



REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SEVENTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON DECEMBER 18, 1997

PRESENT:

Hon. Benjamin F. Tugonon, Vice-Mayor & Presiding Officer,
Acting City Mayor
Hon. Celso P. Adolfo, Majority Floor Leader, Kagawad
Hon. Claudio P. Larrazabal, Asst. Majority Floor Leader, Kagawad
Hon. Benjamin B. Lladoc, Kagawad
Hon. Sotero M. Pepito, Kagawad
Hon. Alfredo F. Capahi, Kagawad
Hon. Jose C. Alfaro, Jr., Kagawad
Hon. Gregorio A. Yrastorza, Jr., Kagawad
Hon. Mariano Y. Corro, Minority Floor Leader, Kagawad
Hon. Deborah Robin B. Conejos, (Appointed in lieu of Hon. Jose
B. Conejos who resigned), Kagawad

ON OFFICIAL BUSINESS:

Hon. Fernando P. Parrilla, (Manila), Chapter Pres., Liga ng mga
Barangay ng Ormoc, Ex-Officio, Kagawad

ABSENT:

Hon. Manuel T. Fiel, (On Leave), Kagawad
Hon. Chiqui B. Labagala, (Forced Leave), SK Federation President,
Ex-Officio, Kagawad

RESOLUTION NO. 97-245

PREFATORY STATEMENT

At present there are FIVE THOUSAND FOUR HUNDRED NINE (5409)
vehicles registered at the LTO Ormoc City with the breakdown as follows:

Trucks	1224
Buses	150
Jeepneys	2522
Cars	402
MC/Tricycles	1101

T O T A L -	5409
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Of these 90% travel within the jurisdiction of Ormoc City, and no less
than 60% are diesel fueled. These and the increasing number of vehicles
are major sources of air pollutants, particularly that of carbon
monoxide (CO), carbon dioxide (CO₂) which pose health hazards or even
death.

These gases can also adversely affect the ozone layer, and when
they stay in the air and mixed with raindrops can turn to acid rain.

At present the City of Ormoc has a smoke belching meter and has the
capability of testing vehicles to check if these vehicles or other
fossil fueled engines meet the standard as set forth by the DENR.

The enforcement of the Anti-Smoke Belching campaign is among those functions of the DENR devolved to the City Government, and is in accordance with the Section 458 par 1 sub par VI "Protect the Environment and impose appropriate penalties for act which endangers the Environment X X X and such other activities which result in pollution, acceleration of Eutrophication of rivers and lakes, or of ecological imbalance."

This is also in accordance with the general welfare provision Section 16 of the Local Government Code XXX "Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety"

In order, therefore to protect the environment, preserve the clean air in our atmosphere and safeguard the health of the Citizens of Ormoc and her inhabitants I urge the members of this Honorable Body to support the passage of this Ordinance.

WHEREFORE, foregoing premises considered, on motion of Kagawad Jose C. Alfaro, Jr., Chairman, Committee on Transportation and Communications, severally seconded by mga Kagawad Alfredo F. Capahi, Sotero M. Pepito, Claudio P. Larrazabal, Benjamin B. Lladoc, Mariano Y. Corro and Deborah Robin B. Conejos; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass and enact:

ORDINANCE NO. 65

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS FOR THE PREVENTION CONTROL AND/OR ABATEMENT OF AIR POLLUTION FROM MOTOR VEHICLES AND OTHER FOSSIL FUELED ENGINES IN THE CITY OF ORMOC AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF, OTHERWISE KNOWN AS THE "ANTI-SMOKE BELCHING AND CLEAN AIR ORDINANCE OF ORMOC CITY".

BE IT ORDAINED, by the 7th SANGGUNIANG PANLUNGSOD ng ORMOC in Regular Session assembled, That:

SECTION 1. TITLE. - This Ordinance shall be known as the "Anti-Smoke Belching and Clean Air Ordinance of Ormoc City."

SECTION 2. OBJECTIVE. - It is hereby declared the primary objective and policy of the City Government of Ormoc to promote health, safety and comfort of its inhabitants; preserve clean air and protect the environment by controlling the emission of air pollutants from motor vehicles and other fossil fueled engines in the City of Ormoc.

