GUIDELINES FOR ADJUDICATION PURSUANT TO THE PROVISIONS OF JOINT ADMINISTRATIVE ORDER NO. 2014-01

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Adopted: 18 March 2015
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Pursuant to the provisions of JAO No. 2014-01 the following guidelines shall be strictly implemented in order to enhance law enforcement operations and ensure integrity of the adjudication process:

- Pursuant to Joint Administrative Order No. 2014-01 (JAO), after apprehension, a written protest, which may be in the form of a position paper contesting such apprehension must be filed with the Traffic Adjudication Service (TAS) within five (5) days from apprehension. If the apprehension is made by the members of the Regional Law Enforcement Unit (RLEU) (except for the National Capital Region [NCR]), the protest shall be filed with the District Office of the concerned Region, and the same shall be transmitted to the Regional Office TAS within twenty four (24) hours from receipt thereof. If the apprehension is made by Enforcers of the LTO Central Office or of members of the RLEU of NCR, the protest shall be filed directly with the Central Office TAS, for adjudication.

- The TAS is in turn mandated to resolve contested cases within five (5) days from its receipt of the written protest. All resolutions of contested cases shall be approved by either the TAS Director or the Regional Director.

- The failure to timely file a position paper shall result in the consideration of the apprehension as an admitted case.

- Admitted violations shall be immediately executory. No Resolution is required for admitted cases.

- In contested cases, the failure to appeal within five (5) days from receipt by the protestant of the TAS resolution shall make the same final and executory.

I. ASSIGNMENT OF CASES

The Administrative/Records Officer of the TAS shall conduct a raffle of contested apprehension cases before assigning the same to hearing officers who shall immediately resolve the same.

II. APPEAL FROM DENIAL OF PROTEST

From receipt of the resolution, the party may elevate the matter to the LTO Assistant Secretary together with the complete records of the case within ten (10) days from his receipt thereof.

The decision/resolution of the LTO Assistant Secretary is appealable to the Secretary of the Department of Transportation and Communications within a period of ten (10) days from his receipt thereof. In such cases of appeal, the LTO Assistant Secretary shall transmit all the records of the case to the DOTC Secretary.

Only Position Paper/Written Protest may be filed and entertained by the TAS. As previously provided by Memorandum Circular No. 544-2004 (superseded by JAO 2014-01), and herein adopted, the following pleadings

shall not be given due course:

a)

Motion to extend validity of Temporary Operators Permit (TOP);

b)

Motion for bill of particulars;

c)

Motion to lift or shorten the suspension period of driver's license, Motor Vehicle plates, Official Receipt of Registration or Certificate of Registration;

d)

Motion to reduce fine; and

e)

Motion to release confiscated plates, official receipt of registration and Certificate of Registration before the connection of defects.

III. RELEASE OF CONFISCATED DRIVER'S LICENSE

To effect the release of a confiscated Driver's License, either by being absolved of the apprehension or by the payment of the fine; the following must be presented prior to its release:

a)

Copy of the TAS Resolution, or Official Receipt, if admitted;

b)

Pink or Driver's Copy of the TOP;

c)

Any document which may identify the Claimant;

d)

Proof of payment of fine, if applicable; and

e)

Other documents stated in the Resolution.

IV. RELEASE OF CONFISCATED/IMPOUNDED ITEMS AND/OR MOTOR VEHICLE

Only an Order from the appropriate Court or Prosecutor or the Resolution of the TAS or service of suspension releasing any confiscated item and/or impounded motor vehicle can cause a release of the same.

For the release of an impounded motor vehicle by virtue of a Resolution of the TAS allowing the same, the following must be presented:

a)

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Copy of the TAS Resolution;

b)

Original Copy of the IRMV (Impound Receipt of Motor Vehicle);

c)

Copies of CR and updated OR;

d)

Payment of the Fine, if applicable;

e)

LTFRB Franchise Verification, when appropriate;

f)

Stencil of Motor and Chassis Numbers; and

g)

Other documents stated in the Resolution;

In the event that the motor vehicle was/is used in a crime or is discovered as carnapped, the release of the same may only be effected upon the order of the Court where such matter is pending, or if the same is still pending before the Office of the City/State Prosecutor, upon Order of the appropriate Investigating Prosecutor. The motor vehicle, its plate or any of its accessories, or any item found therein, may also not be released unless ordered by the said Court or Prosecutor, as the same, together with the motor vehicle, is evidence. The LTO may turn the same over custody of said evidence to the proper authorities upon approval by the Court or Prosecutor.

