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

DOTC MEMORANDUM, May 06, 2003

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SECTION 1. 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:

1. Monitor and ensure compliance of PETCs and LTO Emission Testing activities with the provisions of the Clean Air Act 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. Ensure that no motor vehicle will be registered without undergoing and passing the emission test as required by the Clean Air Act.

3. Ensure the integrity of the emission test as reflected in the official/accountable DOTC Certificate of Emission Compliance (CEC) forms.

SECTION 2. Scope. — This Order establishes guidelines and procedures for the following:

1. Monitoring the compliance of accredited and authorized PETCs and LTO Emission Testing activities with pertinent provisions of the Clean Air Act of 1999 and DTI-DOTC JAO No. 1, series of 2001; and

2. Monitoring of the implementation of emission testing prior to registration requirement of the Clean Air Act.

SECTION 3. Organization. —

Monitoring Team — The Monitoring Committee shall create Monitoring Teams, which shall conduct the actual monitoring activities.

A team shall be composed of at least four (4) members:

- A representative from the DOTC, who shall be the team leader;
- A representative from the LTO;
- At least one (1) representative from either the DENR and MMDA (for Metro Manila) or LGU where the PETC is located; and
- At least one (1) from the NGO or media.

Representatives of PETC, transport operators and the Ombudsman may be invited as observers when necessary.

Responsibilities of the Monitoring Team

The Monitoring Team shall have the following responsibilities:

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- Review pertinent documents pertaining to the PETC/LTO Testing Center to be visited before the actual monitoring;

- Prepare detailed procedures for monitoring subject to the approval of the Monitoring Committee;

- Conduct monitoring activities of PETC/LTO Testing Center; and

- Prepare and submit to the Monitoring Committee its monitoring report within seven days after the conduct of monitoring activities.

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

- Inform team members of the schedule of monitoring activities;

- Conduct a brief pre-monitoring meeting with team members;

- Provide documents to be used by the team during onsite monitoring;

- Conduct a brief post monitoring meeting with team member; and

- Assign tasks to each team member.

The Team Members shall have the following responsibilities:

- Perform assigned tasks in the monitoring; and

- Report his/her findings and observations to the team during the post monitoring meeting.

Qualifications of Monitoring Team Members

Members of the Monitoring Teams from Government Agencies shall undergo Training on Monitoring Procedures to be conducted by the DOTC. Volunteers shall be required to file an application for membership in the Monitoring Teams and undergo Training on Monitoring Procedures. The Training Module and Applications for membership shall be approved by the Monitoring Committee.

Secretariat

A secretariat shall be composed by the DOTC Transport Planning Service personnel, whose main function is to assist the Monitoring Committee and Teams in accepting and documenting complaints, records keeping, and coordinating activities pertinent to the provisions of this Order.

SECTION 4. Regular On-Site Inspection and Monitoring of PETC. — The Monitoring Team shall inform the PETC operator that on-site inspection shall be conducted.

The following information/documents shall be required from the PETC operator

- Valid PETC accreditation and authorization
- Record of CEC issued for the month being monitored including copies of receipts issued
- Calibration certificate of test equipment
- Valid technician authorization
- Test equipment interfaced with the PETC-IT system
- Serial number of test equipment that corresponds to the accreditation record

The PETC technician shall be required to conduct an emission test of the test vehicle. The result of the test conducted shall be compared to previous test results. Discrepancy in test results, passed when actually failed or vice-versa, shall mean that a violation was committed.

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SECTION 5. Procedure for Identification and Monitoring of Irregularities. —

Basis for Monitoring of PETC and LTO-DO

The following shall be the basis for flagging a PETC and/or LTO-DO for monitoring:

1. Five (5) verbal complaints or one written and verified report of irregularities received against a PETC, LTO-DO or LTO testing facility.

2. Unusually high or low rate of vehicles passing the emission tests.

3. Discrepancies in the number of CECs issued by the PETCs and the number of motor vehicle registrations issued by an LTO-DO on a per month basis.

