



Republic of the Philippines
DEPARTMENT OF TRANSPORTATION

DEPARTMENT ORDER NO. 2019-014

AMENDING DEPARTMENT ORDER NO. 2012-10, AS AMENDED

The rules governing the operation and conduct of emission testing of Private Emission Testing Centers (PETCs) are hereby issued as follows:

Section 2.19 of Department Order No. 2012-10, as amended, is hereby amended to read as follows:

“2.19 Geographical Area of Responsibility (GAOR) – shall be limited to the area covered Geographical Area of Responsibility (GAOR) – shall be limited to the area covered by a certain LTO District Office, including its extension office.

In applications for new authorization, the establishment of a new Private Emission Testing Center (PETC) may be allowed, subject to the presentation of proof by the applicant that the distance from the nearest PETC to the place of the proposed location is more than thirty (30) kilometers.

PETCs may be established in a newly opened LTO Extension Office, provided that they shall be limited only to such number as is sufficient to accommodate the Registered Motor Vehicles (RMVs) in the area.”

Section 5.2.1.2 is hereby amended to read as follows:

“5.2.1.2 Certified true copy/ies of the following:

- (a) For sole proprietorships: Certificate of Business Name Registration (DTI);
- (b) For corporations/partnerships: Securities and Exchange Commission Certificate of Registration, Articles of Incorporation/Partnership and By-Laws, and Board Resolution certified by the Corporate Secretary, specifying the name of the authorized representative who must be an officer of the corporation/partnership;

- (c) Affidavit of Undertaking/Omnibus Sworn Statement¹ stating that the PETC owner does not own any interest in any PETC IT Service Provider companies in the Philippines and vice versa”

Section 6.7.3 is amended and new provisions are hereto incorporated in the following manner:

“6.7.3 Only Certificates of Emission Compliance (CEC) supported by clear pictures of motor vehicles taken during testing with the following image details shall be accepted:

- a. Visible plate number, subject to the provisions of Sections 6.7.3.1, 6.7.3.2, 6.7.3.3, and 6.7.3.4, if applicable;
- b. Visible test probe inserted at the tailpipe, subject to the provision of Section 6.7.5, if applicable;

¹ Affidavit of Undertaking/Omnibus Sworn Statement

I, _____, of Filipino citizen, single/married, of legal age, with residence at _____ do hereby depose and state:

- a. That I am the owner of _____ (name of PETC) and as such, I am authorized to perform the following acts: transact and negotiate regarding my authorization and renewal, attend hearings and meetings involving my center; and submit necessary documents required from my center;
- b. That as the owner of the said PETC, I hereby attest to the fact that I do not own any financial interest, material or minimal, over/in any PETC IT Service Provider in the country, and vice versa;
- c. That I am not, in any way, nor the other co-owners of this PETC, related to any employee of the DOTr within the fourth degree of consanguinity and/or affinity;
- d. That I commit to follow all the department orders, circulars and rules and regulations issued by the DOTr concerning the operations of PETC in the country;
- e. That the statements herein declared are true, accurate and correct to the best of my knowledge and as supported with all legal documents;
- f. That I understand that any misrepresentation in this Affidavit of Undertaking/Omnibus Sworn Statement may result to the suspension or revocation/cancellation of the authorization of my center; and
- g. That if someday I become related within the fourth degree of consanguinity and/or affinity to any employee of the DOTr, I hereby undertake to report the same for re-evaluation.
- h. That I hereby attest to the truthfulness of the foregoing facts and execute this affidavit for any legal purpose it may serve.

(Name and Signature of Affiant)

SUBSCRIBED AND SWORN to before me this ___ day of _____ in _____ City by _____, exhibiting his _____ as competent evidence of his identity. He acknowledged before me that this document is his free act and deed.

