

**NINETEENTH CONGRESS OF THE REPUBLIC )**  
**OF THE PHILIPPINES )**  
*First Regular Session )*



23 MAR -7 P5:13

RECEIVED BY: JSV

**SENATE**  
**Senate Bill No. 1976**

---

Introduced by: **Senator Raffy T. Tulfo**

---

**AN ACT**  
**ENFORCING FAIR TRAFFIC APPREHENSION, GRANTING FOR THE PURPOSE**  
**COMPENSATION TO DRIVERS OF MOTOR VEHICLES FOR IMPROPER TRAFFIC**  
**APPREHENSION AND IMPOSING ADMINISTRATIVE SANCTIONS FOR ERRING**  
**TRAFFIC ENFORCEMENT PERSONNEL**

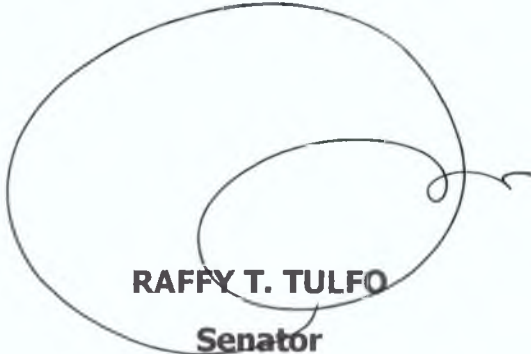
EXPLANATORY NOTE

Motorists experience tedious processes in contesting traffic apprehensions made against them, especially when the driver is under a 'no-work, no pay' policy. The proposed bill seeks to provide compensation to drivers of motor vehicles who are wrongly apprehended for traffic violations. This compensation is aimed at covering the losses incurred by drivers due to the wrongful apprehension, such as lost time, missed appointments, and additional transportation costs.

Moreover, the proposed legislation also aims to impose administrative sanctions on traffic enforcement personnel who commit errors in apprehending motorists. This is intended to hold erring traffic enforcers accountable for their actions and prevent them from abusing their authority in the future.

The bill aims to promote transparency and accountability in the country's traffic enforcement system. It is hoped that this will lead to a fairer and more efficient system that benefits both motorists and the government.

The passage of this measure is thus earnestly sought.



**RAFFY T. TULFO**  
**Senator**



**NINETEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )**

*First Regular Session )*

23 MAR -7 P5:13

RECEIVED BY: \_\_\_\_\_

**SENATE  
Senate Bill No. 1976**

Introduced by: **Senator Raffy T. Tulfo**

**AN ACT  
ENFORCING FAIR TRAFFIC APPREHENSION, GRANTING FOR THE PURPOSE  
COMPENSATION TO DRIVERS OF MOTOR VEHICLES FOR IMPROPER TRAFFIC  
APPREHENSION AND IMPOSING ADMINISTRATIVE SANCTIONS FOR ERRING  
TRAFFIC ENFORCEMENT PERSONNEL**

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 "Fair Traffic Apprehension Act."
- 2
- 3 SEC. 2. Declaration of Policy -It is the policy of the State to maintain peace and order,
- 4 promote discipline on the roads, and improve the traffic management system through
- 5 efficient and fair implementation of traffic laws, rules and regulations. Towards this end,
- 6 the State shall protect the rights of motor vehicle drivers, provide reasonable

1 compensation to drivers who are improperly apprehended and impose administrative  
2 sanctions against erring traffic enforcement personnel.

3

4

5 SEC. 3. Definition of Terms. - As used in this Act:

6

7 a. *Driver* refers to driver who is improperly apprehended;

8

9 b. *Traffic adjudication* board refers to the office, division, bureau or service of traffic  
10 enforcement authorities whose function is to adjudicate contested and admitted  
11 apprehensions, including cases under appeal or motion for reconsideration;

12

13 c. *Traffic enforcement authorities* refer to Land Transportation Office, Metropolitan  
14 Manila Development Authority, Land Transportation Franchising and Regulatory  
15 Board and Local Government Units; and

16

17 d. *Traffic enforcement personnel* refers to traffic enforcers of traffic enforcement  
18 authorities, including deputized police personnel and other enforcers of different  
19 law enforcement agencies.