Complaints and Reports of Irregularities

All complaints and reports of irregularities shall be documented by the Secretariat. Government agencies that receive complaints or reports of irregularities against a PETC or LTO-DO emission testing activity shall forward the same to the Secretariat for information and proper disposition. The report should contain the following: the name of the PETC or LTO-DO, the specific complaint, the name of the complainant and contact number. The Secretariat shall regularly submit to the Monitoring Committee a summary of the complaints received that contains a list of PETC and LTO-DO that must be monitored.

Discrepancies in Number of CEC and motor vehicle registration issued

The Information Technology (IT) providers of the PETC shall furnish the Secretariat monthly report on the number of vehicle tested and CECs issued.

The LTO shall provide the Secretariat monthly reports on the number of motor vehicles registration issued per LTO-DO.

The above information shall be forwarded by DOTC to the Secretariat, which shall compare the above data. The Secretariat shall regularly submit to the Monitoring Committee a summary of the information and the list of PETC, LTO-DO and LTO testing facility that must be monitored.

Monitoring Procedure for Reported Tampering of Test Results by PETC and LTO

Roadside Monitoring

A monitoring team shall be dispatched to the vicinity of a flagged testing center. A vehicle that has just completed the emission test shall be flagged down by the Monitoring Team and subjected to emission test. The result of the test conducted by the Monitoring Team shall be compared with the test result conducted in the PETC/LTO Testing Center. This process shall be repeated until a total of three (3) vehicles tested have shown a large discrepancy in the test result or proven to be tampered.

Monitoring Using a Test Vehicle

The Monitoring Team shall dispatch a test vehicle to the flagged testing center for emission testing just like an ordinary vehicle owner seeking an emission test. The result of the test conducted by the test center shall be compared with the previous test results of the test vehicle.

If comparison of test results shows large discrepancy (passed when actually failed or vice versa), then a violation was committed.

On-Site Inspection

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The Monitoring Team shall inform the PETC operator of the complaints and/or alleged violations and that an on-site inspection shall be conducted by the Team following the procedures enumerated herein.

Monitoring Procedure for Reported Issuance of CECs without Actual Emission Test (Non-Appearance)

The Monitoring Team shall verify the actual number of vehicles tested by the PETC by discreetly 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 Monitoring Team. This information is 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 was committed.

Monitoring Procedure for Reported Registration of Vehicles Without Actual Emission Test (Non-Appearance)

The Monitoring Team shall verify the actual number of vehicles tested by an LTO testing facility by discreetly 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 Monitoring Team. This information is compared with the number of registration for that specific day.

If the number of vehicle registered is greater than the number of vehicles counted plus CEC received, then a violation was committed.

In order to ensure that only vehicles in adherence to the emission standard are renewed registration, test result of PETC on a real time basis shall be considered as input to the Motor Vehicle Registration System (MVRS) module of the LTO-IT Project.

Flexibility of Operations

The Monitoring Team with the approval of the Monitoring Committee may implement other means necessary to prove the irregularities committed by the PETC or LTO-DO.

SECTION 6. Reporting. — The Monitoring Team shall furnish the Monitoring Committee a Monitoring Report and Recommendations within seven (7) working days after the conclusion of the monitoring.

SECTION 7. Penalties. —

Government Personnel

DOTC and LTO personnel found to have committed any violation of the provisions of the Clean Air Act and its Implementing Rules and Regulations shall be investigated by their respective Departments for corresponding administrative sanctions and by the Ombudsman for criminal liability.

PETC Operator

PETC operator and personnel found to have committed irregularities shall be penalized in accordance with Section 46 of the CAA and Section 45 of the DTI-DOTC JAO No. 01 Series of 2001.

SECTION 8. Effectivity. — This Order shall take effect after 15 days, following the submission of three (3) certified copies of this Order with the UP Law Center.

Adopted: 6 May 2003

(SGD.) ARTURO T. VALDEZ
Undersecretary

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