

DENR-DTI-DOTC JOINT ADMINISTRATIVE ORDER NO. 1
SERIES OF 2007

Subject : AMENDED GUIDELINES AND PROCEDURES FOR THE
MONITORING OF ACCREDITED AND AUTHORIZED PRIVATE
EMISSION TESTING CENTERS (PETC) AND LTO EMISSION
TESTING ACTIVITIES

Section 1 -Authority

- 1.1 *WHEREAS*, Section 21 of Republic Act 8749 also known as the Philippine Clean Air Act (PCAA) of 1999 mandates the DOTC, together with the DTI and the DENR, to establish the procedures for the inspection of motor vehicles and the testing of their emissions;
- 1.2 *WHEREAS*, the same section empowers the DOTC to authorize private emission testing centers (PETCs) duly accredited by the DTI;
- 1.3 *WHEREAS*, under Section 3, Rule 34 of the Implementing Rules and Regulations of the Clean Air Act of 1999, the DENR has the responsibility of regulating specifications of the emission testing equipment to be used in conducting emission tests;
- 1.4 *WHEREAS*, under Section 8, Rule 35 of the IRR of the CAA, the DENR, through, the Environmental Management Bureau (EMB), shall certify conformity to standards of emission test equipment before it can be used for mandatory emission tests;
- 1.5 *WHEREAS*, Section 35 of DTI-DOTC Joint Administrative Order (JAO) No. 01, Series of 2001 "Guidelines for Accreditation and Authorization of Vehicle Emission Testing Centers" states that "DTI and DOTC/LTO shall undertake joint monitoring and inspection activity on all accredited and authorized Private Emission Testing Centers (PETC)"; and
- 1.6 *WHEREAS*, DENR DAO No. 03, Series of 2005 "Operations and Maintenance of Opacimeters and Gas Analyzers Certified by the DENR-EMB to be used by PETCs" states that the DENR has authority to automatically revoke the certifications issued to PETCs for their emission test equipment and prohibit said PETCs from operating their equipment.

In consideration of the above premises, the following are hereby prescribed for the compliance, information, and guidance of all concerned.

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Section 2 – Objectives

The objective of this Order is to ensure that emission testing prior to renewal of motor vehicle registration, redemption of confiscated license plate(s), and registration of imported used and rebuilt vehicles, as required by the Clean Air Act of 1999, is properly implemented. Specifically this Order aims to:

- 2.1 Monitor and ensure compliance of PETCs and LTO Emission Testing facilities/activities with the provisions of the Philippine Clean Air Act (PCAA) of 1999, with Articles 4 to 9 of the DTI-DOTC JAO No. 1, Series of 2001, and with other relevant orders, rules and regulations set by the DENR, DOTC and DTI.
- 2.2 Ensure that no motor vehicle will be registered without undergoing and passing the Emissions test as required by the PCAA.
- 2.3 Ensure the integrity of emission testing by the PETCs and LTO as reflected in the official DOTC Certificate of Emission Compliance (CEC).

Section 3 – Scope

This Order establishes guidelines and procedures for the following:

- 3.1 Monitoring the compliance of accredited and authorized PETCs and LTO Emission Testing facilities/activities with pertinent provisions of the PCAA and DTI-DOTC JAO No. 1, series of 2001; and
- 3.2 Monitoring of the implementation of emission testing prior to registration, which is a requirement of the PCAA.

This Order is hereby issued without prejudice to the accreditation and authorization powers of DTI and DOTC, respectively.

Section 4 – Definition

For purposes of this Order and as used herein, the following definitions are hereby adopted:

CEC –	Certificate of Emission Compliance
DENR –	Department of Environment and Natural Resources
DOTC –	Department of Transportation and Communications
DTI –	Department of Trade and Industry
Flagged –	A PETC or LTO District Office marked for supplemental monitoring based on the criteria provided herein.
Irregularities –	Deviations from the accreditation and authorization terms and conditions and from emission test protocols as specified in pertinent DENR/DTI/DOTC issuances and the PCAA-Implementing Rules and Regulations (IRRs).

