

Republic of the Philippines
City of Iloilo
OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF THE 7th REGULAR SESSION OF THE 10TH SANGGUNIANG PANLUNGSOD OF THE CITY OF ILOILO, PHILIPPINES, HELD AT THE SESSION HALL, 6TH FLOOR CITY HALL BUILDING, PLAZA LIBERTAD, ILOILO CITY, ON TUESDAY, FEBRUARY 16, 2021.

PRESENT:

HON. JEFFREY P. GANZON
City Vice Mayor & Presiding Officer

Hon. Lyndon V. Acap	Member
Hon. Lady Julie Grace L. Baronda, Asst. Floor Leader	Member
Hon. Romel D. Duron, Floor Leader	Member
Hon. Ely A. Estante, Jr.	Member
Hon. Rudolph Jeffrey O. Ganzon	Member
Hon. Carlos C. Javellana	Member
Hon. Mandrie T. Malabor	Member
Hon. Maria Irene D. Ong, Liga ng mga Barangay President Ex Officio	Member
Hon. Frances Grace V. Parcon	Member
Hon. Eduardo L. Peñaredondo	Member
Hon. Jose Efrain G. Treñas, III	Member
Hon. Candice Magdalane A. Tupas	Member
Hon. Alan A. Zaldivar	Member

ABSENT:

Hon. Leila G. Luntao, SK Federation President Ex Officio	Member
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RESOLUTION NO. 2021-199

A RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND LAND TRANSPORTATION OFFICE TO DEFER THE IMPLEMENTATION OF PRIVATE MOTOR VEHICLE INSPECTION CENTER IN THE CITY OF ILOILO

WHEREAS, Republic Act no. 4136, otherwise known as the Land Transportation and Traffic Code" mandates the Land Transportation Office (LTO) to inspect and register motor vehicles, issue driver's licenses and permits, enforce Land Transportation Laws and Traffic Rules and Adjudicate Traffic Violation Cases;

WHEREAS, Subsequently, Section 13, Paragraph E of Executive Order No. 125, series of 1987, as amended, empowers the LTO to "...establish and prescribe the corresponding rules and regulation for the enforcement of the laws governing land transportation, including the penalties for the violation thereof, and for the deputation of appropriate law enforcement agencies in pursuance thereof.

WHEREAS, The LTO, under Republic Act no. 8749 also known as the Philippine Clean Air Act, LTO is likewise mandated to enforce the required emission standards for motor vehicles and the basis of the emission fee is the volume and toxicity of any emitted pollutant;

WHEREAS, On August 10, 2018, the Department of Transportation (DOTR) issued Department Order no. 2018-019, An order privatizing the motor vehicle inspection system (MVIS) through authorization of Private Motor Vehicle Inspection Centers (PMVIC).

WHEREAS, On November 28, 2018, pursuant to its mandate, the LTO issued Memorandum Circular 2018 on the "Guidelines for the Authorization of Private Motor Vehicle Inspection Center (PMVIC).

WHEREAS, under Section 17 of LTO Memorandum Circular 2018-2158, authorizing PMVICs to collect a fee of Php1,800.00 from motor vehicles with a gross vehicle weight rating of 4,500.00 kilograms. If a motor vehicle fails its first inspection, they are authorized to further collect Php900.00 for another inspection which cover the stage where it previously failed.

WHEREAS, PMVICs is also authorized to collect a Php600.00 inspection fee from motorcycle and tricycles and a Php300.00 re-inspection fee if needed and failed for the first inspection;

WHEREAS, PMVICs under Section 18 of MC 2018-2158 is likewise authorized to collect the amount of Php1,800.00 for the miscellaneous transactions 1. MV modification (change body design/configuration), 2. Change engine/chassis, change color, revision of gross vehicle weight, re-stamping of engine and 3. Recovered carnapped vehicle.

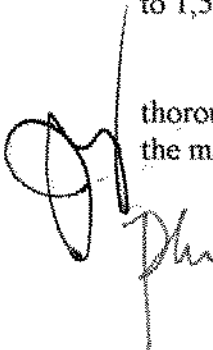
WHEREAS, LTO authorized two (2) PMVIC in Iloilo City, who will not be simultaneously operating and said two (2) PMVIC are not enough to cater to 145,000 motor vehicles more or less, and increasing at an average of 10% per year, and considering further that the operation of PMVIC is eight hours a day excluding Saturdays, Sundays and Legal holidays one (1) PMVIC can only inspect 120-150 motor vehicles a day and further, the Local Government was not consulted by LTO of said PMVIC's operations in the City of Iloilo, especially the number of PMVICs needed and their respective locations.

WHEREAS, considering that the two authorized PMVIC in Iloilo City, motor vehicle owners from Guimaras Island will have no option but to travel to Iloilo City and have their vehicle inspected in its authorized PMVIC in Iloilo and you can just imagine the long lines our car owners have to endure just to have their vehicles inspected

WHEREAS, Aside from the complaints regarding the increase in fees from the previous emission testing fee of P500.00 to P1,800.00, motor vehicle owners as well as every local government units also pointed out that the LTO did not conduct thorough consultations before the privatization of the Motor Vehicle Inspection System (MVIS).

