



Republic of the Philippines
CITY COUNCIL
City of Manila

REGULAR SESSION NO. 79

11TH CITY COUNCIL

Begun and held in the City Council on Thursday,
the tenth day of September, Two Thousand Twenty

ORDINANCE NO. 8676

AN ORDINANCE IMPLEMENTING THE NO CONTACT APPREHENSION PROGRAM (NCAP) OF THE CITY AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF CITY ORDINANCE NO. 8092 AND ORDINANCE NO. 8327 AND FOR OTHER PURPOSE

PRINCIPAL AUTHORS: **HON. EDWARD M. TAN**, **HON. TIMOTHY OLIVER I. ZARCAL**, **HON. PRISCILLA MARIE T. ABANTE-BARQUIA**, **HON. IRMA C. ALFONSO-JUSON**, **HON. TERRENCE F. ALIBARBAR**, **HON. KRYSTLE MARIE C. BACANI**, **HON. DON JUAN "DJ" BAGATSING**, **HON. HON. LARIS T. BORROMEO**, **HON. MA. THERESA F. BUENAVENTURA-QUIMPO**, **HON. CARLOS C. CASTAÑEDA**, **HON. LOUISITO N. CHUA**, **HON. ERNESTO G. DIONISIO**, **HON. PAMELA "FA" G. FUGOSO-PASCUAL**, **HON. JOEY S. HIZON III**, **HON. RICARDO "BOY" A. ISIP, JR.**, **HON. MACARIO M. LACSON**, **HON. SALVADOR PHILIP H. LACUNA**, **HON. MOISES T. LIM**, **HON. NUMERO G. LIM**, **HON. JOHANNA MAUREEN C. NIETO-RODRIGUEZ**, **HON. ERICK IAN O. NIEVA**, **HON. PETER M. ONG**, **HON. CHARRY R. ORTEGA**, **HON. JOEL M. PAR**, **HON. SCIENCE A. REYES**, **HON. ROMA PAULA S. ROBLES-DALUZ**, **HON. DARWIN B. SIA**, **HON. IRWIN C. TIENG**, **HON. CHRISTIAN PAUL L. UY**, **HON. LUCIANO M. VELOSO**, **HON. JOEL "JTV" VILLANUEVA**, **HON. RAYMUNDO R. YUPANGCO**, **HON. LEILANI MARIE H. LACUNA**, **HON. DANIEL DAVE A. TAN**, **HON. ERNESTO C. ISIP, JR.**, President Pro-Tempore, **HON. WARDEE P. QUINTOS, XIV**, Acting Majority Floor Leader and **HON. JOEL R. CHUA**, Acting Presiding Officer



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LOUISITO N. CHUA, Jr.
Secretary of the City Council

PREAMBLE

WHEREAS, City Ordinance No. 8092, otherwise known as "An Ordinance Revising the Traffic Code of the City of Manila by Amending Chapter 121 of the Compilation of Ordinances of the City of Manila, and for other purposes" took effect on March 19, 2005;

WHEREAS, Section 16 of Republic Act 7160, otherwise known as the Local Government Code of 1991, provides that: *"Every local government unit 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. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, xxx preserve the comfort and convenience of their inhabitants."*;

WHEREAS, Section 458 (5) (vi) of the same Code empowers the city, through an ordinance, to regulate traffic in all streets and bridges within the city territory;

WHEREAS, in order to enhance the culture of traffic discipline among motorists, the City of Manila will implement a **"No Contact Apprehension Program"** which will provide another way of enforcing traffic rules and regulations by operating a 24-hour no contact apprehension program which is intended to instill a round-the-clock obedience to traffic ordinances and rules;

WHEREAS, to ease the payment of fines and penalties in relation to the **"No Contact Apprehension Program"**, alternative modes of payment, such as over-the-counter payment in accredited banks, payment centers, internet banking, automated teller machines, and mobile money will be accepted by the City Treasurer, subject to the execution of an agreement/understanding of such entities with the City of Manila;

WHEREAS, a "No Contact Apprehension Program Trust Fund" needs to be created and established wherein all penalties and fines in the implementation of the **"No Contact Apprehension Program"** are to be deposited: NOW, THEREFORE,

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

SECTION 1. Short Title. - This Ordinance shall be known as the **"2020 No Contact Apprehension Program Ordinance of the City of Manila"**.

