

**[LTO MEMORANDUM CIRCULAR NO. 515-2004,
May 25, 2004]**

**GUIDELINES AND PROCEDURES ON THE ISSUANCE AND
ACCOUNTING OF TOP/IRMV, LAW ENFORCEMENT OPERATIONS
AND ADJUDICATION OF APPREHENSION CASES**

Pursuant to the provisions of RA 4136, in line with the IT Project on the Law Enforcement and Traffic Adjudication System (LETAS), in order to ensure the effective delivery of quality public service to the transacting public and to fully account for all the accountable forms used by LTO officials and employees, Law Enforcement Officers and deputized agents in the performance of their official functions, the following guidelines and procedures on the above-subject are hereby adopted for the guidance of all concerned:

A. ISSUANCE, USE AND ACCOUNTING OF TOP & IRMV

1. A Temporary Operator's Permit (TOP) or Impounding Receipt of Motor Vehicle (IRMV), LTO Accountable Forms No. 21-A and 43, respectively, shall be issued by the designated accountable officer only to apprehending officers duly authorized and/or deputized by the Assistant Secretary or the Regional Director concerned.

2. The designated accountable officer shall encode/upload in the IT system the serial numbers of the TOP/IRMV requisitioned, received and issued to the authorized apprehending officer and deputized agents. A logbook shall be maintained by the designated accountable officer with the following column headings, namely: Date & Time Received, TOP/IRMV Serial Numbers, Name of the Law enforcement Officers/Deputized Agents, Signature of Apprehending Officer, for proper accounting of the TOP/IRMV.

3. Only one booklet of TOP shall be issued to each apprehending officer and accounting of the said TOP shall be the responsibility of the apprehending officer (AO). As such, the apprehending officer is required to submit a daily apprehension report (DAR LES Form 001, Annex "A"* hereof), which will serve as the transmittal report together with the original (white) copy of the TOP and the confiscated item/s to the Law Enforcement Data Control Section (LEDSCS), Sectoral Office or Operations Division, Regional Office. The DAR, LES Form 001 shall have the following column headings, namely: TOP Serial No., Violations, Apprehended Driver/Operator, Confiscated Item/s (DL/Plate), make/type of the MV, IRMV No. and Remarks. The DAR shall be in 3 copies- original or 1st copy to the LEDSCS, Sectoral Office or Operations Division, Regional Office, 2nd copy - personnel in-charge in the issuance of TOP and last

copy is to be retained by the apprehending officer. The AO is strictly required to issue the TOP in numerical sequence.

4. All cancelled TOPs should be included/reported in the DAR and the original (white) copy of the TOP should be submitted to LEDCS, Sectoral office or Operations Division, Regional Office for encoding in the database. Cancellation of a TOP or erasure of an entry thereon is not allowed. However, if warranted, reasons for cancelled TOP or erasure/s thereon should be stated under the remarks portion of the DAR and a full spot report should be attached.

5. The accountable officer in-charge in the issuance of TOP is prohibited from issuing another booklet to the apprehending officer unless the latter has fully accounted the previous booklet issued to him. The LEDC shall furnish the accountable officer in-charge a copy of the prooflist of the encoded apprehensions.

6. It shall be the responsibility of the accountable officer-in-charge in the issuance of TOP to prepare the required monthly accountability report (MAR LES FORM 002, Annex "B"* hereof), for submission to the Sectoral/Regional Administrative division to monitor the stock position.

7. The Sectoral/Regional Administrative division shall not issue additional TOP to the designated accountable officer unless the latter shall have complied with the required accountability report.

8. The Sectoral Officer/Regional Administrative Division/Supply Officer is required to maintain an adequate inventory of TOP.

9. The Sectoral Administrative Division shall issue TOP to the Regional Administrative Division, Traffic Safety Division (TSD) and Field Enforcement Division (FED), Sectoral Office, based on duly accomplished Requisition and Issued Voucher (RIV). The Regional Administrative Division shall be responsible in the issuance of the said accountable forms to the Operations Division and District Offices. Likewise, the TSD shall be responsible in the issuance of said accountable forms to its apprehending officers and all deputized agents while the FED shall only issue the requisitioned TOP to its authorized apprehending officers. ANNEX "C"* hereof is the chart of the flow of distribution of TOP.

