

GUIDELINES IN THE ENFORCEMENT AND ADJUDICATION OF APPREHENSION CASES INVOLVING DAMAGE TO PROPERTY, PHYSICAL INJURY OR DEATH

LTO MEMORANDUM CIRCULAR NO. 518-2004, March 26, 2004

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Pursuant to Sec. 56 (N) Article VI of RA # 4136 which states, thus:

"If as a result of negligence or reckless driving or unreasonable fast driving, any accident occur resulting to death or injury to any person, the motor vehicle operator at fault shall upon conviction be punished by the provision of the revised penal code,"

and Sec. 3(a) of Executive Order No. 266, which creates the Traffic Adjudication Service (TAS), provides among others that the TAS has the power:

"To hear and decide cases involving violations of laws, rules & regulations governing land transportation and to impose fines and penalties. Therefore: provided that violations resulting in damage to property and/or physical injuries or violations constituting offenses punishable under the revised penal code or other penal laws shall be under the jurisdiction of the regular court;"

Now therefore, the following guidelines are hereby set forth in the enforcement and adjudication of apprehension cases involving damage to property, physical injury or death, to wit:

1. Where a case is filed in court in connection with the accident, final disposition of the criminal and/or civil case shall be left to the discretion of the proper court;
2. Where no case is filed in court, as duly attested to by both parties, the LTO shall adjudicate and decide the case by imposing penalty on the erring party.

For guidance and strict compliance.

Adopted: 26 May 2004

(SGD.) ANNELI R. LONTOC

Assistant Secretary

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