GUIDELINES IN THE DEPUTATION OF NON-LTO GOVERNMENT EMPLOYEES

LTO Memorandum Circular No. AVT-2015-1924, March 18, 2015

Read online (full-text search, related cases, audio case brief): https://batas.org/library/f0b389507d0f/

Adopted: 18 March 2015
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I. DEPUTATION EVALUATION COMMITTEE

1)

There shall be created a Deputation Evaluation Committee (DEC) that will be the lone body that may recommend for the approval of the Assistant Secretary or of the Regional Director applicants for Deputation of Non-LTO Employees.

2)

LTO Permanent Employees whose work is directly and actually related to traffic law enforcement need not be deputized in order to perform their functions.

3)

The DEC shall be tasked to evaluate the qualifications of applicants, to supervise the administration of seminar/orientation on the enforcement of transportation and traffic laws.

4)

The Central Office DEC shall be comprised of the Executive Director, as Chairman thereof, and the Law Enforcement Service and Traffic Adjudication Service Directors, as members. The Regional DEC shall be comprised of the Assistant Regional Director, as Chairman thereof, and the Chiefs of the Operations Division and appropriate District Office Head, as members. In the event that any of the assigned members are unable to sit as members of the DEC (i.e. on official leave), the Assistant Secretary or the Regional Director, may designate an alternate member. In the case of Region IV-B, which is without an Assistant Regional Director, the Chief of the Operations Division shall serve as Chairman thereof.

5)

No person may be deputized by the Assistant Secretary or by the Regional Director without having been recommended by the DEC. Any person who has been disqualified or disallowed and/or not recommended by the DEC may not appeal such denial/disallowance, provided the same was rendered by the DEC with cause.

TRAINING OF APPLICANTS

1)

The training seminar shall be conducted by the Traffic Safety Division (TSD), under the supervision of the DEC.

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2)

The applicants must be required to pass theoretical examinations, psychological evaluation and interview, if deemed proper.

3)

Even after Deputation is made to qualified applicants, the DEC, through the TSD must ensure continuing education, and to conduct updates seminar whenever new laws, ordinances, orders or system processes are to take effect or have taken effect during the validity of the Deputation.

4)

The DEC shall ensure that all applicants for deputation must undergo seminar on traffic law enforcement with the following modules;

- Historical Background, Organization, Functions of LTO,

- Traffic Administration in the Philippines.

- Motor Vehicle Registration

- Driver's Licensing

- Traffic Law Enforcement: Background, Objectives

- Traffic Laws, Rules and Regulations

- Traffic Law Enforcement Actions and other related topics

- Filipino Values and Liabilities of Traffic Law

- Enforcers deputized by the LTO

5)

The DEC shall maintain a database of those who have been issued Deputation Orders, lDs, TOP booklets as well as the applications and other records of the deputies.

II. DEPUTIZED AGENTS

1)

Mandatory Qualifications of Deputized Agents

- Government employees who are occupying regular position items and whose work is directly and actually related to traffic law enforcement; and

- Officers of the AFP/PNP/HPG/LGU/DPWH/DENR, whose duties in their present assignment is directly and actually related to transportation and traffic law enforcement.

2)

Applicants must submit the following requirements:

- Certified True Copy of Certificate of Employment or Appointment;

- Endorsement from the Head of Office/Agency;

- Two 2" X 2" photos, signed at the back;

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- Certificate of no pending case (administrative and/or criminal) signed by the Head of Office; and

- Clearance from Law Enforcement Agencies (i.e. Philippine National Police, National Bureau of Investigation).

3)

Applicants, after complying with the foregoing requirements, must attend and complete the deputies' seminar consisting of 6 areas.

4)

The TSD shall forward the results of the examination to DEC within five (5) days from the date of the examination.

5)

The DEC Secretariat shall maintain a database of those who passed the examination and have been issued Deputation Orders, IDs, TOP booklet/s as well as the applications and other records of deputies.

6)

Previously deputized agents, who failed to surrender any deputation paraphernalia issued to them shall be disqualified from applying anew under these guidelines.

7)

Any Enforcer whose deputation was revoked may no longer be deputized by the Assistant Secretary, and vice versa. For this purpose, the Regional Office DEC shall inform the Central Office DEC and vice versa, of Enforcers whose deputation was revoked.