20

21

22 SEC. 4. Prescription and Burden of Proof. - Any driver of motor vehicle apprehended by  
23 any traffic enforcement personnel may contest the traffic apprehension before the traffic  
24 adjudication board of the traffic enforcement authority to which the traffic enforcer  
25 belongs within sixty (60) days from the date of apprehension or discovery of the same.

26

27 The apprehending traffic enforcement personnel has the burden of proof and shall  
28 prove before the traffic adjudication board that the driver has improperly apprehended  
29 and impose administrative sanctions against erring traffic enforcement personnel.

1 Sec.5. Compensation- Upon failure of the apprehending traffic enforcement personnel to  
2 prove the traffic violation or upon proper showing by the driver of sufficient evidence that  
3 the traffic apprehension is improper and that there is no violation of any traffic laws, rules  
4 and regulations, the driver is entitled to compensation. The traffic adjudication board of  
5 the concerned traffic enforcement authority shall include in its decision the award of the  
6 compensation to the complaint upon dismissing the contested traffic comprehension.

7

8 SEC.6. Amount of Compensation- The amount of compensation shall include the  
9 incidental expenses incurred, moral damages suffered by the driver and the rate of wage.  
10 Thus, the total compensation is three (3) times the amount as may be computed as  
11 follows :

12

13 a. If employed, the compensation is equivalent to the amount of daily wage  
14 multiplied by the number of times the driver took leave of absence from work to  
15 contest the improper apprehension. The driver must present a certification of  
16 comprehension as proof of the driver's employment and daily wage; or

17

18 b. If unemployed, self-employed or with business, the compensation is equivalent to  
19 the prevailing minimum wage in the locality where the driver apprehended  
20 multiplied by the number of times the driver appeared before the traffic  
21 adjudication board to contest the improper apprehension. The driver must present  
22 a barangay certification or other documents as proof that the driver is unemployed,  
23 self-employed or with business

24

25 It is understood that the period of contesting the improper traffic apprehension starts  
26 from the filing of the protest up to the finality of the protest up to the finality of the  
27 decision or resolution.

1 SEC.7. Additional Compensation. - if the improper traffic apprehension caused the  
2 impounding of the motor vehicle, the driver is entitled to an additional compensation,  
3 regardless of ownership of the motor vehicle impounded, equivalent to daily wage as  
4 provided in the preceding Section multiplied by the number of wheels of the motor vehicle  
5 impounded and further multiplied by the number of days of impoundment.

6  
7 The traffic enforcement authority shall also pay for the expenses incurred for  
8 towing the motor vehicle, including the impound fee, if any, and the cost of damage to,  
9 or missing parts of, the motor vehicle, if any, that ensued during the impounding.

10  
11 The traffic enforcement authority shall ensure that a Traffic Violation Receipt  
12 (TVR), Ordinance Violation Receipt (OVR) or Impounding Receipt of Motor Vehicle (IRMV)  
13 is issued to the driver of a towed motor vehicle. If TVR, OVR or IRMV is not issued, the  
14 towing and impounding of the vehicle is presumed to be improper and illegal. The driver  
15 of the improperly towed vehicle shall report the incident and the traffic enforcement  
16 authority that accredited the erring towing companies shall immediately take the  
17 necessary steps for the release and return of the motor vehicle and payment of  
18 compensation to the driver.

19  
20 SEC. 8. Drivers Compensation Fund. - All traffic enforcement authorities shall establish a  
21 drivers' compensation fund for the payment of compensation to drivers and the same  
22 shall be sourced from the collection of fines and penalties for traffic violations.

23  
24 The traffic enforcement authority shall determine the amount that must be set aside from  
25 the collection of fines and penalties for the drivers' compensation fund. The traffic  
26 enforcement authority is authorized to maintain the drivers' compensation fund in an  
27 authorized government servicing or depository banks.

28

1 The traffic enforcement authority concerned shall release the compensation within five  
2 (5) days from the finality of the decision and upon compliance of the driver to the  
3 substantiation requirements.

4  
5 If there is delay in the release of compensation, the driver shall further receive an amount  
6 equivalent to the awarded compensation multiplied by the number of days of delays.

