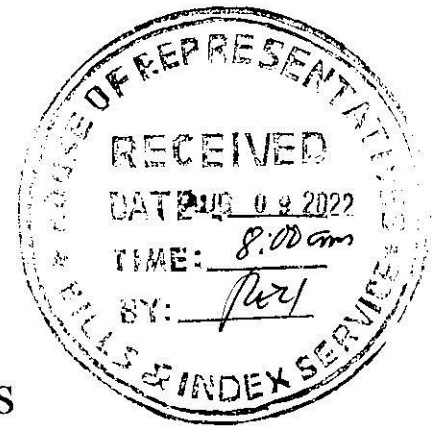




Republic of the Philippines  
**House of Representatives**  
Quezon City, Metro Manila



Nineteenth Congress  
First Regular Session

HOUSE BILL NO. **3366**

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**Introduced by Representative BONIFACIO LAQUI BOSITA**

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**AN ACT**  
**ENFORCING FAIR TRAFFIC APPREHENSION, GRANTING FOR**  
**THE PURPOSE COMPENSATION TO DRIVERS OF MOTOR**  
**VEHICLES FOR IMPROPER TRAFFIC APPREHENSION AND**  
**IMPOSING ADMINISTRATIVE SANCTIONS FOR ERRING TRAFFIC**  
**ENFORCEMENT PERSONEL**

**EXPLANATORY NOTE**

This bill seeks to promote fair traffic apprehension by providing compensation for motor vehicle drivers who are improperly apprehended for traffic violation and impose administrative sanctions against the erring traffic enforcement personnel.

Being apprehended by a traffic enforcement personnel can sometimes be a daunting experience especially if the apprehension was improperly made. Improper traffic apprehension may be attributed to the existing ticketing quota system, percentage on fines and penalties (10% - 20%) being given by some of the Local Government Units (LGU) to its traffic enforcers and deputized enforcers or simply the lack of necessary knowledge by some enforcers in the implementation of traffic laws, rules or regulations, or by intent for personal gains.

In cases of apprehension for traffic violations, drivers are given a remedy to challenge or contest the same. A driver of motor vehicle who is improperly apprehended by any traffic enforcement personnel or deputized enforcer may contest the traffic apprehension before the traffic adjudication board of the concerned traffic enforcement unit to which the traffic enforcer belongs. However, most drivers do not rely on this system due to its long and tedious process. Drivers, who are oftentimes under a “no-work, no pay” policy, have to take a leave of absence from work to contest the improper apprehension. Even if a favorable resolution on the contest has been issued by the traffic adjudication board, the driver is still left aggrieved and distraught due to the following:

1. Though the traffic violation is cancelled, the improperly apprehended drivers were aggravated and lost their precious time and income;
2. The lost income is usually higher than the imposable fine or penalty;
3. The drivers are not compensated for their income, incidental expenses incurred due to contesting the improper traffic apprehension and mental anguish or serious anxiety suffered; and
4. The erring traffic enforcement personnel are not held accountable for their willfulness or negligence that caused the improper traffic apprehension.

This system often leads to a difficult and an unfair situation on the part of the contesting driver. While it is wrong and against the law to bribe or intimidate an apprehending traffic enforcer, some hapless drivers resorted to the same instead of resorting to legal means. Some even admitted the wrongful traffic apprehension and pay the fine just to avoid the hassle, inconvenience and cost of going through all the processes of contesting the same.

This bill aims to reasonably compensate, at least financially, the incidental expenses incurred, and damages suffered by the drivers of improper traffic apprehension while providing the guidelines for establishing the same. This bill likewise proposes to create a drivers’ compensation fund which shall be sourced from the collection of fines and penalties for all kinds of traffic violations and impose administrative sanctions to the erring apprehending officer. Moreover, this bill will deliver an impartial and objective venue for adjudication of contested case by providing additional duties and responsibilities to the Traffic

Adjudication Board, promoting the rights of the improperly apprehended driver for an impartial and orderly conduct of adjudication proceedings, provide a venue where the driver can seek assistance from advocates such as the Road Safety Advocates of the Philippines (RSAP) and other non-government organizations duly registered with the Securities and Exchange Commission (SEC), and provide administrative sanctions to erring hearing officers or members of the traffic adjudication board who have shown partiality in adjudicating contested cases, including the concerned officer of the traffic enforcement authority or head of agency, bureau or office of the apprehending traffic enforcer or deputized enforcer who failed to file the administrative case against their erring traffic enforcement personnel or deputized enforcer. It will also promote discipline on the roads and boost the reputation of traffic enforcement units by producing responsible and accountable traffic enforcement personnel.

Through this bill, the rights of the motor vehicle drivers will not only be protected but will also keep the motorist and the riding public appease and safe on the roads.

