



Republic of the Philippines
Department of Transportation
LAND TRANSPORTATION FRANCHISING & REGULATORY BOARD
East Avenue, Quezon City

MEMORANDUM CIRCULAR
NO. 2020- 088

**Subject : DETAILED STANDARD OPERATING PROCEDURES
DURING ANTI- "COLORUM" OPERATIONS**

WHEREAS, with the Board's effort to curb "*colorum*" vehicles operating as public transport and other flagrant violations by public land transportation utilities of existing laws, such as the Public Service Act (C.A. No. 146, as amended), Executive Order No. 202, and other Memorandum Circulars issued by the LTFRB, the Board has, on February 12, 2007 issued Memorandum Circular No. 2007-004, Reinstatement/ Reactivation of the Law Enforcement Unit of the LTFRB;

WHEREAS, on November 14, 2007, Memorandum Circular No. 2007-038 was subsequently issued Re: Creating the Composition and Adjudication Services, Defining the Powers and Functions Thereof And Providing for the Operating Procedures in the Enforcement, Apprehension, Adjudication of Violators, citing as legal basis Sec. 13 (a) of the Public Service Act (C.A. No. 146, amended) and Sec. 5 (k) of Executive Order No. 202 and more importantly the Land Transportation and Traffic Code (R.A. 4136), particularly Sec. 63 thereof, which states that:

["nothing contained in this Act shall be construed as limiting or superseding any provision of the Public Service Act, as amended, with respect to the control by the Public Service Commission (now LTFRB) of motor vehicles operating as public service, nor, shall any provision of this Act be construed as limiting or abridging the powers conferred upon and exercised by the Public Service Commission (now LTFRB) with regard to the control and supervision of the operation of such motor vehicle as public service "]

WHEREAS, also using as basis for the creation of enforcement unit of the Board is Sec. 12, par. a) of the Public Service Act (C.A. No. 146, as amended) confers with the Public Service Commission (now LTFRB) the power and duty ["to prohibit or prevent any public service as herein defined from operating without having first secured a Certificate of Public Convenience or public necessity and convenience, as the case may be x x x]

WHEREAS, under the Joint Administrative Order No. 2014-01 (JAO 2014-01), between DOTr, LTO and LTFRB, dated June 02, 2014, the enforcement power of the Board is likewise being recognized, particularly under Roman Numeral VI thereof, Re: Violation In Connection with Franchise

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WHEREAS, the provision of MC 2007-038 particularly on the Operating Procedures did not, however, provide detailed standard operating procedures to guide the Board's enforcement team, thereby, exposing them of unnecessary squabble with stakeholders or violators;

NOW THEREFORE, the Board **RESOLVES** as it hereby **RESOLVED** to adopt the following detailed standard operating procedures in the conduct of apprehension of motor vehicles found violating existing laws, policies, rules and regulations of the Board, to wit:

Accordingly, this Board shall adopt the following operational guidelines and protocol:

I. VEHICLE STOP AND INITIAL APPROACH

A. PRE-OPERATION ACTIVITIES

Prior to any operations, the following activities shall be initiated:

1. Pre-operation surveillance;
2. To ensure security and protection of enforcers, proper coordination with the PNP-HPG and IACT on the schedule of operations;
3. Issuance of Notice of Operations by the Board through the Chief, Technical Division in the Central Office, or the Regional Directors for the RFRO's for operations initiated by the LTFRB;
4. Proper Briefing/Taskings;
5. Issuance of Body Cameras;
6. Ensure that the **Database** is "up-to-date".

B. ACTUAL OPERATION ACITIVITIES

1. Stopping a motor vehicle must be done with due consideration to the **safety and security** of the Anti-Colorum Enforcement Team (AET), the **passengers** and driver of the colorum vehicles being stopped and other road users;
2. Once a Target Colorum Vehicle (TCV) has been stopped, the Anti-Colorum Enforcement Officer (AEO) shall guide the TCV to the roadside where it will **not** obstruct the flow of traffic and cause hazards to motorist and other road users;
3. Target Colorum Vehicle (TCV) approach is preferably done on the **driver side** coming from the **front** of the vehicle to ensure awareness of the Anti-Colorum Enforcement Officer (AEO) to incoming traffic and other vehicles. The AEO shall be assisted by security force from the IACT and PNP-HPG or Territorial PNP unit whenever necessary;
4. The Anti-Colorum Enforcement Officer (AEO) should identify himself and introduce the other members of the Anti-Colorum Enforcement Team (AET) and cite the possible violation(s) and the reason for flagging down the said vehicle.
5. The Anti-Colorum Enforcement Officer (AEO) should conduct a thorough visual check of the vehicle using the "**Plain View Doctrine**" for the presence of any **illicit/illegal** items including firearms or deadly weapon that may pose a danger to the AET;

