

**[DOTC DEPARTMENT ORDER NO. 97-1113,
November 11, 1997]**

**IMPLEMENTING RULES AND REGULATIONS OF EXECUTIVE
ORDER NO. 435, DEVOLVING CERTAIN POWERS AND
FUNCTIONS OF LTO, ATO, LTFRB, NTC, MARINA, PPA AND CAB
TO THE AUTONOMOUS REGIONAL GOVERNMENT (ARG) OF THE
AUTONOMOUS REGION IN MUSLIN MINDANAO (ARMM)**

Pursuant to the provisions of Executive Order No. 92, otherwise known as Administrative Order No. 1987 and Executive Order No. 435 dated August 28, 1997, the Department of Transportation, in consultation with the Autonomous Regional Government (ARG) of the Autonomous Region in Muslim Mindanao (ARMM), hereby promulgates the following:

Rule 1

Policy, Purpose, Objectives, Scope and Devolution of Powers and Functions

SECTION 1. Title - These Rules shall be known as the Implementing Rules and Regulations of Executive Order No. 435, s. 1997.

SECTION 2. Policy- It is hereby declared the policy of the National Government that powers, functions and responsibilities of departments of the National Government, its sectoral offices and attached agencies, devolved by virtue of the Constitution and RA 6734 be expeditiously transferred to, assumed and exercised by the Autonomous Regional Government (ARG) of the Autonomous Region in Muslim Mindanao (ARMM).

SECTION 3. Purpose/Objectives - These Rules and Regulations are promulgated to prescribe the procedures and guidelines in the implementation of Executive Order No. 435, devolving to the Autonomous Regional Government (ARG) of the Autonomous Region in the Muslim Mindanao (ARMM) certain powers, functions and responsibilities of the Department of Transportation and Communications (DOTC), its sectoral offices and attached agencies specifically enumerated in Sec. 5 of said Executive Order insofar as the exercise thereof is confined within the provinces of Lanao del Sur, Maguindanao, Tawi-Tawi and Sulu of the ARMM, and to ensure the expeditious and orderly transfer of such powers and functions.

SECTION 4. Scope of Application - These Rules and Regulations shall be applicable and confined to the DOTC sectoral and attached agencies provided in Sec.2, Rule ii hereof, with offices, branches or units situated in the provinces of ARMM, including their personnel, equipment, properties, budget, assets and liabilities appurtenant to the devolved functions.

SECTION 5. Devolution of Powers and Functions -The powers and functions of the

DOTC, insofar as the exercise thereof is confined exclusively within ARMM and does not affect areas outside the autonomous region are devolved to the ARMM subject, however, to national transportation and communications policies and programs and to international agreements and conventions.

Rule II

DOTC Sectoral Offices and Attached Agencies and Specific Powers, Functions and Responsibilities

SECTION 1. Transferred Sectoral Offices and Agencies - The DOTC sectoral offices and attached agencies in the ARMM transferred to and placed under the control and supervision of the ARG shall cease to be part of the DOTC, its sectoral offices and attached agencies and shall no longer be under the control and supervision of the DOTC Secretary or the governing boards of the attached agencies, as the case may be, insofar as the particular devolved functions are concerned.

SECTION 2. Specific Powers, Functions and Responsibilities - The specific, powers and functions and responsibilities of the following DOTC sectoral offices and attached agencies are hereby devolved to the ARMM insofar as the exercise thereof is confined within the territorial jurisdiction of ARMM and does not affect areas outside the autonomous region, subject, however, to national transportation and communications policies and programs and international agreements and conventions:

1. Land Transportation Office (LTO)

- a. To issue licenses to operate motor vehicles within the ARMM to persons who, upon written and practical examinations, have shown proficiency in the operation of motor vehicles pursuant to RA4136 and other relevant laws. These licences issued by the ARG may be honored outside the ARMM, subject to the recording and validation procedures of the DOTC-LTO;
- b. To register motorcycles and motorized tricycles and to charge registration fees therefor in accordance with existing laws and regulations;
- c. To enforce land transportation and traffic laws, rules and regulations within the ARMM as LTO deputies insofar as R.A. 4136, as amended, is concerned. These includes the confiscation, revocation and suspension of driver's licenses and registration, impounding of motor vehicles if warranted by law to protect lives and property, imposition of fines and penalties to violators, subject to the observance of the due process of law and LTO rules and regulations; and
- d. To issue and promulgate rules and regulations consistent with existing national and international transport regulations to govern traffic and transportation within the ARMM.

2. Air Transportation Office (ATO)

- a. To manage, supervise and control all government airports' landside facilities only within the ARMM- These include the airport terminal building, crash fire and

rescue, hangars, aircraft parking area, vehicle parking area, ground handling facility, security and perimeter fence;

a.1 The DOTC-ATO shall continue to exercise control and supervision over the airside facilities as defined by the ICAO - " any part of the movement area where an aircraft uses its own power and receives or requires air traffic and maintenance services will comprise the airside facility". These include all navigational facilities providing services such as runways, taxiways, connecting trips, navigational aids (VOR, NDB, DME), landing aids (ILS, .PAPI, APPROACH LIGHTS), air traffic control facilities including the control tower and its equipment, radar/ approach building (site and operations), communications (air and ground, point to point and FOBS) and emergency power plant.

a.2 The security force of the landside facility shall be under the supervision and control of the ARMM, while the security force of the airside facility will remain with the DOTC-ATO.

