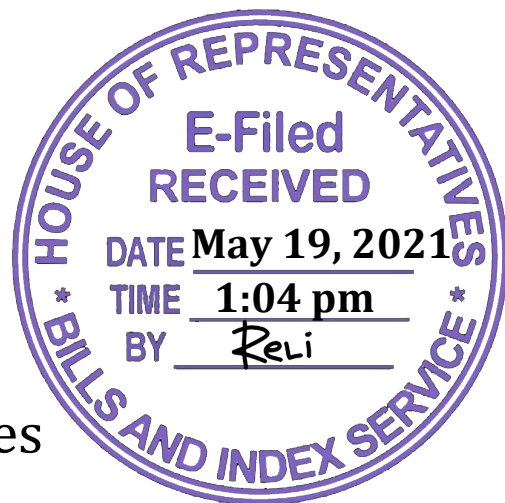




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Eighteenth Congress
Second Regular Session

HOUSE BILL NO. 9368



Introduced by Senior Deputy Speaker Doy C. Leachon

EXPLANATORY NOTE

This bill seeks to regulate the no physical contact apprehension policy in implementing traffic laws, ordinances, rules and regulations.

The no physical contact apprehension policy is not a novel concept. It was introduced in the country in 2002 by the Metro Manila Development Authority (MMDA). The implementation of the policy was suspended as it required the traffic violators to pay first the fines and penalties for the traffic violation before a protest may be filed.

After its suspension, the policy was reimplemented periodically from 2009 to 2011. It was in 2016 when the MMDA started to continuously implement the no contact apprehension policy. Recognizing that the policy is effective in apprehending traffic violators, the cities of Manila, Parañaque, Quezon and Valenzuela passed their respective ordinances to implement the policy.

The existing technologies used in implementing the policy is incapable of identifying the erring driver but is sufficient to clearly identify the plate number or conduction sticker of a motor vehicle. As a matter of course, the notice of violation is addressed to the registered owner of a private vehicle or operator of public utility vehicle instead of addressing it to the actual erring driver who committed the traffic violation.

Though the policy provided means for the registered owner or operator to contest the notice of violation, the protest often results to denial. The registered owner or operator is left with no choice but to pay the fines and penalties for fear that the registration of their motor vehicle or franchise may not be renewed. Effectively, there are times that erring drivers, who are traffic violators, are able to evade liabilities.

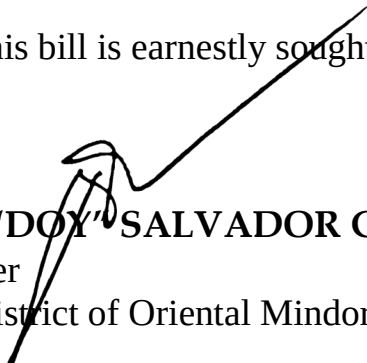
To properly identify the erring driver, this bill requires the registered owner or operator to present before the traffic adjudication board the person actually driving the vehicle at the time and date that the alleged traffic violation is committed. It is normal that the registered owner or operator knows the person who drives the vehicle at the time that a traffic violation is committed.

This bill also clarifies that (1) the non-payment of the fines and penalties under the policy will not affect the renewal of the motor vehicle registration and franchise renewal; (2) the driver's license of the erring driver may not be renewed unless the fines and penalties are paid; and (3) the liability of the erring driver is personal and may not be charged against any other person.

There is a need to regulate the no physical contact apprehension policy to improve the traffic management and operations in the country and (1) ensure that traffic rules and regulations are observed even without the presence of traffic enforcers; (2) inculcate discipline to all drivers, registered owners and public utility vehicle operators in operating vehicles on the road; (3) prevent traffic congestion, ensure smooth flow of traffic and minimize road accidents; and (4) avoid altercation between drivers and traffic enforcers and curtail graft and corruption during physical apprehension of traffic violators.

As the policy gradually exhibits good results in apprehending traffic violators, there will be more and more traffic authorities who would want to implement the policy. It is therefore necessary to provide uniform guidelines for the implementation of the no physical contact apprehension policy.

In view of the foregoing, passage of this bill is earnestly sought.



ATTY. PAULINO "DOY" SALVADOR C. LEACHON
Senior Deputy Speaker
Representative, 1st District of Oriental Mindoro



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HOUSE BILL NO. 9368

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1 **AN ACT**
2 **REGULATING THE NO PHYSICAL CONTACT APPREHENSION**
3 **POLICY IN THE IMPLEMENTATION OF TRAFFIC LAWS,**
4 **ORDINANCES, RULES AND REGULATIONS**

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

7 SECTION 1. **Short Title.** – This Act shall be known as the “*No Contact*
8 *Apprehension Act.*”

9 SEC. 2. **Declaration of Policy.** – It is the policy of the State to maintain
10 peace and order, protect life, liberty and property, promote the general welfare of
11 the people, and adapt technology for the national benefit. Towards this end, the
12 State encourages the use of closed-circuit television (CCTV) cameras or other
13 similar technologies to apprehend traffic violators and attain the following
14 objectives:

15 a) Ensure that traffic rules and regulations are observed even without the
16 presence of traffic enforcers;

17 b) Inculcate discipline in all drivers, registered owners and public utility
18 vehicle operators while using the vehicles on the road;

19 c) Prevent traffic congestion, ensure smooth flow of traffic and minimize
20 road accidents; and

1 d) Avoid altercation between drivers and traffic enforcers, and curtail
2 graft and corruption during physical apprehension of traffic violators.

3 SEC. 3. ***No Physical Contact Apprehension.*** – The no physical contact
4 apprehension policy, hereinafter referred to as the *No Contact Apprehension*,
5 allows traffic authorities to issue tickets against erring drivers for traffic violations
6 captured by CCTV cameras or other technologies.