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

  
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**BONIFACIO LAQUI BOSITA**



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

Nineteenth Congress  
First Regular Session

HOUSE BILL NO. 3366

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**Introduced by Representative BONIFACIO LAQUI BOSITA**

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**AN ACT**

**ENFORCING FAIR TRAFFIC APPREHENSION, GRANTING FOR  
THE PURPOSE COMPENSATION TO DRIVERS OF MOTOR  
VEHICLES FOR IMPROPER TRAFFIC APPREHENSION AND  
IMPOSING ADMINISTRATIVE SANCTIONS FOR ERRING TRAFFIC  
ENFORCEMENT PERSONEL**

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

**SECTION 1. *Short Title.*** – This Act shall be known as the “*Fair Traffic  
Apprehension Act.*”

**SEC. 2. *Declaration of Policy.*** It is the policy of the State to maintain  
peace and order, promote discipline on the roads, and improve the traffic  
management system through efficient and fair implementation of traffic laws,  
rules and regulations. Towards this end, the State shall protect the rights of  
motor vehicle drivers, provide reasonable compensation to drivers who are

1 improperly apprehended and impose administrative sanctions against erring  
2 traffic enforcement personnel.

3 **SEC. 3. *Definition of Terms.*** – As used in this Act:

4 a. *Driver* refers to driver who is improperly apprehended;

5 b. *Traffic adjudication board* refers to the office, division, bureau or  
6 service of traffic enforcement authorities whose function is to  
7 adjudicate contested and admitted apprehensions, including cases  
8 under appeal or motion for reconsideration;

9 c. *Traffic enforcement authorities* refer to Land Transportation Office,  
10 Metropolitan Manila Development Authority, Land Transportation  
11 Franchising and Regulatory Board and Local Government Units; and

12 d. *Traffic enforcement personnel* refers to traffic enforcers of traffic  
13 enforcement authorities, including deputized police personnel and  
14 other enforcers of different law enforcement agencies.

15 **SEC. 4. *Prescription and Burden of Proof.*** – Any driver of motor  
16 vehicle apprehended by any traffic enforcement personnel may contest the  
17 traffic apprehension before the traffic adjudication board of the traffic  
18 enforcement authority to which the traffic enforcer belongs within sixty (60)  
19 days from the date of apprehension or discovery of the same.

20 The apprehending traffic enforcement personnel has the burden of proof  
21 and shall prove before the traffic adjudication board that the driver has

1 committed the alleged traffic violation through the presentation of evidence  
2 apart from the usual self-serving testimony.

3       **SEC. 5. *Compensation.*** – Upon failure of the apprehending traffic  
4 enforcement personnel to prove the traffic violation or upon proper showing by  
5 the driver of sufficient evidence that the traffic apprehension is improper and  
6 that there is no violation of any traffic laws, rules or regulations, the driver is  
7 entitled to compensation. The traffic adjudication board of the concerned  
8 traffic enforcement authority shall include in its decision the award of  
9 compensation to the complainant upon dismissing the contested traffic  
10 apprehension.

11       **SEC. 6. *Amount of Compensation.*** – The amount of compensation shall  
12 include the incidental expenses incurred, moral damages suffered by the driver  
13 and the rate of wage. Thus, the total compensation is three (3) times the amount  
14 as may be computed as follows:

15       a. If employed, the compensation is equivalent to the amount of daily  
16 wage multiplied by the number of times the driver took leave of  
17 absence from work to contest the improper apprehension. The driver  
18 must present a certificate of compensation as proof of the driver's  
19 employment and daily wage; or

20       b. If unemployed, self-employed or with business, the compensation is  
21 equivalent to the prevailing minimum wage in the locality where the  
22 driver was apprehended multiplied by the number of times the driver

1 appeared before the traffic adjudication board to contest the improper  
2 apprehension. The driver must present a barangay certification or  
3 other documents as proof that the driver is unemployed, self-  
4 employed or with business.

5 It is understood that the period of contesting the improper traffic  
6 apprehension starts from the filing of the protest up to the finality of the  
7 decision or resolution.

8 **SEC.7. *Additional Compensation.*** – If the improper traffic apprehension  
9 caused the impounding of the motor vehicle, the driver is entitled to an  
10 additional compensation, regardless of ownership of the motor vehicle  
11 impounded, equivalent to daily wage as provided in the preceding Section  
12 multiplied by the number of wheels of the motor vehicle impounded and further  
13 multiplied by the number of days of impoundment.

14 The traffic enforcement authority shall also pay for the expenses incurred  
15 for towing the motor vehicle, including the impound fee, if any, and the cost of  
16 damage to, or missing parts of, the motor vehicle, if any, that ensued during the  
17 impounding.

18 The traffic enforcement authority shall ensure that a Traffic Violation  
19 Receipt (TVR), Ordinance Violation Receipt (OVR) or Impounding Receipt of  
20 Motor Vehicle (IRMV) is issued to the driver of a towed motor vehicle. If  
21 TVR, OVR or IRMV is not issued, the towing and impounding of the vehicle is  
22 presumed to be improper and illegal. The driver of the improperly towed

1 vehicle shall report the incident and the traffic enforcement authority that  
2 accredited the erring towing companies shall immediately take the necessary  
3 steps for the release and return of the motor vehicle and payment of  
4 compensation to the driver.

