

[LTO MEMORANDUM CIRCULAR NO. ACL-2009-1193, June 19, 2009]

**CLARIFICATION ON THE IMPOSITION OF THE ADDITIONAL
AMOUNT OF FINE IN CASES OF PROHIBITED OR ILLEGAL
OPERATION OF MOTOR VEHICLES**

In order to have a uniform implementation of **Item E, Sections 60 and 61 (Prohibit Illegal Operation of Motor Vehicles)**, as provided in the **Department Order No. 2008-39** and to further lay down the rule of reference in the application of penalties as the clear tenor and intention thereof, the following shall serve as guidelines in the adjudication of apprehension cases involving said violations:

1. The additional amounts of fine ranging from P1,500, P2,000 and P2,500 per day of impoundment for the first, second and third offenses, respectively as provided for in Item E, Sections 60 and 61 of Department Order No. 2008-39, shall be imposed only in cases of actual or physical impoundment of the motor vehicle. The provision shall not apply to cases of technical impoundment, as the taking into custody of the license plates of the motor vehicles;
2. The provision shall apply only in cases of **"out of line operations"** and **"operation of a colorum motor vehicle"** imposable against the owners/operators. Other violations which carry an accessory penalty of impoundment of a motor vehicle shall not be subject to such additional fine;
3. The start of counting of the number of days for purposes of this provision shall be the date of encoding which shall be made within 72 hours from the date of apprehension. The 72 hours encoding time shall refer to working days, hence, Saturdays, Sundays and holidays are deemed excluded;
4. The accessory penalty of suspension imposed for both owners and drivers provided in the same provision shall remain to be strictly enforced. To strengthen the coercive force of responsibility in case of breach, no suspension of registration documents nor driver's license shall be lifted until the penalty of suspension shall have been fully and completely served. Likewise, no impounded motor vehicle or licensed plates (in case of technical impoundment) shall be released unless the suspension shall have been complied with.

The STRADCOM is hereby ordered to cause the necessary adjustment in the LETAS facility to effectively implement this Circular.

Previous memoranda or circulars inconsistent herewith are deemed superseded and/or otherwise modified accordingly.