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- c. Technician who conducted the test;
 - d. LTO logo in the upper right side of the CEC form, subject to the provision of Section 6.7.3.5, if applicable; and
 - e. Testing machine.
- 6.7.3.1 If the motor vehicle carries an improvised plate number, a photocopy of the certification or authorization from the LTO to use the said plate number must be attached before conducting the emission test.
- 6.7.3.2. With respect to motor vehicles without plate numbers, the following rules shall be strictly observed for purposes of complying with Section 6.7.3:
- a) A placard or signage bearing the words, "NO AVAILABLE PLATE", or any tenor to the same effect, must be prominently displayed;
 - b) A photocopy of the Official Receipt/Certificate of Registration (OR/CR) of the vehicle subject of emission test must likewise be displayed; and
 - c) Both the placard or signage and the OR/CR shall be held by the Motor Vehicle Control Technician (MVECT) who conducted the emission test.
- 6.7.3.3. Failure to comply with any of the provisions of the immediately preceding section, or any attempt to alter, tamper or falsify the required OR/CR shall subject the erring vehicle owner, as well as the PETC owner, to the sanctions provided under the law.
- 6.7.3.4. For trucks or vehicles with Certificates of Public Convenience (CPC), or those vehicles "for hire," capturing of the body plate number shall suffice for purposes of complying with Section 6.7.3(a) of this Rule.
- 6.7.3.5 If the color of the motor vehicle in the picture differs from the Certificate of Registration, the pertinent documents to justify the color change must be attached before conducting the emission test.

- 6.7.4. Capturing of images from the side of the vehicle, showing either the front or the rear plate number, shall be allowed, depending on the location of the tail pipe, for as long as all of the requisites enumerated in Section 6.7.3 are shown.

To illustrate, if the tail pipe is located on the side towards the front of the vehicle, the image may be captured from the front, showing the plate number located at the front, the side of the vehicle, showing the tail pipe and such other requisites as may be required under Section 6.7.3.

If, on the other hand, the tail pipe is located on top near the front of the vehicle, the image may be taken from the front, showing the front plate number and such other requisites as may be required under Section 6.7.3.

- 6.7.5. For vehicles with tail pipes which are not readily visible during image capture on account of their positions, either the PETC or the vehicle owner shall utilize an extender or hose, not more than two (2) meters in length, which shall be connected to the tail pipe. The extender or hose shall be exclusively used for emission test purposes.
- 6.7.6. Exhaust pipes which have been deliberately altered by the owner and which were placed at the bottom middle of the chassis are considered as illegal modifications. Vehicles with these kinds of tail pipes shall not be tested, unless the owner thereof reverts the exhaust pipes to their original positions or complies with the rule mentioned in the immediately preceding paragraph. Any PETC found to be conducting emission tests of the foregoing vehicles shall be liable for violation under the provisions of this statute. Further, the registration of the aforesaid vehicle shall be deemed void and of no effect."

A new Section 15.2.3 of the Department Order 2012-10, as amended, is hereby incorporated, to wit:

"15.2.3 Ports and Terminals

Mobile operations by authorized PETCs may be allowed in ports and terminals for fleet of trucks and buses in order to ease traffic congestion in those areas.

In choosing which PETC shall render service for mobile operations, the Land Transportation Office, as a public emission testing center, shall conduct the said operations.

In the absence of an LTO public emission testing center, the nearest Private Emission Testing Center (PETC) from the area shall be assigned to conduct the operations.”

Sections 15.3.4 and 6.7.2 are hereby amended to read, respectively, as follows:

“15.3.4 Mobile operations shall be allowed on Saturdays and holidays, but not on Sundays.

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6.7.2 A PETC shall be allowed to operate on Saturdays and holidays, but not on Sundays. Consequently, all PETC IT Service Providers shall not upload emission test results on this day. All LTO Officials and employees are directed to refuse emission test results conducted during Sundays.”

The provision on Penalties under Section 20 shall now read as follows:

“20.1 After due notice and hearing, the LTO shall impose, when warranted, any of the following applicable administrative penalties:

20.1.1 PREVENTIVE SUSPENSION

20.1.1.1 Should ISLES find a reasonable ground to believe that a PETC committed ten (10) or more counts of violation(s) of any provision of the DO, then it shall issue a preventive suspension on the erring PETC, which shall last for a period not exceeding ninety (90) days;

20.1.1.2 Within three (3) days from receipt of the Preliminary Suspension Order issued by the ISLES, the respondent PETC may file a Motion for Reconsideration to question the propriety of its suspension. The said motion shall be resolved and issued by the Office of the Head Executive Assistant/Chief of Staff and OIC Undersecretary for Administrative Service.