6. The other members of the Anti-Colorem Enforcement Team (AET) should conduct similar visual inspection of the vehicle and the passengers from the **opposite side** and from the **opposite end** of the vehicle carefully accessing the reactions of the driver and passenger of the Target Colorem Vehicle (TCV) to the presence of the AET;
7. Approach the said TCV cautiously and question and give instructions to the driver in a firm but polite manner;
8. This phase of the Anti-Colorem Operations shall only commence after the Anti-Colorem Enforcement Officer (AEO) have given the "**signal**" that the Target Colorem Vehicle (TCV) is "**clear**" or is safe to be approached by other member of the AET. **Only** the Anti-Colorem Enforcement Officer (AEO) and the Assistant AEO are to converse with the driver.
9. Direct and Inform the driver that he must not alight from the vehicle.
10. Request for the Driver's License, LTO Official Receipt (OR) & Certificate of Registration (CR), Certificate of Public Convenience or Franchise if any and other pertinent documents. Refusal of the driver to present his/her license and LTO OR/CR is presumed to be driving without license and no OR/CR carried, and shall cause the citation of said violations in addition to the violation he has originally being flagged down. Let the apprehending officer document (by taking photo and/or video recording) the incident.
11. Examine the documents and verify the records from the **LTFRB Franchise Database**.
12. All violations or discrepancies in the documents must be explained to the driver in a clear and understandable language. Subsequently, the driver's license shall be respectfully requested by the enforcer for purpose of recording in the **Inspection Report Summons (IRS)** and shall be returned after an IRS is issued.
13. Other members of the team shall document the apprehension (Photograph/Video) with the identity of the passengers and evidence of public convenience to support the violations. Body cameras issued to AET must be used at all times to record and document Anti-Colorem Operations.
14. Never engage in a prolonged or unnecessary arguments or discussion with the driver and any of the passengers of the vehicle. If the driver is blattantly disrespectful and arrogantly reacts or addresses any forms of oral defamation despite of respect and proper conduct portrayed by the enforcer, it shall be documented and included in the IRS as an additional violation of being arrogant and Discourteous.
15. Immediately Fill-up and accomplish completely and legibly the IRS. It must be signed by the apprehending officer who is a regular/permanent employee and the team leader and preferably by driver.
16. Give the second copy of the IRS to the driver. Should the driver refuse to sign and/or receive the IRS, it should be tendered to him. However, the action of the driver must be indicated in the IRS. Once a copy of the IRS is already received by the driver there should be no changes, alterations or either additional violations to the original Copy of the IRS.
17. The vehicle should be immediately allowed to continue its operation or trip in case there's no violation or if the violation is not impoundable a corresponding IRS must be issued to the driver.

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18. If the violation cited is an impoundable offense, the apprehending officer shall escort and accompany the driver and the apprehended vehicle to the nearest terminal or to a place where public transport is accessible to passengers;

C. POST OPERATION ACTIVITIES

1. The accomplished IRS must be submitted to the **Legal Division** of LTFRB within **twenty four (24) hours** from issuance. Attaching thereto are: Spot Report, Photograph/video footage, OR/CR of the unit and other pertinent documentary evidence, including video taken from the body camera during operation;
2. In case the passengers refused to alight from the apprehended vehicle which will delay the impounding of the unit, the following options must be done, to wit:
 1. Bring the motor vehicle to the impounding area with the passengers and assist them when they decided to leave the unit;
 2. "Allow the unit to continue with the remainder of the trip with two members of the AET as escort and effect the impounding procedure after said passenger have alighted from the TCV;
3. A copy of the Impounding Receipt and/or Vehicle Inventory Form shall be enclosed in a brown envelope together with the labelled car key which shall be turned-over to the Authorized Custodian who is a regular/permanent employee for safekeeping and proper storage.
4. For the protection of inspectors/enforcers, each citing of violation or apprehension must be witnessed by fellow inspector/s and proper use of body camera is required. Whenever necessary, it should be witnessed by passenger/s or other competent by-stander/s who may be summoned as witness during the hearing.
5. Immediately secure/restrain the driver to prevent incidence of driver abandoning the target colorum vehicle (TCV) during the process of apprehension. In case such happen, the IRS shall remain executed while an endorsement letter together with the Driver's License and OR/CR shall be forwarded to the LTO for alarm and adjudication.
6. Never accept or entertain any call via cellular phone, radios from the owner/operator and or driver of the target colorum vehicle (TCV); and
7. In the course of the operations, all members of the Anti-Colorum Enforcement Team (AET) must always remain vigilant for any eventuality;
8. In the event the driver abandoned the unit to avoid apprehension, AET must blotter the incident to the nearest PNP Station prior to impounding.
9. The use of **firearms** and/or **lethal force** by any of the Authorized AET team members will only be resorted to when the lives of the team members and or passengers are in **real and imminent danger** as provided for under the rules on **Self Defense** (Art.11 Revised Penal Code), PNP Operational Procedure.

