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SANCTIONS ON OPERATIONS ARISING FROM VIOLATIONS OF THEIR DRIVERS

LTFRB MEMORANDUM CIRCULAR NO. 94-002, January 19, 1994

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It has come to the attention of the Board that there have been mounting complaints for various abuses committed by -

a) Taxicab drivers for contracting with passengers instead of using their taximeters, choosing or refusing to convey passengers especially upon learning of their short destinations, arrogance, discourtesy, installing fast meters, and other similar acts; and

b) Passenger bus drivers or conductors and jeepney drivers or operators for arrogance, discourtesy, overcharging, fast/reckless driving, and also other similar acts, all tending to cause prejudice, damage, injury, and inconvenience to the commuting public.

More often than not when charged with these violations, the operators usually pass the blame upon their drivers. Considering the lightness of the penalties presently imposed on these violations, the law enforcement agents deplore the fact that, after apprehension/impounding of the motor vehicles of the offending operators and payment of fines therefor, the drivers with their units are again back on the road to commit the same or similar violations with impunity.

In order to minimize, if not totally eliminate, these malpractices, this Board hereby orders that:

1) Pursuant to the provisions of Revised Order No. 1, all public utility transport operators are hereby strictly required to provide safe and adequate service and shall not refuse such service when reasonably demanded. The operators are also enjoined to employ drivers, conductors, agents and inspectors who are courteous and of good moral character with no conviction of any crime involving moral turpitude and physical injuries. These drivers must also be holders of Professional Drivers Licenses duly issued by the Land Transportation Office;

2) Under the theory of respondent superior, any violations of the transport public utility laws, rules and regulations by drivers of public utility vehicles shall be deemed violations thereof by the registered operators of these vehicles;

3) All complaints received for violations as set forth above against the drivers shall be adjudicated by the Land Transportation Office. The LTFRB shall be furnished by the LTO with lists of litigated cases with the corresponding fines/penalties on drivers, indicating the nature of the offense, identity of the unit involved and operator concerned.

Based on the lists given by the LTO, the LTFRB shall impose the following fines/penalties on the operator, regardless of who the driver is:

i)

First Offense - warning;

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ii)

Second Offense -Stern warning or fine of P10,000.00 with confiscation of the unit involved, in case of failure to pay the fine within five (5) days from receipt of the Order thereof unless fine was already imposed thereon by the Land Transportation Office in accordance with the Public Service Law;

iii)

Third Offense - Six (6) months suspension of the entire Certificate of Public Convenience with confiscation of plates, to be returned after the suspension period has been served;

iv)

Fourth Offense - Cancellation of the entire Certificate of Public Convenience.

The authority of the Land Transportation Office to adjudicate franchise violations mentioned in this Memorandum Circular is without prejudice to the Board to conduct its own investigation and issue summons and other processes if warranted.

This Memorandum Circular shall take effect fifteen (15) days after the filing of three (3) copies hereof with the UP Law Center in accordance with Presidential Memorandum Circular No. 11 dated October 9, 1992, and any or all Board issuances inconsistent herewith are hereby modified accordingly, superseded and/or revoked.

Adopted: 19 Jan. 1994

(Sgd.) DANTE M. LANTIN

Chairman

(Sgd.) NABOR C. GAVIOLA

(Sgd.) PANAMBULAN M. MIMBISA

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