SEC. 2. Declared Policy. - It is the policy of the City to adopt a systematic, uniform and transparent **"No Contact Apprehension Program"** (NCAP) for brevity which shall:

1. Instill discipline among motorists by apprehending traffic violators through state-of-the-art, evidence-based and comprehensive technology;
2. Protect the general welfare of the people and improve public safety by ensuring motorists follow road rules and regulations; and
3. Encourage public participation, cooperation and self-regulation among the motoring public through the proper education of motor vehicle owners and drivers.

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SEC. 3. Implementation. -

1. The City Government on its own or through a Joint Venture or Service Agreement shall cause the installation of Traffic Enforcement Cameras in intersections and motorways within the City. The "Traffic Enforcement Cameras" are electric devices that automatically take high speed, high resolution photos and videos of vehicle committing the Violations defined in this Chapter.
2. NCAP pertains to the sending of a Notice of Violation to the address of the registered owner of a vehicle based on the LTO database who commits the Violations defined in this Ordinance as recorded by Traffic Enforcement Cameras, without the physical apprehension by a traffic enforcer.
3. The City shall create a "Motor Vehicle Registration Alert System" (MVRAS) wherein it will link up with the Land Transportation Office (LTO) to access the said agency's database of information of vehicles caught by the NCAP. In relation to implementation of the NCAP, the City and LTO may enter into Memorandum of Agreement wherein it will state that, among others, the LTO will provide information to the City for the purpose of identifying the owners of apprehended vehicles. In addition, all integral to the NCAP is the ability of the City to give instructions to the LTO to put an alarm on the registration of the vehicle and the driver's license of a violator should the violator fails to pay the corresponding fine/penalties subject to the conditions mentioned below.
4. The City of Manila Traffic Adjudication Board has the exclusive jurisdiction to hear and decide cases involving violations of all traffic rules and regulations, including violations caught and recorded by the Traffic Enforcement Cameras within the City. The Trust Fund Review and Approval Committee of the "No Contact Apprehension Program" (NCAP), on the other hand, shall be responsible for the documentations and liquidation of the proceeds of the Trust Fund subject to applicable rules and regulations of the Commission on Audit and other applicable laws.
5. A monthly *Honoraria* shall be given to the members and secretariat of the above mentioned committees to be determined by Traffic Management Committee and shall be taken exclusively from the NCAP Trust Fund of the City.

SEC. 4. Definition of Terms. - The words and phrases used in this Ordinance are hereby defined as follows:

A. Counter Flow Driving - is a type of reckless driving whereby the motorist is driving against the flow of the traffic or on any road recklessly or without reasonable caution considering the width, traffic, grades, crossing, curvatures, visibility and other conditions of the road whether to endanger the property or the safety or right of any person or to cause excessive or unreasonable damage to the road.

B. Emergency Vehicle - means a motor vehicle:

1. Conveying members of the police force on urgent police duty;

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INCHU DEVPIS, JR.
Secretary to the City Council

- II. Of a fire brigade travelling to or on duty at any place in consequence of a fire or an alarm of fire;
- III. Being an ambulance or any other vehicle, answering an urgent call or conveying to a hospital any injured or a sick person urgently requiring treatment;
- IV. Being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment which may or may not carry a siren, bell or repeater horn for use as a warning equipment; or
- V. Duly authorized as an emergency vehicle for purposes of this Ordinance by the appropriate authority.
- C. Motor Vehicle Registration Alert System (MVRAS)** - it is a system wherein the City Government will link up with the Land Transportation Office (LTO) to access the said agency's database of information of vehicles caught by the NCAP.
- D. No Contact Apprehension Program (NCAP)** - refers to the systematic program whereby the City shall apprehend traffic violators through state-of-the-art, evidenced-based and comprehensive technology without the need of a physical contact to traffic enforcers.
- E. Seat Belt Device** - shall refer to any strap, webbing or similar device in the form of pelvic restraint or lap belt, upper torso restraint or shoulder strap or a combination thereof designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such seat belt device in a motor vehicle.
- F. Standard Protective Motorcycle Helmets** - these are appropriate types of helmets for motorcycle riders that comply with the specifications issued by the Department of Trade and Industry (DTI).
- G. Traffic Light Signal** - a road signal for directing vehicular traffic by means of colored lights, typically red for stop (red circle), green for go (green circle), and yellow (amber circle) for proceed with caution. Also known as stoplight or traffic signal.
- H. Traffic Violations covered by NCAP** - these are Traffic Violations being implemented by the City of Manila that will be covered by the No Contract Apprehension Program (NCAP).
- I. Thoroughfare** - means that portion of a road improved, designed, or used for vehicular travel exclusive of the shoulder and footway.

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Secretary

SEC. 5. Traffic Rules and Regulations covered by NCAP. -

1. Counter Flow Driving

No person shall operate or drive a motor vehicle against the flow of the traffic or on any road recklessly or without reasonable caution considering the width, traffic, grades, crossing, curvatures, visibility and other conditions of the road and the conditions of the atmosphere and whether to endanger the property or the safety or right of any person or to cause excessive or unreasonable damage to the road.

2. Disobedience to Traffic Control Signals and Signs

A. Every person shall always observe and comply with the instruction of any traffic control signal sign or marker applicable to him. Traffic control signals, signs and markers may be installed on the side, median, overhead, or may be painted on the road.

B. The display by a traffic control signal of:

I. A green circle is an instruction that:

a. A driver facing the traffic control signal may proceed straight ahead, turn left, or turn right unless a signal in such place prohibits either such turn. Vehicles turning right or left shall give way to any opposing traffic and/or pedestrian.

b. A green signal and walking man symbol are an instruction that a pedestrian facing the traffic control may proceed across the thoroughfare.

II. An amber circle alone is an instruction that:

a. A driver facing a traffic control signal shall not proceed beyond the stop line, or in the absence of a stop line, the traffic control signal itself, unless his vehicle is so close to the stop line or traffic control signal when the amber first appears that he cannot safely stop his vehicle before passing the stop line or traffic control signal.

b. A pedestrian facing the traffic control signals shall not obstruct vehicles entering or approaching the intersection.

III. A red circle alone is an instruction that:

a. A driver facing the traffic control signal shall not proceed straight ahead or turn left or turn right beyond the stop line, or in the absence of stop line, shall not proceed straight ahead, or turn left or turn right beyond the traffic control signal itself;

b. A pedestrian facing the traffic control signal shall not obstruct vehicles entering or approaching the intersection.

IV. A red square and standing man signal are an instruction that a pedestrian facing the traffic control signal shall not enter upon the thoroughfare.

- V. A green arrow is an instruction that a driver facing the traffic control signal may proceed in the direction indicated by the arrow.
- VI. An amber arrow is an instruction that a driver facing the traffic control signal shall not, for the purpose of proceeding the direction indicated by the amber arrow, proceed beyond the stop line or, in the absence of a stop line, shall not enter the intersection at or near, which the traffic control signal is erected unless his/her vehicle is so close to the stop line or the intersection when the amber arrow first appears that he/she cannot safely stop his/her vehicle before passing the stop line or entering the intersection.
- VII. A red arrow is an instruction that a driver facing the traffic control signal shall not, for the purpose of proceeding in the direction indicated by the red arrow, proceed beyond the stop line or, in the absence of a stop line, shall not enter the intersection at or near, which the traffic control signal is erected.
- VIII. A driver shall not cause his vehicle to turn at any intersection contrary to the instruction to turn on any "No Turns", "No Left Turn", "No Right Turn", or "No U-Turn" signs erected to face an approaching driver at or near the intersection.

3. Obstruction of the Pedestrian Lane

A portion of the road marked with a pedestrian crossing must always remain unobstructed and open for passage for the pedestrian.

- A. A driver approaching a pedestrian crossing shall travel at the posted speed before the intersection.
- B. A driver shall give way to any pedestrian who is on a pedestrian crossing.
- C. A driver shall not permit any portion of his/her vehicle to enter upon a pedestrian crossing even if any vehicle headed in the same direction is stopped on the approach side of, or upon the pedestrian crossing.

4. Driving over a Yellow Box

A portion of an intersection marked with a yellow box must always remain unobstructed and open for passage. A driver must not enter a yellow box if his exit road or lane from it is not clear, or if he cannot cross and go beyond the boundaries of the box in time before the traffic signal turns to red.

