

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 3814

Introduced by Representative Tobias "Toby" M. Tiangco

EXPLANATORY NOTE

This proposed Bill seeks to improve traffic management by declaring as a policy the adoption of "no physical contact" through the use of new technologies, such as digital cameras or closed circuit television cameras and other electronic devices as well as strengthen traffic operation and management by providing for an efficient and operational traffic law that will harmonize seemingly overlapping laws and authorities through the establishment of a single traffic ticketing system.

There is a need to establish and implement a single traffic ticketing system that would respect the mandate of national and government units, and at the same time be recognized by different traffic enforcement authorities, including various local government units.

Through the passage of this Bill, a uniform single traffic ticketing system to be used by the different traffic enforcement authorities nationwide shall be established, thereby ensuring order and coordination in the implementation of traffic laws, as well as promote the interests of all motorists, drivers, owners and operators of public utility and private vehicles.

On the other hand, the adoption of a "no physical contact" policy aims to minimize the occurrence of physical apprehension and improve the flow of traffic.

There would also be a consolidated system of monitoring traffic violations across local government units, regardless of whether such violation is committed in the presence of traffic enforcers or caught by way of digital cameras or other electronic devices.

The adoption of these measures will translate to smoother traffic flow, ease and convenience in enforcing and following traffic laws and ordinances and thereby increase the effectiveness of traffic law enforcement.

For these reasons, the passage of this bill is earnestly sought.

12/14/15
TOBIAS "Toby" M. TIANGCO

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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

**AN ACT TO IMPROVE AND STRENGTHEN THE TRAFFIC SYSTEM BY ESTABLISHING
A SINGLE TRAFFIC TICKETING SYSTEM
AND ADOPTING A NO PHYSICAL CONTACT POLICY**

Section 1. Title. - This Act shall be known as the "*An act to improve and strengthen the traffic system by establishing a single traffic ticketing system and adopting a no physical contact policy.*"

Sec. 2. Declaration of Policy. -

- a. It is hereby declared the policy of the State to maintain peace and order and to promote the general welfare of the people. It is also the policy of the State to ensure the autonomy of local government and to promote efficiency and fairness in the implementation of traffic laws and ordinances.
- b. To provide better services to owners, operators, drivers, motorists and the riding public, a uniform single traffic ticketing system shall be used and honored all over the country.
- c. Apprehension of traffic violations using digital cameras, closed circuit television cameras (CCTV), and other new technologies or electronic devices such as, but not limited to radio frequency identification (RFID), installed in strategic areas by traffic enforcement authorities is an effective system of instilling discipline to motorists, reduces the occurrence of graft and corruption and improves the flow of traffic. Hence, the "no physical contact policy" through the use of new technologies shall be implemented nationwide to further improve and strengthen traffic management and operation.

Sec. 3. Definition of Terms. –

- a. Deputizing Agent – shall refer to:
 - (1) the Land Transportation Office (LTO), which has the authority to deputize their own LTO enforcers, Philippine National Police (PNP) and the Metro Manila Development Authority (MMDA) or
 - (2) the Local Government Unit that enacted their respective local traffic ordinances and/or traffic code in accordance with the Republic Act No. 7160 or the Local Government Code, which has the authority to deputize their own local traffic enforcers;
- b. Duly deputized agent – shall refer to the LTO, MMDA, the PNP and/or the local traffic enforcers of the LGUs;
- c. License Validity Strip (LV Strip) – shall refer to a hologram strip, which is attached to a Driver's License as an identifying mark of the validity of the license. Whenever a traffic violation is committed, the LV strip is to be removed by the traffic enforcer. It shall be replaced only upon satisfaction of the corresponding fines and penalties incident to the violation/s. A driver's license without an LV Strip creates the presumption that there was a previous traffic violation whose penalties have not yet been satisfied.
- d. Local Government Units – shall refer to cities which have been empowered by Section 458(5)(vi) and (5)(vii) of Republic Act No. 7160, otherwise known as the Local Government Code, to enact ordinances for the regulation of traffic within their respective jurisdictions and which shall have the AUTHORITY TO DEPUTIZE THE LOCAL TRAFFIC ENFORCERS WITHIN ITS JURISDICTION.
- e. Traffic Enforcement Authority - shall refer to LTO, MMDA, the LGUs and the PNP.
- f. Uniform Traffic Violation Receipt (UTVR) – shall refer to the receipt that is printed, issued and distributed by the LTO to the traffic enforcement agencies and their duly deputized agents. The UTVR shall contain a list of general violations under the Land Transportation and Traffic Code, as well as the checklist of local traffic ordinances.

