

[TMG MEMORANDUM, September 04, 2000]

**"PERMIT TO ASSEMBLE" TO BE ISSUED BY TMG AS A
MANDATORY REQUIREMENT PRIOR TO THE ASSEMBLY OF
MOTOR VEHICLE**

1. References:
 - a. RA 6539 (Anti-Carnapping Act of 1972)
 - b. Approved New Rate of Fees for Motor Vehicle Clearance Certificate.
 - c. SOP#2 Streamlining the PNP Motor Vehicle Clearance Procedure.
2. ICOW the above references this office is recommending the implementation of Section 10 RA 6539.
3. Attached hereto is the Memo addressed to the C, PNP stating among others the interpretation of the provisions of Section 10 RA 6539 in contrast to the provisions of Section 6 of the same Special Law. Such Memo also includes our recommendation as to the amendment of the new Rates of Fees of MVCC in order to include the P150.00 payment for the Permit to Assemble.
4. Request signature on the attached Memo for C, PNP and the Revised Rates of Fees.

Adopted: 4 Sept. 2000

(SGD.) JOSE ERWIN T. VILLACORTE
Police Superintendent (DSC)
C, MVCO

Attachments :

MEMORANDUM

**"Permit to Assemble to be Issued by TMG as a Mandatory
Requirement Prior to Assembly of Motor Vehicle**

1. References:
 - a) RA 6539 (Anti-Carnapping Act of 1972) (Annex "A")
 - b) Approved New Rates of Fees for Motor Vehicle Clearance Certificate (Annex "B")
 - c) SOP#2 Streamlining the PNP Motor Vehicle Clearance Procedure (Annex "C")
2. Section 10 of RA 6539 provides in part:

'Sec. 10 Clearance and permit required for assembly or rebuilding of motor vehicles — Any person who shall undertake to assemble or rebuild or cause the assembly or rebuilding of a motor vehicle shall first secure a certificate of clearance from the Philippine Constabulary: Provided, that no such permit shall be issued unless the applicant shall present a statement under oath containing the type, make and serial numbers of the engine and chassis and body, if any, and the complete list of the spare parts of the motor vehicle to be assembled or rebuilt together with the names and addresses of the sources thereof. . . .' (Underscoring supplied for emphasis)

The above quoted provision intends to establish a requirement prior to the assembly or rebuild of a motor vehicle, specifically, it requires any person to secure first a certificate of clearance from the Philippine Constabulary (PC). It appears that this provision of the law has not yet been enforced, and the need for its implementation is now paramount. It is anticipated with optimism that its implementation will be an effective deterrent to the use of motor vehicle spare parts from illegal sources, such as that coming from carnapped motor vehicles.

3. In order to obviate resistance and misunderstanding from the public, it is better to explain that Section 10 is different from Section 6 of the same law (RA 6539). Section 6 provides in part as follows:

'Sec. 6. Original Registration of motor vehicles — Any person seeking the original registration of a motor vehicle, whether that motor vehicle is newly assembled or rebuilt or acquired from a registered owner, shall within one week after the completion of the assembly or rebuilding job or the acquisition thereof from the registered owner, apply to the Philippine Constabulary for clearance of the motor vehicle for registration with the Land Transportation Commission. . . .'.

Comparatively, the provision of Section 6 is a requirement for the original registration of the motor vehicle after the assembly. The said provision is being enforced ever since, and that the detail of its implementation can be found in SOP#2 issued by the Director, TMG on October 28, 1997 (Annex "C"). Section 10 is a requirement to secure a clearance before the assembly or rebuild of the motor vehicle. Apparently, the provisions are complimentary and intended to further restrict assembly or rebuild of motor vehicle as a deterrent factor to carnapping activities.

4. In view of the foregoing, TMG recommends the implementation of Section 10, Republic Act 6539 by way of establishing a requirement for a clearance/permit to assemble prior to the assembly or rebuilding of motor vehicle and that a corresponding fee of P150.00 be charged for the issuance of such permit.

5. *It is further recommended that the Revised Rates of Fees for Motor Vehicle Clearance be amended in order to include the payment for "Permit to Assemble" and that prior to its implementation, the guidelines provided in Chapter 2 (Rules and Regulations, Sec. 3 of Book VII of the Administrative Procedure). (Administrative Code of 1987/copy attached as Annex "D") be properly observed."*

6. *Request signature of C, PNP recommending the approval to the Hon. Secretary, DILG of paragraphs 4 and 5 of this memorandum."*

Adopted: 4 Sept. 2000

(SGD.) RENATO M. PAREDES
Police Chief Superintendent
Director

ANNEX A

(R.A. NO. 6539, as amended) An Act Preventing AND Penalizing
Carnapping

SECTION 1. This Act shall be known and may be cited as the "Anti-Carnapping Act of 1972."

SECTION 2. Definition of Terms — The terms "Carnapping", "Motor Vehicle", "Defacing or Tampering with," "repainting", "body-building", "remodelling", "dismantling", and "overhauling" as used in this Act, shall be understood, respectively, to mean —

"Carnapping" is taking, with intent to gain, of a motor vehicle belonging to another without the latter's consent, or by means of violence against or intimidation of persons or by using force upon things.

"Motor Vehicle" is any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, streets-sweepers, sprinklers, lawn movers, bulldozers, graders, fork-lifts, amphibian trucks, and cranes if not used on public highways, vehicles, which run only on rails or tracts, and tractors, trailers and reaction engines of all kinds used exclusively for agricultural purposes. Trailers having any number of wheels, when propelled or intended to be propelled by attachment to a motor vehicle, shall be classified as separate motor vehicle with no power rating.

