MEMORANDUM CIRCULAR
NUMBER 2015-01

SUBJECT: LTFRB’S DRIVERS BADGE PROGRAM

WHEREAS, Executive Order No. 202, paragraph 5 (k) mandates the Board to formulate, promulgate, administer, implement and enforce rules and regulations on land transportation public utilities, standards of measurements and/or design, and rules and regulations requiring operators of any public land transportation service to equip, install and provide in their utilities and in their stations such devices, equipment facilities and operating procedures and techniques as may promote safety, protection, comfort and convenience to persons and property in their charges as well as the safety of persons and property within their areas of operations;

WHEREAS, toward this end, DOTC Department Order No. 2011-25 entitled the Driver Proficiency Standards (“D.O. No. 2011-25”) mandates and requires Public Utility Vehicle (“PUV”) drivers to undergo training programs, competency assessment and certification by the Technical Education and Skills Development Authority (“TESDA”);

WHEREAS, to ensure the safety, protection, comfort and convenience of the commuters, in particular, and the public, in general, there is a need to establish and create a database and monitoring systems of the Board so that the trainings programs, competency assessment and certification secured by PUV drivers from the TESDA, their franchise violations and accidents they are involved in will be recorded correctly and efficiently;

WHEREAS, after nationwide consultations with various public land transport stakeholders and careful study of the Board, it was determined that it will be most advantageous to the government and for the greater benefit of the general public that before PUV drivers will be allowed to drive and operate PUVs, they must (1) undergo training, competency and assessment by TESDA and its accredited training centers/trainors and (2) be issued badges that will gather, record, maintain their information and be able to monitor their track record as PUV drivers;
NOW, THEREFORE, based on the foregoing premises and pursuant to Executive Order No. 202, paragraph 5 (k), this Board hereby promulgates the following rules and regulations governing LTFRB'S DRIVERS BADGE Program (the "Program"):

I. PURPOSES OF THE PROGRAM

1. It will empower and enable the Board to have an effective and efficient database of the following: (1) training programs, competency assessments and certifications that PUV drivers undergo and secure from TESDA, its accredited training centers/trainors and other government agencies; (2) franchise violations of the PUV drivers; and (3) accident records of the PUV drivers.

2. It will enable the Board to issue badges to PUV drivers that are counterfeit-proof, eco-friendly and durable.

3. It will enable the Board to mandate that only drivers who are TESDA certified and issued with LTFRB Driver's Badge will be allowed to drive and operate PUVs.

II. ISSUANCE AND RENEWAL OF DRIVER'S BADGES

1. Upon the filing of application for new franchise, extension of validity, sale and transfer of the like, applicants and/or existing PUV operators must submit an Operator’s Data Sheet (ODS) which includes, among other things, the names and other required information of ALL their authorized drivers in accordance with the form prescribed by the Board; provided that within a period not exceeding six (6) months from the time the Board certifies that the database management system of the Program is fully operational in all its offices (hereinafter referred to as "Initial Implementation of the Program"), applicants and/or existing PUV operators shall, in behalf of their drivers, apply for the issuance of Driver’s Badge of their authorized drivers and submit their updated ODS to the Board.

2. Requirements for the Issuance and/or Renewal of the Driver's Badge:

2.1. Driver's Badge to be Issued During the Initial Implementation of the Program:

   a. Valid and existing professional driver's issued by the Land Transportation Office (LTO).

2.2. Driver's Badge to be Issued After the Initial Implementation of the Program (Not Renewal):

   a. Valid and existing professional driver's issued by the LTO; and

2.3. Driver’s Badge to be Renewed for the 1st and Subsequent Renewals:

a. Valid and existing professional driver’s license issued by the LTO;

b. Valid and existing competency assessment and certification mandated by D.O. No. 2011-25; AND

c. He/she has not committed violations with cumulative points not greater than THIRTY (30) points during the validity of the Driver’s Badge:

3. The points to be assigned for commission by the driver’s of franchise violations shall be as follows:

3.1. MAJOR VIOLATION - Ten (10) points for any apprehension enumerated below for violations of public land transportation, franchising laws, rules and regulations and there has been a final and executory adjudication by the Board or its Regional Franchising Regulatory Offices (“RFROs”) that the PUV operator and his/her/its driver is guilty of such violation or, in case of accident or crimes committed against a passenger while driving a public utility vehicle, a final judgement of a court finding the driver guilty of reckless imprudence or the commission of such crime. Major Violations are the following:

a. Colorum as defined in Item IV, No. 1 of Joint Administrative Order (JAO) 2014-01;

b. Presentation of fake or spurious documents (Item IV, No. 6);

c. Trip-cutting (Item IV, No. 22);

d. Illegal transfer of plates (No. 18 of Memorandum Circular No. 2011- 004); and

e. Reckless imprudence or crimes committed against a passenger provided there is a final judgment of a court convicting the driver guilty thereof.
In case the driver is a respondent in an accident or accused of a crime against a passenger, said case should be reflected in the Driver’s Badge. However, until no final conviction has been imposed, no point deduction will be made.

3.2. MINOR VIOLATIONS - Five (5) points for any apprehension for violations of public land transportation, franchising laws, rules and regulations and there has been a final adjudication by the Board or its RFROs that the PUV operator and his/her/its driver is guilty of such violation. Minor Violations are the following:

a. All violations enumerated in Item IV of JAO 2014-01 that are not included in the preceding Item 3.1 above; and

b. All violations enumerated in MC No. 2011-004 that are not included in the preceding Item 3.1 above. It No. 4 (a) provisions.