Sec. 4. Uniform Traffic Violation Receipt. – All UTVRs issued to the different traffic enforcement agencies shall be centrally monitored by the LTO.

All LGUs shall provide the LTO with a list of traffic violations applicable to their respective localities. The LTO shall print separate UTVRs per local government unit, in accordance with the list of traffic violations and corresponding fines submitted by the latter. The LTO shall ensure that all UTVRs, regardless of local government unit, are uniformly formatted and centrally numbered.

The LTO shall be the sole government office or agency authorized to print, issue and distribute a UTVR to the traffic enforcement authorities. The UTVR shall be in triplicate such that the apprehended driver, the traffic enforcement authority and the LTO shall have their respective copies.

Sec. 5. License Validity Strip (LV Strip). – An LV Strip is to be attached by the LTO to the driver's license upon renewal thereof. The LV Strip shall be valid for the same period as the validity of the driver's license. Each time the LV Strip is replaced by the LTO as a consequence of a previous traffic violation that has already been settled, it shall be valid only for the remaining validity period of the existing driver's license.

The absence of an LV Strip creates a presumption that the LV Strip was removed by duly deputized traffic enforcer as a result of a traffic violation committed by the driver. A damaged, lost, or accidentally detached LV Strip should be replaced immediately.

If a driver is caught driving without an LV Strip attached to his driver's license and without presenting a UTVR, he/she shall be considered as driving without license, and shall be punished accordingly.

The LTO shall, within three (3) months from the effectivity of this Act, produce LV strips for distribution to all local LTOs nationwide. All drivers are given a grace period of one (1) year from availability of the LV Strips to have LV Strips attached to their driver's licenses. The single traffic ticketing system under Section 6 of this Act shall be implemented after the one (1) year grace period.

Sec. 6. Single Traffic Ticketing System. – The Single Traffic Ticketing System shall have the following procedures:

- a. *Verification of the Driver's License LV Strip.* – Upon violation of any traffic law, rules and regulation pursuant to and consistent with national laws, or any local traffic ordinance, the driver shall be asked by the duly deputized traffic enforcer to display his driver's license.

The traffic enforcer shall check whether the driver's license has an LV Strip. If the driver's license has an LV Strip, the LV Strip shall be removed by the traffic enforcer. If there was an LV strip removed from the license, it must be attached to the UTVR.

The absence of an LV Strip on a driver's license creates a presumption that the driver has a previous traffic violation whose attendant fines or penalties have not yet been satisfied. The traffic enforcer shall demand that the UTVR of the previous traffic violation be shown by the driver.

If the driver cannot present his UTVR, he shall be considered as driving without a license, be issued a UTVR for this offense and not be allowed to continue driving. If he is accompanied by another person who has a valid driver's license, that other person can drive the vehicle, otherwise the vehicle should be impounded for safekeeping until such time that a person with a valid driver's license will drive it.

- b. *Assessment of the penalties applicable.* – Based on the UTVR presented, the traffic enforcer shall determine whether the period to pay the fines or penalties incident to the previous traffic violation has already expired.

If such period has already expired, there shall be an additional penalty of One Thousand Pesos (P1,000.00).

- c. *Issuance of the UTVR.* – The particular offense and corresponding fines and penalties which are printed on the UTVR will be marked by the traffic enforcer.

