

[LTO MEMORANDUM CIRCULAR NO. VPT-2010-1417, September 30, 2010]

STREAMLINING THE PROCEDURE IN THE ADJUDICATION OF APPREHENSION CASES AND DISPOSITION OF ALL RESOLVED CASES INCLUDING THE MANNER OF APPREHENSION IN TRAFFIC VIOLATIONS REQUIRING IMPOUNDMENT OF MOTOR VEHICLE

The Traffic Adjudication Service (TAS) of the Land Transportation Office (LTO) was created by virtue of Executive Order No. 266, series of 1987 and tasked to specifically discharge the quasi-judicial duties and functions of the Department of Transportation and Communications insofar as violations of traffic laws, rules and regulations are concerned. In the exercise of its quasi-judicial functions, the TAS has the authority to judicially hear, determine, decide and adjudicate cases involving traffic violations and to impose fines and/or penalties therefore (Section 3, Executive Order No. 266). It therefore, enjoys exclusive judicial discretion in the determination of traffic violation cases.

Decisions rendered by TAS may be reconsidered in the exhaustion of administrative remedies, by the LTO Assistant Secretary, DOTC Secretary and finally the President of the Philippines. TAS cases may then be appealed to the Court of Appeals, because it is only the latter court that has over-all exclusive appellate jurisdiction, with the exception of a handful of quasi-judicial agencies (Section 9, Republic Act No. 7902).

In order to streamline the procedure in the disposition of apprehension cases as well as the manner in the apprehension of traffic violations requiring impoundment of motor vehicles, the following guidelines are hereby issued for the strict observance and compliance of all concerned:

DISPOSITION OF APPREHENSION CASES BY THE TAS:

1. Resolutions issued by the TAS shall be considered final unless appealed by the respondent. In which case, the respondent shall file a verified appeal to the Office of the Assistant Secretary within fifteen (15) days from receipt of the decision;
2. Adjudication shall be limited to charges as appearing in the Temporary Operators Permit (TOP). Hence, fine or penalty shall be imposed only to the violations charged during the apprehension. Any additional violations discovered thereafter shall be treated separately and should be covered by a separate TOP for another adjudication to commence, except in cases where related violations or charges can be upgraded or downgraded depending on the documents presented during the adjudication as in "failure to carry OR/CR" can be upgraded to "unregistered motor vehicle" or "failure to carry CPC" can be upgraded to "colorum operation", as the case may be. Same ruling shall be applied in similar cases;
3. In the absence of a motion for reconsideration or appeal, TAS resolutions are no longer subject for review. The LETAS/Releasing Officer shall adhere to the decision without imposing any additional requirement provided that the corresponding fines