

GUIDELINES AND PROCEDURES ON THE ISSUANCE AND ACCOUNTING OF TOP/IRMV, LAW ENFORCEMENT OPERATIONS AND ADJUDICATION OF APPREHENSION CASES

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Pursuant to the provisions of RA 4136, in line with the IT Project on the Law Enforcement and Traffic Adjudication System (LETAS), in order to ensure the effective delivery of quality public service to the transacting public and to fully account for all the accountable forms used by LTO officials and employees, Law Enforcement Officers and deputized agents in the performance of their official functions, the following guidelines and procedures on the above-subject are hereby adopted for the guidance of all concerned:

A. ISSUANCE, USE AND ACCOUNTING OF TOP & IRMV

1. A Temporary Operator's Permit (TOP) or Impounding Receipt of Motor Vehicle (IRMV), LTO Accountable Forms No. 21-A and 43, respectively, shall be issued by the designated accountable officer only to apprehending officers duly authorized and/or deputized by the Assistant Secretary or the Regional Director concerned.
2. The designated accountable officer shall encode/upload in the IT system the serial numbers of the TOP/IRMV requisitioned, received and issued to the authorized apprehending officer and deputized agents. A logbook shall be maintained by the designated accountable officer with the following column headings, namely: Date & Time Received, TOP/IRMV Serial Numbers, Name of the Law enforcement Officers/Deputized Agents, Signature of Apprehending Officer, for proper accounting of the TOP/IRMV.
3. Only one booklet of TOP shall be issued to each apprehending officer and accounting of the said TOP shall be the responsibility of the apprehending officer (AO). As such, the apprehending officer is required to submit a daily apprehension report (DAR LES Form 001, Annex "A"[*] hereof), which will serve as the transmittal report together with the original (white) copy of the TOP and the confiscated item/s to the Law Enforcement Data Control Section (LEDSCS), Sectoral Office or Operations Division, Regional Office. The DAR, LES Form 001 shall have the following column headings, namely: TOP Serial No., Violations, Apprehended Driver/Operator, Confiscated Item/s (DL/Plate), make/type of the MV, IRMV No. and Remarks. The DAR shall be in 3 copies- original or 1[st] copy to the LEDSCS, Sectoral Office or Operations Division, Regional Office, 2[nd] copy - personnel in-charge in the issuance of TOP and last copy is to be retained by the apprehending officer. The AO is strictly required to issue the TOP in numerical sequence.
4. All cancelled TOPs should be included/reported in the DAR and the original (white) copy of the TOP should be submitted to LEDSCS, Sectoral office or Operations Division, Regional Office for encoding in the database. Cancellation of a TOP or erasure of an entry thereon is not allowed. However, if warranted, reasons for cancelled TOP or erasure/s thereon should be stated under the remarks portion of the DAR and a full spot report should be attached.
5. The accountable officer in-charge in the issuance of TOP is prohibited from issuing another booklet to the apprehending officer unless the latter has fully accounted the previous booklet issued to him. The LEDC shall furnish the accountable officer in-charge a copy of the prooflist of the encoded apprehensions.
6. It shall be the responsibility of the accountable officer-in-charge in the issuance of TOP to prepare the

required monthly accountability report (MAR LES FORM 002, Annex "B"[*] hereof), for submission to the Sectoral/Regional Administrative division to monitor the stock position.

7. The Sectoral/Regional Administrative division shall not issue additional TOP to the designated accountable officer unless the latter shall have complied with the required accountability report.

8. The Sectoral Officer/Regional Administrative Division/Supply Officer is required to maintain an adequate inventory of TOP.

9. The Sectoral Administrative Division shall issue TOP to the Regional Administrative Division, Traffic Safety Division (TSD) and Field Enforcement Division (FED), Sectoral Office, based on duly accomplished Requisition and Issued Voucher (RIV). The Regional Administrative Division shall be responsible in the issuance of the said accountable forms to the Operations Division and District Offices. Likewise, the TSD shall be responsible in the issuance of said accountable forms to its apprehending officers and all deputized agents while the FED shall only issue the requisitioned TOP to its authorized apprehending officers. ANNEX "C"[*] hereof is the chart of the flow of distribution of TOP.

10. Each set of TOP consists of four (4) copies which shall be distributed as follows:

a. Original (white) copy - shall be attached to the daily apprehension report (DAR) by the apprehending officer for submission to the LEDCS, Sectoral Office, or Operations Division, Regional Office, for encoding purposes.

b. 2nd (pink) copy - shall be issued to the apprehended driver/operator which shall be presented in redeeming his apprehension.

c. 3rd (yellow) copy - shall be retained by the apprehending officer for his file/record.

d. 4th (blue) copy - shall be submitted to the COA Resident Auditor.

ANNEX "D"[*] hereof is the chart on the abovementioned flow of distribution of an issued TOP

B. CONDUCT OF OPERATIONS

1. All operations shall be conducted during working hours unless the Assistant Secretary and/or Regional Director concerned authorized a special operation.