IT Provider –	A company engaged in information technology that provides electronic data services to the LTO
LGU –	Local Government Unit
LTO –	Land Transportation Office
MMDA –	Metro Manila Development Authority
NGO –	Non-Government Organization
Non-Appearance –	Generation of a test result and subsequent issuance of CEC or Motor Vehicle Inspection Report (MVIR) without conducting actual emission test on motor vehicle
PCAA –	Philippine Clean Air Act of 1999 or Republic Act 8749
PETC –	Private Emission Testing Center (DTI accredited and DOTC-LTO authorized)
Reference Test Result –	Test result obtained from an emission test conducted on the Test Vehicle by an accredited and authorized PETC.
Service Area –	consists of several PETC lanes clustered into a specific operational area based on acceptable distance traveled by a motorist seeking emission testing of his vehicle
TESDA –	Technical Education and Skills Development Authority
Test Vehicle –	A vehicle with a verified emission test result
Volunteer –	An individual from an NGO who is an observer in the Monitoring Team

Section 5 – Organization

5.1 PETC Monitoring National Executive Committee

There shall be a PETC National Executive Committee (NEC) who shall ensure the proper implementation of this Order.

5.1.1 Composition of the NEC

- a. DOTC Undersecretary for Road Transportation – Chairman
- b. DTI Undersecretary for Consumer Welfare and Trade Regulation Group – Member
- c. A DENR Undersecretary - Member

The NEC shall have the following specific functions:

- a. Ensure that immediate action is taken against PETCs and LTO testing facilities found violating the provisions of this JAO;
- b. Provide and set the necessary policy and administrative directions to effectively implement the JAO;
- c. Create an inter-agency national Technical Working Group (TWG) that will provide technical secretariat assistance to the NEC;
- d. Recommend and endorse to appropriate government agencies, such programs & policies that are necessary to support the operationalization of the JAO, including budgetary requirements for implementing the JAO; and

- e. Recommend and endorse to appropriate government agencies the proper action against emission testing centers and government officials/staff found violating the provision of this JAO.

5.2 Regional PETC Monitoring System

The NEC, through the DOTC, shall create a Regional PETC Monitoring System to ensure the effective implementation of this JAO in the field. In this regard, the NEC hereby creates a Regional Monitoring Committee (RMC) and authorizes the RMC to create its Regional Monitoring Team (RMT).

5.2.1 Regional Monitoring Committee (RMC)

The Regional Monitoring Committee (RMC) shall be mainly responsible for coordinating the actual monitoring activities in the regions. It will be headed by the LTO-Regional Office Director and shall have the following as members:

- Regional Director or Assistant Regional Director of the DTI Regional Office;
- Regional Director or Pollution Control Division Chief of the DENR-EMB Regional Office; and
- Regional Director or Assistant Regional Director of the TESDA Regional Office

- Provided, however, that when monitoring is done on an LTO testing facility/activity, the chairmanship of the RMC shall be rotated between DTI and DENR. Moreover in this case, LTO shall also inhibit from relevant RMC decisions.

The RMC shall have the following specific functions:

- Nominate respective representatives (permanent and alternate) to the RMT;
- Provide oversight guidance to the RMT in the actual conduct of the PETC monitoring;
- Approve the monitoring plan of the RMT;
- Ensure that immediate and necessary action and proper penalties as provided for under this JAO are imposed on violations against the provisions of this JAO, as validated in the monitoring reports using department/agency's respective adjudication procedure;
- Review and evaluate the monitoring reports of the RMT;
- Submit quarterly monitoring reports, including RMC's minutes of meetings, to the NEC; and
- Prepare an annual technical and financial work plan to be submitted to the NEC.

The Chairman of the RMC shall have the following responsibilities:

- Act as lead convenor of the RMC during its meetings; and
- Ensure that all the responsibilities/functions of the RMC shall be undertaken.

5.2.2 Regional Monitoring Team (RMT)

Each RMT shall be composed of the following members:

A. Regular Members

1. Team leader – a representative from LTO Regional Office
2. Team members – a representative from the DTI Regional Office, DENR-EMB Regional Office or their respective relevant Provincial Office and TESDA Regional Office

B. Observers – may be invited and shall serve on a case-to-case basis who may be a representative of the:

1. LGU where the PETC is located;
2. Office of the Regional Ombudsman;
3. NGO advocating Clean Air; or
4. Media

The RMTs are tasked with monitoring all PETCs and LTO facility/activity in their jurisdictions at least once a year i.e., total number of monitoring visits to be spread across the year.

