



Republic of the Philippines
Province of Cavite
City of Bacoor

OFFICE OF THE
SANGGUNIANG PANLUNGSOD
RECEIVED
BY: ARIEL

DATE: 3/27/23 TIME: 2:01
BACoor CITY, CAVITE

5th SANGGUNIANG PANLUNGSOD

Committee on Public Transportation and Traffic Management

COMMITTEE HEARING MINUTES

NO. PTTM-0020-2023

Subject: **RESOLUTION AUTHORIZING THE CITY MAYOR, HON. STRIKE B. REVILLA TO SIGN THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY GOVERNMENT OF BACoor AND THE LAND TRANSPORTATION OFFICE FOR THE IMPLEMENTATION OF INTERCONNECTIVITY WITH LGUs FOR THE IMPROVEMENT OF TRANSPORTATION AND TRAFFIC MANAGEMENT THROUGH THE LAW ENFORCEMENT TRAFFIC ADJUDICATION SYSTEM (PCR 260-2023 dated March 27, 2023.)**

The 36th Regular Session of the 5th Sangguniang Panlungsod was presided over by the Presiding Officer City Vice Mayor Hon. Rowena Bautista-Mendiola held on March 27, 2023 at 10:25am at the Sangguniang Panlungsod Session Hall, 6th Flr. City of Bacoor Legislative and Disaster Resilience Building, Bacoor Government Center. The Presiding Officer declared a quorum.

The Office of the Mayor sent a letter addressed to City Vice Mayor, Hon. Rowena Bautista - Mendiola thru SP Secretary, Atty. Khalid Atega. The subject of the letter is to request for authority to enter into and sign the agreement with the Land Transportation Office (LTO).

The Memorandum of Agreement is executed for uniformity and proper coordination between government agencies/offices in the implementation of interconnectivity of IT systems either through the Other Government Agencies (OGA) portal of the LTMS or an Application Programming Interface (API).

Further, this MOA stipulate the responsibilities of herein Parties in relation to the interconnectivity of their respective IT system, particularly those pertaining to the mandatory Accreditation by the LTO of the IT system and/or IT service provider of the LGU, whether such IT system is utilized as part of a contact or non-contact apprehension process, to ensure compatibility with the LTO internal processes and IT system requirements among others.

The Committee on Public Transportation and Traffic Management Chairman, Hon. Roberto Advincula moved for the approval of the said resolution. The members unanimously seconded the motion. The same was declared approved by the Presiding Officer.



Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD

Prepared By:

ARIANNE JANE C. BAUTISTA

Local Legislative Staff I

Attested By:

COUN. ROBERTO L. ADVINCULA

Chairman



Republic of the Philippines
Province of Cavite
City of Bacoor

OFFICE OF THE
SANGGUNIANG PANLUNGSOD
RECEIVED
BY: ARIEL
DATE: 3/30/23 TIME: 2:01
BACOOR CITY, CAVITE

5th SANGGUNIANG PANLUNGSOD

Committee on Public Transportation and Traffic Management

COMMITTEE HEARING REPORT

NO. PTTM-020-2023

Subject: **RESOLUTION AUTHORIZING THE CITY MAYOR, HON. STRIKE B. REVILLA TO SIGN THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY GOVERNMENT OF BACOOR AND THE LAND TRANSPORTATION OFFICE FOR THE IMPLEMENTATION OF INTERCONNECTIVITY WITH LGUs FOR THE IMPROVEMENT OF TRANSPORTATION AND TRAFFIC MANAGEMENT THROUGH THE LAW ENFORCEMENT TRAFFIC ADJUDICATION SYSTEM (PCR 260-2023 dated March 27, 2023.)**

The 36th Regular Session of the 5th Sangguniang Panlungsod was presided over by the Presiding Officer City Vice Mayor Hon. Rowena Bautista-Mendiola held on March 27, 2023 at 10:25am at the Sangguniang Panlungsod Session Hall, 6th Flr. City of Bacoor Legislative and Disaster Resilience Building, Bacoor Government Center.

FINDINGS:

In order to effectively comply with the requirements of Republic Act No. 10930, as well as fulfill its mandate to serve as the repository of all traffic violation records, the LTO desires to implement the interconnectivity with Local Government Units (LGUs), MMDA or other agencies lawfully issuing traffic violation to its Land Transportation and Management System (LTMS) to facilitate the authentication and verification of alarm and apprehension.