The UTVR shall be recognized as valid by all traffic enforcement authorities and their duly deputized agents for a period of three (3) working days from the time the violation was made, as indicated in the UTVR.

If there are additional penalties applicable because of failure to pay the previous traffic penalties incident to an expired UTVR, these additional penalties shall be identified on the UTVR.

- d. *Encoding of the UTVRs into the Single Traffic Ticketing System of the LTO.* – At the end of every working shift of the duly deputized traffic enforcement agent, all UTVRs shall be brought to the respective offices for encoding in a common system operated and monitored by the LTO.
- e. *Payment of fines and penalties under the UTVR.* – The traffic violator shall pay the fines and penalties identified in the UTVR in any LTO nationwide or any bank authorized by the LTO within 3 days. Upon payment, a new LV strip will be attached to the driver's license.

Sec. 7. Multiple Traffic Violations. – Additional UTVRs shall be issued by other duly deputized agents for each additional offense or violation committed by the driver. At the end of every working shift of the duly deputized traffic enforcement agent, this UTVR shall likewise be brought to the respective offices for encoding in a common system operated and monitored by the LTO.

The additional penalty of One Thousand Pesos (PhP 1,000.00) which has accrued because of failure to pay previous UTVR fines shall accumulate until they are paid or upon the renewal of the driver's license.

Sec. 8. No Physical Contact. – The implementation of the “no physical contact” policy shall conform to the following procedure:

- a. *Apprehension of erring motorists.* – The image of the vehicle violating the traffic law, rules and regulation pursuant to and consistent with national laws, or any local traffic ordinance shall be recorded or captured thru the use of digital cameras and/or other technologies. This shall be applied to all owners/motorists/drivers of vehicles.

- b. *First Notice.* - A *First Notice* shall be signed by the authorized representative of the traffic enforcer and the cameraman / IT personnel who took/shot the pictures thru the use of digital cameras and/or recorded the violation thru new technologies or other electronic devices, shall be issued to the owner/traffic violator of the vehicle. The first notice shall indicate and contain the following:
1. a photo-clip of the apprehended vehicle or a computer generated proof of violation
 2. date, time, location, traffic violation(s)/infractions committed, the assessed fines/penalties therefore;
 3. a statement that the traffic violator shall have the right to file a protest before the appropriate traffic adjudication board of the traffic enforcement agency within seven (7) days from receipt thereof and that failure to file the same within the prescribed period shall be deemed a waiver of such right and shall be construed as an admission of the traffic violation(s) cited therein;
 4. the appropriate traffic adjudication board shall resolve the case within seven (7) days from receipt of the protest and its decision shall be deemed final and executory;
- c. *Presumption.* - There is created a presumption that the registered owner of the apprehended vehicle is the driver at the time the traffic violation is committed. The registered owner may rebut this presumption by filing a protest and identifying the identity of the driver in an affidavit executed under oath with the traffic adjudication board of the traffic enforcement agency that issued the *First Notice*.
- d. *Payment and protest of the First Notice* - Payment of fines/penalties shall be made within seven (7) days upon receipt of the first notice, unless a protest was filed by the traffic violator as provided for pursuant to the preceding paragraph;
- Assessed fines or penalties and all charges indicated in the first notice shall be paid at any LTO nationwide or any bank authorized by the LTO unless a protest is filed before the traffic adjudication board of the traffic enforcement agency. Upon final decision of the traffic adjudication board, the driver has three (3) days to pay the fine.
- e. *Final Notice.* -After the lapse of the 7-day prescriptive period, there being no protest filed and the fines/penalties remain unpaid, a final notice to pay/settle the same shall be issued, which must be paid in three (3) days.
- f. *Manner and time of sending notices.* - Notices shall be sent thru registered mail or courier service either by government or private service provider by the traffic enforcement agency within seventy two (72) hours from occurrence of the violation;
- g. *Refusal to receive tender of notice.* - Traffic violators/owners/operators who refuse to receive or accept, without any valid reason, the notice issued to them

shall be deemed to have received the same, and shall comply with the provisions of paragraph d above;

