



HOUSE OF REPRESENTATIVES

H. No. 10811

BY REPRESENTATIVES LEACHON, SUNTAY, PADIERNOS, SY-ALVARADO, GATCHALIAN, LOPEZ,
SARMIENTO AND NIETO, PER COMMITTEE REPORT NO. 1457

AN ACT
MANDATING NO PHYSICAL CONTACT IN APPREHENDING TRAFFIC
VIOLATORS, MANDATING THE USE OF THE APPROPRIATE TECHNOLOGY
RELATIVE THERETO, AND PROVIDING FUNDS THEREFOR

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

1 SECTION 1. **Short Title.** – This Act shall be known as the “No Contact Traffic
2 Apprehension Act”.

3
4 SEC. 2. **Declaration of Policy.** – It is the policy of the State to protect the fundamental
5 human rights of its citizens to live peacefully and with dignity, and safe from abuse from any
6 individual or institution, including the State.

7 The State adheres to the principle of transparency in governance especially in the
8 implementation of its rules and regulations, such as in road and traffic management. In the
9 present time, technology plays an important role to achieve this end, such as utilizing
10 dependable electronic equipment like the closed-circuit television (CCTV) cameras to record
11 real time events in open areas and public roads in the country. This kind of electronic
12 hardware also provides leads for evidence for the traffic apprehension of traffic violations or
13 infractions of drivers, vehicle owners, passengers, or by-standers alike. In time, the use of

1 CCTV cameras has proven to not only capture possible traffic violations but also help
2 gradually eradicate graft and corruption or abuse of authority in traffic law enforcement by
3 eliminating direct human intervention in the apprehension.

4
5 **SEC. 3. Objectives.** – This Act seeks to achieve the following objectives:

6 (a) Enhance the system of apprehending traffic violators by capacitating traffic
7 authorities to supervise and capture road mishaps and traffic violations using technological
8 innovations available such as CCTV cameras to record road and traffic conditions, violations
9 by road users, and the conduct of traffic enforcers;

10 (b) Deter graft and corruption as well as abuse of authority by reducing face-to-
11 face intervention in the apprehension of traffic violators;

12 (c) Enhance further road safety and courtesy by reducing road obstruction, traffic
13 congestion, and altercations between erring motorists or other road users and traffic
14 enforcers;

15 (d) Protect the well-being of traffic enforcers who shall no longer be subject to
16 prolonged exposure to road hazards in the performance of their duties.

17
18 **SEC. 4. Definition of Terms.** – As used in this Act.

19
20 (a) *Electronic Notification* refers to one of the ways by which alleged erring
21 drivers, vehicle owners, car fleet operators, public transport franchise holders,
22 pedestrians, by-standers, or road users are informed of their infractions, corresponding
23 fines and penalties, and hearing schedules, using electronic devices such as computers
24 and mobile phones that are wirelessly, electronically, or digitally connected with the
25 internet. The word ‘electronic’ as used herein is synonymous and interchangeable with
26 ‘wireless’ and ‘digital’;

1 (b) *Motor vehicle* refers to any vehicle propelled by any power other than
2 muscular power using the public highways, but excepting road rollers, trolley cars,
3 street-sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian
4 trucks, and cranes if not used on public highways, vehicles which run only on rails or
5 tracks, and tractors, trailers and traction engines of all kinds used exclusively for
6 agricultural purposes;

7 (c) *No Contact Traffic Apprehension* refers to an approach to monitor and
8 apprehend traffic violations from a distance using applicable electronic wireless
9 technologies instead of face-to-face or physical apprehension. These electronic wireless
10 technologies provide real-time supervision and capture of video images of traffic
11 violations and road accidents. The video images are then recorded, processed for
12 investigation, and filed for safekeeping as material evidence in determining the violations
13 and corresponding penalties of erring parties;

14 (d) *Notice of Violation* refers to a violation ticket which is similar to a citation
15 ticket issued in physical or face-to-face apprehension by traffic enforcers to a motorist or
16 other road user who commits a traffic violation;

17 (e) *Operator or Franchise Holder* refers to the person given the authority,
18 license, permit or franchise to operate a PUV;

19 (f) *Owner* refers to the registered owner of a vehicle, or such person or entity to
20 whom a vehicle has been validly and legally sold;

21 (g) *Private Vehicle* refers to any motor vehicle not used as a PUV;

22 (h) *Public Utility Vehicles* refer to vehicles that carry passengers and cargo for a
23 fee, offering services to the public, which may include, but are not limited to, UV
24 Express Service, PUBs, PUJs, TNVS, Filcab, and taxis;