"Defacing or tampering with" a serial number is the erasing, scratching, altering or changing of the original factory-inscribed serial number on the motor vehicle engine, engine block or chassis of any motor vehicle. Whenever any motor vehicle is found to have a serial number on its motor engine, engine block or chassis which is different from that which is listed in the records of the Bureau of Customs for motor vehicles imported into the Philippines, that motor vehicle shall be considered to have a defaced or tampered serial number.

"Repainting" is changing the color of a motor vehicle by means of painting. There is repainting whenever the new color of a motor vehicle is different from its color as registered in the Land Transportation Commission.

"Body-building" is a job undertaken on a motor vehicle in order to replace its entire body with a new body.

"Remodelling" is the introduction of some changes in the shape or form of the body of the motor vehicle."

"Dismantling" is the tearing apart, piece by piece or part by part, of motor vehicle.

"Overhauling" is the cleaning or repairing of the whole engine of a motor vehicle by separating the motor engine and its parts from the body of the motor vehicle.

SECTION 3. Registration of motor vehicle engine, engine block and chassis — Within one year after the approval of this Act, every owner or possessor of unregistered motor vehicle or parts thereof in knock down condition shall register with the Land Transportation Commission the motor vehicle engine, engine block and chassis in his name or in the name of the real owner who shall be readily available to answer any claim over the registered motor vehicle engine, engine block and chassis. Thereafter, all motor vehicle engines, engine blocks and chassis not registered with the Land Transportation Commission shall be considered as untaxed importation or coming from an illegal source or carnapped, and shall be confiscated in favor of the Government.

All owners of motor vehicles in all cities and municipalities are required to register their cars with the local police without paying any charges.

SECTION 4. Permanent registry of motor vehicle engines, engine blocks and chassis — The Land Transportation Commission shall keep a permanent registry of motor vehicles, specifying therein their type, make and serial numbers and stating therein the names and addresses of their present and previous owners. Copies of the registry and of all entries made thereon shall be furnished by the Philippine Constabulary and all Land Transportation Commission regional, provincial and city branch offices: Provided, that all Land Transportation Commission regional, provincial and city branch offices are likewise obliged to furnish copies of all registrations of motor vehicles to the main office and to the Philippine Constabulary.

SECTION 5. Registration of sale, transfer, conveyance, substitution or replacement of a motor vehicle engine, engine block or chassis — Every sale, transfer, conveyance, substitution or replacement of a motor vehicle engine, engine block or chassis of a motor vehicle shall be registered with the Land Transportation Commission. Motor vehicles assembled and rebuilt or repaired by replacement with motor vehicle engines, engine blocks and chassis not registered with the Land Transportation Commission shall not be issued certificates of registration

and shall be considered as untaxed imported motor vehicles or motor vehicles carnapped or proceeding from illegal sources.

SECTION 6. Original registration of motor vehicles — Any person seeking the original registration of a motor vehicle, whether that motor vehicle is newly assembled or rebuilt or acquired from a registered owner, shall within one week after the completion of the assembly or rebuilding job or the acquisition thereof from the registered owner, apply to the Philippine Constabulary for clearance of the motor vehicle for registration with the Land Transportation Commission. The Philippine Constabulary shall, upon receipt of the application, verify if the motor vehicle or its numbered parts are in the list of carnapped motor vehicles or stolen motor vehicle parts. If the motor vehicle or any of its numbered parts is not in that list the Philippine Constabulary shall forthwith issue a certificate of clearance. Upon presentation of the certificate of clearance from the Philippine Constabulary and after verification of the registration of the motor vehicle engine, engine block and chassis in the permanent registry of motor vehicle engine, engine block and chassis, the Land Transportation Commission shall register the motor vehicle in accordance with the existing laws, rules and regulations.

SECTION 7. Duty of Collector of Customs to report arrival of imported motor vehicles, etc. — The Collector of Customs of a principal port of entry wherein imported motor vehicle, motor vehicle engine, engine block, chassis or body is unloaded, shall within seven days from the arrival of the imported motor vehicle or any of its parts enumerated herein, make a report of the shipment to the Land Transportation Commission, specifying the make, type and serial numbers, if any, of the motor vehicle engine, engine block, chassis or body, and stating the names and addresses of the owner or consignee thereof. If the motor vehicle engine, engine block, chassis or body does not bear any serial number the Collector of Customs concerned shall hold the motor vehicle engine, engine block, chassis or body until it is numbered by the Land Transportation Commission.

SECTION 8. Duty of importers, distributors and sellers of motor vehicles to keep record of stocks — Any person engaged in the importation, distribution, and buying and selling of motor vehicles, motor vehicle engines, engine blocks, chassis or body, shall keep a permanent record of his stocks, stating therein their type, make and serial numbers, and the names and addresses of the persons from whom they were acquired and the names and addresses of the persons to whom they were sold, and shall render an accurate monthly report of his transactions in motor vehicles to the Land Registration Commission.

SECTION 9. Duty of manufacturers of engine blocks, chassis or body to cause numbering of engine blocks chassis or body manufacturers — Any person engaged in the manufacture of engine blocks, chassis or body shall cause the numbering of every engine block, chassis or body manufactured in a convenient and conspicuous part thereof which the Land Transportation Commission may direct for the purpose of uniformity and identification of the factory and shall submit to the Land