5 **SEC. 8. *Drivers' Compensation Fund.*** – All traffic enforcement  
6 authorities shall establish a drivers' compensation fund for the payment of  
7 compensation to drivers and the same shall be sourced from the collection of  
8 fines and penalties for traffic violations.

9 The traffic enforcement authority shall determine the amount that must  
10 be set aside from the collection of fines and penalties for the drivers'  
11 compensation fund. The traffic enforcement authority is authorized to maintain  
12 the drivers' compensation fund in an authorized government servicing or  
13 depository banks.

14 The traffic enforcement authority concerned shall release the  
15 compensation within five (5) days from the finality of the decision and upon  
16 compliance of the driver to the substantiation requirements.

17 If there is delay in the release of compensation, the driver shall further  
18 receive an amount equivalent to the awarded compensation multiplied by the  
19 number of days of delays.

20 **SEC. 9. *Duties of Traffic Adjudication Board.*** – In addition to the  
21 existing duties of the traffic adjudication board, the traffic adjudication board  
22 shall:

- 1 a. Provide advisory that the driver may seek legal assistance;
- 2 b. Explain the proceedings in a language that the driver understands;
- 3 c. Ensure an impartial, and orderly conduct of the proceedings;
- 4 d. Allow the driver to bring not more than five (5) persons during the
- 5 hearing of the protest;
- 6 e. Record on video the proceedings and allow any person present in the
- 7 venue to record on video or live stream the proceedings and take
- 8 pictures for documentation and for purposes of transparency and
- 9 partiality;
- 10 f. Issue certificate of appearance and status of the protest without need
- 11 of request;
- 12 g. Submit a report or result of the investigation to the head of agency,
- 13 bureau or office of the erring traffic enforcement personnel, for
- 14 appropriate administrative action; and
- 15 h. Award the amount of compensation provided under Sections 6 and 7
- 16 of this Act if the case is dismissed.

17 **SEC. 10. *Rights of the Driver.*** – The driver is entitled to:

- 18 a) Seek legal assistance from Public Attorney`s Office and Integrated Bar
- 19 of the Philippines, if necessary;
- 20 b) Seek guidance and other form of assistance from advocate groups such
- 21 as the Road Safety Advocates of the Philippines (RSAP) and other

1 non-government organizations duly registered with the  
2 Securities and Exchange Commission (SEC);

3 c) Take photo or video to record or document the traffic apprehension  
4 and use the photo or video as evidence before the traffic adjudication  
5 board;

6 d) Bring not more than five (5) persons during the hearing, including the  
7 witnesses and lawyer, if any;

8 e) Record on video or live stream the proceedings; and

9 f) Receive the amount of compensation as provided under Sections 6 and  
10 7 of this Act.

11 **SEC. 11. *Administrative Sanctions.*** – Any traffic enforcement personnel  
12 who willfully or negligently caused the improper traffic apprehension shall be  
13 held administratively liable. The concerned traffic enforcement authority shall,  
14 *motu proprio*, file the appropriate administrative case against the erring traffic  
15 enforcement personnel under existing civil service laws, rules and regulations.

16 The head of agency, bureau or office of the deputized enforcer shall, upon  
17 receipt of the report or result of the investigation that the deputized enforcer  
18 willfully or negligently caused the improper traffic apprehension, likewise  
19 immediately file the appropriate administrative case or disciplinary action  
20 against the erring deputized enforcer.

21 The concerned officer of the traffic enforcement authority or head of  
22 agency, bureau or office of the apprehending traffic enforcer, deputized police

1 personnel or enforcer who failed to file the administrative case against their  
2 erring traffic enforcement personnel, deputized police personnel or enforcer  
3 shall also be held administratively liable.

4 The hearing officer or member of the traffic adjudication board shall also  
5 be held administratively liable if such officer or member has shown partiality in  
6 adjudicating the contested case or failed to observe the duties and  
7 responsibilities provided under Section 9 of this Act. The aggrieved party,  
8 either the driver or traffic enforcement personnel, may initiate the filing of  
9 appropriate administrative case against the officer or member of the traffic  
10 adjudication board.

11 **SEC. 12. *Implementing Rules and Regulations.*** – Within sixty (60) days  
12 from the effectivity of this Act, the Secretary of Transportation shall, in  
13 coordination with the Secretary of Interior and Local Government, Assistant  
14 Secretary of Land Transportation Office, and Chairpersons of the Metropolitan  
15 Manila Development Authority and Land Transportation Franchising and  
16 Regulatory Board, issue the necessary rules and regulations for the effective  
17 implementation of this Act.

18 **SEC. 13. *Repealing Clause.*** – All laws, executive orders, issuances, rules  
19 and regulations, or parts thereof inconsistent with the provisions of this Act are  
20 repealed or modified accordingly.

21 **SEC. 14. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
22 publication in the *Official Gazette* or in a newspaper of general circulation.

1 Approved,