1 (i) *Traffic Enforcer* refers to an agent authorized by the State to enforce traffic
2 rules and regulations on the road or from a distance, monitoring traffic infractions in a
3 surveillance room or office and capturing them through video recording cameras or
4 through equivalent technology to be used in the apprehension of erring motorists or road
5 users or the processing of the notices of violation against them;

6 (j) *Wireless Technology* refers to both an infrastructure and a method that allows
7 the exchange of communications without wires or cables, primarily utilizing
8 electromagnetic radiation. In wireless communications, wireless networks can transfer
9 and exchange data from different locations through available digital software or
10 platforms and the internet.

11
12 **SEC. 5. *No Physical Contact Apprehension.*** – The no physical contact traffic
13 apprehension policy, hereinafter referred to as the No Contact Traffic Apprehension (NCTA)
14 policy, shall allow traffic authorities to impose traffic rules and regulations and issue
15 violation tickets or its equivalent against any person found to violate any of such traffic rules
16 and regulations, as captured by traffic surveillance equipment such as CCTV cameras or
17 similar technologies.

18 Subject to Section 18 hereof, all national and local traffic authorities must adhere to
19 the provisions of this Act.

20
21 **SEC. 6. *Scope.*** – All drivers of motor vehicles, motor vehicle owners, public utility
22 vehicle operators or franchise holders, hereinafter collectively referred to as “motorists”, and
23 pedestrians, by-standers, and all persons situated or making use of roads, hereinafter
24 collectively referred to as “other road users”, who have committed or are involved in a traffic
25 violation shall be covered by this Act: *Provided*, That traffic violations that result to injury,

1 damage to property, or other crimes, as may be determined in the Implementing Rules and
2 Regulations may be exempted from the scope of this Act.

3
4 **SEC. 7. *Operation Site.*** – During the transition period prescribed in Section 18, traffic
5 authorities and agencies shall assign the specific sites where the NCTA policy is to be
6 implemented: *Provided*, that at least seven (7) days prior publication or notice in at least three
7 (3) conspicuous places in the intended area of coverage is made before the effective date of
8 implementation of the NCTA.

9 Traffic authorities and agencies may enforce the traffic rules and regulations only in
10 those sites within their jurisdiction.

11
12 **SEC. 8. *Traffic Authorities and Agencies.*** – The Department of Transportation (DOTr)
13 shall be the principal authority in enforcing the NCTA. The Land Transportation Office
14 (LTO), Land Transportation Franchising and Regulatory Board (LTFRB), Philippine
15 National Police (PNP), local government units (LGUs), and other agencies like the Metro
16 Manila Development Authority (MMDA), through their designated service offices,
17 subsidiaries, or instrumentalities authorized by law to enforce traffic management rules and
18 regulations shall assist in the implementation of the provisions of this Act.

19 For this purpose, traffic authorities and agencies shall agree and designate their specific
20 areas of operation, enforce traffic rules and regulations, and issue citation tickets or notice of
21 violation to those apprehended, according to their mandates and relevant laws and rules.

22 The concerned traffic authorities and agencies shall ensure that traffic enforcers,
23 officers, or constables are competent to perform tasks or duties under this Act. Before being
24 deputized, they must undergo the standard qualification process as well as necessary training
25 modules provided by the DOTr or its authorized attached agencies.

1 SEC. 9. *Camera Apprehension.* – Traffic authorities and agencies shall install road
2 surveillance cameras or their equivalent in the designated areas of operation. A violation that
3 is captured through these kinds of equipment and duly authenticated shall be considered a
4 lawful apprehension and punishable under this Act and other existing traffic laws.

5
6 SEC. 10. *Vehicle Tagging and Presumption of Liability.* – If a vehicle is recorded to
7 have been involved in a lawful apprehension, its plate number or conduction sticker, as may
8 be recognizable through the surveillance equipment, shall be tagged to immediately alert all
9 concerned traffic authorities and agencies in order to identify its registered owner and
10 determine its use, if such data for the latter is available.

11 In cases involving private vehicles, the registered owner shall be presumed to be
12 driving the vehicle. In cases involving public utility vehicles (PUVs) covered under a single-
13 vehicle franchise, the franchise holder shall be presumed to be driving the vehicle.