III. REVOCATION OF DEPUTATION

1)

GROUNDS FOR REVOCATION OF DEPUTATION:

a)

Discourteous conduct

b)

Extortion

c)

Negligence

d)

Insubordination

e)

Grave Misconduct

f)

Abuse of Authority

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g)

Incompetence and inefficiency

h)

Corruption

i)

Failure to submit apprehension within 24 hours from the date and time of apprehension

j)

Failure to submit apprehension report

k)

Failure to properly fill up TOP

l)

Any offense involving moral turpitude

m)

Separation from the government service

2)

PROCEDURE IN THE REVOCATION OF DEPUTATION ORDER

a)

A written complaint may be filed with the DEC, such shall commence an action for revocation.

b)

Notice shall be served on the complainant and the Deputized Agent. Failure of the deputized agent to appear on the date and time set in the Notice shall be deemed to be a waiver of his right to adduce evidence. The DEC shall, motu propio, shall make its recommendation based on records and evidence at hand.

c)

The procedure shall be summary in nature, with the accused Deputized Agent/Enforcer being allowed due process by the filing of an answer.

d)

No complaint with other Government Offices or the Court's or decisions therefrom are necessary for the DEC to render its decision on whether or not to revoke such Deputation.

e)

An Order revoking the Deputation is final and executory.

f)

The revocation shall cause the agent to surrender the deputation ID as well as the TOP issued to him/her under pain of administrative liability.

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g)

The Revocation Order shall be published in a newspaper of general circulation.

IV. DUTIES OF DEPUTIZED AGENTS

A)

When making an arrest and/or apprehension, and when performing their duties as such, the LTO Deputy/Deputized Agent must at all times, wear their official uniform, official ID and official LTO Deputation ID;

B)

To effect arrest/apprehension for violations of RA 4136 and related laws, by observing the following steps:

1)

Inform Driver of Specific Violation(s) and to settle the case with LTO District/Central Office within 72 hours;

2)

Completely fill-up TOP as follows (with dispatch without necessary delay/argument):

a)

Mandatory: Complete name and specific address of driver, driver's license (DL) number of receipt (DLR) number, and plate number.

As necessary with respect to the violation(s): all sentiment data.

b)

Cite TOP - listed violation(s) by marking same with an "X"

c)

For "other violations," write and specify the violation(s) that may be accompanied in said space using the list of violations of Land Transportation and related laws found on both sides of the back cover of the TOP booklet. Otherwise, write and specify the violation in coded/abbreviated form. Notice that with each violation the specific section of the law and penalty therefore is cited. It would have been more practical to print the TOP Index at the back of each copy of the TOP were it not for the limited space, hence it was printed on the back cover of the TOP booklet. For this reason, in lieu of the TOP Index, for the convenience and information of the public, the Code Matrix listing all violations with a legend and instructions was printed at the back of each copy of the TOP. The driver is encouraged to verify/inquire from the apprehending officer on the meaning of each coded violation.

d)

Fill up place of apprehension, date and time.

e)

Indicate accident status.

f)

Fill up summons commanding driver to appear at the specific LTO District Office/Central Office within 72

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hours by encircling the proper venue.

g)

Require driver to affix his signature on TOP advising him/her that he/she thereby acknowledges and promises to appear at venue indicated in (6) above and that if he fails to settle his case within fifteen (15) days from date of apprehension, it will cause the suspension of his license.

3)

State specific facts, data and information that will enable the adjudicating officer to arriver at a fair decision.

4)

Confiscate driver's license and/or license plates and issue TOP (yellow copy), or impound unit at impounding area designated by LTO and issue MVIR to the driver/operator concerned.

5)

Submit Apprehension Report (white copy together with driver's license) to adjudicating entity venue strictly within Twenty Four (24) hours and affix his signature.

C)

To print his complete name, unit and station with rubber stamp facsimile thereof on the space provided on the TOP

D)

To surrender to LTO the used TOP booklet (pink copies) when requesting a new TOP booklet with mandatory summary report of all apprehension.

E)

To surrender to LTO the issued TOP booklet and ID upon renewal/termination/revocation of deputation.

V. REPEALING CLAUSE

All previous Orders and Memoranda inconsistent with the foregoing are hereby repealed.

For your guidance and strict compliance.

(SGD) ATTY. ALFONSO V. TAN, JR.
Assistant Secretary

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