GUIDELINES IN THE APPREHENSION OF COLORUM UNITS OR PUBLIC UTILITY VEHICLES WITH EXPIRED CERTIFICATE OF PUBLIC CONVENIENCE

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It has been observed that several apprehensions are made against "colorum" Public Utility Vehicles (PUVs) and other For-Hire motor vehicles with expired Certificate of Public Convenience (CPC) which are impounded but later released after being contested with the presentation of valid documents verified at LTFRB, thereby resulting to losses for legitimate operators, and filing of complaints with this Office.

To address the situation and in relation to MC No. 2002-005 of the Land Transportation Franchising and Regulatory Board (LTFRB) dated 03 April 2002 entitled "Suspension of the Issuance of Provisional Authority for CPC which application for Extension of Validity is Pending Before this Board", hereunder are procedural guidelines in the apprehension for such violation:

1. At the time of apprehension, the driver/operator of any public utility vehicle and other For-Hire motor vehicle subject for apprehension, impounding and adjudication must present a copy of the Petition for Extension of Validity of CPC duly received by the Board together with the Official Receipt and the expired franchise; NOTE: No apprehension shall be made if required documents are presented;

2. In case of failure to present the prescribed documents at the instant time of apprehension, the driver/operator of the subject PUV or other For-Hire Motor Vehicle shall be immediately apprehended for COLORUM operation and the unit shall be impounded;

3. In the event the prescribed documents are presented during adjudication, a fine/penalty of Three Hundred Seventy Five Pesos (P375.00) and Ten Pesos (P10.00) shall be collected from the violator for such violation of NO CPC CARRIED and LEGAL RESEARCH FUND, respectively. HOWEVER, if the prescribed documents are not presented during adjudication, the fine/penalty for COLORUM operation shall be imposed for the said violation;

4. A confiscated or impounded item/object, relative to the above-mentioned apprehension case, shall not be released without prior verification of the documents presented from the Land Transportation and Regulatory Board or from the Regional Director concerned, as the case may be.

5. A copy of the LTO Adjudication Resolution finding that a violation for COLORUM operation was committed, with the appropriate fine/penalty therefor having been imposed, shall be furnished by the LTO Sectoral or Regional Office, as the case may be, to the LTFRB Chairperson or concerned Regional Director for information and with the request for appropriate action by reason of the said violation for COLORUM operation.

All orders, memoranda or circulars inconsistent with the provisions of this memorandum circular are hereby superseded and modified accordingly.

For guidance and strict compliance.

Adopted: 03 March 2005

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