STREAMLINING THE PROCEDURE IN THE ADJUDICATION OF APPREHENSION CASES AND DISPOSITION OF ALL RESOLVED CASES INCLUDING THE MANNER OF APPREHENSION IN TRAFFIC VIOLATIONS REQUIRING I...

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The Traffic Adjudication Service (TAS) of the Land Transportation Office (LTO) was created by virtue of Executive Order No. 266, series of 1987 and tasked to specifically discharge the quasi-judicial duties and functions of the Department of Transportation and Communications insofar as violations of traffic laws, rules and regulations are concerned. In the exercise of its quasi-judicial functions, the TAS has the authority to judicially hear, determine, decide and adjudicate cases involving traffic violations and to impose fines and/or penalties therefore (Section 3, Executive Order No. 266). It therefore, enjoys exclusive judicial discretion in the determination of traffic violation cases.

Decisions rendered by TAS may be reconsidered in the exhaustion of administrative remedies, by the LTO Assistant Secretary, DOTC Secretary and finally the President of the Philippines. TAS cases my then be appealed to the Court of Appeals, because it is only the latter court that has over-all exclusive appellate jurisdiction , with the exception of a handful of quasi-judicial agencies (Section 9, Republic Act No. 7902).

In order to streamline the procedure in the disposition of apprehension cases as well as the manner in the apprehension of traffic violations requiring impoundment of motor vehicles, the following guidelines are hereby issued for the strict observance and compliance of all concerned:

DISPOSITION OF APPREHENSION CASES BY THE TAS:

1. Resolutions issued by the TAS shall be considered final unless appealed by the respondent. In which case, the respondent shall file a verified appeal to the Office of the Assistant Secretary within fifteen (15) days from receipt of the decision;

2. Adjudication shall be limited to charges as appearing in the Temporary Operators Permit (TOP). Hence, fine or penalty shall be imposed only to the violations charged during the apprehension. Any additional violations discovered thereafter shall be treated separately and should be covered by a separate TOP for another adjudication to commence, except in cases where related violations or charges can be upgraded or downgraded depending on the documents presented during the adjudication as in “failure to carry OR/CR” can be upgraded to “unregistered motor vehicle” or “failure to carry CPC” can be upgraded to “colorum operation”, as the case may be. Same ruling shall be applied in similar cases;

3. In the absence of a motion for reconsideration or appeal, TAS resolutions are no longer subject for review. The LETAS/Releasing Officer shall adhere to the decision without imposing any additional requirement provided that the corresponding fines are paid and the accessory penalty complied. In case a motion for reconsideration is reasonably filed, the Director of the TAS shall order the review of the case and issue a new resolution;

4. In cases of traffic violations the fine/penalty for driver or owner/operator is separately indicated as for example

in “colorum” or “out of line violations”, the same can be settled separately by the driver or the owner. In which case only the confiscated items relating to the settled violation shall be released and the remaining items shall continue to be under the custody of the LTO LETAS until final settlement of the remaining fine/s, subject to the imposition of the accessory penalty as provided for under Department Order 2008-39;

APPREHENSION OF MOTOR VEHICLES FOR VIOLATIONS REQUIRING IMPOUNDMENT:

1. Law Enforcers and deputized agents are hereby directed to impound motor vehicle (whether technical or actual) in case where the violation calls for the mandatory impoundment in addition to the confiscation of the Certificate of Registration/Official Receipt and Driver’s License. Under no circumstances shall a law enforcer or deputized agent confiscate only the driver’s license or the license plates in the apprehension of these violations

2. in cases where the violation can be determined right at the time and place of apprehension, the law enforcer or deputized agent shall specifically indicate in the TOP the actual and final violation committed and avoid indicating a tentative charge as in “failure to carry OR/CR” when in truth the motor vehicle is unregistered. This will prevent the submission or presentation of unnecessary documents to facilitate the adjudication process:

3. The following violations shall require mandatory impounding of the motor vehicle (technical or actual):

a. Colorum Operation
b. Out of Line Operation
c. Unregistered/delinquently registered motor vehicle
d. Driving without or Delinquent Driver’s license
e. Motor vehicle driven by a holder of SP without being accompanied by a licensed driver
f. Fake Driver’s License/Permit
g. Expired Certificate of Public Convenience (CPC)
h. Using MV different from type of service stated in the CPC
i. Tampered /Fast taxi meter
j. Expired or no resealing booklet for taxis
k. Refusal to convey or giving undue preference to passengers
l. Refusal to Render Public Service
m. Driving under the Influence of drugs or liquor
n. Presenting fake registration/license documents
o. Illegal transfer of plates, stickers and tags
p. Driving Off Road motor vehicles in public highways without permit from LTO (forklifts, cranes, payloaders, bulldozers, etc.
q. Unauthorized change body/color/engine/chassis
r. Operating a Right Hand Drive Motor Vehicle (Violation of RA 8506)

All orders or memoranda inconsistent hereof are deemed superseded and/or otherwise modified accordingly

For guidance and strict compliance.

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Assistant Secretary

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