SECTION 3. DEFINITION OF TERMS. - For purposes of this Ordinances, the following terms shall mean:

a) Motor Vehicle - Any vehicle propelled by gasoline or diesel engine or any means other than human or animal power, constructed and operated principally for the conveyance of person(s) or the transporting of cargoes or goods on public thoroughfare, highways, or streets opened to public use.

b) Other Fossil Fueled Engines shall include but not limited to construction equipments, earth moving machineries, other stationary engines and similar devices.

c) Air Pollutant shall mean any harmful or undesirable matter emitted to the atmosphere including smoke, soot, solid particulates, undesirable gases, fumes and obnoxious odors from motor vehicles(s) or the other fossil fueled engines.

d) Operator shall mean any person who is the registered owner or lessee of a motor vehicle or other fossil fueled engines.

e) Driver/Operator shall mean any person who drives a motor vehicle and/or operates other fossil fueled engine, respectively.

f) Certificate of Compliance shall mean the certificate issued by the City Mayor or his authorized representative, the Environment and Natural Resources Division (ENRD), an office under the City Mayor's Office, to the motor vehicle owner/driver/operator certifying that a particular vehicle or fossil fueled engine described 71 therein meets the requirements of this ordinance.

g) Smoke Meter shall mean the instrument which determine the smoke density from the exhaust system of an engine.

h) Ringlemann Chart shall mean the chart used by field enforcers in determining the smoke density coming from the exhaust of the motor vehicles.

i) Smoke Belching Vehicles or Other Fossil Fueled Engines shall mean any vehicle or other fossil fueled engine which emits smoke beyond the allowable standards of this ordinance in accordance with PD 1181 & LOI No. 551.

j) Carbon Monoxide (CO) shall mean the colorless, odorless and a very toxic gas that burns to carbon dioxide (CO₂) and is formed as a product of the incomplete combustion of carbon.

k) Hydro Carbon (CH) shall mean an organic compound containing only carbon and hydrogen and often occurring from petroleum, natural gas, coal and bitumens.

l) Thoroughfare/Highway shall include private streets or roads where a motor vehicle may travel within the City of Ormoc.

SECTION 4. ADMINISTRATION & ENFORCEMENT. This Ordinance shall be administered and enforced by the following offices:

a) The City Mayor assisted by the Chairman, Committee on Environment and Natural Resources in connection with his functions as Chairman of the said Committee, thru the Office of the ENRD under the Office of the City Mayor shall determine the allowable emission of smoke from motor vehicle and/or other fossil fueled engines in accordance with and as contained in the rules and regulations implementing this ordinance that may be forthwith issued by the City Mayor.

b) The Ormoc City Traffic Command of the Ormoc City Police in coordination with the ENRD of the Ormoc City Mayor's Office shall be responsible for the field enforcement of this ordinance.

c) For the proper implementation of this ordinance the City Government of Ormoc thru the ENRD Office shall sign a Memorandum of Understanding (MOU) with the Local Transportation Office to the effect that no diesel fueled vehicles shall be registered without the necessary certificate of compliance from the Office of the City Mayor.

The City Mayor's Office may call on a professional organization preferably the Philippine Society of Mechanical Engineers (PSME) to assist in the implementation of this ordinance.

SECTION 5. A) SMOKE EMISSION STANDARDS - A Silicon Photo Detector Heated Tube - type of tester or other approved test device shall be employed to measure the volumetric concentration of carbon monoxide (CO) at idling and/or revved condition.

B) STANDARDS ALLOWABLE

B.1) All diesel fueled motor vehicles shall not emit excessive dark smoke, bad smelling or harmful gases while running. It's exhaust pipe(s) shall comply with the following requirements:

b1.1) The exhaust pipe shall not have its opening towards the plate but should instead be directed obliquely away from the plate.

b1.2) The exhaust pipe shall not be directed towards the passenger compartment;

b1.3) The exhaust pipe shall be so located that it may not cause fire to the motor vehicle itself.

C) With respect to the exhaust emission from diesel fueled motor vehicles or other fossil fueled engines, the black soot content or smoke density shall not exceed 2.5m-1 light absorption coefficient or 66% hartridge smoke unit or shall it have more than 20% opacity for a continuous revved of 10 seconds. The diesel smoke shall be sampled while the accelerator is pressed and tested with the smoke tester.

D) During field inspection and enforcement of this ordinance the Ringlemann Type of Smoke Chart may be used which when compared with said chart the smoke emission shall have a density that is no more than the number 3 or 60% on the said chart. However, in case of any question arising from this kind of test, a test which will be done through the smoke belching test apparatus at the Office of the ENRD shall prevail.