7 All national and local traffic authorities using CCTV cameras or other
8 technologies in enforcing traffic laws, ordinances, rules and regulations must
9 adhere to the provisions of this Act.

10 SEC. 4. ***Area of Operation.*** – The traffic authorities must designate the area
11 of operation where the No Contact Apprehension is implemented. No traffic
12 authority may implement the No Contact Apprehension without informing the
13 public of the area of operation.

14 In areas falling under the jurisdiction of different traffic authorities, only one
15 (1) traffic authority may implement the No Contact Apprehension. For this
16 purpose, the different traffic authorities must agree and designate their specific
17 area of operation. The presence of traffic enforcers in the area of operation must be
18 maintained.

19 SEC. 5. ***Presumption.*** – The registered owner is presumed to be the driver of
20 a private vehicle captured by the CCTV cameras or other technologies committing
21 a traffic violation. The operator is also presumed to be the driver of a public utility
22 vehicle if there is only one (1) franchise or a single unit under the name of the
23 operator.

24 The Land Transportation Office (LTO) and Land Transportation Franchising
25 and Regulatory Board (LTFRB) shall provide the necessary information to the

1 traffic enforcement authorities for the effective implementation of the No Contact
2 Apprehension.

3 SEC. 6. **Notice of Violation.** – The traffic authority implementing the No
4 Contact Apprehension must send the notice of violation to the registered owner or
5 operator within seven (7) days from the time of infraction. The notice must contain
6 the following:

- 7 a) Date, time, and location of the traffic violation;
- 8 b) Traffic violation and corresponding penalty;
- 9 c) Video file or still images of the violation that shows the plate number
10 or conduction sticker of the vehicle; and
- 11 d) Date, time and place of hearing of the traffic violation.

12 The notice serves as summons for the registered owner or operator or their
13 authorized representatives to appear before the traffic adjudication board of the
14 traffic authority that issued the notice.

15 As far as practicable, the traffic authority must first confirm that the traffic
16 violator was not physically apprehended before issuing the notice of violation for
17 the same traffic infraction. The notice of violation is automatically cancelled upon
18 showing of a physically issued citation ticket for the same traffic violation.

19 SEC. 7. **Refusal to Receive the Notice.** – If the registered owner or operator
20 refuses to receive and sign the notice of violation, the service of the notice is
21 deemed completed after the person serving the notice leaves a copy of the notice
22 and executes an affidavit of service stating the circumstances of the refusal.

23 SEC. 8. **Duty of Registered Owner or Operator.** – The registered owner or
24 operator or their duly authorized representatives must attend the hearing if
25 registered owner or operator wants to contest the alleged traffic violation. Failure

1 to attend the hearing, after being duly notified, is an admission of the traffic
2 violation.

3 The registered owner or operator who is not driving the vehicle at the time of
4 the alleged traffic violation must present before the traffic adjudication board the
5 person actually driving the vehicle captured in the CCTV cameras or other
6 technologies. If the driver is not available on the scheduled hearing, the driver must
7 execute an affidavit stating the circumstances and admitting or denying the alleged
8 traffic violation.

9 In all instances when the alleged traffic violation is denied, it is the duty of the
10 registered owner or operator to prove such claim before the traffic adjudication
11 board mentioned under Section 9 of this Act, and present the person who may be
12 liable for the traffic violation.

13 **SEC. 9. *Traffic Adjudication Board.*** – Any traffic authority implementing
14 the No Contact Apprehension must have a traffic adjudication board exercising the
15 following powers and functions:

- 16 a) Hear and decide cases involving the implementation of the No
17 Contact Apprehension;
- 18 b) Issue *subpoena duces tecum* and *ad testificandum* and administer
19 oath;
- 20 c) Promulgate the rules of procedure;
- 21 d) Furnish the LTO or LTFRB and other authorities a copy of the
22 decision finding violation of traffic laws, ordinances, rules or regulations; and
- 23 e) Perform such other functions necessary for the prompt disposition of
24 cases.

1 The decision of the traffic adjudication board may be appealed to the
2 executive head of the traffic authority and the decision on the appealed cases is
3 final and executory.

4 SEC. 10. ***Renewal.*** – Except as provided under existing laws, the payment of
5 fines and penalties for traffic violations under the No Contact Apprehension is not
6 a requirement for the renewal of motor vehicle registration or franchise. However,
7 the payment of fines and penalties is a requirement for the renewal of the driver’s
8 license.

9 SEC. 11. ***Liability.*** – Except for vicarious liability provided under Republic
10 Act No. 386, as amended, otherwise known as the “*Civil Code of the Philippines*,”
11 and subsidiary liability under Act 3815, as amended, otherwise known as “*The*
12 *Revised Penal Code*,” the liability of the traffic violator under the No Contact
13 Apprehension is personal and may not be charged against any other person.

14 SEC. 12. ***Implementing Rules and Regulations.*** – Within sixty (60) days
15 from the effectivity of this Act, the Secretary of Transportation shall, in
16 coordination with the Secretary of the Interior and Local Government and
17 chairperson of the Metro Manila Development Authority, promulgate the
18 necessary rules and regulations for the effective implementation of this Act. The
19 rules and regulations issued pursuant to this section shall take effect thirty (30)
20 days after its publication in two (2) national newspapers of general circulation.

21 SEC. 13. ***Repealing Clause.*** – All laws, orders, ordinances, rules and
22 regulations inconsistent with the provisions of this Act are amended or modified
23 accordingly.

24 SEC. 14. ***Separability Clause.*** – If any provision or part of this Act is
25 declared unconstitutional, the remaining provisions or parts not affected shall
26 remain in full force and effect.

1 SEC. 15. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its
2 publication in the *Official Gazette* or in newspaper of general circulation.

3 Approved,