The same rule shall apply for motor vehicles that are not actually impounded but are in the custody of the LTO (i.e. motor vehicle driven by an unlicensed person that remains with LTO until driven by an authorized Driver).

In the event that any illegal item is found inside a motor vehicle, such as unregistered firearm, explosives, dangerous drugs or any prohibited item; in any form or state, paraphernalia, cadaver, body part or organ, or other items outside the commerce of men, State Secrets of whatever country, or plans/prints for the commission of a crime; the Enforcer concerned shall immediately report the same to the nearest police station or Barangay. Such item shall not be removed from such motor vehicle and such motor vehicle and said items must remain in the custody of the LTO until turned over to the proper authorities and duly accounted for by the concerned Enforcer.

The Enforcer concerned shall be held accountable for the said items and said Enforcer shall be held administratively liable if any such illegal item is removed from the motor vehicle, and will be criminally charged with the illegal possession of the same. The same rule shall apply if what is found inside a motor vehicle is a living person.

In all these cases, the service of the suspension of the motor vehicle shall not result in its release and shall remain in the custody of the LTO until ordered by the appropriate Court or Prosecutor; or prior to such filing of a case, by the proper authorities to be released to them as custodial egis or pursuant to ongoing/further investigation.

Any LTO Officer releasing any such item, Motor Vehicle, etc., under this Article, or the Driver’s License under the preceding Article, not in accordance with these Guidelines shall be held administratively liable; accountable for third party claims; and without prejudice to the filing of appropriate criminal complaint/s.

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V. HEARING OFFICER

The Hearing Officers or Persons tasked to adjudicate and resolve contested cases must be permanent employees of the LTO and possess the minimum qualifications set forth in Memorandum Circular No. 544-2004.

1)

He/She must be at least a college graduate of a four (4) year course;

2)

He/She must occupy a position/item, at least salary grade fifteen (15);

3)

He must have at least two (2) years experience of performing the functions at the LTO relative to law enforcement or adjudication provided that if he is a full pledged lawyer, this requirement may be disregarded; and

4)

He/She must be designated in writing as Hearing Officer by the TAS Central Office Director or appropriate Regional Director subject to the approval of the LTO Assistant Secretary.

VI. DISQUALIFICATION OF HEARING OFFICER

1)

He/She or any relative within the fourth degree of consanguinity or affinity is interested in the outcome of the apprehension case;

2)

The apprehending Enforcer cannot be designated as hearing officer at the same time regarding his own apprehension;

3)

On any just and valid ground, he/she may voluntarily inhibit himself/herself from adjudicating an apprehension case.

In cases where there was a failure to observe the Guidelines in the Implementation of the JAO, wherein violations which are covered, included, absorbed, interrelated, accessory, component part or a mere duplication of another violation is indicated in the same TOP (i.e. Person apprehended for Driving unregistered Motor Vehicle was also charged with Failure to Carry OR/CR, etc.), the penalty for the violation which carries the higher penalty shall be imposed, or collected from the traffic violator after proper determination of the case which shall be approved by TAS Director or the Regional Director or their duly authorized approving officer.

In the event that the apprehended Driver is detained for the reason that the committed violation is also a crime or felony for which such driver is under custody, the period to protest shall not be extended and any statement made and submitted by the said driver regarding the case, to the proper authorities, may be admitted by the TAS, provided a copy of the same is furnished the TAS. Any resolution or communication must be sent to such driver where he is detained, provided that the same is made known to the TAS.

Section 29 of RA 4136 states that law enforcement; and deputized agents, in apprehending a driver for any violation of this Act or any regulation issued pursuant thereto, or of local traffic rules and regulations not contrary

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to any provisions of this Act, confiscate the license of the driver concerned and issue a receipt prescribed and issued by the Bureau (LTO) therefor which shall authorize the driver to operate a motor vehicle for a period not exceeding seventy-two hours from the time and date of issue of said receipt. The period so fixed in the receipt shall not be extended, and shall become invalid thereafter. Failure of the driver to settle his case within fifteen days from the date of apprehension will be a ground for the suspension and/or revocation of his license.

For your guidance and compliance.

(SGD) ATTY. ALFONSO V. TAN, JR.
Assistant Secretary

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