20.1.2 FINE

20.1.2.1 After due notice and hearing and, upon a finding by the ISLES and FRS that the PETC committed less than ten (10) counts of violation(s) of the DO, the penalty of FINE shall be imposed in an aggregate amount equivalent to thirty thousand pesos (P30,000), multiplied by the total number of counts of violation(s) committed by the PETC.

20.1.2.2 However, should the ISLES and FRS find a reasonable ground to believe that a PETC which has been previously fined has committed violation(s) of this statute for the second time, then the PETC's authorization shall be revoked after due notice and hearing for the second offense, on account of its habitual propensity for committing violations of this statute.

20.1.3 CANCELLATION OR REVOCATION OF PETC AUTHORIZATION

20.1.3.1 Subject to the provisions of the immediately preceding paragraph, should a PETC commit ten (10) or more counts of violations of this statute, the penalty of revocation of its authorization shall be imposed.

20.1.3.2 For purposes of applying the provisions of Section 20 heretofore mentioned, violations shall refer, but shall not be limited, to those enumerated under Section 14 hereof.

20.1.4 The certificate of registration of the motor vehicle found to have been registered with the use of a falsified Certificate of Emission Compliance (CEC) made through non-appearance testing shall be deemed void.

20.1.5 Any public official or employee who shall abet, aid, participate, or condone any of the offenses enumerated in this statute shall be dealt with administratively.

20.1.6 A pending administrative case shall not bar the filing of appropriate civil and/or criminal case against the erring individuals.

20.1.7 The penalties discussed under Section 20 hereof shall similarly apply to PETC IT Service Providers who shall be found to have abetted, aided, participated in, or condoned the commission of violation(s) of this statute.

20.1.8. The following acts, among others, shall result in the automatic revocation of the authorization of the erring IT Service Provider:

20.1.8.1 Allowing suspended PETCs to continue with its operations while under preventive suspension; and

20.1.8.2 Possessing any form of ownership and/or interest in any PETC.

Lastly, the following are the amendments and additions to Sections 6.4.7, 6.4.10, 6.4.11, and 6.8:

"6.4.7 All uploads shall adhere to real-time uploading of images captured by the PETCs and uploaded by the IT Service Providers to the LTO Database System.

A one (1)-hour grace period shall be allowed for the delay in image upload only if the reason therefor is internet or connectivity malfunction. The one (1)-hour grace period shall be reckoned from the date and time when the vehicle was tested.

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6.4.10 PETC IT Service Providers shall provide the Department of Transportation with the following:

6.4.10.1 Access to the IT Service Provider System, including but not limited to, its database, firewall, application, and similar components of its system;

6.4.10.2 Network monitoring reports, including but not limited to, internet bandwidth, uplink and downlink utilization,

and similar components of the network, on a monthly basis;

6.4.10.3 High level network diagram;

6.4.10.4 Access to the auditing services of all the components of the IT Service Provider system; and

6.4.10.5 Data flowchart of the Client Application Program.

6.4.11 IT Service Providers are hereby required to, at all times, enable auditing services of the IT Service Provider System.

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6.8 CLIENT APPLICATION PROGRAM FOR PETC

6.8.1 The webcam to be utilized shall now have a minimum image capturing specification of 800 x 600 pixels. The minimum bandwidth for the internet service of PETCs shall be at 2 Mbps.

In relation thereto, the PETC IT Service Providers are hereby mandated to make the necessary upgrade in the Client Application Program and the Hardware and Software components of the IRDS system located at the Department of Transportation to accommodate the foregoing changes.”

This Order shall take effect within fifteen (15) days following its publication in the Official Gazette and in two (2) newspapers of general circulation in the Philippines.

Done this ____ day of June 2019 at Clark Freeport Zone, Pampanga.

Approved:

ARTHUR P. TUGADE

Secretary



DOT-OSEC OUTGOING 19-00798