II. ANTI-COLORUM ENFORCEMENT TEAM (AET) COMPOSITION

To establish guidelines for the proper conduct and positioning during field enforcement operation.

1. Composition of Anti-Colorum Enforcement Team (AET) should include the following:

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- Overall Team Leader (OTL)
 - Assistant OTL
 - Target Colorum Vehicle (TCV) Spotters
 - Anti-Colorum Enforcement Officer (AEO)
 - Augmentation from the PNP-HPG
2. In case of hot pursuit, when the TCV flees from the area, the Overall Team Leader (OTL) shall immediately alert the Interdiction Team with other law enforcement to provide a blocking team with adequate barrier to stop said vehicle.
 3. AET Team Leader will take into consideration the following:
 - a. Road, weather and environment conditions;
 - b. Population density, vehicles and pedestrian traffic;
 - c. Capabilities of the pursuit vehicle and the vehicle being pursued; and
 - d. Safety and security of the AET
 4. The chase unit (patrol mobile and/or motorcycle) shall be directed by the OTL to pursue and intercept the target colorum vehicle (TCV).
 5. The pursuit should be conducted in strict conformity with applicable traffic laws and regulation and police operational procedure on **hot pursuit**.
 6. In the event that pursuit is not practicable, the AEO shall note the plate number, make, type, color, model and other distinguishing features of the target colorum vehicle (TCV) and inform the nearest Police Station/Checkpoint for interdiction.
 7. A spot report with information of the unit must be submitted within 24 hours upon the incident to the Legal Division for adjudication and indorse the subject unit to LTO for alarm;
 8. The AEO should accomplish the following information after every apprehension:
 - a. Name of driver/owner;
 - b. Plate number of the vehicle;
 - c. Make and Type of the vehicle;
 - d. File number of the vehicle;
 - e. Motor and Chassis number of the vehicle;
 - f. LTFRB Franchise Permit (if any);
 - g. Date and Time of apprehension;
 - h. Place of Apprehension;
 - i. Place of redemption;
 - j. Put check mark or the violation/s eligibly including remarks to substantiate the charge;
 - k. All Confiscated/Seized items
 - l. Acknowledgement of Driver; and
 - m. Name of AEO and signature

III. UNIFORM AND IDENTIFICATION

1. All members of the AET shall wear the official enforcement uniforms, including identification card, law enforcement insignia and accessories. All members of the AET shall, at all times appear presentable smart and well-groomed before the public.
2. Appropriate countersign and password shall be used when required to ensure the security of the Anti-Colorum Engagement Team (AET).

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IV. DOCUMENTATION

1. The operation should be photographed and/or recorded audio and video whenever necessary and practicable. Documents related to the apprehension must be recorded and photocopies of submitted documents must be provided by the driver or owner/operator to the Anti-Colorum Enforcement Officer.
2. The operation must be video recorded using the video cam issued by the office.

V. REPORTORIAL REQUIREMENTS

1. **Inspection Report Summons (IRS)** issued in conjunction with the operations shall be submitted within twenty four (24) hours from the time of its issuance together with the **spot report** to the Legal Division of the Central Office or designated Adjudication Officer of the Regional Franchising & Regulatory Office (RFRO) concerned. Furthermore, each Anti-Colorum Enforcement Team (AET) must submit **Post-Operation Report** regarding the result of every operations team.
2. The personnel in charge in the impounded units shall submit a monthly report or inventory on all impounded vehicles including the released units and the amount paid for the penalties to LTFRB Central Office, every first Friday of the month.