WHEREAS, according to DOTr Secretary Arthur Tugade upon learning the sentiments of Senator Bong Go to strike a balance between keeping the roads safe by disallowing not roadworthy vehicles from being registered with the LTO, and the financial difficulties being experienced by many vehicle owners due to pandemic there is a need to lower the inspection fees from Php1,800 to 1,500 then to only P 600.00.

WHEREAS, it clearly appears that the DOTr and LTO did not conduct proper study and thorough consultations with stakeholders regarding the fees that will be charged by PMVICs and the manner of selecting PMVICs, the number of PMVICs needed, including its location.

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WHEREAS, Under Book 1, Chapter 1, Section 2 paragraph C of the Local Government Code states that 'It is likewise the policy of the State to require all national agencies and offices to conduct periodic consultations with appropriate local government units, nongovernmental and people's organization, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions.

WHEREAS, various transport sector in Iloilo manifested that 99% of public utility jeepney will not pass the PMVIC considering that there is no hand brake, no speedometer, second hand/non-original parts and non alignment of electrical wirings, brakes and linings. It might be a ghost town sooner in Iloilo City and other provinces when the PMVIC will be implemented.

WHEREAS, The Land Transportation Office, during the public consultation attended by LTO representative, Atty. Allan Sacramento, manifested that they are not prepared to implement the inspection of motor vehicles by Private Motor Vehicle Inspection Center in the City of Iloilo, in addition to the fact that authorizing PMVIC to collect fees is without legal basis or an undue delegation of legislative power by DOTr/LTO to PMVICs. Inspection as pointed out by Senator Drilon is already a delegated power to LTO, to further delegate its inspection to PMVICs in addition to collect inspection fees, constitute undue delegation and therefore, illegal, under the latin maxim DELEGATA POTESTAS NON POTEST DELEGARI.

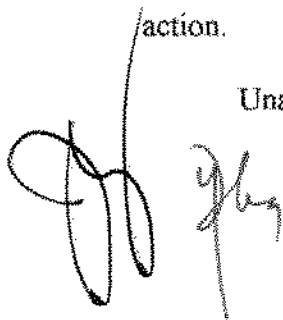
WHEREAS, several complaints and issues raised by stakeholders, and with the pronouncement of President Duterte thru Presidential Spokesperson Atty. Harry Roque that the conduct of inspection of motor vehicles by PMVIC's prior to registration with the LTO is no longer mandatory is enough basis for the DOTR and LTO to suspend the implementation of DOTR issued DO 2018-019 an LTO issued MC 2018-2158 and look into improving their system as not to add to their everyday burdens especially in this time of pandemic, and that LTO should do their job of conducting inspection, because it is cheaper, it is only php100.00 pesos and may be increase a little further , if needed, and advantageous to the government and motor vehicle owners . Delegating the job to PMVIC is a good business for sure to the selected and privileged few..

NOW, THEREFORE, on motion of Hon. Romel D. Duron, and unanimously Co-sponsored and seconded by all Members present;

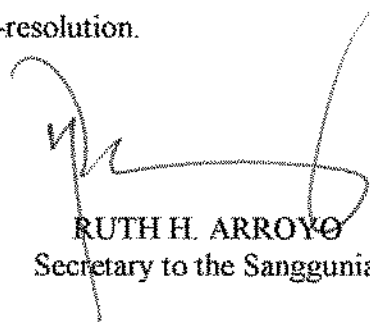
RESOLVED, as it is hereby resolved, by the Sangguniang Panlungsod of the City Council, that a resolution be passed **REQUESTING THE DEPARTMENT OF TRANSPORTATION AND LAND TRANSPORTATION OFFICE TO DEFER THE IMPLEMENTATION OF THE INSPECTION UNDER THE PRIVATE MOTOR VEHICLE INSPECTION CENTER (PMVIC).**

RESOLVED, FURTHER, that copies of this resolution be forwarded to the Office of the President of the Philippines, Department of Transportation, Land Transportation Office, Chairman Committee on Public Service Hon. Senator Grace Poe, Congresswoman Julianne L. Baronda, and our other representatives in Congress in Western Visayas, for their information and appropriate action.

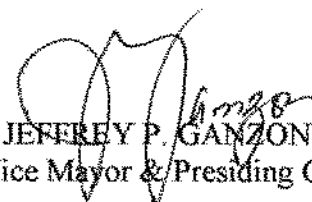
Unanimously approved.



I hereby certify to the correctness of the above quoted-resolution.


RUTH H. ARROYO
Secretary to the Sanggunian *2/16/21*

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:


JEFFREY P. GANZON
City Vice Mayor & Presiding Officer

/rpb