2. After each operation, a daily apprehension report (DAR) shall be prepared and submitted by each apprehending officer using the prescribed form for submission to the LEDCS, Sectoral Office or Operations Division, Regional Office, for encoding purposes.

3. No subsequent operation shall be undertaken by the concerned apprehending officer until the previous apprehension is duly reported and the TOP is fully accounted for unless otherwise authorized by the Assistant secretary and/or the Regional Director concerned.

4. After each operation, the patrol cars/motorcycles should be parked in the designated parking area. No patrol car/motorcycle shall be brought home or outside the LTO premises beyond the regular working hours unless duly authorized by the Division chief concerned.

5. The designated driver of each patrol car and the user of the motorcycle shall see to it that their assigned motor vehicles are regularly inspected, properly maintained and in good running condition.

6. Drivers of patrol cars are not allowed to apprehend but only to assist in the apprehension. As such, no TOP shall be issued to them.

7. TOP shall be used in apprehension of all violations and it is strictly required to be issued to the apprehended driver/operator at the site and time of apprehension. In cases requiring the additional issuance of Impounding Receipt of Motor Vehicle (IRMV), it shall be accomplished by the apprehending officer and validated by the Motor Vehicle Custodian (MVC) assigned at the impounding area. The distribution of the IRMV, per chart in Annex "E"[*] hereof, shall be as follows:

- a. original copy - shall be given to the apprehended driver/operator which should be presented together with TAS resolution and official receipt of payment for the release of the motor vehicle and/or confiscated item/s.
- b. 2nd copy - is for the apprehending officer to be attached to the daily apprehension report (DAR) together with the original (white) copy of the TOP and to be submitted to the LEDCS, Sectoral office or Operations Division, Regional Office, for encoding purposes.
- c. 3rd copy - is to be retained by the motor vehicle custodian (MVC) of the impounding area for submission to the Chief, FED together with the daily report on impounded motor vehicles.

8. The apprehending officer shall properly mark the checklist portion of the TOP when identifying the violation/s committed by an apprehended driver/operator and/or to utilize the remark portion if the violation is not included in the said checklist. In this regard, an apprehended driver/operator who at the time of apprehension cannot present his driver's license, or the required copy of the certificate of registration (CR)/ official receipt (OR) for the current year, or of the certificate of public convenience (CPC) for a vehicle loaded with paying passengers, shall be charged with the appropriate violations of driving without license, or delinquent registration/unregistered motor vehicle or colorum operation, respectively. However, if the original copies of the required document/s are presented during the process of adjudication, only the fine and penalty for the minor violation of failure to carry the said documents at the time of apprehension shall be imposed on the apprehended driver/operator.

9. All apprehensions for the day should be encoded and printed within 24 hours upon receipt. Proof list should be validated with the source documents to ensure accuracy in the encoding process.

10. The Motor Vehicle Custodian (MVC) is required to submit a daily report on impounded motor vehicles (LES Form 003, Annex "F"[*] hereof) daily report together with the 3rd copy of the IRMV, and also to submit a daily report on release of impounded motor vehicles (LES Form 004, Annex "G" [*] hereof) to the Chief, FED/Regional Operations Division for monitoring and encoding purposes.

11. The Motor Vehicle Custodian (MVC) is required to submit a monthly report on impounded motor vehicles to the Director, LES, Sectoral Office or to the Regional Director as the case maybe, using the prescribed form (LES Form 005, Annex "H" [*] hereof) as required by the Management Information Division.

C. ADJUDICATION OF APPREHENSION CASES

1. An admitted case involving traffic violation/s should be adjudicated within the day provided the apprehension is reported and encoded in the IT system, and that the apprehended driver/operator is present and carrying his copy of the TOP. In areas where there are no IT facilities, adjudication shall still be done within the day provided the apprehension is already reported. However, in an admitted non-traffic violation/s the apprehended driver/operator shall present the original copy of the registration of the motor vehicle and/or other pertinent documents.

Example: Violation per TOP is "no OR/CR carried at the time of apprehension". But if the vehicles is unregistered or has delinquent registration, the violation shall be upgraded to a more serious violation of "operating an unregistered motor vehicle," with the minor related violation of "no OR/CR carried at the time of apprehension," already absorbed.

2. The presence of the apprehended driver/operator who goes to LTO to settle the apprehension shall be recorded by the designated personnel in the prescribed logbook with the following column headings, namely: Date, time, TOP No., Date of Apprehension, Name of Apprehending officer, Name of the Apprehended Driver/Operator, signature & other pertinent information, for monitoring purposes. The TAS Sectoral office and the Regional Office shall maintain a logbook for the recording of all information as mentioned above.

