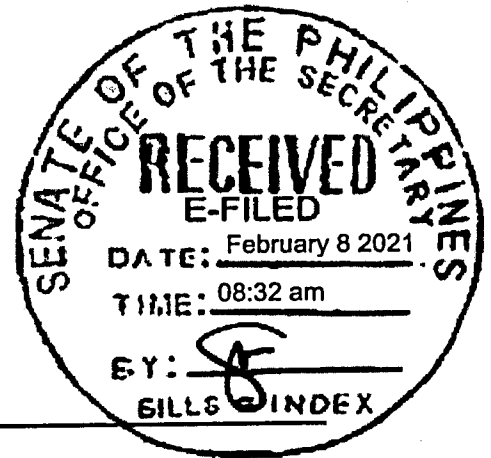


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

P.S. Res. No. 641



Introduced by SENATOR LEILA M. DE LIMA

RESOLUTION

URGING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED PRECIPITOUS AND HASTY IMPLEMENTATION OF THE PRIVATE MOTOR VEHICLE INSPECTION CENTER (PMVIC) PROJECT OF THE LAND TRANSPORTATION OFFICE (LTO) AND DEPARTMENT OF TRANSPORTATION (DOTR) FOLLOWING CRITICISMS AND ALLEGATIONS OF LACK OF TRANSPARENCY AND APPROPRIATE CONSULTATION OF ITS MAJOR STAKEHOLDERS IN ITS PLANNING AND IMPLEMENTATION LEADING TO FEARS OF OUR CITIZENS BEING DEPRIVED OF THEIR RIGHT TO USE THEIR VEHICLES WITHOUT DUE PROCESS

1 WHEREAS, Article II, Section 28 of the 1987 Constitution declares, in part, that
2 the State shall adopt and implement “a policy of full public disclosure of all its
3 transactions involving public interest”;

4 WHEREAS, Book II, Chapter 1, Section 1(7) of the Administrative Code of 1987
5 declares, in part, that “[t]he right of the people and their organizations to effective and
6 reasonable participation at all levels of social, political, and economic decision-making
7 shall not be abridged”;

8 WHEREAS, in 2020, the Land Transportation Office (LTO), along with the
9 Department of Transportation (DOTr), saw an opportunity to overhaul the country’s
10 Motor Vehicle Inspection System (MVIS) despite the reduced vehicular traffic due to
11 the restrictions to mobility caused by the COVID-19 pandemic;¹

¹ Laurel, D. (14 January 2021). *A step-by-step guide to getting your car inspected at a PMVIC for LTO registration*. Retrieved 3 February 2021, from https://www.topgear.com.ph/features/tip-sheet/pmVIC-guide-2021-a962-20210114?ref=article_tag

1 WHEREAS, the MVIS program now requires all motorized vehicles to undergo
2 and pass a more stringent series of tests as a requirement for registration. It consists
3 of a 70-point series of roadworthiness tests based on international standards which
4 includes visual testing, such as checking the operability of the wipers, brake lights, side
5 mirrors, among others, as well as tests that can only be done with the proper
6 equipment, technology and trained personnel;²

7 WHEREAS, in a press release on 4 August 2020, the DOTr announced that it
8 would be fast tracking the operationalization of private motor vehicle inspection
9 centers (PMVICs) under the MVIS program to cater to the vehicle inspection needs of
10 owners as a requirement for registration;³

11 WHEREAS, DOTr Secretary Arthur Tugade endorsed the project by stating that
12 an automated system of vehicle inspection for roadworthiness would effectively
13 address two problems, namely, human error and opportunities for corruption;⁴

14 WHEREAS, in September 2020, the DOTr officially recognized the first
15 PMVICs in the country by issuing certificates to 32 newly established centers. It was
16 also reported that the DOTr is targeting a total of 138 PMVICs to be operational in the
17 country once the program is fully implemented;⁵

18 WHEREAS, in December 2020, it was reported that Private Emission Testing
19 Centers (PETCs) were gradually being phased out to make way for PMVICs.⁶ Unlike a
20 PETC, which only checks for a vehicle's emissions levels in compliance with the Clean
21 Air Act, a PMVIC also checks for a vehicle's roadworthiness. This includes checking of
22 62 individual vehicle parts through visual and computer-aided testing;⁷

² Orbos, T. M. (11 January 2021). *The MVIS program: Assurance of roadworthiness*. Retrieved 3 February 2021, from <https://businessmirror.com.ph/2021/01/11/the-mvis-program-assurance-of-roadworthiness/?fbclid=IwAR1GF7X1tUm15BHvXkD25X6IByOPylAtC6Ysvadlxi0hcopBhlZjjLvmhoY>

³ Department of Transportation. (4 August 2020). *DOTR-LTO FAST TRACKS OPENING OF PRIVATE MOTOR VEHICLE INSPECTION CENTERS (PMVICs)*. Retrieved 3 February 2021, from <https://dotr.gov.ph/55-dotrnews/2027-dotr-lto-fast-tracks-opening-of-private-motor-vehicle-inspection-centers-pmvics.html>

⁴ *Ibid.*

⁵ Ilagan, A. (15 September 2020). *PH's first Private Motor Vehicle Inspection Center gets certified by DOTr*. Retrieved 3 February 2021, from <https://www.topbikes.ph/news/qwik-private-vehicle-inspection-center-operate-a959-20200915>

