any fuel;

10 (c) Recommended range of concentration; and

11 (d) Purpose in the use of the fuel and additive.

12 SEC. 33. *Misfueling.* – In order to prevent the disabling of catalytic
13 converters by lead contamination, no person shall introduce, cause or allow
14 the introduction of leaded gasoline into any motor vehicle which is labeled
15 “unleaded gasoline only.” This prohibition shall also apply to any person
16 who knows or should know that such vehicle is designed solely for the use
17 of unleaded gasoline.

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

24 The DTI shall formulate standards and procedures that will allow
25 non-conforming engines to comply with the use of unleaded fuel.

26 ARTICLE 2

27 OTHER POLLUTANTS

28 SEC. 35. *Ozone-Depleting Substances.* – Consistent with the terms
29 and conditions of the Montreal Protocol on Substances that Deplete the

1 Ozone Layer and other international agreements and protocols to which the
2 Philippines is a signatory, the Department shall phase-out ozone-depleting
3 substances.

4 Within sixty (60) days after the enactment of this Act, the
5 Department shall publish a list of substances which are known to cause
6 harmful effects on the stratospheric ozone layer.

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

13 The Department, together with concerned agencies and local
14 government units, shall prepare and fully implement a national plan
15 consistent with the United Nations Framework Convention on Climate
16 Change and other agreements and protocols on the reduction of greenhouse
17 gas emissions in the country.

18 SEC. 37. *Persistent Organic Pollutants.* – The Department shall
19 develop a long-term national government program on the reduction and
20 elimination of persistent organic pollutants (POPs) such as dioxins and
21 furans.

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

CHAPTER V

ACTIONS

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3 SEC. 39. *Citizen Suits.* – For purposes of enforcing the provisions of
4 this Act or its implementing rules and regulations, any citizen may file an
5 appropriate civil action in the proper courts against:

6 (a) Any person who violates or fails to comply with the provisions
7 of this Act or its implementing rules and regulations; or

8 (b) The Department or other implementing agencies with respect to
9 orders, rules and regulations issued inconsistent with this Act; and/or

10 (c) Any public officer who willfully or grossly neglects the
11 performance of an act specifically enjoined as a duty by this Act or its
12 implementing rules and regulations; or abuses his authority in the
13 performance of his duty; or, in any manner, improperly performs his duties
14 under this Act or its implementing rules and regulations: *Provided,*
15 *however,* That no suit can be filed until after thirty-day (30) notice has been
16 given to the public officer and the alleged violator concerned and no
17 appropriate action has been taken thereon.

18 The court shall exempt such action from the payment of filing fees,
19 except fees for actions not capable of pecuniary estimations, and shall
20 likewise, upon *prima facie* showing of the non-enforcement or violation
21 complained of, exempt the plaintiff from the filing of an injunction bond for
22 the issuance of a preliminary injunction.

23 SEC. 40. *Harassment Suits And Strategic Legal Actions Against*
24 *Public Participation.* – Where a person filed a legal action against any
25 person who, on account of pollution or any violation of this Act committed
26 by the former, had filed a complaint prior to said legal action with the
27 Department or any other proper forum, it shall be the duty of the
28 investigating prosecutor or the court, as the case may be, to make a
29 determination whether said legal action alleged as a harassment case has

1 been filed to harass, vex, exert undue pressure or stifle such legal recourses
 2 taken by the person complaining of a pollution. Upon motion by the
 3 defendant in said alleged harassment case, the investigating prosecutor or
 4 the court shall set the case for hearing not later than three (3) days from
 5 receipt of the motion to inquire into the issue whether the case is a
 6 harassment suit. Upon determination, the court shall dismiss the case and
 7 award attorney's fees and double damages.

8 This provision shall also apply and benefit public officers who are
 9 sued for acts committed in their official capacity, there being no grave
 10 abuse of authority, done in the course of enforcing this Act.

11 SEC. 41. *Administrative Action.* – The Department shall, on its own
 12 instance or upon a verified complaint by any person, institute
 13 administrative proceedings against any person who violates the:

14 (a) Standards or limitations provided under this Act; or

15 (b) Any order, rule or regulation issued by the Department with
 16 respect to such standard or limitation.

17 The filing of an administrative suit against such person/entity does
 18 not preclude the right of any other person to file any criminal or civil action
 19 for damages arising from the same Act.

20 SEC. 42. *Lien Upon Personal and Immovable Properties of*
 21 *Violators.* – Fines and penalties imposed pursuant to this Act shall be liens
 22 upon personal and immovable properties of the violator. Such lien shall, in
 23 case of insolvency of the respondent violator, enjoy preference subsequent
 24 to laborer's wages under Articles 2241 and 2242 of Republic Act No. 386,
 25 otherwise known as the New Civil Code of the Philippines.

26 CHAPTER VI

27 FINES AND PENALTIES

28 SEC. 43. *Violation of Standards for Stationary Sources.* – For actual
 29 exceedance of any pollution or air quality standards under this Act or its

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

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

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

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

22 **SEC. 44. *Violation of Standards for Motor Vehicles.*** – No motor
23 vehicle shall be registered with the DOTC unless it meets the emission
24 standards set by the Department as provided in Section 26 hereof.

