

RESOLUTION AMENDING THE IRR OF R.A. 8794

DPWH, April 05, 2013

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WHEREAS, Republic Act No. 8794 (R.A. 8794) entitled “An Act Imposing a Motor Vehicle User's Charge on Owners of all Types of Motor Vehicle and for Other Purposes” was signed into law on June 27, 2000;

WHEREAS, Section 6 of R.A. 8794 provides that an amount equivalent to twenty-five percent (25%) of the MVUC shall be imposed on trucks and trailers for loading beyond their prescribed gross vehicle weight, provided that no axle load shall exceed thirteen thousand five hundred kilograms (13,500 kgs.);

WHEREAS, overloaded vehicles, particularly trucks and trailers have tremendous damaging effects on highways safety and traffic operations, and cause a heavy toll on government investment on infrastructure;

WHEREAS, in line with Section 9 of R.A. 8794 authorizing the Secretaries of the DPWH and the DOTC to jointly promulgate the rules and regulations to implement and carry out its intent objectives, purposes and provisions, the Implementing Rules and Regulations (IRR) of R.A. 8794 was issued on August 16, 2000, which contained provisions on overloading (Article I, paragraph 7c);

WHEREAS, the DPWH, the DOTC and the DILG, in a Joint Circular issued on November 19, 2001, provided the mechanics of implementation and enforcement of the provisions on overloading among the government agencies concerned. Attached as Annex “A” to the Joint Circular was a table prescribing the maximum allowable gross vehicle weights depending on the configuration of the trucks/trailers;

WHEREAS, in line with Article IV, paragraph 18 of the IRR of R.A. 8794, it has been determined that modifications on the provisions of the IRR on overloading are needed to ensure proper and effective enforcement and strict observance on the anti-overloading provisions of R.A. 8794.

NOW, THEREFORE, for and in consideration of the foregoing, and by virtue of the powers vested in us by law, we hereby adopt and promulgate the following amendment to the Implementing Rules and Regulations (IRR) of Republic Act No. 8794.

Article I. Common Provisions

7.

Collection of Revenue from Road Users

c)

Penalty for Overloading - Pursuant to Section 6 of R.A. 8794, an amount equivalent to twenty-five percent (25%) of the MVUC shall be imposed on trucks and trailers for loading beyond their prescribed gross vehicle weight, provided that no axle load shall exceed thirteen thousand five hundred kilograms (13,500 kgs.)

(1)

Overloading Defined: There is overloading of trucks and trailers when the gross vehicle weight (GVW) excee

ds that prescribed in Annex "A"[*], provided that the dual-wheel single axle load does not exceed thirteen thousand five hundred kilograms (13,500 kgs.)

(2)

Highway Travel Permit: Special Permit to Travel may be issued by the DPWH and shall be required for vehicles loaded with inseparable/or special cargoes exceeding the corresponding GVW and vehicles with configuration different from those shown in Annex "A".

(3)

Enforcement:

a)

The DPWH shall install and operate weighbridge stations/portable weighing machines at strategic locations along national roads for purposes of the implementation of the provisions of R.A. 8794 against overloading. The DPWH may outsource to Private Contractors the operation of the weighbridge stations/portable weighing machines.

b)

The weighbridge/portable axle weighing stations shall be operated twenty-four (24) hours a day, including Saturdays, Sundays and holidays;

c)

The DOTC, thru the LTO, shall be responsible for imposing penalties on overloaded vehicles as determined through the operation of weighbridge and portable axle load weighing devices; and

d)

The LTO personnel or its duly deputized DPWH or PNP-TMG personnel assigned at the station shall issue to the driver of the overloaded vehicle, a Temporary Operator's Permit (TOP) indicating therein the excess load and the corresponding penalty to be paid in the amount equivalent to twenty-five percent (25%) of the Motor Vehicle User's Charge (MVUC) applicable to the vehicle at the time of infringement.

(4)

Responsibility of the truck/trailer owner: The vehicle owner shall be responsible for ensuring that the vehicle is not overloaded while traversing the roadway. Such responsibility starts from the vehicle's point of origin up to its final destination. The vehicle owner shall be responsible for taking measures to ensure the security and safety of its personnel and load in case measures have to be adopted to ensure compliance with the provisions of law against overloading.

This amendment shall take effect on June 1, 2013 following its publication in two (2) newspapers of general circulation and filing of three (3) copies hereof with the UP Law Center.

(SGD.) JOSEPH EMILIO AGUINALDO ABAYA
Secretary
Department of Transportation and Communications

(SGD.) ROGELIO L. SINGSON
Secretary
Department of Public Works and Highways

[*]Text Available at the Office of the National Administrative Register, U.P. Law Complex, Diliman,

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