

**[LTO Memorandum Circular No. AVT-2015-1923,
March 18, 2015]**

**GUIDELINES FOR ADJUDICATION PURSUANT TO THE
PROVISIONS OF JOINT ADMINISTRATIVE ORDER NO. 2014-01**

*Adopted: 18 March 2015
Date Filed: 20 March 2015*

Pursuant to the provisions of JAO No. 2014-01 the following guidelines shall be strictly implemented in order to enhance law enforcement operations and ensure integrity of the adjudication process:

1. Pursuant to Joint Administrative Order No. 2014-01 (JAO), after apprehension, a written protest, which may be in the form of a position paper contesting such apprehension must be filed with the Traffic Adjudication Service (TAS) within five (5) days from apprehension. If the apprehension is made by the members of the Regional Law Enforcement Unit (RLEU) (except for the National Capital Region [NCR]), the protest shall be filed with the District Office of the concerned Region, and the same shall be transmitted to the Regional Office TAS within twenty four (24) hours from receipt thereof. If the apprehension is made by Enforcers of the LTO Central Office or of members of the RLEU of NCR, the protest shall be filed directly with the Central Office TAS, for adjudication.
2. The TAS is in turn mandated to resolve contested cases within five (5) days from its receipt of the written protest. All resolutions of contested cases shall be approved by either the TAS Director or the Regional Director.
3. The failure to timely file a position paper shall result in the consideration of the apprehension as an admitted case.
4. Admitted violations shall be immediately executory. No Resolution is required for admitted cases.
5. In contested cases, the failure to appeal within five (5) days from receipt by the protestant of the TAS resolution shall make the same final and executory.

I. ASSIGNMENT OF CASES

The Administrative/Records Officer of the TAS shall conduct a raffle of contested apprehension cases before assigning the same to hearing officers who shall immediately resolve the same.

II. APPEAL FROM DENIAL OF PROTEST

From receipt of the resolution, the party may elevate the matter to the LTO Assistant Secretary together with the complete records of the case within ten (10) days from his receipt thereof.

The decision/resolution of the LTO Assistant Secretary is appealable to the Secretary of the Department of Transportation and Communications within a period of ten (10) days from his receipt thereof. In such cases of appeal, the LTO Assistant Secretary shall transmit all the records of the case to the DOTC Secretary.

Only Position Paper/Written Protest may be filed and entertained by the TAS. As previously provided by Memorandum Circular No. 544-2004 (superseded by JAO 2014-01), and herein adopted, the following pleadings shall not be given due course:

- a) Motion to extend validity of Temporary Operators Permit (TOP);
- b) Motion for bill of particulars;
- c) Motion to lift or shorten the suspension period of driver's license, Motor Vehicle plates, Official Receipt of Registration or Certificate of Registration;
- d) Motion to reduce fine; and
- e) Motion to release confiscated plates, official receipt of registration and Certificate of Registration before the connection of defects.

III. RELEASE OF CONFISCATED DRIVER'S LICENSE

To effect the release of a confiscated Driver's License, either by being absolved of the apprehension or by the payment of the fine; the following must be presented prior to its release:

- a) Copy of the TAS Resolution, or Official Receipt, if admitted;
- b) Pink or Driver's Copy of the TOP;
- c) Any document which may identify the Claimant;
- d) Proof of payment of fine, if applicable; and
- e) Other documents stated in the Resolution.

IV. RELEASE OF CONFISCATED/IMPOUNDED ITEMS AND/OR MOTOR VEHICLE

Only an Order from the appropriate Court or Prosecutor or the Resolution of the TAS or service of suspension releasing any confiscated item and/or impounded motor vehicle can cause a release of the same.

For the release of an impounded motor vehicle by virtue of a Resolution of the TAS allowing the same, the following must be presented:

- a) Copy of the TAS Resolution;
- b) Original Copy of the IRMV (Impound Receipt of Motor Vehicle);
- c) Copies of CR and updated OR;
- d) Payment of the Fine, if applicable;
- e) LTFRB Franchise Verification, when appropriate;
- f) Stencil of Motor and Chassis Numbers; and
- g) Other documents stated in the Resolution;

In the event that the motor vehicle was/is used in a crime or is discovered as carnapped, the release of the same may only be effected upon the order of the Court where such matter is pending, or if the same is still pending before the Office