VI. PROHIBITION and TERMINATION of OPERATION

1. Overall Team Leader (OTL) of the Anti-Colorum Enforcement Team (AET) should include in their report the details of their operations against Colorum / out of line operations for transmittal to the Office of the Executive Director for the Central Office and to Regional Director for the RFROs.
2. The Anti-Colorum Enforcement Team (AET) may terminate the operations if there is a threat of imminent physical danger to the team, a threat of physical harm to another person, or any other serious emergency situation.
3. Any forms of surveillance, investigative monitoring or gathering of information shall only be executed in accordance with proper instructions and guidance from the Board.

VII. PROHIBITED ACTS

1. Anti-Colorum Enforcement Team (AET) members shall **not** entertain or accept, directly or indirectly any gift, gratuity, favor, entertainment, loan or anything of any kind or to engage in any communication or transaction from or to any persons who are drivers, owners or operators of the involved TCV in the course or in connection with any operation/s.
2. Appropriate administrative and criminal cases will be filed against any member of the Anti-Colorum Enforcement Team (AET) who are found to have violated existing laws in the performance of his duty.

VIII. IMPOUNDING OF THE APPREHENDED UNIT

1. There shall be an identified, appropriate and secured impounding area in the Central Office and all RFROs for all apprehended colorum vehicles.

2. There shall be a designated regular employee with office order to be in-charge of all the impounded vehicles;
3. For violations that warrant impounding of vehicle, the AEO or the Assisitant AEO shall escort and accompany the driver and the apprehended vehicle directly to the pre-designated LTFRB impounding area or LTFRB compound. Adequate assistance must be provided by the AET in conveying the affected passengers to another vehicle going to the nearest terminal or destination;
4. For proper impounding of the unit, the AEO must inspect the motor vehicle and fill-up the impounding receipt, require the driver to sign it and give the duplicate copy. Advice the driver to remove important documents and gadgets/accessories inside the vehicle.

IX. ADJUDICATION OF THE APPREHENDED UNITS

1. The AEO shall submit the spot report and other documents to the Legal Section/Division within twenty four (24) hours from the time of apprehension for adjudication;
2. Pursuant to Memorandum Circular No. 2020-069, respondent is given a non-extendible period of five (5) working days from date of apprehension to file a verified explanation through email at legal@ltfrb.gov.ph or ncr.ltfrb@gmail.com and the corresponding website of other RFROs. With or without the verified explanation, resolution of the apprehensions shall be rendered within ten (10) working days based on available records received by the Board.
3. In case the owner admitted the violation and requested for the speedy disposition thereof, the Legal Division shall resolve and issue the corresponding Order for the violation committed within five (5) working days from receipt of the affidavit of admission;
4. The Legal Section/Division shall issue an order passing judgment on the apprehension to be forwarded to the Board or RFRO Regional Director for consideration.

XI. RELEASING OF IMPOUNDED UNITS

1. Releasing of unit shall be processed after the approval of the resolution of the Board or the RFROs, payment of the penalties (if any);
2. If the registered owner is not the one who will cause the release of his/her vehicle, he/she must appoint/designate a representative who is either his/her husband/wife, direct descendant or ascendant, or in their absence sister or brother or counsel/lawyer, through a duly notarized Special Power of Attorney;
3. The custodian of the impounded units shall only release the vehicle after the issuance of **Clearance** signed by the authorized personnel and approved by the Executive Director for the Central Office, and Regional Director for the RFROs. For dismissed case, clearance shall be so indicated in the dismissal order;
4. In case the unit apprehended was brought to the temporary impounding area for further verification and was found out to be authorized and not liable for colorum violation, the vehicle shall be released immediately within the same day of apprehension following the process mentioned on the preceeding paragraph. An IRS shall be issued for other violations committed prior to release (if any).

5. Only the custodian of the impounded vehicles shall be authorized to release the units upon issuance of the Clearance. An authorized personnel of the Board shall accompany the respondent when claiming their impounded vehicles.

This Memorandum Circular shall be adopted by all IACT agencies as Detailed Standard Operating Procedures During Anti "Colorum" and operations relating to franchise violations.

All other issuances or parts thereof inconsistent thereof are hereby modified, amended or superseded accordingly. This memorandum shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

SO ORDERED.

Quezon City, Philippines. (Date) 23 DEC 2020

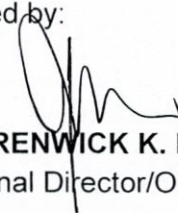

ATTY. MARTIN B. DELGRA III
Chairman




ENGR. RONALDO F. CORPUS
Board Member


PCOL. JOEL C. PERNITO
Board Member

Attested by:


COL. RENWICK K. RUTAQUIO (Ret.)
Regional Director/OIC-Executive Director

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