⁶ Ilagan, A. (21 December 2020). *DOTr: The shut down of emission testing centers has begun*. Retrieved 3 February 2021, from <https://www.topbikes.ph/news/department-transportation-closing-emission-testing-centers-a959-20201221>

⁷ Rosales, B. (23 December 2020). *DOTr and LTO preview Motor Vehicle Inspection Center*. Retrieved 3 February 2021, from <https://www.motopinas.com/motorcycle-news/dotr-and-lto-preview-motor-vehicle-inspection-center.html>

1 WHEREAS, various advocacy groups, which include the Clean Air Movement
2 and the Volunteers Against Crime and Corruption (VACC), among others, have
3 questioned the “arbitrary” implementation of the program and have criticized it for
4 pushing through without public consultation and transparency among major
5 stakeholders. They also argue that the “exorbitant” fees that motorists would have to
6 shell out for the inspection fee would be an additional burden passed on to motorists
7 considering the severe impacts of the COVID-19 pandemic;⁸

8 WHEREAS, the VACC has gone a step further by indicating that it would
9 petition the Supreme Court (SC) to suspend the implementation of the PMVICs in
10 order to conduct public consultations with majority stakeholders beforehand;⁹

11 WHEREAS, it is the policy of the State to secure and safeguard its citizenry,
12 particularly the passengers and drivers of private and public motor vehicles. Towards
13 this end, the State is mandated to pursue a more proactive and preventive approach in
14 order to secure the safety of drivers, passengers, and pedestrians at all times by
15 implementing responsive programs and policies that genuinely promote the welfare of
16 the riding public;

17 WHEREAS, however, this right must also be balanced with the right to property
18 as well as the right of the people to participate in the policymaking-processes;

19 WHEREAS, due to the lack of transparency and sufficient consultations among
20 stakeholders, critics of the program expressed their distrust on the stated goal of the
21 new inspection program and suspect that the project is yet another ploy of the
22 government towards phasing out older vehicles which could severely impact a majority
23 of private car owners and public utility vehicle operators nationwide;¹⁰

24 WHEREAS, the timing of the rollout of this project is also problematic as it
25 would operate to deprive our many countrymen of the use of their vehicles even as we
26 limit the access to public transportation due to quarantine restrictions;

⁸ Araja, R. N. & Malabanan, J. (25 January 2021). *Motorists up in arms over LTO private vehicle tack*. Retrieved 3 February 2021, from <https://manilastandard.net/mobile/article/345342>

⁹ Servillos, N. J. (2 February 2021). *VACC mulls TRO vs privatized vehicle inspection, exorbitant fees*. Retrieved 3 February 2021, from <https://www.philstar.com/headlines/2021/02/02/2074670/vacc-mulls-tro-vs-privatized-vehicle-inspection-exorbitant-fees>

¹⁰ Beltran, C. (1 February 2021). *PMVIC: modernization - deception - corruption?* Retrieved 3 February 2021, from <https://www.philstar.com/opinion/2021/02/01/2074400/pmVIC-modernization-deception-corruption>

1 WHEREAS, outsourcing government programs and services to private
2 corporations is no longer a novel way of doing business. Due to a lack of government
3 funds, these arrangements have practically become common practice in the planning
4 and implementation of government programs and projects;

5 WHEREAS, while the government, with help from the private sector, should
6 strive to modernize the transport sector in order to ensure the safety of motorists and
7 pedestrians alike, due process demands that all programs should not deprive our
8 citizens and all the stakeholders the opportunity to participate in the policymaking
9 process;

10 WHEREAS, our Constitution states in Art. III, Sec. 1 that “[n]o person shall be
11 deprived of life, liberty, or property without due process of law...”;

12 WHEREAS, any government program, especially ones which tend to deprive
13 our citizens of their right to enjoy and utilize their own property should be subject to
14 extensive public consultation lest it violates our fundamental rights enshrined in our
15 Constitution;

16 WHEREAS, as long as the government refuses to open up the MVIS program to
17 extensive public scrutiny, questions will linger over its perceived irregularities and true
18 intentions;

19 WHEREAS, the LTO and DOTr should listen to its constituents and seriously
20 consider suspending the implementation of its PMVIC project and make its processes
21 more transparent and accessible to the general public;

22 WHEREAS, there is need to ensure that the implementation of this program
23 will afford our citizens sufficient time to understand the process, learn what is required,
24 and prepare for compliance with the law;

25 WHEREAS, while the PMVIC project is well-intentioned, it should not deprive
26 our people practical means and sufficient opportunity to comply with the law;

27 WHEREAS, there is a need to conduct an investigation into these allegations in
28 order for the Senate to serve its essential function as a check and balance to promote
29 and uphold good governance and transparency between government agencies and the
30 general public;

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to urge the
2 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the
3 alleged precipitous and hasty implementation of the Private Motor Vehicle Inspection
4 Center (PMVIC) project of the Land Transportation Office (LTO) and Department of
5 Transportation (DOTr) following criticisms and allegations of lack of transparency and
6 appropriate consultation of its major stakeholders in its planning and implementation
7 leading to fears of our citizens being deprived of their right to use their vehicles without
8 due process.

Adopted,


DEILA M. DE LIMA