

[BATAS PAMBANSA BLG. 398, May 18, 1983]

**AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT
NUMBERED FORTY-ONE HUNDRED AND THIRTY-SIX,
OTHERWISE KNOWN AS THE LAND TRANSPORTATION AND
TRAFFIC CODE.**

Be it enacted by the Batasang Pambansa in session assembled:

SECTION 1. Section nineteen of Republic Act Numbered Forty-one hundred and thirty-six, otherwise known as the Land Transportation and Traffic Code, is hereby amended to read as follows:

"SEC. 19. *Duty to have license.*—Except as otherwise specifically provided in this Act, it shall be unlawful for any person to operate any motor vehicle without having in his possession a valid license to drive a motor vehicle.

"The license shall be carried by the driver at all times when operating a motor vehicle, and shall be shown and/or surrendered for cause and upon demand to any person with authority under this Act to confiscate the same."

SEC. 2. Section twenty of the same Act is hereby

SEC. 3. Section twenty-two of the same Act is hereby amended to read as follows:

"SEC. 22. *Application for driver's license, fees, examination.*—Every person who desires to personally operate any motor vehicle shall file an application to the Director or his deputies for a license to drive motor vehicles: *Provided, however,* That no person shall be issued a professional driver's license who is suffering from contagious diseases, such as tuberculosis, sexually transmitted diseases and epilepsy or who is an alcohol or drug addict or dependent.

"Each such application, except in the case of enlisted men operating government-owned vehicles, shall be accompanied by a fee of five pesos, and shall contain such information respecting the applicant and his ability to operate motor vehicles, as may be required by the Bureau.

"The Director or his deputies shall also ascertain that the applicant's health, sight and hearing are sound and normal, and is physically and mentally fit to operate motor vehicles. To this end, the Director or his

deputies shall require a certificate to that effect, signed by a reputable accredited physician.

"An examination, theoretical and practical, to determine every applicant's ability and fitness to operate motor vehicles to be conducted by the Director in such form and manner as he shall prescribe shall also be required. A manual containing the general scope of the examinations and such information as may be necessary for the guidance of the applicants and for the purpose of effectivity and implementation of this Act may be published in an official language and distributed at no cost to the applicants.

"No application for a driver's license shall be received, unless the applicant:

"(1) For a professional driver's license, is at least eighteen years of age, possesses a valid student-driver's permit and has undergone instruction in the operation of motor vehicles for at least five months under a qualified instructor: *Provided, however,* That the period of time the applicant has operated a motor vehicle with a non-professional driver's license shall be credited against the period of instruction required herein; and

"(2) For a non-professional driver's license, is at least seventeen years of age, possesses a valid student-driver's permit and has undergone instruction in the operation of motor vehicles for at least a month."

SEC. 4. Section twenty-three of the same Act 13 hereby-amended to read as follows:

"SEC. 23. *Issuance of driver's license, fees and validity.*— If after such examination, the Director or his deputies find that the applicant possesses the necessary qualification and proficiency in the operation of motor vehicles, is able to read and write any of the official languages or a major dialect and knows how to read and interpret various traffic signs, signals and road markings, a professional or non-professional license may be issued to such applicant upon payment of the fee prescribed in accordance with law, but prior to the issuance of said license, the applicant shall present himself in person and have his photograph taken by the Bureau. All driver's licenses issued shall be signed in the presence

of the Director or his deputies and shall bear, among others, the full name, date of birth, height, weight, sex, color of eyes, blood type, complete current address, right hand thumbprint of the licensee, license number, and its date of issue and expiration.

"In the issuance of licenses, the Bureau shall use such process or adopt such measure as will prevent any alteration or falsification of a license or will enable the Bureau to detect any unauthorized license.

"Except for student permits and new licenses, all driver's licenses shall be valid for three consecutive years reckoned from the birthdate of the licensee, unless sooner revoked or suspended: *Provided, however,* That, subject to Section twenty-six hereof, any holder of a professional or non-professional driver's license who has not committed any violation during the three-year period shall be entitled to a renewal of such license for a five-year period."

SEC. 5. Section twenty-four of the same Act is hereby amended to read as follows:

"SEC. 24. *Use of driver's license and identification card.*—Every license issued under the provisions of this Act to any driver shall entitle the holder thereof, while the same is valid and effective, to operate motor vehicles described in such license: *Provided, however,* That every licensed professional driver, before operating a public utility vehicle registered under classification (b) of Section seven hereof, as amended by Batas Pambansa Bilang 74, shall secure from the Director, upon payment of the sum of five pesos, a driver's identification card which he shall, at all times while so operating a public utility vehicle, display in plain sight in the vehicle being operated. The identification card shall be issued simultaneously with the license.