The City of Bacoor supports the measure to streamline the data of LTO and the City for the improvement of transportation and traffic management in the City of Bacoor.

RECOMMENDATION:

After a thorough review of all the matters brought before its attention, the Committee recommends that a resolution entitled "RESOLUTION AUTHORIZING THE CITY MAYOR, HON. STRIKE B. REVILLA TO SIGN THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY GOVERNMENT OF BACOOR AND THE LAND TRANSPORTATION OFFICE FOR THE IMPLEMENTATION OF INTERCONNECTIVITY WITH LGUs FOR THE IMPROVEMENT OF TRANSPORTATION AND TRAFFIC MANAGEMENT THROUGH THE LAW ENFORCEMENT TRAFFIC ADJUDICATION SYSTEM" be **APPROVED** by the Sangguniang Panlungsod.

WE HEREBY CERTIFY that the contents of the foregoing report are true and correct.



Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD

Signed this 30th day of March 2023 at the City of Bacoor, Cavite.

Committee on Public Transportation and Traffic Management

COUN. ROBERTO L. ADVINCULA
Chairman

COUN. ADRIELITO G. GAWARAN
Vice Chairman

COUN. REYNALDO FABIAN
Member

COUN. MICHAEL SOLIS
Member

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement made and entered into this ____ day of _____, 2023 by and between the following parties:

The **LAND TRANSPORTATION OFFICE (LTO)** with office address at East Avenue, Brgy. Pinyahan, Quezon City, represented herein by its Assistant Secretary, **ATTY. JOSE ARTURO M. TUGADE**, hereinafter referred to as the **FIRST PARTY**,

and

The _____, a local government unit with office address at _____, represented herein by its City Mayor, **HON. _____**, hereinafter referred to as the **SECOND PARTY**.

WITNESSETH:

WHEREAS, Republic Act No. 4136 (R.A. 4136), as amended, mandates the Land Transportation Office (LTO) to register all motor vehicles and issue licenses to drivers of motor vehicles, and implement effectively the various transportation laws, and rules and regulations to achieve the desired objectives and uplift the economic well-being of the people;

WHEREAS, Section 23 of R.A. 4136, as amended by Republic Act No. 10930 (R.A. 10930), expressly provides that, "...local government units (LGUs), the Metropolitan Manila Development Authority (MMDA) or other agencies lawfully issuing traffic violation shall report within reasonable time, to be determined in the implementing rules and regulations (IRR), the details of the traffic violation to the LTO, which shall serve as the repository of all traffic violation records;"

WHEREAS, Section 23 of the IRR of R.A. 10930 provides that LGUs, the MMDA or other agencies lawfully issuing traffic violation shall upload the apprehension report online to the LTO facility to be developed for this purpose;

WHEREAS, Section 23 of the said IRR also provides that driver's licenses of violators included in the apprehension reports submitted by the

LGUs and the MMDA shall be placed on alarm in the LTO Law Enforcement and Traffic Adjudication System within twenty-four (24) hours from the receipt of the report, and that no demerit points shall be incurred by and recorded against the driver-violator until the submission of the LGU or MMDA of a complete updated report on the apprehension cases indicating whether such apprehension was admitted, uncontested, or affirmed or dismissed on adjudication which shall be submitted not later than three (3) working days from the lapse of the prescribed contest period of the apprehending agency;

WHEREAS, the same IRR has institutionalized the Point System in the Land Transportation Office, which is now being used to assess the fitness and eligibility of driver applicants for their desired license transactions, and identify, deter, and penalize repeat offenders of traffic laws and ordinances, as well as the LTO Point Registry where demerit points incurred by every driver is being recorded, stored, and accessed for convenient monitoring;

WHEREAS, Republic Act No. 7160 or the "Local Government Code of 1991" provides that LGUs, within their respective territorial jurisdictions, shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare, including the power to approve ordinances through its local legislative body regulate traffic on all streets and bridges, prohibit the putting up of encroachments or obstacles thereon, and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places;

WHEREAS, Republic Act No. 8792, otherwise known as the Electronic Commerce Act of 2000, provides that an electronic online network facilitates the open, speedy, and efficient electronic online transmission, conveyance, and use of electronic documents amongst all government departments, agencies, bureaus, offices, up to the division level, and to the regional and provincial offices, government owned and controlled corporations, local government units, other public instrumentalities, universities, colleges and other schools, and universal access to the general public;