SECTION 6. PROHIBITED ACTS. It shall be unlawful for any operator or driver of any fossil fueled engine or vehicle, respectively, to use and/or drive the same within the jurisdiction of Ormoc City if it emits air pollutants at the levels greater than the acceptable pollutant concentration standards prescribed in the provisions of this ordinance.

SECTION 7. VOLUNTARY TESTING. The driver or operator of a diesel fueled motor vehicle or any fossil fueled engine respectively, is allowed voluntary testing of his vehicle or engine with the ENRD Office in order to comply with the provisions of this ordinance.

Anent to this, the tariff for voluntary testing are the following:

Light/Medium Vehicles	-	P 75.00
Heavy Vehicles/heavy equipments. and other fossil fueled engines	-	P100.00

SECTION 8. CERTIFICATE OF COMPLIANCE - A diesel fueled motor vehicle or other fossil fueled engine which has satisfactorily complied with Sec. 5 hereof shall be issued a certificate of compliance.

SECTION 9. IMPLEMENTING RULES AND REGULATIONS. - In accordance with the provisions of this ordinance the Office of the City Mayor through the ENRD shall issue a corresponding implementing rules and regulations.

Memorandum of Understanding shall be signed by the LTO Ormoc District Office and the City Government of Ormoc represented by the City Mayor for better implementation of this ordinance.

SECTION 10. SEMINARS AND TRAININGS. - The employees of the ENRD, the PNP, Traffic Control Group, traffic-aides who may be assigned to enforce this ordinance shall first undergo a seminar or training on the proper implementation of this ordinance including the implementing rules and regulation to be issued by the City Mayor.

SECTION 11. PENALTIES. - The drivers/operators of the diesel fueled motor vehicles or operators of other fossil fueled engines respectively, found violating Section 5 and 6 shall be penalized with a fine of not less than FIVE HUNDRED PESOS (P500.00) but not more than ONE THOUSAND PESOS (P1,000.00) or IMPRISONMENT of not less than TEN (10) days but not more than THIRTY (30) days or both at the discretion of the court.

However, the violator may opt to pay an administrative fine as follows:

a) For the First Offense. A fine of TWO HUNDRED PESOS (P200.00) shall be imposed which shall be paid directly to the City Treasurer's Office and a corresponding receipt for said payment be issued.

b) For the Second Offense. A fine of FOUR HUNDRED PESOS (P400.00) shall be imposed, the same shall be paid directly to the City Treasurer's Office and a corresponding receipt for said payment shall be issued.

c) For the Third and Succeeding Offenses. A fine of not less than FIVE HUNDRED PESOS (P500.00) but not more than FIVE THOUSAND PESOS (P5,000.00), plus the suspension of the vehicles certificate of registration, until such time as it shall have complied with the requirements of this Ordinance.

SECTION 12. FUNDS. - Notwithstanding the ENRD's regular budget, the City Treasurer of Ormoc shall revert the amount equivalent to 15% of the total fees and fines collected from this Ordinance based on the year immediately preceedings, for the repair and maintenance of the Smoke Belching Test Machine, purchase Ringlemann charts, stickers and other supplies necessary for the enforcement of this Ordinance.

SECTION 13. REPEALING CLAUSE. - Any and all provisions of existing ordinance and/or executive orders inconsistent herewith are hereby repealed.

SECTION 14. SEPARABILITY CLAUSE. - If any part of this ordinance shall be declared unconstitutional or illegal the same shall not invalidate the whole ordinance.

SECTION 15. EFFECTIVITY CLAUSE. - This Ordinance shall take effect TEN (10) days after its publication in a local newspaper of general circulation.

ENACTED, December 18, 1997.

RESOLVED, FURTHER, to furnish copies of this ordinance one each, to the Regional Director, Department of Environment and Natural Resources, Region VIII, Tacloban City; the CENRO Officer, Albueria, Leyte; to His Honor, the City Mayor of Ormoc; the Permits and Licensing Division, the Environment and Natural Resources Division, the Ormoc City Police Command, Camp Downes, the Ormoc Traffic Management Team, the Traffic Management Group, PNP, the Chairman, Clean and Green Committee and others concerned, -in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

OSCAR C. LANSAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:

BENJAMIN F. TUGONON
Vice Mayor & Presiding Officer
Acting City Mayor

APPROVED:

EUFROCINO M. CODILLA, SR.
City Mayor

12/22/97
(Date)