14 In the case of PUVs covered under a consolidated or multi-vehicle franchise, the
15 operator or franchise holder shall implement a recording system that indicates a schedule of
16 drivers and their assigned PUVs, with sufficient proof of vehicle possession of driver within a
17 given schedule: *Provided,* That if the franchise holder does not have or should fail to
18 implement such a recording system, the franchise holder shall be presumed to be driving the
19 vehicle.

20
21 If the owner, operator or franchise holder of an involved vehicle is a corporation or
22 other juridical entity, the person designated to use such vehicle pursuant to an existing Board
23 Resolution or equivalent document of authorization shall be presumed as the driver of the
24 vehicle. In the absence of such document, the president, general manager, or highest-ranking
25 officer, as the case maybe, shall be presumed as the driver of the vehicle.

1 The owner, operator, or franchise holder after receiving a Notice of Violation in the
2 form and manner as mentioned in this Act, shall identify, surrender, or report to the
3 concerned traffic authority or agency the erring driver or new owner, in case such owner,
4 operator, or franchise holder intends to contest the alleged violation on the grounds that a
5 different person was driving the vehicle or that the vehicle was already legally sold to another
6 person at the time of actual apprehension. The actual erring driver or owner, as may be
7 properly and duly established, shall be the person liable for the violation committed, and if
8 not surrendered shall be given a separate Notice of Violation: *Provided*, That should the
9 identified erring driver be without the proper license to operate the vehicle involved, then the
10 owner, operator, or franchise holder, as the case maybe, shall be made directly liable.

11
12 **SEC. 11. *License Tagging.*** – The license of the person liable under the provisions of this
13 Act shall, after the lapse of the period to contest or settle the fine or penalty, be suspended or
14 revoked, depending on the gravity of the offense: *Provided*, That the same will be lifted upon
15 actual payment of the fine or fulfillment of the penalty.

16
17 **SEC. 12. *Notice of Violation.*** – A Notice of Violation (NOV) shall be delivered to the
18 registered or last known address of the erring motorist or other road user within a reasonable
19 period not exceeding fifteen (15) calendar days from the time of apprehension, through
20 personal service, registered mail, or private courier. The NOV must bear the following
21 details:

- 22 (a) Specific traffic offense committed;
- 23 (b) Date, time, and location of the violation;
- 24 (c) Corresponding fine or penalty;
- 25 (d) Video file, photo image, or other proof of violation identifying the person, in
26 cases involving erring other road users, or the plate number or conduction

1 sticker and frontal image, if such frontal image is available, of the involved
2 vehicle, in cases involving erring motorists; and

3 (e) In case of fine, the period and manner to settle the same; in case of imposition of
4 other penalties, the date, time, and place of the hearing on the violation.
5

6 As soon as practicable, the DOTr, together with all national and local government
7 agencies and instrumentalities authorized by law to traffic rules and regulations, shall impose
8 an integrated traffic apprehension and payment scheme system using available wireless or
9 digital technology that will alert and notify registered owners of traffic violations involving
10 their vehicles through electronic or digital notification such as electronic mail (e-mail), short
11 message service (SMS) or text messaging, social media private messaging, or their
12 equivalent, and enable registered owners to monitor such apprehensions, including the
13 amount and manner any such fees are to be paid and/or penalties are to be fulfilled.
14 Thereafter, the NOV may be done through electronic or digital notification.

15 If an erring motorist or other road user had earlier been apprehended face-to-face or
16 physically for one and the same violation as captured through the NCTA, the corresponding
17 NOV will be automatically cancelled upon presentation of the physically-issued violation
18 ticket. Hence, the concerned traffic authority or agency, before issuing an NOV, must first
19 endeavor to confirm that the erring motorist or other road user has not been previously
20 physically apprehended and issued a ticket for one and the same traffic infraction.

21
22 **SEC. 13. *Refusal to Receive the Notice.*** – In case of refusal to receive and sign the
23 NOV, the service thereof to the erring motorist or other road user is deemed completed after
24 the person serving the same leaves a copy of the NOV with the involved erring motorist or
25 road user, or in their absence, with a person of sufficient age and discretion, and executes an
26 affidavit stating the circumstances of the service and refusal to receive.

1 SEC. 14. *Opposing an Apprehension.* – Should the motorist or other road user
2 intend to oppose the apprehension, they or their duly authorized representatives must file an
3 opposition, within a period not exceeding seven (7) calendar days from receipt of the NOV,
4 before the designated adjudication body of the agency issuing the NOV. The opposition must
5 state all the grounds relied upon to contest the apprehension. The failure to timely file any
6 opposition shall be deemed as a waiver to contest the cited traffic violation.