4. In case a driver has been adjudged to have committed violations with cumulative points greater than THIRTY (30) points during the validity of the Driver’s Badge, the Board and its RFROs shall observe/apply the following rules:

4.1. If the driver earns it for the first time, his/her Driver’s Badge will not be renewed until after six (6) months from its expiration date; and

4.2. If a driver earns it during subsequent renewals, his/her Driver’s Badge will not be renewed.

5. If a Driver’s Badge is renewed by the Board or its RFROs, the demerit system shall again start from zero.

6. Drivers of PUVs must always carry their badges whenever they are plying the approved routes of the PUVs they are driving and operating.

7. Driver’s Badge shall be issued by the Board only to authorized drivers of legitimate PUV operators. Toward this end, ALL applications for issuance of Driver’s Badge must be endorsed by a PUV operator or his/her/its duly authorized representatives. Without such endorsement, the application will not be accepted by the Board and its RFROs.

8. The Driver’s Badge shall be initially valid for ONE (1) YEAR from the date of its issuance.

9. For subsequent renewals, it shall be valid for a period of THREE (3) YEARS from the date of its renewal.
III. SELECTION OF DRIVER’S BADGE PROVIDER

1. The Board shall conduct a selection of a Driver’s Badge Provider that will issue counterfeit-proof, eco-friendly and durable badges in accordance with all existing procurement and/or build-operate-transfer (BOT) laws, implementing rules and regulations governing the adoption and implementation of this kind of project.

2. The Driver’s Badge that will be provided to drivers must have the following features:

   a. Counterfeit-resistant card technology;

   b. High hologram security feature that can personalize the image of the drivers for rapid visual authentication;

   c. The hologram security feature must have covert and overt features that can only be verified by using a special card reader to eliminate the possibility of duplication;

   d. Capability of storing large data, such as but not limited to driver’s license or proof of identification of drivers and conductors, NBI and police clearance of drivers and conductors, competency assessments and certifications, and other related data;

   e. Capability of storing non-erasable data that can be updated but can still retain the original template so that the badge can have an audit trail;

   f. The badge must also be able to verify data and/or biometrics even when off-line or capable of standalone verification, subject to the immediately preceding paragraph;

   g. Capability of badge of capturing ten-print biometrics that is compliant with International Civil Aviation Organization (ICAO) standards;

   h. Capability of incorporating other technology like the addition of Ultra High Frequency (UHF) antenna for tracking and control of PUVs;

   i. Special security codes that only the provider and the LTFRB can verify using a card reader;

   j. Durability and eco-friendly, the badge should be proven to be able to last for at least ten (10) years; and
k. The badges must also be able to accommodate various technology platforms and must be compatible or inter-operable with the Board’s database platform and IT Facility.

3. The Driver’s Badge Provider shall solely be responsible for the following:

a. Development of the registration and database system for the Driver’s Badge Program and be responsible for its development and licensing costs, if any;

b. To provide an interface to allow its system to be linked online and real time with LTFRB’s IT facility that is currently undergoing feasibility study pursuant to the Board’s “Road Transformation Information Technology Infrastructure Project Phase II”;

c. To provide main server for the Driver’s Badge Program to be installed in the Central Office of the Board and laptops, desktops and printers in the Central Office and all its RFROs as well as in DOTC-CAR, DOTC-CARAGA and ARMM needed for the implementation of the Driver’s Badge Program;

d. To provide sufficient card readers in each of these offices;

e. To set up LTFRB’s VPN (virtual private network) and its connectivity across all its offices and its RFROs as well as DOTC-CAR, DOTC-CARAGA and ARMM and be responsible/pay for its communication expenses unless LTFRB has an existing VPN that it can use; and

f. To provide a DRP (disaster recovery plan) and back-up strategy.

6. THE DRIVER’S BADGE PROVIDER MUST CEDE OWNERSHIP, INTEREST, CLAIM, CONTROL AND MANAGEMENT OF THE DATABASE SYSTEM AND ALL EQUIPMENT AND HARDWARE TO THE LTFRB. ALL INFORMATION AND DATAGATHERED BY THE DRIVER’S BADGE PROVIDER SHALL BE EXCLUSIVELY AND SOLELY OWNED BY THE LTFRB.

IV. VIOLATIONS AND PENALTIES

1. PUV Operators who allow their drivers, who do not have LTFRB-issued Driver’s Badges, to operate their PUVs shall be penalized as follows:
a. First Offense – Fine of Two Thousand Five Hundred Pesos (\( \text{Php}2,500.00 \)).

b. Second Offense – Fine of Five Thousand Pesos (\( \text{Php}5,000.00 \)) and suspension of the subject PUV unit for three (3) months.

c. Third Offense and Subsequent Offenses – Fine of Ten Thousand Pesos (\( \text{Php}10,000.00 \)) and suspension of subject PUV unit for six (6) months.

2. Persons who are caught driving PUVs without Driver’s Badges shall be tagged in the database system shall not be issued Driver’s Badge.

This Memorandum Circular shall take effect immediately following its publication in a newspaper of general circulation and the filing of three (3) copies hereof with the UP Law Center pursuant to Presidential Memorandum Circular No. 11, dated 09 October 1992.

SO ORDERED.

Quezon City, Philippines, MAR 20 2015

Atty. Winston M. Ginez, CPA
Chairman

Engr. Ronaldo F. Corpus
Board Member

Atty. Antonio Enrile Inton, Jr.
Board Member

Attested by

Atty. Roberto P. Cabrera, III
Executive Director