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POLICY GUIDELINES AND PROCEDURES ON POLICE RESPONSE TO MAJOR ROAD TRAFFIC ACCIDENTS

PNP STANDARD OPERATING PROCEDURES NO. ODO2011-001, February 15, 2011

Read online (full-text search, related cases, audio case brief): https://batas.org/library/630bf26c9309/

1. REFERENCES:

a. Verbal Instructions of HEPBSA III for the HPG to take the lead role in the investigation of major traffic accidents;

b. RA 4136 (Land Transportation and Traffic Code in the Philipines); and

c. Revised Penal code.

2. PURPOSE:

This SOP prescribed the policies and procedures in the conduct of investigation of Major Road Traffic Accident covers high impact collisions or vehicular traffic accidents resulting to multiple deaths/injuries, damage to properties of great magnitude or road traffic accidents which gained national attention.

3. SITUATION:

The indifference of some road users toward road safety has resulted in unfortunate and untimely deaths, severe physical injuries and damage to properties. Along the highways alone, the PNP Highway Patrol Group (HPG) has recorded an evident increase of road accidents from 6,978 in 2008, 10,526 in 2009 to 11,590 last year which is pegged at 62.3% of the total number of road traffic accidents recorded in 2010.

The number of fatalities resulting from these traffic accidents disturbingly swelled from 508 in 2008, 1117 in 2009 and 1262 last year; not to mention the distressing number of injured and cost of damages to properties.

These successive occurrences of major road traffic accidents in the country that results to great loss of lives, physical injuries and damage to properties are so alarming that no less than HEPBSA III has to direct the Chief PNP to take suitable actions with emphasis on the HPG to take the lead role in the investigation of major road traffic accidents.

In addition, local police units can only do so much in their investigative functions having limited capability to cover broad road networks within their respective localities thereby, precluding the option of bringing the issue to the national level for corrective measures and for policy determination particularly the Enforcement aspect of traffic management in relation to the other ‘Es especially Education and Engineering.

4. DEFINITION

a. Highway - A main public road, especially one connecting towns, municipalities and cities.

In the Philippine setting, the expressways, national roads, provincial roads and major thoroughfares and road networks connecting cities and main route for any land transport falls under this category.

b. Expressway - A major divided highway designed for the high-speed travel, having a few or no intersection.

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Also called superhighway. These are mostly privately managed.

c. National Roads - roads continuous in extent that form part of the main trunk line system and being maintained by the Department of Public Works and Highways (DPWH).

d. Provincial Roads - Roads connecting one municipality with another. The Provincial Government covers the maintenance of these roads.

e. City Roads - Roads & Streets within the urban area of the city. The City Government is responsible in the maintenance of these roads. At the National Capital Region (NCR), the Metro Manila Development Authority (MMDA) is the overall administrator.

f. Municipal Roads - Roads or streets within the immediate town area of a certain municipality being administered by the Municipal Government.

g. Barangay Roads - Rural roads being managed by the Barangay Council.

h. Major Road Traffic Accident - “any accidents occurring in a traffic way involving motor vehicle/s resulting to (1) multiple deaths and serious injuries, (2) damage to properties of such magnitude and (3) traffic accidents that gained national attention”.

i. Motor Vehicle - shall mean any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, rolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian trucks, and cranes if not used on public highways, vehicles which run only on rails or tracks, and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes.

j. Pedestrian - a person on foot or in perambulator.

k. Road - a place where one way ride; an open way or public passage for vehicles, persons, and animals; a track for travel, forming a means of communication between one city, town, or place.

l. Traffic - refers to the movement of a persons, goods or vehicles either powered by combustion system or animal drawn, from one place to another for the purposes of travel.

m. TARAS - Traffic Accident Reporting and Analysis System - An acronym for the traffic investigation reporting format being administered by the DPWH in its maintenance of nationwide data for traffic accidents.

5. SCOPE OF APPLICATION:

This policy applies to the investigative functions of the HPG and Police Regional Offices in relation to major road traffic accidents.

