

**[DENR MEMORANDUM CIRCULAR NO. 2004-16,
November 23, 2004]**

**AMENDMENT OF SECTION 4, RULE XXXV OF DENR
ADMINISTRATIVE ORDER NO. 2000-81 RE IMPLEMENTING
RULES AND REGULATIONS OF REPUBLIC ACT NO. 8749**

Pursuant to Section 46 "Violation of Standards for Motor Vehicles" and Section 51 "Implementing Rules and Regulations" of Republic Act No. 8749, Section 4 "Apprehension and Impounding of Vehicles Exceeding Emission Limits", Rule XXXV of DENR Administrative Order No. 2000-81 re Implementing Rules and Regulations of Republic Act No. 8749 is hereby amended as follows:

*SECTION 1. Procedures for Roadside Apprehension and Impounding
Vehicles Exceeding Emission Limits*

A vehicle suspected of violating the emission standards through visual inspection shall be flagged down by the apprehending officer.

a. If the apprehending team has the emission test equipment at the time of apprehension, the following procedures shall be followed:

1. The apprehending officer shall conduct an emission test of the vehicle using the portable emission testing equipment following the test procedures listed in Annex B and Annex C (DAO 2000-81). Should the results show an exceedance of the emission limits, the computerized printout, or hard copy of the test result generated by the portable emission testing equipment shall serve as prima facie evidence of violation of the emission standards.

2. Should the test result show that there is an exceedance of the standards, the apprehending officer shall issue a ticket to the driver. A warrant of constructive or actual distraint to the owner of the motor vehicle as provided for in Republic Act No. 4136 shall commence unless the vehicle has been previously found violating the standards three (3) or more times within the last 365-day period. In the latter case, the motor vehicle registration shall be suspended for a period of one (1) year.

3. Upon payment of the fine at the Department of Transportation and Communication (DOTC) through the Land Transportation Office (LTO) or any DOTC-designated enforcement unit or deputized agency or private entity, the