The RMT shall have the following responsibilities:

- a. Review pertinent documents pertaining to the PETC/LTO facility to be visited before the actual monitoring;
- b. Implement detailed procedures for monitoring, consistent with the rules of engagement set by the National TWG and approved by the NEC;
- c. Ensure proper and regular calibration of testing equipment;
- d. Monitor activities of PETC; and
- e. Prepare and submit to the RMC its monitoring report/recommendations within three working days after the conduct of monitoring activities.

The Team Leader of the RMT shall have the following responsibilities:

- a. Inform team members of the schedule of monitoring activities and assign tasks to each team member;
- b. Conduct a brief pre-monitoring meeting with team members;
- c. Provide documents to be used by the team during onsite monitoring;
- d. Conduct a brief post monitoring evaluating meeting with team members; and

In cases, wherein the LTO testing facility is the subject of the monitoring, the LTO Team Leader shall inhibit himself/herself from any involvement in the monitoring. Furthermore, the Team Leadership shall be rotated between the DTI or DENR representatives.

The Team Members shall have the following responsibilities:

- Perform assigned tasks in the monitoring; and
- Report their findings and observations to the team during the post monitoring meeting.

All RMT members, including observers, shall undergo a Training on Monitoring Procedures, to be conducted by the National TWG. The training program shall be approved by the NEC.

5.2.3 Regional Secretariat

A RMC Secretariat, based at the Regional LTO shall also be created. This secretariat shall provide administrative and logistics support to the RMC and the RMT.

5.3 National Technical Working Group (NTWG)

An inter-agency national technical working group (TWG), led by the DOTC-Road Transport Planning Division shall be created. It will be supported by a DOTC-based administrative support group.

The members of the inter-agency national TWG shall be as follows:

- A representative of the DENR-EMB Central Office;
- A representative of the DTI Central Office;
- A representative of the LTO-Central Office;
- A representative of an NGO with advocacy on clean air; and
- Other development partners may be invited by the NEC as advisor/observer

The TWG shall assist the NEC in coordinating and implementing activities pertinent to the provisions of this JAO. Specifically, the TWG shall have the following functions:

- a. Review and update the rules of engagement in monitoring PETCs, which must be followed by all RMTs;
- b. Conduct a comprehensive orientation for all regional monitoring teams on the implementation of the JAO;
- c. Evaluate the reports of the RMC and prepare recommendations to the NEC;
- d. Formulate and recommend to the NEC, appropriate policy actions that need to be taken by relevant government agencies outside of the Committee;
- e. Validate reports of the RMCs, as necessary;
- f. Provide guidelines that will facilitate inter-agency coordination;
- g. Undertake spot-check monitoring of LTO-operated regional emission testing facilities, as necessary, and report findings to the NEC;
- h. Review and analyze PETC data/reports submitted by LTO IT Service Provider/LTO's MID as basis for conduct of supplemental monitoring on PETCs with possible irregularities;
- i. Conduct regular coordination meetings with the RMCs;
- j. Review request for funds by the RMCs and endorse to the NEC, for approval; and
- k. Prepare an annual work and financial plan which will be submitted by the DOTC Undersecretary for Road Transportation to the Road Board.

Section 6 – On-Site Inspection and Monitoring of PETC

6.1 Types of PETC Inspection

The RMT shall conduct the following types of inspections:

- Mandatory On site-inspection – The mandatory method in the conduct of regular PETC monitoring, which shall be conducted exclusively within the premises of the PETC.
- Supplemental Inspection - The use of covert methods in inspecting PETCs on a supplemental and case-to-case basis as in the case of those reported to have committed irregularities in the conduct of emission tests. This type of inspection may only be conducted upon prior approval of the RMC and must be based on a report or complaint as provided for in section 8.1 herein.

Section 7 - Procedure for Mandatory On-site Inspection of PETC

The RMT, upon arrival at the PETC premises, shall inform the PETC operator that an on-site inspection shall be conducted. The PETC operator shall be required to produce/disclose the following requirements:

- a. Valid PETC accreditation and authorization
- b. Record of CEC issued for the month being monitored including copies of receipts issued
- c. Certificate of calibration of test equipment
- d. Valid technician certification, issued by TESDA
- e. Valid technician authorization, issued by LTO
- f. Test equipment interfaced with the PETC-IT system
- g. Serial number of test equipment that corresponds to the accreditation record

The RMT shall also refer to the Annexes of this JAO to evaluate the PETC's compliance/performance vis-a-vis their certificates of accreditation and authorization.