As a matter of policy, the HPG shall take cognizant of all major road traffic accidents occurring along the highways. Except for NCRPO which remains responsible in the conduct of all road traffic accidents that transpired within the National Capital Region (NCR), all Police Regional Offices (PROs) shall act as First Responders to any major road traffic along the highways and turn-over the case to HPG for the completion of the procedural investigation and dispositions.

PROs shall remain responsible in the investigation of all road traffic accidents that transpired along the Municipal and Barangay roads within their respective jurisdictions.

6. TASKING:

a. DO

1. OPR in the implementation of this SOP; and

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2. Ensure broad dissemination of this SOP and related directives to all offices concerned particularly HPG, NCRPO, and the rest of Police Regional Offices for immediate and effective implementation.

3. Facilitate issuance of TARAS forms to HPG in coordination with DPWH;

4. Monitor and consolidate investigative reports and compliances for overall assessment on the effectiveness of the SOP; and,

5. Perform other tasks as directed.

b. DIDM

1. OPR in the conduct of investigation of all major road traffic accidents;

2. Maintain database/statistics of all road traffic accidents sourced out from HPG (major road traffic accidents along the highways), NCRPO (traffic accidents in NCR) and the rest of the PROs (accidents along Municipal and Barangay roads) in coordination with DPWH and other road safety functionaries;

3.Enhance the investigative capacity of HPG and local traffic investigators performing traffic accident investigative functions; and,

4. Perform other tasks as directed.

c. PCRD

1. Enhance/Sustain the awareness of the general public on road safety;

2. Supervise the media release of information regarding major road traffic accidents and actions taken; and

3. Perform other tasks as directed.

d. PIO

1. Provide appropriate media coverage/press releases on road safety; and

2. Perform other tasks as directed.

e. DC

1. Provide funds for the implementation of this SOPs; and

2. Perform other tasks as directed.

f. DL

1. Provide necessary logistical equipment and support; and

2. Perform other tasks as directed.

g. HRDD

1. Oversee and monitor the conduct of specialized traffic accident investigation courses; and

2. Perform other tasks as directed.

h. HPG

1. OPR in the conduct of procedural investigations on all of major road traffic accidents along the highways (expressways, national roads, provincial roads and main city roads) in close coordination with the local police

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units acting as First Responders;

2. Create database on major road traffic accidents that occurred along the highways based on consolidated TARAS reports in close coordination with concerned police units and road administrators;

3. Coordinate with Road Safety Functionaries particularly with agencies involved in the basic 'Es' of traffic management - Education, Enforcement and Engineering for road safety enhancements;

4. Submit immediate reports of all major road traffic accidents along the highways being investigated in 5Ws and 1H template;

5. Ascertain the basic facts needed for immediate actions and proceed with the investigation until its termination (preparation of Traffic Accident Investigation Reports to filing of cases and attendance to Court requirements);

6. Endorse official recommendations for remedial measures and suitable actions to concerned agencies like LTFRB and LTO (for PUVs for possible suspension of franchise, MV operators permit and drivers licenses), DPWH and concerned LGUs (for accident-prone road infrastructure development: and,

7. Perform other tasks as directed.

i. NCRPO

1. Perform investigative functions on all road traffic accidents occurring within the National Capital Region (NCR);

2. In close coordination with the HPG, MMDA and DPWH, create and maintain data base of all road accidents in NCR based on consolidated TARAS forms;

3. Coordinate with Road Safety Functionaries particularly with agencies involved in the basic 'Es' of traffic management-Education, Enforcement and Engineering for road safety enhancements;

4. Submit immediate reports of all major road traffic accidents in the National Capital Region being investigated in 5Ws and 1H template;

5. Ascertain the basic facts needed for immediate actions and proceed with the investigation until its termination (preparation of Traffic Accident Investigation Reports to filing of cases and attendance to Court requirements);