- h. *Failure to settle the final notice* - If the traffic violator/owner/operator failed to settle or pay the assessed fines or penalties within three (3) days from receipt of the final notice with any LTO nationwide or any bank authorized by the LTO, the driver's license number or vehicle license plate number shall be encoded in the common system operated and monitored by the LTO with a request that the registration of the same shall not be renewed until the penalties or fines are fully settled. Further, an additional penalty shall be imposed at the rate of ten percent (10%) of the unpaid fine per month until the same is paid or upon the renewal of the driver's license or vehicle registration.

Sec. 9. Fines and Penalties Imposed. – Fines and penalties shall be in accordance with those provided under any traffic law, rules and regulation pursuant to and consistent with national laws, or any local traffic ordinance, that are imposed by the apprehending traffic enforcement authority without prejudice to the application of the additional penalties incurred as a result of failure to pay the UTVRs and violations under the no physical contact policy. ***PROVIDED THAT:*** THE DEPUTIZED AGENT PNP AND MMDA SHALL IMPOSE THE FINES AND PENALTIES BASED ON NATIONAL LAW WHILE LOCAL TRAFFIC ENFORCERS OF THE LGU CONCERNED SHALL BE BASED ON THEIR RESPECTIVE TRAFFIC CODES OR ORDINANCES; ***Provided further that,*** Section 10 of this Act shall apply in determining the share of the traffic enforcement agencies from the fines and penalties collected.

Sec. 10. Share of the Traffic Enforcement Authority from the fines and Penalties Imposed. – The share of the traffic enforcement authority from the fines and penalties collected shall be distributed in the following manner.

- a. Between the LTO and concerned LGU
 - i. LTO – Ten percent (10%)
 - ii. LGU where the driver was apprehended – Ninety percent (90%)
- b. Between the LTO and MMDA
 - i. LTO - Ten percent (10%)
 - ii. MMDA – Ninety percent (90%)

Sec. 11. Budget and Revolving Fund. – Section 7 of Republic Act No. 8794 provides for a Special Local Road Fund which shall be used for traffic management, among others. For this purpose, they may assign parts of the Special Local Road Fund to the LTO for printing of the UTVRs.

All shares of fines that accrue to the different departments, agencies and LGUs shall be part of a revolving fund to be spent as per Section 7 of Republic Act No.8794. The funds can also be used for any purpose that will be intended to achieve the efficient implementation of this law, such as but not limited to printing of the UTVR and LV strip, purchase of IT equipment to interconnect all agencies involved, purchase of IT

equipment or electronic devices to enhance the "no contact capability" and efficiency of traffic implementation.

Sec. 12. Deputization of Traffic Enforcement Authorities. – The LTO and LGUs shall, within one (1) week from the effectivity of this Act, deputize the traffic enforcement authorities and their officers to confiscate licenses when so warranted by other existing national traffic laws and regulations.

Sec. 13. Implementing Rules and Regulations. – The Department of Transportation and Communications (DOTC), in consultation and coordination with the LTO, the MMDA and the LGUs, shall promulgate the rules and regulations necessary to effectively implement the provisions of this Act within ninety (90) days from its effectivity.

Sec. 14. Separability Clause. – If any part of provision of this Act shall be held unconstitutional or invalid, other provisions hereof that are not affected thereby shall continue to be in full force and effect.

Sec. 15. Repealing Clause. – Section 29 of Republic Act No. 4136, otherwise known as the "Land Transportation and Traffic Code"; Section 7 of Republic Act No. 8794 or the Road User's Tax Law" and Section 5 (f) of Republic Act No. 7924, entitled "An Act Creating the Metropolitan Manila Development Authority, Defining its Powers and Functions, Providing Funds Therefor and For Other Purposes" are to the extent inconsistent with this Act, modified accordingly. All laws, rules and regulations, and executive order which are inconsistent with this Act are repealed or modified accordingly.

Se. 16. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.