REPLY TO REQUEST FOR LEGAL OPINION ON LTC CIRCULAR NO. 85-007 DATED JUNE 18, 1995

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"Circular No. 85-007

"Uniform Legal Research Fund Fee for All Transactions Affecting Motor Vehicle Transactions and Transactions on Franchises Thereof

"Pursuant to the provisions of Section 4d(1) of Republic Act No. 4136, as amended, in relation to Presidential Decree No. 200 and Batas Pambansa Bilang 395, the pertinent provisions of Circular No. 46 dated August 16, 1973, is hereby amended to read as follows:

"Pursuant to the letter and spirit of the law, you are hereby directed to collect the amount of Ten Pesos (P10.00) from each of the following transactions.

> "(1) Application for registration of motor vehicles, new as well as renewal;
>
> (2) Application for conduction permit of motor vehicles;
>
> (3) Application for storage or return of motor vehicle plates;
>
> (4) Change of status of motor vehicles (private to for-hire, vice-versa);
>
> (5) Application for change of passenger capacity;
>
> (6) Application for the registration of rebuilt motor vehicles;
>
> (7) Application for the change of ownership by any of the modes recognized by law;
>
> (8) Application for the operation of driving schools;
>
> (9) All other transactions of the Commission connected with its quasi-judicial functions."
>
> "The provisions hereof shall be without prejudice to the collection of Ten Pesos (P10.00) Legal Research Fund Fee, which are required to be paid as such emanating from both the quasi-judicial and purely administrative functions of the Commission.

Be guided accordingly.

(SGD.) BUENAVENTURA J. GUERRERO
Chairman

Query: Whether or not Circular No. 85-007 pertains to the collection of Legal Resources Fund Fee or the Collection of application fee.

Opinion

x x x

A circular is an administrative issuance. Under Section 50(1) of the Administrative Code of 1987, “Circulars shall

refer to issuances prescribing policies, rules and regulations, procedures promulgated pursuant to law, applicable to individuals and organizations outside the Government and designed to supplement provisions of the law or to provide means for carrying them out, including information relating thereto."

From the foregoing, it is crystal clear that the nature of a circular is delimited. It may prescribe policies, rules and regulations, procedures promulgated pursuant to law and is designed to supplement provisions of the law or to provide means for carrying them out.

Against this backdrop, Circular No. 85-007 cannot be vested with the characteristics of an amendatory law. It cannot echo a tenor different from that of the law which sired it. In this case, it can only reverberate the singular subject of Circular No. 46 which is the Legal Research Fund. It cannot give what it does not have.

Hence, it is respectfully submitted that Circular No. 85-007 merely announced for observance the increase of the Legal Research Fund Fee from P2.00 to P10.00.

Adopted: 30 Sept. 1992

(SGD.) HERMOGENES C. FERNANDEZ
Chief, Intelligence and Investigation Division

RECOMMENDING APPROVAL:

(SGD.) JUAN A. AGARRO, JR.
Executive Director

(SGD.) JUAN V. BORRA, JR.
Assistant Secretary

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