6. Endorse official recommendations for remedial measures and suitable actions to concerned agencies like LTFRB and LTO (for PUVs for possible suspension of franchise, MV operators permit and drivers licenses), DPWH and concerned LGUs (for accident-prone road infrastructure development); and

7. Perform other tasks as directed.

j. PROs 1-13, COR, ARMM

1. Act as First Responders to the scene of major road traffic accidents along the highways located within respective geographical jurisdictions, in support to the HPG and in accordance with the Police Operational Procedures (POP);

2. Perform investigative functions on all traffic accidents that are not considered as major road accidents along the highways within respective AOR;

3. Perform investigative functions on all major road traffic accidents occurring within Municipal and Barangay roads;

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4. Provincial Police Offices (PPOs) to collate all traffic accident data in TARAS Form for submission to DPWH and local road administrators.

5. Submit immediate reports of all major road traffic accidents along Municipal and Barangay roads being investigated in 5Ws and 1H template;

6. Ascertain the basic facts needed for immediate actions and proceed with the investigation until its termination (preparation of Traffic Accident Investigation Reports to filing of cases and attendance to Court requirements);

7. Endorse official recommendations for remedial measures and suitable actions to concerned agencies like LTFRB and LTO (for PUVs for possible suspension of franchise, MV operators permit and drivers licenses), concerned Municipal and Barangay LGUs (for accident-prone road infrastructure development); and

8. Perform other tasks as directed.

k. PNP CLG

1. Perform necessary on-scene examinations of physical examinations during road accidents upon request of concerned offices;

2. Prepare appropriate reports on the examinations conducted for the use of investigating units; and,

3. Perform other tasks as directed.

7. COORDINATING INSTRUCTIONS:

a. Observe strictly the following protocol in the proper turn-over and assumption of major traffic investigation along the highways from local police first responders to HPG investigators;

a.1 First Responders to (1) initially cordon the area of incident, (2) secure and protect the injured victims from further danger, and (3) take immediate pictures of the scene and maintain record of events based on witnesses' accounts including identities of victims and hospitals where they were taken for treatment;

a.2 Secure and conduct necessary apprehensions of drivers involved;

a.3 Inform the nearest HPG office/personnel about the incident, taking notes of the time the incident report was conveyed to HPG and the identity of the responding investigators;

a.4 Responding HPG investigators shall be equipped with all the necessary materials for the major road accident investigation to avoid haphazard results;

a.5 Responding investigators shall take copies of all notes and records from first responders with proper signed receipts and acknowledgements;

a.6 Both First Responder and HPG investigator to render immediate reports of the accident to their respective offices;

a.7 Local police units to continuously assist HPG particularly in securing the scene, rescue and evacuation of victims, including traffic management.

a.8 HPG to request necessary assistance from the local PNP-SOCO during the investigation;

a.9 HPG to provide copies of results of investigation to all offices concerned, including territorial police units; and,

a.10 HPG to proceed and complete all the procedures of investigation.

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b. Strict adherence of the investigative procedures in the handling and chain of custody of evidence;

c. Observance of the POP and Human Rights in all police operations is a must;

d. Timely reporting of major road traffic accidents shall always be observed;

e. All tasked units shall operate on their existing logistical and financial allocation, NHQ PNP shall provide additional logistics and financial support on a case to case basis;

f. Lateral and vertical coordination between echelons of the civil government, stakeholders and other concerned private organizations are encouraged.

8. REPEALING CLAUSE:

All issuance, memoranda, rules and regulations issued by the PNP inconsistent herewith are deemed repealed or amended accordingly.

9. EFFECTIVELY:

This SOP shall take fifteen days from filing a copy thereof at the University of the Philippines Law Center in consonance with Section 3 and 4, Chapter 2, Book VII of Executive Order No. 292, otherwise known as, “The Revised Administrative Code of 1987”.

Adopted: 15 February 2011

(SGD.) ATTY RAUL M BACALZO, Ph. D
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