3. Contested cases should be acted upon with dispatch by preparing the summons both for the apprehending officer and respondent. All issued summons should be recorded in the logbook and proof of service should be monitored by a duly designated records officer. If an apprehending officer is duly summoned for at least two (2) times and he still failed to attend the scheduled hearing resulting to the dismissal of the case, a report of such fact shall be submitted to the Assistant Secretary or to the Regional Director as the case maybe for purposes of disciplinary action and/or revocation of deputation.

4. In an apprehension involving colorum, out-of-line, trip cutting and similar violations, verification of the authenticity and validity of the franchise with LTFRB shall be done officially using the prescribed form (TAS Form 001, Annex "I" [*] hereof) and to be delivered only by the authorized LTO personnel in order to pinpoint responsibility. The original copy of the official verification duly issued by the authorized LTFRB personnel shall suffice to support the corresponding decision in the aforesaid apprehension cases.

5. Under no instance that a violation listed in the TOP and/or encoded in the IT system should be dropped/dismissed unless the apprehended driver/operator presents sufficient documentary evidence to warrant its dismissal and provided the apprehending officer shall have been summoned at least once with proof of service for clarification purposes. In this regard, the summons should be served to the apprehending officer at least three (3) days before the scheduled hearing. The apprehending officer shall be furnished a copy of the TAS resolution with regards to his apprehension if contested by the apprehended driver/operator.

6. All apprehensions encoded in the IT system should be adjudicated thru the computerized system. Under no instance should it be processed manually unless authorized under existing guidelines per LTO MC No. RTL-MC-03442 dated 09 April 2003 on the offline processing of LTO transactions, which provides "... if the network failure or system slowdown exceeds 20 minutes in offices covered by the National Capital Region (NCR) and 30 minutes in the regions outside of NCR." Likewise, LTO MC No. RTL-MC-03450 dated 10 April 2003 provides "the manual system shall only be used under the following circumstances/scenarios:

- a. Processing of transactions that are not catered by the LTO IT CoreApps;
- b. In LTO sites that have not been issued CAIF;
- c. Processing of transactions during power failure; and
- d. In processing transactions when the Local Area Network (LAN) is down.

These rules shall not apply to non-automated LTO Regional/District Office. However, in both automated and non-automated offices, violations shall not be deleted or modified unless authorized for a valid reason by the Director, LES/TAS or the Chief, Operations Division, Regional Office or Chief of the District Office as the case maybe, and such authorization shall be made on record by accomplishing the required request for systems update (RSU) form if applicable.

7. Apprehension of a motor vehicle for smoke belching violation should be first verified from the IT system to determine the following:

- a. Number of recorded violations;
- b. Correct fines and penalties to be imposed;
- c. Correct accessory and graduated penalties to be imposed;

- d. Existence of unsettled violations and
- e. Undercollection.

Under no instance shall the motor vehicle license plate and other confiscated item/s be released before the required period of suspension. However, the apprehended driver/operator is allowed to contest the said violation within 24 hours as provided for under RA 8749.

8. It is prohibited for any LTO official or employee to act as liaison officer of an apprehended driver/operator in the settlement of the latter's apprehension case.

9. In the adjudication of apprehension cases resulting to the unjustified dismissal and/or reduction of fines and penalties due thereon, including the unauthorized lifting of suspension and release of the motor vehicle and/or confiscated item/s, such circumstance/s shall constitute prima facie evidence that Dishonesty/Grave Misconduct had been committed by the concerned adjudicating/approving officer and all persons involved in the commission of said act/s. The said parties shall likewise be held jointly liable for the undercollection arising therefrom.

10. In no case shall the adjudicating hearing officer extend the validity of the TOP as the driver's temporary license beyond the seventy two (72) hours as provided for under RA 4136.

11. The adjudicating hearing officer is required to submit a daily report on adjudicated cases (DRAC) using the prescribed form (TAS Form 002, Annex "J"[*] hereof) for monitoring purposes.

12. The Assistant Secretary, upon the recommendation of the TAS Director, shall cause the cancellation/revocation and/or decommissioning of the confiscated driver's license and/or motor vehicle license plate, in case the apprehended driver/operator after due notice, failed to settle his apprehension within the fifteen (15) day period as provided for under RA 4136.

D. PENAL CLAUSE

Any LTO law enforcement officer, deputized agent, TAS Hearing Officer or any other LTO official or employee who violates any provisions of this circular shall be subject to administrative disciplinary action in accordance with existing rules and regulations of the Civil Service Commission, without prejudice to the filing of criminal and civil action against the erring personnel if circumstances warrant.

E. REPEALING CLAUSE

All provisions of previously issued orders, circulars and memoranda in conflict with this Memorandum Circular are deemed superseded and/or modified accordingly.

F. EFFECTIVITY

This circular shall take effect on 14 June 2004.

For strict compliance.

Adopted: 25 May 2004

(SGD.) ANNELI R. LONTIOC
Assistant Secretary

[*] Text Available at Office of the National Administrative Register, U.P. Law Center, Diliman, Quezon City.

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