


FOURTEENTH CONGRESS OF THE)
Republic of the Philippines)
Second Regular Session)

8 AUG 12 12:58

SENATE

RECEIVED BY: 

Senate Bill No. 2528

Introduced by Honorable SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The use of stolen vehicles in committing crimes is rampant and common. Police authorities have devised means to arrest and bring to justice the perpetrators of this crime. However, the criminals' cunningness to commit criminal acts cannot be exhausted. Some might take advantage of buying totally wrecked vehicles including its registration from different junkyards or sources, use the registration and the plate number in other vehicles to prevent detection from authorities and proceed with the planned crime.

In this regard, this bill seeks to prohibit the sale of totally wrecked cars including its registration and to regulate the sale of the scrap metals coming from the wrecked vehicles to prevent the criminal elements from using this *modus operandi* to sustain their operations.

In consideration thereof, I earnestly seek the immediate passage of this important bill.


JINGGOY EJERCITO ESTRADA
Senator

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**AN ACT PROHIBITING THE SALE OF TOTALLY WRECKED VEHICLE
INCLUDING ITS REGISTRATION AND FOR OTHER PURPOSES**

*Be it enacted by the Senate and the House of Representatives of the Philippines
in Congress assembled:*

SECTION 1. This Act shall be known and may be cited as the "Anti-Totally Wrecked Vehicle Sale Act of 2008."

SECTION 2. Definition of Terms. – As used in this Act, the term –

- a) "*Vehicle*" – means any motor vehicle propelled by any power other than muscular power using all roads, except road rollers, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian trucks, cranes and those that run only on rails or tracks, and tractors, and traction engines of all kinds used exclusively for agricultural purposes. Trailers having any number of wheels, when propelled or intended to be propelled by attachment to a motor vehicle, shall be classified as a vehicle under this Act.
- b) "*Totally wrecked vehicle*" – means any vehicle which can no longer run or function due to its severe deformity after an accident or due to *force majeure*.
- c) "*Registration*" – means the record of the motor vehicle engine, engine block and chasis and plate number in the registry of motor vehicle of the Land Transportation Office.

SECTION 3. *Duty of Investigating PNP Officer in Totally Wrecked Vehicular Accidents or Due to Force Majure.* – It is the duty of the investigating PNP Officer in totally wrecked vehicular accidents to send a copy of its report to the Land Transportation Office within the province, city or municipality to inform the same of the incident. The investigating PNP Officer shall also secure the plate numbers of the said vehicle but shall issue a receipt to the registered owner or his/her heirs-in-interest within a period of seven (7) days from the incident. The copy of the report and the plate numbers shall be submitted to the LTO within a period of seven (7) days from the incident.

In case of totally wrecked vehicle due to *force majeure*, the registered owner of the said vehicle or his/her heirs-in-interest should report the incident to the nearest police station and surrender the plate numbers to the investigating PNP Officer. The latter shall issue an acknowledgement receipt to the registered owner of the said vehicle or his/her heirs-in-interest and the PNP Officer shall inform the Land Transportation Office within the province, city or municipality within a period of seven (7) days from the date of notice by the registered owner of the said vehicle or his/her heirs-in-interest. He/she shall also surrender the plate numbers to the LTO within the period indicated herein.

SECTION 4. *Duty of Land Transportation Office.* - Upon receiving the report and plate numbers from the investigating PNP Officer, the LTO shall cause the cancellation of the registration of the totally wreck vehicle within a period of seven (7) days to prevent the use of the registration of the said vehicle by any person. The LTO, after seven (7) days from receipt of report and plate numbers, shall issue a clearance, without fee, for the sale of the scrapped materials of the totally wreck vehicle to the registered owner or his/her heirs-in-interest.

SECTION 5. *Duty of Persons Buying Scrapped Materials from Totally Wrecked Vehicle.* – It shall be the duty of any person, whether natural or juridical, buying *scrapped materials to secure from its source, a certified true copy of a clearance* issued by the LTO that the same comes from a totally wrecked vehicle. Without such clearance, the sale shall be conditional and failure to secure a clearance within a period of seven (7) days shall make the sale null and void.

SECTION 6. *Penal Provisions.* — Any person who violates any provision of this Act shall be punished with imprisonment for not less one (1) year nor more than six (6) years and a fine equal in amount to the brand new acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation: provided, that if the person violating any provision of this Act is a juridical person, the penalty herein provided shall be imposed on its president or secretary and/or members of the board of directors or any of its officers and employees who may have directly participated in the violation.

Any government official or employee who directly commits the unlawful acts defined in this Act or is guilty of gross negligence of duty or connives with or permits the commission of any of the said unlawful act shall, in addition to the penalty prescribed in the preceding paragraph, be dismissed from the service with prejudice to his/her reinstatement and with disqualification from voting or being voted for in any election and from appointment to any public office.

SECTION 7. *Penalty for Sale of Totally Wrecked Vehicle with Registration.* — Any person who is found guilty of sale of totally wrecked vehicle with registration shall be punished by imprisonment for not less than six years and one day and not more than twelve years or a fine equal in amount to the brand new acquisition cost of the motor vehicle or both, at the discretion of the court.

SECTION 8. *Repealing Clause.* — All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with or contrary to the provisions of this Act are hereby repealed or modified accordingly.

SECTION 9. *Separability Clause.* — If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions thereof which are not affected shall continue to remain in full force and effect.

SECTION 10. *Effectivity.* — This Act shall take effect after fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved.