NATIONAL ADMINISTRATIVE REGISTER · [DOTC DEPARTMENT ORDER NO. 2005-10, MAY 12, 2005] · OCTOBER 9, 1992

POLICY GUIDELINES ON THE EXERCISE OF AUTHORITY AND FUNCTIONS BY THE LAND TRANSPORTATION FRANCHISING AND REGULATORY BOARD (LTFRB)

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In the exigency of the public service and to afford the Land Transportation Franchising and Regulatory Board (LTFRB) the necessary flexibility and efficiency to introduce and effect timely plans, programs and innovations for the development and modernization of the public land transportation industry without need of securing first the approval of the Department of Transportation and Communications (DOTC) through Department Orders, this Department Order is hereby issued to clarify which powers and functions of the LTFRB under Commonwealth Act 146, as amended, Executive Order No. 202, and Administrative Code of 1987 can be implemented through its own Memorandum Circulars.

Pursuant to Section 5 of Executive Order No. 202 and Section 18, Chapter 15, Title XV of the Administrative Code of 1987, the following powers and functions can be acted upon by the LTFRB through Memorandum Circulars:

a. Prescribe and regulate routes, economically viable capacities, and zones, or areas of operation for public land transportation services provided by motorized vehicles in accordance with the public land transportation development plans and programs approved by DOTC;

b. Issue, amend, revise, suspend or cancel Certificates of Public Convenience or permits authorizing the operation of public land transportation services provided by motorized vehicles, and prescribe the appropriate terms and conditions therefore;

c. Determine, prescribe, approve and periodically review and adjust reasonable fares, rates and other related charges, relative to the operation of public and transportation services provided by motorized vehicles;

d. Conduct investigation and hearings of complaints for violation of the public service laws on land transportation and of LTFRB's rules and regulations, orders, decisions or rulings and to impose fines or penalties for such violations;

e. Promulgate rules and regulations governing proceedings before the LTFRB and its Regional Franchising and Regulatory Offices;

f. Fix, impose and collect, and periodically review and adjust reasonable fees and other related charges for services rendered;

g. Formulate, promulgate, administer, implement and enforce rules and regulations on land transportation public utilities, standards of measurement or designs, and rules and regulations requiring operators of any public land transportation service to equip, install and provide in their utilities and in their stations such devices, equipment, facilities and operating procedures and techniques as may promote safety, protection, comfort and convenience to persons and property in their charges as well as the safety of persons and property within their areas of operation; and

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h. Perform such other powers, functions and duties as may be provided under the aforementioned laws or by any other pertinent laws, rules, and regulations, or as may be necessary, or proper or incidental to the purposes and objectives of DOTC.

In view of the above, LTFRB can now amend or modify, in part or in its entirety, existing Department Order/s previously issued by DOTC governing the foregoing powers and functions of LTFRB. The LTFRB is hereby ordered to furnish the DOTC Secretary, through the duly designated Undersecretary for Land, with a copy of every Memorandum Circular that it may issue on the basis of this Department Order within Twenty-four (24) hours from its official issuance.

LTFRB, however, is ordered to properly observe all pertinent and applicable laws, rules and regulations in the exercise of the powers and functions herein enumerate and defined. LTFRB shall be fully responsible for the proper, legal and just implementation and enforcement of its orders and issuances.

The DOTC Secretary, personally, or through his duly designated Undersecretary for Land, in the exercise of his administrative supervision and control over LTFRB, may review, amend modify or reverse, motu proprio or by any other appropriate action, all issuances or acts of LTFRB.

This Department Order supersedes any and all issuances inconsistent herewith.

This Department Order shall take effect fifteen (15) days after the filing of three (3) copies hereof with the UP Law Center, pursuant to Presidential Memorandum Circular No. 11 dated 09 October 1992.

(SGD.) LEANDRO R. MENDOZA
Secretary

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