10. Each set of TOP consists of four (4) copies which shall be distributed as follows:

a. Original (white) copy - shall be attached to the daily apprehension report (DAR) by the apprehending officer for submission to the LEDCS, Sectoral Office, or Operations Division, Regional Office, for encoding purposes.

b. 2nd (pink) copy - shall be issued to the apprehended driver/operator which shall be presented in redeeming his

apprehension.

c. 3rd (yellow) copy - shall be retained by the apprehending officer for his file/record.

d. 4th (blue) copy - shall be submitted to the COA Resident Auditor.

ANNEX "D"* hereof is the chart on the abovestated flow of distribution of an issued TOP

B. CONDUCT OF OPERATIONS

1. All operations shall be conducted during working hours unless the Assistant Secretary and/or Regional Director concerned authorized a special operation.

2. After each operation, a daily apprehension report (DAR) shall be prepared and submitted by each apprehending officer using the prescribed form for submission to the LEDCS, Sectoral Office or Operations Division, Regional Office, for encoding purposes.

3. No subsequent operation shall be undertaken by the concerned apprehending officer until the previous apprehension is duly reported and the TOP is fully accounted for unless otherwise authorized by the Assistant secretary and/or the Regional Director concerned.

4. After each operation, the patrol cars/motorcycles should be parked in the designated parking area. No patrol car/motorcycle shall be brought home or outside the LTO premises beyond the regular working hours unless duly authorized by the Division chief concerned.

5. The designated driver of each patrol car and the user of the motorcycle shall see to it that their assigned motor vehicles are regularly inspected, properly maintained and in good running condition.

6. Drivers of patrol cars are not allowed to apprehend but only to assist in the apprehension. As such, no TOP shall be issued to them.

7. TOP shall be used in apprehension of all violations and it is strictly required to be issued to the apprehended driver/operator at the site and time of apprehension. In cases requiring the additional issuance of Impounding Receipt of Motor Vehicle (IRMV), it shall be accomplished by the apprehending officer and validated by the Motor Vehicle Custodian (MVC) assigned at the impounding area. The distribution of the IRMV, per chart in Annex "E"* hereof, shall be as follows:

a. original copy - shall be given to the apprehended driver/operator which should be presented together with TAS resolution and official receipt of payment for the release of the

motor vehicle and/or confiscated item/s.

b. 2nd copy - is for the apprehending officer to be attached to the daily apprehension report (DAR) together with the original (white) copy of the TOP and to be submitted to the LEDCS, Sectoral office or Operations Division, Regional Office, for encoding purposes.

c. 3rd copy - is to be retained by the motor vehicle custodian (MVC) of the impounding area for submission to the Chief, FED together with the daily report on impounded motor vehicles.

8. The apprehending officer shall properly mark the checklist portion of the TOP when identifying the violation/s committed by an apprehended driver/operator and/or to utilize the remark portion if the violation is not included in the said checklist. In this regard, an apprehended driver/operator who at the time of apprehension cannot present his driver's license, or the required copy of the certificate of registration (CR)/ official receipt (OR) for the current year, or of the certificate of public convenience (CPC) for a vehicle loaded with paying passengers, shall be charged with the appropriate violations of driving without license, or delinquent registration/unregistered motor vehicle or colorum operation, respectively. However, if the original copies of the required document/s are presented during the process of adjudication, only the fine and penalty for the minor violation of failure to carry the said documents at the time of apprehension shall be imposed on the apprehended driver/operator.

9. All apprehensions for the day should be encoded and printed within 24 hours upon receipt. Proof list should be validated with the source documents to ensure accuracy in the encoding process.

10. The Motor Vehicle Custodian (MVC) is required to submit a daily report on impounded motor vehicles (LES Form 003, Annex "F"* hereof) daily report together with the 3rd copy of the IRMV, and also to submit a daily report on release of impounded motor vehicles (LES Form 004, Annex "G" * hereof) to the Chief, FED/Regional Operations Division for monitoring and encoding purposes.

11. The Motor Vehicle Custodian (MVC) is required to submit a monthly report on impounded motor vehicles to the Director, LES, Sectoral Office or to the Regional Director as the case maybe, using the prescribed form (LES Form 005, Annex "H" * hereof) as required by the Management Information Division.

C. ADJUDICATION OF APPREHENSION CASES

1. An admitted case involving traffic violation/s should be adjudicated within the day provided the apprehension is reported and encoded in the