REVISED IMPLEMENTING GUIDELINES FOR MMDA RESOLUTION NO. 02-49, SERIES OF 2002 ENTITLED “AUTHORIZING THE METROPOLITAN MANILA DEVELOPMENT AUTHORITY TO ADOPT A “NO PHYSICAL CONTACT...

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1.0 RATIONALE

The No Physical Contact Policy where images of traffic violators are captured thru the use of digital camera, was approved by the Metro Manila Council on November 07, 2002 by virtue of MMDA Resolution No. 02-49 to avoid corruption and also to improve the traffic flow in Metro Manila.

In May 2005, however, the implementation of the said policy was discontinued due to constitutional infirmity found by the Regional Trial Court, Branch 145, Makati City, with regard to its implementing Guidelines contained in Memorandum Circular No. 05, S. 2003 and Memorandum Circular No. 05, S. 2003 and Memorandum Circular No. 010 dated October 28, 2003. also issued for the adoption of the same.

The re-implementation of the No Physical Contact Policy and its noble objective can never be realized unless the constitutional infirmity being referred to by the Court is rectified. It is in this context that the Implementing Guidelines issued thru Memorandum Circular No. 05, Seriesof2003and Memorandum Circular No. 010, S. 2003 are being revised.

2.0 PURPOSE

This Memorandum Circular provides guidelines and procedures with regard to MMDA Resolution No. 02-49, Series of 2002 known as the "No Physical Contact Policy" in order to rectify certain procedures and polices relative thereto.

3.0 GUIDELINES

The following guidelines must be observed when implementing "No Physical Contact Policy":

3.1 The "No Physical Contact Policy" in traffic apprehension entails coverage or cap ture of pictures/images of traffic violators thru the use of digital camera. This shall be applied to all motorists/drivers of Private and Public Utility Vehicles, at random.

3.2 Summons/First Notice signed by the TOC Executive Director and the cameraman who took/shot the pictures thru the use of digital camera shall be issued to the Traffic Violator/Owner/Operator of the vehicle.

The summons/first notice shall indicate the date, time, location, traffic violations/infraction committed, the assessed fines/penalties therefore and a photo-clip of apprehend vehicle.

The summons shall likewise contain a statement that the traffic violator shall have the right to file a protest before the Traffic Adjudication Board (TAB) within seven (7) days from receipt thereof and that failure to file the same

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within the prescribed period shall be deemed a waiver of such right and shall be construed as an admission of the traffic violation(s) cited therein.

3.3 Payment of fines/penalties shall be made within seven (7) days upon receipt of the summons/first notice, unlessa protest was filed by the traffic violator as provided for in the preceding paragraph.

3.4 Assessed fines/penalties and all charges indicated in the summons/first notice shall be paid at any branch of METROBANK unless a protest is filed before the MMDA Traffic Adjudication Board, in which case, the fines shall be paid at the Central Office Collection Division of the MMDA located at the MMDA Bldg., EDSA cor Orense St.' Guadalupe, Makati City.

3.5 After the lapse of the 7-day prescription period, there being no protest filed and the fines/penalties remain unpaid, a final summons/notice to pay/settle the same shall be issued. If the traffic vioiator/owner/operator failed to settle/pay the assessed fines/penal ties from receipt of the final summons/notice, the Driver's license number or vehicle li cense plate number shall be included in the Alarm list. The MMDAtraffic operatives shall then apprehend and impound the subject vehicle.

3.6 Summons/Notices shall be sent thru registered mail at the Makati Centra! Post Office using the postal charge account of MMDA. Copies of the Summons shall likewise be sent to the LTO and LTFRB on a daily basis. All mailing cost shall be charged to violators.

3.7 Traffic violators/owners/operators who refuse to receive/accept without any valid reason the summons issued to them shall be deemed to have received the same, hence, shall comply with the above provisions of pars. 3.3 and 3.5.

4.0 SEPARABILITY CLAUSE

If any provision of this Memorandum Circular is declared unconstitutional or invalid for any reason, the same shall not affect the validity of the other provisions.

5.0 REPEALING CLAUSE

Memorandum Circular No. 5, s. 2003, Memorandum Circular No. 10 dated October 3, 2003 and all other Memorandum Circulars/related issuances contrary or inconsistent herewith are hereby repealed, amended or modified accordingly.

6.0 EFFECTIVITY

This Memorandum Circular shall take effect fifteen (15) days upon its publication in two (2) newspapers of general circulation.

Adopted: 31 Oct. 2007

(SGD.) BAYANI F. FERNANDO
Chairman

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