7  
8 SEC. 9. Duties of Traffic Adjudication Board. - In addition to the existing duties of the  
9 traffic adjudication board, the traffic adjudication board shall:

- 10
- 11 a. Provide advisory that the driver may seek legal assistance;
  - 12 b. Explain the proceedings in a language that the driver understands;
  - 13 c. Ensure an impartial, and orderly conduct of the proceedings;
  - 14 d. Allow the driver to bring not more than five (5) persons during the hearing of  
15 the protest.
  - 16 e. Record on video the proceedings and allow any person present in the venue to  
17 record on video or live stream the proceedings and take pictures for documentation  
18 and for purposes of transparency and partiality;
  - 19 f. Issue certificate of appearance and status of the protest without need  
20 of request,
  - 21 g. Submit a report or result of the investigation to the head of agency, bureau or  
22 office of the erring traffic enforcement personnel, for appropriate administrative  
23 action; and
  - 24 h. Award the amount of compensation provided under Sections 6 and 7 of this Act  
25 if the case is dismissed.

26  
27  
28 SEC. 10. Rights of the Driver. - The driver is entitled to:  
29 a) Seek legal assistance from the Public Attorney's Office and Integrated Bar of the  
30 Philippines, if necessary.

- 1 b) Seek guidance and other form of assistance from advocate groups such as the Road  
2 Safety Advocates of the Philippines (RSAP) and other non-government organizations duly  
3 registered with the Securities and Exchange Commission (SEC);  
4  
5 c) Take photo or video to record or document the traffic apprehension and use the  
6 photo or video as evidence before the traffic adjudication board;  
7  
8 d) Bring not more than five (5) persons during the hearing, including the witnesses and  
9 lawyer, if any;  
10  
11 e) Record on video or live stream the proceedings; and  
12  
13 f) Receive the amount of compensation as provided under Sections 6 and 7 of this Act.

14  
15 SEC. 11. Administrative Sanctions. - Any traffic enforcement personnel who willfully or  
16 negligently caused the improper traffic apprehension shall be held administratively liable.  
17 The concerned traffic enforcement authority shall, *motu proprio*, file the appropriate  
18 administrative case against the erring traffic enforcement personnel under existing civil  
19 service laws rules and regulations.

20  
21 The head of agency, bureau or office of the deputized enforcer shall, upon receipt  
22 of the report or result of the investigation that the deputized enforcer willfully or  
23 negligently caused the improper traffic apprehension, likewise immediately file the  
24 appropriate administrative case or disciplinary action against the erring deputized  
25 enforcer.

26  
27 The concerned officer of the traffic enforcement authority or head of agency,  
28 bureau or office of the apprehending traffic enforcer, deputized police personnel or  
29 enforcer who failed to file the administrative case against their erring traffic enforcement



1 personnel, deputized police personnel or enforcer shall also be held administratively  
2 liable.

3  
4 The hearing officer or member of the traffic adjudication board shall also be held  
5 administratively liable if such officer or member has shown partiality in adjudicating the  
6 contested case or failed to observe the duties and responsibilities provided under Section  
7 9 of this Act. The aggrieved party, either the driver or traffic enforcement personnel,  
8 may initiate the filing of appropriate administrative case against the officer or member of  
9 the traffic adjudication board.

10  
11 SEC. 12. Implementing Rules and Regulations. - Within sixty (60) days from the effectivity  
12 of this Act, the Secretary of Transportation shall, in coordination with the Secretary of  
13 Interior and Local Government, Assistant Secretary of Land Transportation Office, and  
14 Chairpersons of the Metropolitan Manila Development Authority and Land Transportation  
15 Franchising and Regulatory Board, issue the necessary rules and regulations for the  
16 effective implementation of this Act.

17  
18 SEC. 13. Repealing Clause. - All laws, executive orders, issuances, rules and regulations,  
19 or parts thereof inconsistent with the provisions of this Act are repealed or modified  
20 accordingly.

21  
22 SEC. 14. Effectivity. - This Act shall take effect fifteen (15) days after its publication in  
23 the Official Gazette or in a newspaper of general circulation.