7 In all instances when the alleged traffic violation involving a vehicle is opposed or
8 contested, it is the duty of the registered owner, operator, or franchise holder to prove his/her
9 defense before the relevant traffic adjudication board created under Section 14 of this Act
10 and, if possible, present the person who may be liable for the traffic violation.

11 SEC. 15. *Data Sharing.* – Traffic authorities and agencies are hereby expressly
12 authorized to share relevant information pertaining to registered vehicles and licensed drivers
13 that may be obtained and collected and which are pertinent to and solely for the purpose of
14 the implementation of this Act: *Provided*, That all traffic authorities and agencies shall:

- 15 (a) Establish adequate safeguards for data privacy and security;
- 16 (b) Process the data shared in accordance with the principles of transparency, legitimate
17 purpose, and proportionality; and
- 18 (c) Observe strict compliance with Republic Act No. 10173, otherwise known as the
19 “Data Privacy Act of 2012”.

20 SEC. 16. *Creation of Adjudication Boards.* – Within six (6) months from the
21 effectivity of this Act, there shall be established an Adjudication Board in all traffic
22 authorities and agencies. The Adjudication Board shall have original jurisdiction over cases
23 involving violations of traffic laws, rules, and regulations within its area of operations, and
24

1 shall issue such rules of procedure which shall govern the conduct of proceedings for cases
2 before the said Board.

3
4 **SEC. 17. *Renewal of Vehicle Registration and Driver's License.*** – Except in cases
5 where the liability is on the registered owner, operator, or franchise holder, the payment of
6 fines and fulfillment of penalties for traffic violations under the NCTA is not a requirement
7 for the renewal of motor vehicle registration, or franchise, without prejudice to such actions
8 and proceedings as the LTFRB may undertake in the exercise of its regulatory or quasi-
9 judicial functions.

10 However, such payment of fines and fulfillment of penalties is a requirement for the
11 renewal of the driver's license of the person liable for the traffic violation.

12
13 **SEC. 18. *Incentives.*** – The LTO shall provide incentives to a driver who shall not be
14 involved in any traffic violation or incur any demerit pursuant to Republic Act No. 4136, as
15 amended, otherwise known as the “Land Transportation and Traffic Code”. The incentive
16 shall be determined by the LTO, which may be in the form of a discount in the fees and
17 charges for the renewal of driver's license or an extension of the validity of the driver's
18 license, free-of-charge for up to ten (10) years, or as may be allowed by existing rules and
19 regulations. In no case, however, shall the incentive involve an outright payment of any sum
20 of money to any person.

21
22 **SEC. 19. *Transition Period.*** – The NCTA policy shall be strictly observed nationwide,
23 but shall take effect upon the expiration of the prescribed transition period as provided in
24 rules and regulations to be issued to implement this Act, and based on the classification of the
25 area of coverage of each national or local traffic authority and agency involved: *Provided,*
26 That all national or local traffic authorities and agencies already using CCTV cameras or
27 other technologies in enforcing traffic laws, ordinances, rules and regulations must

1 immediately adhere to the provisions of this Act. In no case shall the transition period
2 effected by any national or local traffic authority and agency exceed fifteen (15) years from
3 the effectivity of this Act.

4 Within its mandated transition period, a national or local traffic authority and agency
5 may employ physical or face-to-face apprehensions for traffic-related violations. Thereafter,
6 all traffic-related apprehensions must be in accordance with this Act.

7
8 **SEC. 20. *Implementing Rules and Regulations.*** – Within ninety (90) days after the
9 effectivity of this Act, the Secretary of Transportation shall, in coordination with the
10 Secretary of the Interior and Local Government, Secretary of Information and
11 Communications Technology, and the Commissioner of the NPC, promulgate the necessary
12 rules and regulations for the effective implementation of this Act.

13
14 **SEC. 21. *Appropriations.*** – The amount necessary for the initial implementation of this
15 Act shall be charged against the current appropriations of the DOTr, DILG, and DICT.
16 Thereafter, such sums as may be necessary for the continued implementation of this Act shall
17 be included in the annual General Appropriations Act.

18
19 **SEC. 22. *Separability Clause.*** – If any provision or part of this Act is declared
20 unconstitutional, the remaining provisions or parts not affected shall remain in full force and
21 effect.

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23 **SEC. 23. *Repealing Clause.*** – All laws, orders, ordinances, rules and regulations
24 inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

25
26 **SEC. 24. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
27 the *Official Gazette* or in a newspaper of general circulation.

Approved,