25 If any vehicle that has been apprehended for violation of emission
26 standards or for smoke-belching is caught on the road, the vehicle shall be
27 impounded immediately and shall so remain in custody until the result of
28 the emission testing by the DOTC or its duly authorized testing center is
29 known. A testing result indicating an exceedance of the emission standards

1 would warrant the continuing custody of the impounded vehicle unless the
2 appropriate penalties are fully paid and the license plate is surrendered to
3 the DOTC pending the fulfillment of the undertaking by the owner/operator
4 of the motor vehicle to make the necessary repairs so as to comply with the
5 standards within a given period. A pass shall herein be issued by the DOTC
6 or LGUs to authorize the use of the motor vehicle within a specified period
7 that shall not exceed seven (7) days from the date of impoundment for the
8 sole purpose of making the necessary repairs on the said vehicle. The
9 license plate shall only be released by the DOTC or its duly authorized
10 testing center upon a final determination that the vehicle is in compliance
11 with emission standards.

12 In addition, the driver and operator of the apprehended vehicle shall
13 undergo a seminar on pollution control and management conducted by the
14 DOTC and shall also suffer the following penalties:

15 (a) First offense - a fine not to exceed One thousand pesos
16 (P1,000);

17 (b) Second offense - a fine not less than One thousand pesos
18 (P1,000 and not to exceed Two thousand pesos (P2,000); and

19 (c) Third offense - suspension of Motor Vehicle Registration
20 (MVR) for six (6) months to one (1) year and a fine of not less than Two
21 thousand pesos (P2,000) and not more than Three thousand pesos (P3,000).

22 Any violation of the provisions of Section 26, paragraph (c) shall be
23 penalized with a fine of not less than Thirty thousand pesos (P30,000) or
24 cancellation of license of both the technician and the center, or both, as
25 determined by the DTI.

26 All law enforcement officials and deputized agents accredited to
27 conduct emission testing and apprehensions shall undergo a mandatory
28 training on emission standards and regulations. For this purpose, the
29 Department, together with the Philippine National Police (PNP), Metro

1 Manila Development Authority (MMDA), DOTC, DOST and other
2 concerned agencies and private entities shall design a training program.

3 SEC. 45. *Fines and Penalties for Violations of Other Provisions in*
4 *this Act.* – For violations of all other provisions provided in this Act and of
5 the rules and regulations thereof, a fine of not less than Ten thousand pesos
6 (P10,000) but not more than One hundred thousand pesos (P100,000) or six
7 (6) months to six (6) years imprisonment or both shall be imposed. If the
8 offender is a juridical person, the president, manager, directors, trustees, the
9 pollution control officer or the officials directly in charge of the operations
10 shall suffer the penalty herein provided.

11 SEC. 46. *Gross Violations.* – In case of gross violation of this Act or
12 its implementing rules and regulations, the PAB shall recommend to the
13 proper government agencies to file the appropriate criminal charges against
14 the violators. The PAB shall assist the public prosecutor in the litigation of
15 the case. Gross violation shall mean: (a) three (3) or more specific offenses
16 within a period of one (1) year; (b) three (3) or more specific offenses
17 within three (3) consecutive years; (c) blatant disregard of the orders of the
18 PAB, such as but not limited to the breaking of seal, padlocks and other
19 similar devices, or operating despite the existence of an order for closure,
20 discontinuance or cessation of operation; and (d) irreparable or grave
21 damage to the environment as a consequence of any violation or omission
22 of the provisions of this Act.

23 Offenders shall be punished with imprisonment of not less than six
24 (6) years but not more than ten (10) years at the discretion of the court. If
25 the offender is a juridical person, the president, manager, directors, trustees,
26 the pollution control officer or the officials directly in charge of the
27 operations shall suffer the penalty herein provided.

28 SEC. 47. *Award of Damages.* – The PAB may also award such
29 amount that is necessary for cleanup and rehabilitation of the area.

CHAPTER VII

FINAL PROVISIONS

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3 SEC. 48. *Appropriations.* – The amount necessary for the
4 implementation of this Act shall be included in the budget of the
5 Department of Environment and Natural Resources in the annual General
6 Appropriations Act.

7 SEC. 49. *Implementing Rules and Regulations.* – The Department
8 shall promulgate the implementing rules and regulations for this Act,
9 including those covered within one (1) year after the enactment of this Act:
10 *Provided,* That rules and regulations issued by other government agencies
11 and instrumentalities for the prevention and/or abatement of pollution not
12 inconsistent with this Act shall supplement the rules and regulations issued
13 by the Department, pursuant to the provisions of this Act.

14 SEC. 50. *Joint Congressional Oversight Committee.* – There is
15 hereby created a joint congressional oversight committee to monitor the
16 implementation of this Act. The committee shall be composed of five (5)
17 senators and five (5) representatives to be appointed by the Senate President
18 and the Speaker of the House of Representatives, respectively. The
19 oversight committee shall be co-chaired by a senator and a representative
20 designated by the Senate President and the Speaker of the House of
21 Representatives, respectively.

22 The mandate given to the joint congressional oversight committee
23 under this Act shall be without prejudice to the performance of the duties
24 and functions by the respective existing oversight committees of the Senate
25 and the House of Representatives.

26 SEC. 51. *Separability of Provisions.* – If any provision of this Act or
27 the application of such provision to any person or circumstances is declared
28 unconstitutional, the remainder of the Act or the application of such

1 provision to other persons or circumstances shall not be affected by such
2 declaration.

3 SEC. 52. *Repealing Clause.* – Presidential Decree No. 1181 is hereby
4 repealed. Presidential Decrees Numbered 1152 and 1586 and Presidential
5 Decree No. 984 are partly modified. All other laws, orders, issuances, rules
6 and regulations inconsistent herewith, are hereby repealed or modified
7 accordingly.

8 SEC. 53. *Effectivity.* – This Act shall take effect fifteen (15) days
9 after its publication in at least two (2) newspapers of general circulation.

Approved,

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