WHEREAS, the Parties recognize the need to utilize electronic means in the exchange of information and the delivery of core public services as embodied in Republic Act No. 8792, and agree that the utilization of such will translate to reduced transaction costs and risks, and result to a more effective implementation of various land transportation laws, and rules and regulations;

WHEREAS, LTO is now implementing its own enterprise-wide Land Transportation and Management System (LTMS) which is a web-based core system applications deployed in its exclusively on-premise private cloud in the implementation of paperless and non-face-to-face based transactions and delivery of its services to its clients, to enhance agency's efficiency, improving client-focused services, promoting transparency and accountability in its transactions, and increasing inter-agency coordination, cooperation and public partnership;

WHEREAS, in order to effectively comply with the requirements of R.A. 10930 and its IRR, as well as fulfill its mandate to serve as the repository of all traffic violation records, the LTO desires to implement the interconnectivity with LGUs, the MMDA or other agencies lawfully issuing traffic violation to its LTMS to facilitate the authentication and verification of alarm and apprehension;

WHEREAS, the MMDA and other local government units need to interconnect their traffic apprehension systems with the LTMS' Driver's Licensing System (DLS) and Motor Vehicle Inspection and Registration System (MVIRS), and create an alarm in the system, through its Law Enforcement and Traffic Adjudication System (LETAS), and to ensure the effective implementation of its mandated function.

WHEREAS, Section 2 of Republic Act No. 10173, also known as the Data Privacy Act of 2012, declares the policy of the State to protect the fundamental right of privacy, of communication while ensuring free flow of information to promote innovation and growth, and the recognition of the State's inherent obligation to ensure that personal information in information and communications systems in the government are secured and protected;

WHEREAS, Section 21 of the Data Privacy Act and Section 20 of its IRR allow on-site and online access as well as off-site access of data in the government as provided in the guidelines of the National Privacy Commission (NPC);

WHEREAS, herein Parties agreed to allow linkage by interconnecting the LTMS and the IT system used by the Second Party for the purpose of providing limited access to the LTMS database, sharing relevant information relative to traffic violation apprehensions, and tagging traffic violation/s incurred by a traffic violator in order for the First Party to record demerit points in accordance with the IRR of R.A. 10930;

NOW, THEREFORE, for and in consideration of the foregoing premises, the parties hereto agreed and hereby agree on the following terms:

ARTICLE I – PURPOSE

1. This Memorandum of Agreement (MOA) is executed for uniformity and proper coordination between government agencies/offices in the implementation of interconnectivity of IT systems either through the Other Government Agencies (OGA) portal of the LTMS or an Application Programming Interface (API).
2. Further, this MOA stipulate the responsibilities of herein Parties in relation to the interconnectivity of their respective IT systems, particularly those pertaining to the mandatory Accreditation by the First Party of the IT system and/or IT service provider of the Second Party, whether such IT system is utilized as part of a contact or non-contact apprehension process, to ensure compatibility with the LTO internal processes and IT system requirements, among others.

ARTICLE II – RESPONSIBILITIES OF PARTIES

The First Party shall:

1. Evaluate, through the Accreditation Committee, the requirements submitted by the Second Party based on a non-discretionary pass or fail basis depending on the presence and completeness or absence of the required document/s.
2. Grant limited access to the LTMS through the Other Government Agencies (OGA) portal or an Application Programming Interface (API) after the Second Party's IT system and/or IT service provider has been accredited by the First Party.
3. Inform and notify the Second Party of subsequent issuances or technical guidelines, such as but not limited to matters on interconnectivity, access to database or sharing of sensitive information, that must be complied by the Second Party.

The Second Party shall:

1. Ensure that its IT system that intends to interconnect with the LTMS, whether such IT system is owned and/or operated by the Second Party or outsourced to a third-party service provider and whether the IT system is utilized as part of a contact or non-contact apprehension process, undergo the mandatory Accreditation process of the First Party to be compatible with the LTO internal processes and IT system requirements pursuant to LTO Memorandum Circular (MC) No. JMT-2023-2383 and subsequent issuances pertaining to the subject matter.
2. Submit to the First Party documentary requirements enumerated in Article II, Section 2 of LTO MC No. JMT-2023-2383, particularly:
 - a. Letter of Intent signed by the Head of Agency;
 - b. Duly accomplished application form;
 - c. Payment of non-refundable application fee of P5,000.00;
 - d. For third-party IT providers, must be a duly registered corporation or single proprietorship providing IT related services;
 - e. SEC Certificate for companies; DTI Certificate for single proprietorship;
 - f. Latest Mayor's Permit;
 - g. BIR Registration;
 - h. Sworn Statement containing the following:
 - i. On the veracity and truthfulness of the entries in the application form as well as the submitted documentary requirements
 - ii. That the applicant IT provider shall comply with the requirements of the Data Privacy Act in the handling of personal information of drivers and registered vehicle owners, and will not use any data collected for any other purpose other than that for which it is intended.
3. Comply with the interconnectivity and minimum technical requirements for LGUs/agencies connecting thru application programming interface (API) as stated in Article II, Section 3 of LTO MC No. JMT-2023-2383.

4. Comply with the minimum technical requirements for No Contact Apprehension Program (NCAP) and Handheld Electronic Traffic Violation Ticketing System pursuant to Article II, Sections 4 and 5 of LTO MC No. JMT-2023-2383, if such technologies are being used by the Second Party.
5. Present the proof of concept of its IT system program and applications to interconnect with the LTMS during the accreditation process.
6. Undertake the following activities under this MOA:
 - a. Submit the duly enacted traffic code or related ordinances containing provisions on the following:
 - i. Classification of roads within the LGU for purposes of setting the speed limit in accordance with the 2018 Joint Memorandum Circular of DOTr, DPWH and DILG;
 - ii. List of traffic violations and their corresponding fines and penalties harmonized with the classification of penalties under the Implementing Rules and Regulations (IRR) of RA 10930 for purposes of designating the demerit points against the traffic violator;
 - iii. Mandatory allocation of funds for the development and professionalization of the traffic law enforcement unit of the LGU from the revenue generated from traffic law enforcement activities pursuant to LTO MC No. JMT-2023-2383;
 - iv. Policy on adjudication of traffic violations which shall outline the step-by-step procedure to contest a traffic violation through contact or non-contact apprehension;
 - v. Procedures for appeal when the traffic violator is aggrieved by the decision of the concerned office of the contested traffic violation, including the jurisdiction to file an appeal, the prescribed forms, period to file an appeal, which must not be less than five (5) days from receipt of the violation ticket, and period to decide said appeal;
 - vi. Allowing online payment platforms as well as partner banks where traffic violators may settle their traffic violation penalties, in addition to designated payment centers;
 - vii. Procedure for tagging of traffic violation in the LTMS in compliance with Rule V of the IRR of RA 10930 and Article VI of LTO MC No. JMT-2023-2383; and

ARTICLE IV - CONFIDENTIALITY

The Parties shall not, during the term of this MOA and even after its expiration, disclose any proprietary or confidential information relating to the agreed terms or the business or operations of the Parties without prior consent of the First Party.

ARTICLE V - SEPARABILITY

If any provision of this MOA shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this MOA is invalid or unenforceable, but that by limiting such provision it would become valid or enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

ARTICLE VI - TERMINATION

Each party may terminate this Agreement for any cause by giving thirty (30) days prior written notice to the other Party. Provided, however, that in the event a Party fails to perform any of its responsibilities under this MOA, the other Party shall have the right to terminate this MOA immediately upon written notice.

ARTICLE VI - EFFECTIVITY

This Memorandum of Agreement shall remain effective until revoked. All other related Memorandum of Agreement signed prior to this Agreement is deemed amended by the execution of this Memorandum of Agreement.

IN WITNESS WHEREOF, the parties have hereunto affixed their respective signatures on the date and place first written above.

FOR THE LAND TRANSPORTATION OFFICE FOR THE LGU

ATTY. JOSE ARTURO M. TUGADE
Assistant Secretary

HON. _____
Mayor

WITNESSES

Executive Director

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)

_____) S.S.

BEFORE ME, a Notary Public for and in the above jurisdiction, personally appeared the following:

	ID Presented	ID No.

Known to me to be the same persons who executed the foregoing instrument and acknowledged to me that the same is their own free will and voluntary act and deed.

This instrument consists of _____ pages (____) pages including this page wherein this Acknowledgment is written and is signed by the parties and their instrumental witnesses on each and every page hereof.

WITNESS MY HAND AND SEAL this _____, 2023

NOTARY PUBLIC

Doc. No.: _____;
Page No.: _____;
Book No.: _____;
Series of 2012.