



REPUBLIC OF THE PHILIPPINES

Department of Human Settlements and Urban Development

Kagawaran ng Pananahanang Pantao at Pagpapaunlad ng Kalunsuran

DEPARTMENT CIRCULAR NO. 2620-002

TO : ALL HOMEOWNERS ASSOCIATIONS, FEDERATIONS, CONFEDERATIONS OR UMBRELLA ORGANIZATIONS OF HOMEOWNERS ASSOCIATIONS

SUBJECT : PROHIBITION AGAINST REQUIRING THE SURRENDER OF DRIVER'S LICENSE OF VEHICLE DRIVERS WHEN ENTERING SUBDIVISIONS OR VILLAGES

DATE : 25 JUNE 2020

1. Your attention is called to Sections 12 and 13 of HLURB Executive Committee Resolution No. 1, Series of 2017, dated 08 March 2017, entitled "*Guidelines in the Kinds of Dues, Fees and Contributions That May Be Collected by Homeowners Associations,*" which provide:

"Section 12. Proscribed Acts. - It shall be prohibited:

12.1 To require the driver of any vehicle entering the subdivision or condominium to surrender his/her driver's license. The association is not authorized under the traffic laws to take custody, even on a temporary basis, the license issued by the Land Transportation Office;"

X X X

"Section 13. Sanctions. - The penalties and sanctions, as provided under Republic Act No. 9904 and its Implementing Rules and Regulations, shall be imposed after due notice and hearing, as follows:

13.1. Persons Liable.

- (a) If the violation is committed by the association, the members, officers, directors or trustees of the association who have actually participated in, authorized, or ratified the prohibited act shall be held liable;
- (b) If the violation is committed by the employees and agents who acted in gross violation hereof, the officers, directors or trustees, or incorporators of the

association shall be jointly and severally liable with the offending employees, agents, and the association.

13.2. Punishable Acts and Omissions. Any person may be held liable by intentionally or negligently –

- (a) Violating the provisions of this Rules;
- (b) Failure to perform function; and,
- (c) Violating the rights of members.”

2. The above prohibition is echoed in an Advisory issued on 15 June 2020 by the Philippine National Police, Civil Security Group Supervisory Office for Security and Investigation Agencies, entitled “*Advisory on the Confiscation of Driver’s License by Security Guards,*” the pertinent part of which provides:

- 2. “This pertains to the incidents wherein security guards deployed in private villages and subdivisions require the drivers of vehicles to surrender their driver’s licenses prior entering the premises, as directed by the Home Owners Associations (HOAs) leadership.
- 3. Pursuant to reference 1a, the power to secure and/or confiscate driver’s licenses are lodged under the capacity of Land Transportation Office (LTO) personnel, and others who are duly deputized by the said Agency.
- 4. Further, pursuant to reference 1b, the HOAs and the security guards of subdivision, villages and condominiums are not authorized under traffic laws to take custody, even on a temporary basis, the license issued by the LTO.
- 5. In lieu thereof, the drivers of vehicles entering these properties may present any valid government-issued identification cards to said security guards. x x x.”

3. All homeowners associations, their boards of directors, officers, village administrators, security personnel and all other staff implementing ingress/egress regulations are therefore enjoined to immediately cease and desist from requiring the driver of any vehicle entering their subdivision, village or any gated or secured community to surrender their driver’s license. Any report of violation of the above shall be dealt with accordingly.

For guidance and strict compliance.


EDUARDO D. DEL ROSARIO
Secretary

