



Republic of the Philippines  
Province of Cebu  
MUNICIPALITY OF SAN FRANCISCO  
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM MINUTES OF THE 8<sup>th</sup> REGULAR SESSION FOR CALENDAR YEAR 2020 OF THE 11<sup>th</sup> SANGGUNIANG BAYAN OF SAN FRANCISCO, CEBU, HELD AT THE MUNICIPAL SESSION HALL ON MARCH 3, 2020.

**PRESENT:**

HON. ALY A. ARQUILLANO	Municipal Vice Mayor/Presiding Officer
HON. ALLEN A. ARQUILLANO	SB Member
HON. SEVERINO O. GOK-ONG, JR.	SB Member
HON. REY A. TINDOY	SB Member
HON. RUBEN O. RANA	SB Member
HON. ISRAEL B. GARRIDO	SB Member
HON. ALAN R. ARROJADO	SB Member
HON. FRANCIS N. LUCERNAS	SB Member
HON. NERISA L. ARQUILLANO	ABC PRESIDENT/Ex-officio Member
HON. ATHEN M. ARQUILLANO	SK FEDERATION PRESIDENT/Ex-officio Member

**ON OFFICIAL BUSINESS:**

HON. ROEL P. ANDRADE	SB Member
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**RESOLUTION NO. 038-2020**

**A RESOLUTION ENACTING MUNICIPAL ORDINANCE NO. 2020-163, AN ORDINANCE IMPOSING MORATORIUM ON THE IMPORTATION AND USE OF 2-STROKE MOTORCYCLES WITHIN THE MUNICIPALITY OF SAN FRANCISCO, CEBU AND FOR OTHER PURPOSES**

WHEREAS, transport is one of the major sources of air pollution and contributes to greenhouse gas emissions that cause climate change, and the less sophisticated engine technology of motorcycles have resulted in high emissions of carbon dioxide;

WHEREAS, in the municipality more percentage of motorcycles are the more polluting two-stroke type, although four-stroke motorcycles are becoming increasingly common;

WHEREAS, fueling and maintaining a two-stroke motorcycle is usually higher compared to a four-stroke for the reason that the four-stroke has lower fuel consumption than a two-stroke engine plus the cost of lubricating oil to the petrol of the former;

WHEREAS, due to the specifics of the two-stroke engine design, some of the fuel/air mixture escapes directly out of the exhaust that results in 10-15% higher fuel consumption compared to a four-stroke, and consequently 10-15% higher emissions of carbon dioxide (CO<sub>2</sub>) as well (a stroke is a linear movement of the piston);

WHEREAS, it is the desire of this LGU to impose moratorium to regulate the importation and use of two-stroke motorcycles within the Municipality of San Francisco

Now, therefore, on motion of Hon. Alan R. Arrojado duly seconded by Hon. Severino O. Gok-ong, Jr. and unanimously carried by all Members of the Sangguniang Bayan of San Francisco, Cebu, presents and assembled in session,

RESOLVED, as it is hereby resolved, to enact MUNICIPAL ORDINANCE NO. 2020-163, to wit:

**MUNICIPAL ORDINANCE NO. 2020-163**

**AN ORDINANCE IMPOSING MORATORIUM ON THE IMPORTATION AND USE OF 2-STROKE MOTORCYCLES WITHIN THE MUNICIPALITY OF SAN FRANCISCO, CEBU AND FOR OTHER PURPOSES**

*Be it enacted by the Sangguniang Bayan of San Francisco, Cebu in Session assembled:*

**Section 1. Short Title.** – This Ordinance shall be known as the “**Moratorium on the Importation and Use of 2-Stroke Motorcycles Within the Municipality of San Francisco 2020**”

**Section 2. Declaration of Principles.** – The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

The State shall promote and protect the global environment to attain sustainable development and its responsibility to deal with environmental problems.

The State recognizes that the responsibility of cleaning the habitat and environment is primarily area-based.

The State also recognizes the principle that "polluters must pay".

Finally, the State recognizes that a clean and healthy environment is for the good of all and should, therefore, be the concern of all.

**Section 3. Declaration of Policy.** - The State shall pursue a policy of balancing development and environmental protection. To achieve this end, there shall be measures to be provided for a sustainable eco-wellness tourism development. It shall be the policy of the State to encourage cooperation and self-regulation among citizens through the regulated importation and use of motorcycles within the municipality to lessen air pollution.

**Section 4. Recognition of Rights.** - Pursuant to the above-declared principles, the following rights of citizens are hereby sought to be recognized and the State shall seek to guarantee their enjoyment:

- a) The right to breathe clean air;
- b) The right to utilize and enjoy all natural resources according to the principles of sustainable development;
- c) The right to be informed of the nature and extent of the potential hazard of any activity, undertaking or project and to be served timely notice of any significant rise in the level of pollution and the accidental or deliberate release into the atmosphere of harmful or hazardous substances;

**Section 5. Coverage.** - This Ordinance shall apply to all owners of 2-stroke motorcycles, merchandisers, auto-repair shops within the jurisdiction of the Municipality of San Francisco.