Section 8 – Procedure for Identification and Monitoring of Irregularities

8.1 *Basis for Supplemental Monitoring of PETC and LTO-Testing Center*

The basis for flagging a PETC and/or LTO-Testing Center for supplemental monitoring shall include among others any of the following:

- a. One complaint reported thru a telephone call or text messages to the national or regional offices of LTO, DTI and DENR/EMB against a PETC or LTO-Testing Center.
- b. One written complaint received by the national or regional offices of LTO, DTI, and DENR/EMB, against a PETC or LTO-Testing Center.
- c. Analysis prepared by the TWG (from LTO IT Service Provider or LTO-MID reports) showing unusually high numbers of tests conducted by PETCS vis-à-vis number of lanes; unusually high or low rate of vehicles passing/failing the emission tests; or discrepancies in the number of CECs issued by the PETCs or LTO Testing Center and the number of motor vehicle registrations issued by an LTO-DO on a per month basis.

8.2 *Flow of Complaints and Reports of Irregularities*

All complaints and reports of irregularities must be documented by the Regional Secretariat and National TWG. The report shall contain the following information:

- a. the name of the PETC or LTO-Testing Center;
 - b. the specific violations committed; and
 - c. the name and contact number of the complainant.
- Complaints received by a Regional LTO/DTI/DENR office through text messages, telephone calls or written reports must be immediately relayed to the RMC Secretariat and within one (1) week to the RMC, with a copy furnished the National TWG.
 - Complaints received by any of the central offices of DTI, DOTC or DENR must be immediately relayed to the National TWG, who shall then convey the information to the RMC concerned for its action.

The RMC shall immediately act on the documented report or complaint by dispatching the RMT to undertake supplemental inspection. The RMT shall submit its inspection to the RMC within 3 working days after the inspection is made. Findings of irregularities by the RMT shall be conveyed by the RMC to the appropriate regional directors for immediate action. The RMC shall also be required to submit a report to the NEC together with the action(s) taken.

8.3 *Discrepancies in the Issuance of CEC and Motor Vehicle Registration*

DOTC shall mandate its PETC Information Technology (IT) providers, LTO-MID and LTO-Regional Offices to furnish the TWG a monthly report on data uploaded by PETCs, especially the number of vehicles tested and CECs issued per PETC or LTO testing facility.

Indicators that will be examined by the TWG include, among others the following:

- Number of tests conducted per day vis-à-vis the number of lanes, using the following reference ratios:
 - 32 tests per day for diesel vehicles based on 15 minutes test duration
 - 48 tests per day for gasoline vehicles based on 10 minutes test duration
- Rate of vehicles passing the emission tests using 90% passing rate as initial cutoff;
- Number of CECs issued by the PETCs or LTO Testing Center vis-avis the number of motor vehicle registrations issued by an LTO-DO on a per month basis.

The TWG shall prepare its analysis of the above indicators as basis for supplemental inspection of the PETCs or LTO testing facility. A report/recommendation shall then be submitted to the NEC to secure endorsement on subsequent action to be taken by the RMCs. The endorsement by the NEC shall then be conveyed, through the TWG, to the RMCs for its appropriate action.

Section 9 - Monitoring Procedure for Reported Tampering of Test Results by PETC or LTO

9.1 Roadside Monitoring

- a. An RMT shall be dispatched to the vicinity of a flagged testing center.
- b. A vehicle that has just completed an emission test and has just exited the premises of the flagged testing center shall be flagged down by the RMT.
- c. This vehicle shall be subjected to an emission test to be conducted by the RMT.
- d. The results of the emission tests conducted by the RMT and the flagged test center shall then be compared. If the result shows discrepancy (plus or minus 15% whether passed or failed) between test conducted by the flagged testing center and the RMT, a mandatory on-site calibration on the testing equipment of the PETC shall be conducted at the expense of the center and with the presence of the RMT.

