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PRESCRIBING GUIDELINES FOR SUSPENSION/REVOCATION OF DRIVER'S LICENSES WITHIN THE JURISDICTIONAL BOUNDARY OF METRO MANILA

MMDA ORDINANCE NO. 4, September 21, 1995

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WHEREAS, R.A. 7924 vests upon the Metropolitan Manila Development Authority the power to confiscate, suspend and revoke driver's licenses within the jurisdictional boundary of Metropolitan Manila;

WHEREAS, R.A. 4136 empowers the Land Transportation Office [LTO] to register motor vehicles and issued driver's licenses nationwide;

WHEREAS, R.A. 4136 also provides for the confiscation, suspension and revocation of driver's licenses;

WHEREAS, Department of Transportation and Communications (DOTC) Department Order 93-693 was made effective starting June 1994 revising the Schedule of Administrative Fees and Charges of the LTO, and providing penalties to suspend and revoke driver's licenses.

NOW, THEREFORE, be it ordained by the Council, pursuant to Section 5 (f) of R.A. 7924, Section 27 of R.A. 4136 and the corresponding provisions of DOTC Department Order 93-693 that:

SECTION 1. The following shall constitute grounds for the suspension/revocation of driver's licenses and the penalties thereof.

1.a As provided under DOTC Department Order No. 93-693, Series of 1992: to wit:

1.a.1 Item III-A [Violations in Connection with Licensing]

> Sub-Item No. 4 — Driving while under the influence of liquor or prohibited drug.
>
> — For the second offense, one (1) year suspension in addition to the fine.
>
> — Subsequent violation shall cause the revocation of driver's licenses.
>
> Sub-Item No. 6 — Possession and use of fake driver's license.
>
> — If the driver has been issued an authentic license, the same shall be confiscated and suspended for six (6) months in addition to the fine.
>
> Sub-Item No. 7 — Allowing another person to use his driver's license - confiscation and suspension for one (1) month plus the fine.
>
> Sub-Item No. 8 — Use and involvement of Motor Vehicle by the driver in the commission of a crime.
>
> — In case of court conviction, automatic revocation of driver's license plus the fine.

1.a.2 Item III-C, Sub Item 21-a

> Driver of Motor Vehicle (MV) involved in illegal transfer of plates shall be penalized by suspension of

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driver's license for one month.

1.a.3 Item III-F

Sub-Item 39 [Out-of-line Operation]

In addition to the fine for the driver and the owner/operator, the driver's license shall be confiscated and suspended/revoked, as follows:

1st Offense — confiscation and suspension for 1 week

2nd Offense — confiscation and suspension for 1 month

3rd Offense — 3 months suspension

4th Offense — revocation of driver's license

1.a.4 Item III-G — Breach of the condition of franchise and related violations.

Sub-Item No. 44 — refusal to render public service.

— Suspension of driver's license for one (1) month plus fine.

Sub-Item No. 47 — Undue preference or unjust discrimination.

— Suspension of driver's license for one (1) month plus fine.

Sub-Item No. 48 — Over-charging/undercharging above or below authorized schedule of passenger rates.

— For the 2nd and each subsequent offense, the license of the driver or conductor shall be suspended for one (1) month plus fine.

1.a.5 Item III-H — Parking and violation of drivers

Sub-Item No. 59 — fake, tampered, defective or non-operational taxi meter/tampered, broken, fake or altered meter seal. in addition to the fine:

— 1st offense - suspension for three (3) months

— 2nd offense - suspension for six (6) months

— 3rd offense - revocation of driver's license

Sub-Item No. 60 — Tampered, broken, joined, reconnected, fake or altered sealing sire.

a. 1st offense — one (1) months suspension

b. 2nd offense — three (3) months suspension

c. 3rd offense — six (6) months suspension

Sub-Item No. 61 — Refusal to render service to public or to convey passenger to his destination.

— one (1) month suspension

Sub-Item No. 62 — Flagged-up meter/operating on contractual basis.

— one (1) month suspension

The foregoing shall be without prejudice to the institution of appropriate criminal charge/s as the evidence and circumstances may warrant.

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1.b. In accordance with the provisions of Republic Act 4136, Section 27, such as:

1.b.1 A driver's license may be suspended for a period not exceeding three (3) months, or after hearing, the driver's license may be revoked, if the holder thereof is an improper person to operate motor vehicles, or in operating or using a motor vehicle in, or as an accessory to, the commission of any crime or act which endangers the public.

1.b.2 Whenever during the twelve (12) month period a driver shall have been convicted at least three (3) times for the violation of any provisions of this Act or of any regulation issued by the LTO and the MMDA or any municipal or city ordinance relating to motor vehicle traffic not in conflict with the provisions of RA 4136, the MMDA, shall confiscate the driver's license pursuant to the procedure set in Sec. 2,3,4 hereof, revoke or suspend the license of such driver for a period not exceeding two (2) years.

1.c Additional Grounds

1.c.1 Dangerous Violations shall cause the suspension of driver's license for three 93) months on the 1st offense , 6 months on the 2nd offense and revocation of driver's license on the 3rd offense. The following are considered dangerous violations.

— Overtaking on the shoulder/sidewalk.

— Overtaking within the intersection.

— Beating the red light.

— Going against the flow of traffic (i.e. counterflow on one-way street)

— Overspeeding at thickly populated areas.

1.c.2 For intentional violations, driver's license shall be suspended for one (1)months for the 1st offense, three (3) months suspension for the 2nd offense, six (6) months suspension for the 3rd offense and revocation of driver's license for the 4th offense. The following shall constitute intentional violation.

— Parking within six (6) meters from signalized intersection;

— Parking at ingress and egress of hospitals, clinics, fire stations;

— Loading/unloading beyond the first lane as indicated by lane markings and/or within six (6) meters of signalized intersection or exactly within any intersection;

— Loading/unloading within flyovers and interchanges including its approaches and exits;

— Refusal to stop upon reasonable signal/instruction of an authorized apprehending officer.

— Trip cutting

SECTION 2. Where the penalty involves suspension/revocation of driver's licenses, the Redemption centers shall immediately forward the driver's license to the MMDA Traffic Adjudication Board.

SECTION 3. The MMDA Traffic Adjudication Board shall conduct the necessary hearing for suspension/revocation of driver's license and thereafter render the corresponding decision thereon.

SECTION 4. The result of the hearing of the MMDA Traffic Adjudication Board shall be immediately conveyed to the apprehended motorist, copy furnished the LTO and other concerned agencies/offices.

SECTION 5. LTO shall inform all its branches/offices of the suspension/revocation of the concerned driver.

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SECTION 6. After the period of suspension, the LTO shall require the concerned driver to undertake a driver's revalidation test. In case the driver passes the revalidation test, LTO will inform MMDA which may thereafter lift the suspension. In case of failure in the revalidation test, the MMDA and the LTO shall cause the revocation of the driver's license.

SECTION 7. Suppletory Clause. — This Ordinance shall not be construed as an amendment to existing laws, rules and regulations governing the suspension/revocation of driver's licenses, but shall be supplemental thereto.

SECTION 8. Effectivity. — This Ordinance shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation.

Adopted: 21 Sept. 1995

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