**Section 6. Definition of Terms.** - As used in this Ordinance, the following terms are defined as follows:

- a) "*Air pollutant*" means any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gases in their natural or normal concentrations, that is detrimental to health or the environment, which includes but not limited to smoke, dust, soot, cinders, fly ash, solid particles of any kind, gases, fumes, chemical mists, steam and radio-active substances;
- b) "*Air pollution*" means any alteration of the physical, chemical and biological properties of the atmospheric air, or any discharge thereto of any liquid, gaseous or solid substances that will or is likely to create or to render the air resources of the country harmful, detrimental, or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational, or other legitimate purposes;
- e) "*Certificate of Conformity*" means a certificate issued by the Department of Environment and Natural Resources to a vehicle manufacturer/assembler or importer certifying that a particular new vehicle or vehicle type meets the requirements provided under the Clean Air Act (RA 8749) and its implementing rules and regulations;
- f) "*Department*" means the Department of Environment and Natural Resources;
- h) "*Emission*" means any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere;
- i) "*Greenhouse gases*" mean those gases that can potentially or can reasonably be expected to induce global warming, which include carbon dioxide, methane, oxides of nitrogen, chlorofluorocarbons, and the like;
- j) "*Hazardous substances*" mean those substances which present either: (1) short-term acute hazards such as acute toxicity by ingestion, inhalation, or skin absorption, corrosively or other skin or eye contact hazard or the risk of fire explosion; or (2) long term toxicity upon repeated exposure, carcinogenicity (which in some cases result in acute exposure but with a long latent period), resistance to detoxification process such as biodegradation, the potential to pollute underground or surface waters;
- m) "*Mobile source*" means any vehicle propelled by or through combustion of carbon-based or other fuel, constructed and operated principally for the conveyance of persons or the transportation of property goods;
- n) "*Motor vehicle*" means any vehicle propelled by a gasoline or diesel engine or by any means other than human or animal power, constructed and operated principally for the conveyance of persons or the transportation of property or goods in a public highway or street open to public use;
- p) "*New vehicle*" means a vehicle constructed entirely from new parts that has never been sold or registered with the DOTC or with the appropriate agency or authority, and operated on the highways of the Philippines, any foreign state or country;
- r) "*Ozone Depleting Substances (ODS)*" means those substances that significantly deplete or otherwise modify the ozone layer in a manner that is likely to result in adverse effects of human health and the environment such as, but not limited to, chlorofluorocarbons, halons and the like;
- t) "*Poisonous and toxic fumes*" means any emissions and fumes which are beyond internationally - accepted standards, including but not limited to the World Health Organization (WHO) guideline values;
- w) "*Standard of performance*" means a standard for emissions of air pollutant which reflects the degree of emission limitation achievable through the application of the best system of emission reduction, taking into account the cost of achieving such reduction and any non-air quality health and environmental impact and energy requirement which the Department determines, and adequately demonstrates.

**Section 7. Moratorium on the Importation, Use, and Repair of Two-Stroke Motorcycles within the Municipality of San Francisco.** - a) There shall be a moratorium of one (1) year from the date of approval of this Ordinance on the importation, use, and repair of two-stroke motorcycles within the Municipality of San Francisco. Provided, importation, use, and repair of two-stroke motorcycles can be allowed in the Municipality if owners/merchandisers/storeowners can show/present a Certificate of Conformity (COC) issued by the Department of Environment and Natural Resources (DENR) or present a certificate that the motorcycle has passed the emission testing based on DENR Administrative Order No. 2015-04.

**Section 8. Regulation of All two-stroke Motorcycles in the Municipality.** - Any imported, new or second hand/old two-stroke or locally-assembled motorcycles within the Municipality shall not be allowed unless it complies with the emission standards set pursuant to **Republic Act No. 8749**, otherwise known as, "**AN ACT PROVIDING FOR A COMPREHENSIVE AIR POLLUTION CONTROL POLICY AND FOR OTHER PURPOSES**", as evidenced by a Certificate of Conformity (COC) issued by the DENR or a certificate that the motorcycle has passed the emission testing based on DENR Administrative Order No. 2015-04.

Any imported new 2-stroke motorcycle engine shall not be introduced into commerce, sold or used unless it complies with emission standards set pursuant to this Ordinance and per **Republic Act No. 8749**.

Any imported used 2-stroke motorcycle or rebuilt motorcycle using new or used engines, major parts or components shall not be used unless it complies with the emission standards.

In case of non-compliance, the importer or consignee may be allowed to modify or rebuild the motorcycle engine so it will be in compliance with applicable emission standards.

No 2-stroke motorcycle shall be used within the municipality unless such motorcycle passes the emission testing requirement promulgated in accordance with this Ordinance and per **Republic Act No. 8749**.

**Section 9. Penal Clause.** – Anybody who violates any provision of this Ordinance shall be fined in the amount of Two Thousand Five Hundred Pesos (P2,500.00) and/or confiscation of the motorcycle.

**Section 10. Separability Clause.** – If any provision of this Ordinance shall be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining provisions of this Ordinance."

**Section. 11. Repealing Clause.** – All provisions of Municipal Ordinances which are incompatible or inconsistent with the provisions of this Ordinance are hereby deemed amended or repealed accordingly."

**Section 12. Effectivity.** – This Ordinance shall take effect ten (10) days after its publication in the newspaper of general circulation.

ENACTED BY A DULY CONSTITUTED QUORUM OF THE  
11<sup>TH</sup> SANGGUNIANG BAYAN OF SAN FRANCISCO, CEBU THIS 3<sup>RD</sup> DAY OF MARCH 2020.

Certified Correct:

ZENAIDA M. FORMENTERA  
Sangguniang Bayan Secretary

Attested:

ALY A. ARQUILLANO  
Municipal Vice Mayor/Presiding Officer

Approved: \_\_\_\_\_

Date

ALFREDO A. ARQUILLANO, JR.  
Municipal Mayor