9.2 Monitoring Procedure for Reported Non-Appearance Cases

9.2.1 Issuance of CECs for Vehicles Without Undergoing Actual Emission Test

The RMT shall verify the actual number of vehicles tested by the PETC or LTO Testing Center by posting personnel who shall conduct actual count of vehicles tested for at least one day. The personnel shall report the number of vehicles to the RMT. This information shall be compared with the number of CECs issued by the PETC for that specific day. If the number of CECs issued is greater than the number of vehicles that entered a particular PETC, then a violation shall be deemed to have been committed.

9.2.2 Registration of Vehicles Without Undergoing Actual Emission Test

The RMT shall verify the actual number of vehicles tested by a PETC or LTO Testing Center by posting personnel who shall conduct actual count of vehicles tested for at least one day. The personnel shall report the number of vehicles to the RMT. This information shall be compared with the number of motor vehicle registrations for that specific day. If the number of motor vehicles registered is greater than the number counted plus CECs received, then a violation shall be deemed to have been committed.

9.3 Flexibility of Operations

The RMT or the TWG, with the approval of the RMC or the NEC, respectively, may implement other covert means, such as, but not limited to entrapment operations, in verifying any reported violations committed by entities/individuals against the provisions of this JAO.

Section 10 - Reporting

The RMT shall furnish the RMC or NEC, as case may be, a Monitoring Report and Recommendations within three (3) working days after the conclusion of the monitoring.

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Section 11 - Budget

The budget for the operationalization of this Order shall be charged against the Motor Vehicle Users' Charge (MVUC)-Special Vehicle Pollution Control Fund (SVPCF), the Air Quality Management Fund (AQMF), or other sources.

Section 12 -Penalties

Government Personnel

DOTC, LTO, DTI and DENR personnel found to have committed any violation of the provisions of the PCAA and its Implementing Rules and Regulations shall be investigated by their respective Departments for corresponding administrative liability and by the Ombudsman for criminal liability.

PETC Operator and Personnel

PETC operator and personnel found to have committed irregularities shall be penalized in accordance with Section 46 of the PCAA, Rule 55 Section 2 of PCAA-IRR, Section 45 of the DTI-DOTC JAO No. 01 Series of 2001 and DTI DAO 3, 2002. Annexes I, II, and III of this JAO provide a complete list of the violations and their corresponding fines/penalties.

Section 13 -- Adjudication

Adjudication procedures for violation of this JAO shall follow the respective adjudication processes of the DOTC-LTO, DTI, and DENR.

13.1 *DTI Adjudication*

In the case of DTI, existing adjudication procedure shall be followed.

13.2 *DOTC Adjudication*

In the case of DOTC-LTO, only the Assistant Secretary for LTO has the final authority to suspend and cancel the authorization of the PETC after due process.

13.3 *DENR Revocation*

In the case of DENR, the Director of the DENR-EMB Central Office has the authority to revoke the certificate of emission test equipment issued to the PETC.

Section 14 – Repealing Clause

All orders, memoranda, and issuances found inconsistent with this Order are hereby modified or revoked accordingly.

Section 15 – Effectivity

This Order shall take effect after 15 days, following the publication in at least two newspapers of general circulation.

The original copy of this Order shall be filed and kept in the DOTC- Administrative Services (AS). Three (3) certified copies of this Order shall be filed with the UP Law Center by the DOTC-AS within seven (7) days after the Order is signed.

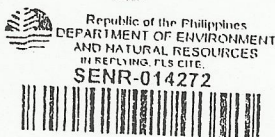
Signed this _____ day of DEC 07 2007 2007.

DATE: _____

JOSE L. ATIENZA, JR.
Department of Environment
and Natural Resources

LEANDRO R. MENDOZA
Department of Transportation
and Communications

PETER B. FAVILA
Department of Trade
and Industry



ANNEX I:

SCHEDULE OF FINES PETC ACCREDITATION VIOLATIONS

OFFENSE COMMITTED	PENALTY		
	First Offense.	Second Offense	Third Offense
1. Operating a PETC or engaging in emission testing business with invalid accreditation.	Fine of 30,000 pesos	Fine of 75,000 pesos, Forfeiture of Performance Bond, Suspension of PETC Accreditation	Fine of 150,000, Forfeiture of Performance Bond and cancellation of PETC Accreditation
2. Operating without necessary business and/or mayor's permits.			
3. PETCs (permanent site or mobile) engaging in activities outside the scope of the accreditation.			
4. Employment of technicians not TESDA cetified.			
5. Personnel not qualified based on appropriate education, training, experience and/or demonstrated skill.			
6. PETC work area does not meet maneuvering area of at least 6 m wide and 6 m long per proposed number of vehicles to be inspected at any given time.			
7. Any changes in the original state of the PETC facility that do not satisfy the requirements on accreditation.			

