

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session



HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 5138

Introduced by **REPRESENTATIVE VIRGILIO S. LACSON**

EXPLANATORY NOTE

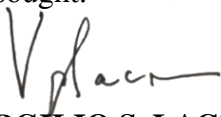
This bill seeks to regulate the no physical contact apprehension policy in implementing traffic laws, ordinances, rules and regulations.

The No Contact Apprehension Policy (NCAP) utilizes modern technology to monitor traffic. Even without the presence of traffic enforcers, violations like running a red light or stopping at a pedestrian lane or making an illegal turn will be caught through the use of closed-circuit television camera. The NCAP is not a novel concept. In fact, it was first introduced in the country in 2002 by the Metro Manila Development Authority (MMDA).

Lately, the NCAP has been the subject of various news reports. It appears that the intended benefits of the Policy have been outweighed by the negative effects on motorists. Reports state that motorists are being ticketed and excessively fined without valid cause.

This bill aims to regulate the Implementation of the No Contact Apprehension Policy to ensure that the rights of drivers/owners/operators are protected. It clarifies the appeal process for those who are apprehended and fined under questionable and invalid grounds. Additionally, it requires traffic authorities to designate the area of operation where the No Contact Apprehension is implemented. It also mandates the issuance of notice of violation to the registered owner or operator within seven (7) days from the time of infraction, and implementation of an Email/Text message Notification System to promptly inform violators of their offense.

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


VIRGILIO S. LACSON
Manila Teachers Party-list

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AN ACT
REGULATING THE NO PHYSICAL CONTACT APPREHENSION POLICY IN THE
IMPLEMENTATION OF TRAFFIC LAWS, ORDINANCES, RULES AND
REGULATIONS AND FOR OTHER PURPOSES

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

SECTION 1. ***Short Title.*** – This Act shall be known as the “*No Contact 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 as well as traffic enforcement personnel. The State shall also encourage the use of closed-circuit television (CCTV) cameras or other similar technologies to apprehend traffic violators and attain the following objectives:

- a) Ensure that traffic rules and regulations are observed even without the presence of traffic enforcers;
- b) Inculcate discipline in all drivers, registered owners and public utility vehicle operators while using the vehicles on the road;
- c) Prevent traffic congestion, ensure smooth flow of traffic and minimize road accidents; and
- d) Avoid altercation between drivers and traffic enforcers, and curtail graft and corruption during physical apprehension of traffic violators.



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

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

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

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

SEC. 5. ***Presumption.*** – The registered owner is presumed to be the driver of a private vehicle captured by the CCTV cameras or other technologies committing a traffic violation. The operator is also presumed to be the driver of a public utility vehicle if there is only one (1) franchise or a single unit under the name of the operator. This presumption may be disputed upon presentation of substantial evidence.

The Land Transportation Office (LTO) and Land Transportation Franchising and Regulatory Board (LTFRB) shall provide the necessary information to the traffic enforcement authorities for the effective implementation of the No Contact Apprehension.

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

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

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

Additionally, the traffic authority is required to implement an Email/Text message Notification System to promptly inform violators of No Contact Traffic Apprehension Policy. Message through other technological platforms may also be added to ensure immediate notification to the violators.

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

SEC. 7. *Refusal to Receive the Notice.* – If the registered owner or operator refuses to receive and sign the notice of violation, the service of the notice is deemed completed after the person serving the notice leaves a copy of the notice and executes an affidavit of service stating the circumstances of the refusal. Provided, that the affidavit of service shall indicate the date, time, location of service, and name of the person serving the notice.

SEC. 8. *Duty of Registered Owner or Operator.* – The registered owner or operator or their duly authorized representatives must attend the hearing if registered owner or operator wants to contest the alleged traffic violation. Failure to attend the hearing, after being duly notified, is an admission of the traffic violation.

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

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

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

a) Hear and decide cases involving the implementation of the No Contact Apprehension;

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- b) Issue *subpoena duces tecum* and *ad testificandum* and administer oath;
- c) Promulgate the rules of procedure;
- d) Furnish the LTO or LTFRB and other authorities a copy of the decision finding violation of traffic laws, ordinances, rules or regulations; and
- e) Perform such other functions necessary for the prompt disposition of cases.

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

SEC. 10. *Prescription and Burden of Proof.* - Any owner or operator of motor vehicle apprehended by any traffic enforcement personnel may contest the traffic apprehension before the traffic adjudication board of the traffic enforcement authority to which the traffic enforcer belongs within thirty (30) days from the date of apprehension or discovery of the same. The apprehending traffic enforcement personnel shall also appear before said hearing.

SEC. 11. *Rights of the Owner/Operator.* - The owner/operator is entitled to:

- a) Seek legal assistance from Public Attorney's Office and integrated Bar of the Philippines, if necessary;
- b) Seek guidance and other form of assistance from advocate groups such as the Road Safety Advocates of the Philippines (RSAP) and other non-government organizations duly registered with the Securities and Exchange Commission (SEC);
- c) Take photo or video to record or document the traffic apprehension and use the photo or video as evidence before the traffic adjudication board;
- d) Bring not more than five (5) persons during the hearing, including the witnesses and lawyer, if any;
- e) Record on video or live stream the proceedings

SEC. 12. *Renewal of license.* - Except as provided under existing laws, the payment of fines and penalties for traffic violations under the No Contact Apprehension is not a requirement for the renewal of motor vehicle registration or franchise. However, the payment of fines and penalties is a requirement for the renewal of the driver's license.

SEC. 13. *Liability.* - Except for vicarious liability provided under Republic Act No. 386, as amended, otherwise known as the "*Civil Code of the Philippines*," and subsidiary liability under Act 3815, as amended, otherwise known as "*The Revised Penal Code*," the

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liability of the traffic violator under the No Contact Apprehension is personal and may not be charged against any other person.

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

SEC. 15. ***Repealing Clause.*** – All laws, orders, ordinances, rules and regulations inconsistent with the provisions of this Act are amended or modified accordingly.

SEC. 16. ***Separability Clause.*** – If any provision or part of this Act is declared unconstitutional, the remaining provisions or parts not affected shall remain in full force and effect.

SEC. 17. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in newspaper of general circulation.

Approved,

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