

**[ LTO MEMORANDUM CIRCULAR NO. ACL-2009-1192, July 03, 2009 ]**

**UNIFORM COMPUTATION OF THE PENALTY FOR AXLE OVERLOADING**

In order to adopt a uniform interpretation on the provision for axle overloading pursuant to, **Item D, No. 56** of **Department Order No. 2008-39** (Revised Schedule of LTO Fines and Penalties for Traffic and Administrative Violations) and to further implement a common computation in the determination of the imposable fine in line with the recommendation of the Commission on Audit contained in its Annual Audit Report for CY 2008, the following guidelines shall be strictly observed:

1. The amount of fine imposed upon the owner/operator or driver shall be equivalent to 25% of the MVUC paid at the time of infringement as indicated in the Official Receipt (OR);
2. The 4.99% tolerance shall be computed based on the GVW as indicated in the current Certificate of Registration (CR);
3. The penalty can be waived for loads exceeding the registered GVW by a tolerance of 4.99%. This is without prejudice to upholding the findings of overloading based on the actual random roadside weighing provided the excess is within the 4.99% tolerance;
4. The excess load shall be computed after adding the 4.99% tolerance to the registered GVW and deducted from the actual weight at the time of apprehension;
5. The 4.99% tolerance shall not apply to excess axle load or beyond the allowable 13,500 kgs./axle. Hence, the penalty of 25% of the MVUC shall be imposed if any of the axle load exceeds 13,500 kgs. during the actual weighing.

In computing the penalty for exceeding the registered GVW and authorized axle load, the following formula shall apply:

**A. Determination of Allowed Gross Vehicle Weight:**

	<u>In kgs.</u>
Allowed GVW per Sec. 6(b) of the IRR of RA 8794	x x x
Add: Tolerance of 4.99% (less than 5%)	x x x
Total allowed GVW	x x x
Less: Actual Weight at time of Apprehension	x x x