b. To promulgate, upon close consultation with the DOTC-ATO, rules and regulations to promote safety and security in civil aviation within the ARMM, consistent with both national and international regulation and standards;

c. To fix and impose charges and other fees for the use of airports landside and related facilities under its control

and supervision in accordance with established guidelines and procedures;

d. To recommend to the DOTC-ATO the designation and establishment of airways within its jurisdiction and to participate in studies pertaining to the development of civil aviation within its jurisdiction;

e. To extend technical assistance to private airport operation entities within its territorial jurisdiction;

f. To operate and maintain aircraft necessary to carry out the objectives and activities of the ARG of the ARMM;

g. To coordinate with the DOTC-ATO in the design, installation, management, operation, maintenance and repair of airports in the ARMM in accordance with national and international standards;

h. To enforce rules and regulations issued pursuant to RA 776 and other air transportation laws within its jurisdiction in coordination with the DOTC-ATO; and

i. To conduct investigations, impose fines and penalties for violations upon observance of due process, provided that on appeal, the President shall cause the ATO to review the findings and conclusions of the ARG and to make recommendations relative thereto.

3. Land Transportation Franchising and Regulatory Board (LTFRB)

a. To prescribe and regulate routes, economically viable capacities and zones or areas of operation of public land transportation services provided by motorized

vehicles within the ARMM consistent with national public land transportation development policies and plans;

b. To issue, amend or revise Certificates of Public Convenience (CPC's) or permits authorizing the operation of public land transportation services provided by motorized vehicles operating exclusively within the ARMM, suspend, cancel or revoke the same for cause. However, jurisdiction over public utility vehicles with inter-regional CPC's or permits that ply routes within the ARMM, shall remain exclusively with the DOT-LTFRB;

c. To determine, prescribe, approve, review and adjust fares relative to the operation of public land transportation services provided by motorized vehicles exclusively within the ARMM;

d. To issue preliminary or permanent injunction in all cases within its jurisdiction in accordance with the applicable pertinent provision of the Rules of Court;

e. To punish for contempt both direct and indirect, in accordance with the pertinent provisions of, and the penalties prescribed by, the Rules of Court;

f. To issue subpoena and summon witnesses to appear in any proceedings of the appropriate office, to administer oaths and affirmations, to order search and seizure of all vehicles and documents, upon probable cause and as may be necessary for the proper disposition of the cause before it;

g. To conduct investigations and hearing of complaints for violation of public service laws on land transportation and impose fines and penalties for such violations upon observance of due process. If violators possess inter-regional CPC's or permits, the appropriate office of the ARG shall file and prosecute the appropriate cases with the DOTC-LTFRB;

h. To review motu proprio the decisions/actions of the Provincial Franchising and Regulatory Offices within the ARMM;

i. To promulgate rules and regulations governing proceedings before the appropriate office of the ARG and the Provincial Franchising and Regulatory Office;

j. To fix, impose, collect, review and adjust reasonable fees and other related charges for services rendered within the ARMM;

k. To formulate, promulgate, administer, implement and enforce rules and regulations on land transportation public utilities, standards of measurements or design, requiring operators of any public land transportation service to equip, install and provide in their utilities and in their stations such devices, equipment, facilities and operating procedures and techniques as may promote safety, protection, comfort and convenience to persons and property in their charges, as well as, the safety of persons and property within their areas of operation; provided, that the same shall apply only within the ARMM and on public transport vehicles under its regulations as are consistent with existing laws and national policies, and the designs and standards are not below nationally prescribed levels; and

I. Coordinate and cooperate with other government agencies and entities concerned with any aspect involving land transportation in order to improve such services within the region.

4. Maritime Industry Authority (MARINA)

- a. To issue Certificates of Public Convenience (CPC's), Provisional Authority (PA's) and Special Permits (SP's) to vessels homeported and to be operated exclusively within the territorial boundaries of the ARMM. However, issuance of CPC's, PA's and SP's to vessels homeported in the ARMM and to be operated outside the territorial boundaries of the ARMM shall be subject to the approval of MARINA.
- b. To accredit banca operators whose principal office is located within the ARMM jurisdiction;
- c. To issue coastwise license, bay and river license and pleasure yacht license on all domestic vessels homeported and operated within the ARMM;
- d. To issue motorboat operator's license (MBOL) to operators of vessels weighing three (3) gross tonnage (gt) and below which are homeported and operated exclusively within the ARMM;
- e. To issue licenses to shipyards within the ARMM subject to existing guidelines of MARINA; and
- f. To collect fees and charges not to exceed those set by the MARINA circulars and to issue receipts therefor in the exercise of devolved functions, subject to national budgeting, accounting and auditing policies, rules and regulations.

5. Philippine Ports Authority (PA)

- a. To formulate, in coordination with the regional development office and other regional agencies, a comprehensive port development plan for the ARMM, to review and update the implementation of these plans;
- b. To supervise, control, regulate, construct, maintain, operate and provide the necessary facilities and services needed in all these ports within the ARMM;
- c. To prescribe rules and regulations, procedures and guidelines governing the establishment, construction, maintenance and operation of additional ports, both public and private, within the ARMM;
- d. To license, control, regulate and supervise any construction or structure within any port in the ARMM;
- e. To provide services (whether on its own, by contract or otherwise) within the region and approaches thereof including but not limited to:
 - e.1 berthing, towing, mooring, moving, slipping or docking any vessel