8. Operating without the required equipment (i.e. gas analyzer for gasoline-fuelled vehicles and opacimeter for diesel-fuelled vehicles).	Fine of 30,000 pesos	Fine of 75,000 pesos, Forfeiture of Performance Bond, Suspension of PETC Accreditation	Fine of 150,000, Forfeiture of Performance Bond and cancellation of PETC Accreditation
9. Equipment not certified by DENR.			
10. Equipment not properly calibrated.			
11. Equipment and its software not capable of achieving the accuracy required and do not comply with specifications relevant to the tests.			
12. Test methods/procedures not as required in the Clean Air Act of 1999 (Annex B and Annex C)			
13. Test report/certificates not containing the minimum requirements as required in DAO 3:2002 sub-clause 7.6.	Fine of 30,000 pesos	Fine of 75,000 pesos	
14. Obstructing or attempting to obstruct inspection by the Assessment Team or visits by the authorized representative of DTI.			
15. Signboard, certificate of accreditation and fees not properly displayed in the PETC Area.	Fine of 30,000 pesos	Fine of 75,000 pesos	
16. PETC not reporting to DTI any change of information related PETC.	Fine of 30,000 pesos	Fine of 75,000 pesos, Forfeiture of Performance Bond, Suspension of PETC Accreditation	
17. Non-compliance with other requirements of the DTI-PETC Accreditation.			

Annex II: PETC AUTHORIZATION VIOLATIONS (DOTC)

Violations of the PETC authorization granted by DOTC to the PETCs are categorized into two groups: (I) Major offenses; and (II) Minor offenses.

Major Offenses

1. Falsification of test results including "non-appearance".
2. Operating with expired or invalid authorization,
3. Operating with expired or invalid technician authorization.
4. Issuing fake Certificate of Emission Compliance (CEC).
5. Continuous operation even with a suspension order.

Penalty: Immediate cancellation of authorization to operate PETC

Minor Offenses

1. Operating vehicle repair (maintenance) and / or related vehicle engine enhancement activities.
2. Operating a center not capable of administering tests for all types/classes of vehicles.
3. Operating in violation of the "service area" concept.
4. Conducting test inconsistent with test procedures.
5. Operating in possession of pre-signed CEC.
6. Operating using uncertified testing equipment.
7. All other practices that are deemed inconsistent with the DOTC/LTO Authorization Guidelines (DOTC Department Order No. 2004-01).

Violations involving PETC Interconnectivity with IT Providers

1. Operating without using Real Time Data Storing and Retrieval System (IT components)
2. Operating with test equipment not interfaced with PETC-IT system.
3. Failure to transmit real time inspection results to LTO.

Penalties:

- First Offense – a fine in the amount of thirty thousand pesos (P30,000.00) plus suspension of one (1) month to operate a PETC.
- Second Offense – a fine in the amount of seventy five thousand pesos (P75,000.00) plus suspension of three (3) months to operate a PETC.
- Third Offense – cancellation of authorization to operate a PETC.

ANNEX III – TEST EQUIPMENT CERTIFICATION VIOLATIONS AND PENALTIES

Legal Basis:

DENR DAO NO. 03, Series of 2006 – Operation and Maintenance of Opacimeters and Gas Analyzers Certified by the DENR-EMB to be used by Private Emission Testing Centers (PETCs)

Violations	Penalties
1. Improper use of the equipment i.e., not following maintenance and operating procedures per operations manual	<ul style="list-style-type: none">• Revocation of equipment certification issued to PETC and <ul style="list-style-type: none">• Prohibition from operating the equipment
2. Issuance of test results without conducting actual test of vehicles i.e., non-appearance	
3. Tampering of emission test results	
4. Absence of accessories for real time monitoring and recording of test results	
5. Other acts determined by DENR, through EMB; which are determined to be inconsistent with the purpose of the equipment	