"It shall be unlawful for any duly licensed driver to transfer, lend or otherwise allow any person to use his license for the purpose of enabling such person to operate a motor vehicle.

"No owner of a motor vehicle shall engage, employ, or hire any person to operate such motor vehicle, unless the person sought to be employed is a duly licensed professional driver."

SEC. 6. Section twenty-six of the same Act is hereby amended to read as follows:

"SEC. 26. *Renewal or replacement of lost license.*— Any license not renewed on or before the last working day prior to the expiry date of such license as provided for in the third paragraph of Section twenty-

three of this Act shall become delinquent and invalid, except when the license is surrendered to the Director or his deputies on or before the last working day prior to the expiry date of such license as hereinabove specified in order to avoid payment of the delinquency fees.

"For a renewal of a delinquent license, there shall be collected as delinquency fee, in addition to the basic fee as prescribed, an amount equivalent to fifty per cent of said basic fee.

"Every applicant for renewal of license to operate any motor vehicle shall present to the Director or his deputies, in person, the license issued to the applicant for the previous period, together with the basic fee hereinabove prescribed, and, in the case of professional drivers, three copies of a readily recognizable photograph of the applicant taken by the Bureau. In case the applicant for renewal has committed three or more offenses within a period of one year, or has suffered any injury or illness that impairs his ability to operate motor vehicles, he shall be required to undergo a theoretical and practical examination in order to determine his ability and fitness to operate motor vehicles.

"Lost License.—In case the license has been lost or cannot be produced, the licensee shall apply for a duplicate of the original on file with the Bureau by filing a sworn statement that such license has been lost and that a thorough and diligent search was futile and in accordance with the procedure which the Director is hereby authorized to promulgate, subject to the approval of the Minister of Transportation and Communications.

"The Director or his deputies are hereby authorized to administer the oath in connection with such application."

SEC. 7. Section twenty-seven of the same Act is hereby amended to read as follows:

"SEC. 27. *Authority to suspend, revoke and reinstate driver's license.*—Without prejudice to the authority of the court in appropriate cases and except as herein otherwise provided, the Director shall have exclusive power and authority to suspend or revoke for cause any driver's license issued under the provisions of this Act.

"(a) The Director may suspend for a period not exceeding three months or, after hearing, revoke any driver's license and may order such license, whether confiscated by, and/or in the possession of, any other law enforcement agencies deputed in accordance with paragraph (d) (I) of Section four of this Act or not to be delivered to him whenever he has

reason to believe that the holder thereof is an improper person to operate motor vehicles, or in operating or using a motor vehicle in, or as an accessory to, the commission of any crime or act which endangers the Public. Any deputy of the Director may, for the same cause, suspend for a period not exceeding three months any driver's license issued under the provisions of this Act: *Provided*, that such suspension may be "appealed to the Director who may, after reviewing the case, confirm, reverse or modify the action taken by such deputy.

"(b) Whenever during any twelve-month period a driver shall have been convicted at least three times for the violations of any provisions of this Act or of any regulations issued by the Director or any municipal or city ordinance relating to motor vehicle traffic not in conflict with any of the provisions of this Act, the Director may revoke or suspend the license of such driver for a period not exceeding two years.

"(c) The license suspended or revoked under the provisions of subsections (a) and (b) of this section shall not be reinstated by the Director, unless the driver has furnished a bond in accordance with Section twenty-nine of this Act and only after the Director has satisfied himself that such driver may again safely be permitted to operate a motor vehicle.

"(d) A decision of the Director revoking or refusing the reinstatement of a license under the provisions of this section may be appealed to the Minister of Transportation and Communications."

SEC. 8. Section twenty-eight of the same Act is hereby amended to read as follows:

"SEC. 28. *Driver's bond.*—The Director before reinstating any driver's license which has been suspended or revoked under the provisions of the preceding section or of any provisions of this Act, may require such driver to post a bond in the sum of five thousand pesos conditioned upon the satisfaction and payment of any claim which may be filed or of any execution which may be issued against such driver in any case wherein said driver may be held answerable while operating motor vehicles. The bond required in this section shall be in such form as to render sureties liable at least for a period of not less than one year nor more than three years: *Provided, however*, That upon written application to the Director for release from such bond, the Director may, after revoking or suspending the driver's license, authorize the release of the bondsmen. from further responsibility thereunder: *Provided, further*, That should the Director decide not to revoke the license of a driver who has been convicted of homicide through reckless imprudence, or of the violation of the speed limit or of reckless driving at least three times within a twelve-month period, the said driver shall post a bond in the sum of not less