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LUCAS A. BARRERA, JR.
Secretary of the Council

5. Over Speeding

A. No person shall drive a vehicle at a speed exceeding the design limits for the street as indicated by numbers on signs set up along the road.

B. The immediately preceding provision of this section shall not apply to the driver of an emergency vehicle.

C. Nothing in this provision shall be construed to justify the driver of a vehicle driving at a speed which:

- i. May constitute driving carelessly, recklessly or at a speed or in a manner which is dangerous to the public having regard to all the circumstances; or
- ii. Exceed any maximum speed applicable to the vehicle and fixed by any law, ordinance or regulation.

6. Reckless Driving

These cover motor vehicles operating without exercising the required diligence of a good father of a family, considering the location, width, grade, crossing, curvature, visibility, atmosphere, weather, or such other conditions of the road.

7. Failure to Wear the Prescribed Seat Belt Device

The driver and front seat passengers of a public or private motor vehicle are required to wear or use their seat belt devices while inside a vehicle of running engine on any road or thoroughfare: Provided, That for private vehicles, except for jeeps, jeepneys, vans, buses and such other private vehicles as may be determined in the Implementing Rules and Regulations (IRR) of R.A. 8750, front and back seat passengers are likewise required to use their seat belt devices at all times.

Further, infants and/or children with ages six (6) years and below shall be prohibited to sit in the front seat of any running motor vehicle.

8. Failure to Use Motorcycle Helmets

All motorcycle riders, including drivers and back riders, shall at all times wear standard protective motorcycle helmets while driving, whether long or short drives, in any type of road and highway.

9. Anti-Distracted Driving

It is the use of mobile phones or other electronic devices that can distract the attention of the driver while driving on any public thoroughfare, highway or street which is strictly prohibited.

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Secretary, Manila City Council

2. Bank, other financial institutions and non-banking institutions as well as Mobile Money Services Providers shall be accredited by the Manila City Government to provide the required services provided in this Ordinance. The Manila City Government shall enter into an agreement/understanding with the said banking, other financial institutions and non-banking institutions as well as all Mobile Money Services Providers under terms and conditions most advantageous to the City Government.
3. The City Mayor is hereby authorized to enter into an agreement, under mutually acceptable terms and conditions, with said banking, other financial institutions and non-banking financial institutions as well as all Mobile Money Services Providers, to ensure the efficient and effective implementation of the provisions of this Ordinance.

SEC. 9. No Contact Apprehension Program Trust Fund. - There is hereby created a "No Contact Apprehension Program Trust Fund". The fines collected by the City for violation of traffic laws under the Program shall be placed in the said Trust Fund which is separate and distinct from the General Fund of the City and all other Trust Funds made for other purposes. Such Trust Fund shall have its own bank account to which the City has access to for the implementation of the NCAP by the City on its own, or through a Joint Venture or Service Agreement, to be determined by the City."

SEC. 10. Implementing Rules and Regulations. - Upon consultation with the stakeholders, the City Legal Office and the Manila Traffic and Parking Bureau (MTPB) may, if necessary, formulate the applicable implementing rules and regulations of this Ordinance.

SEC. 11. Separability Clause. - If for any reason, a part of this Ordinance is declared illegal or invalid, other parts or provisions hereof which are not affected thereby shall remain valid and in full force and effect.

SEC. 12. Repealing Clause. - Sections 124, 125, 126, 127, 127-A, 128, 129, and 130 of City Ordinance No 8092, and Ordinance No. 8327, insofar as inconsistent herewith and all other existing ordinances, executive orders and administrative regulations or part of parts thereof which are inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

SEC. 13. Effectivity. - The Ordinance shall take effect immediately upon its approval.

This Ordinance was finally enacted by the City Council of Manila on September 21, 2020.

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[Signature]
CITY CLERK
CITY OF MANILA

10. Driving an Unregistered Vehicle

This includes driving with an improperly registered motor vehicle or a motor vehicle with expired, revoked, suspended, or invalid registration, unregistered or fake substitute or replacement engine, engine block or chassis.

11. Failure to attach or improper attachment/tampering of authorized vehicle license plate and/or third plate sticker

This includes the attachment of any unauthorized plate/s or any accessory or device to and/or around the authorized motor vehicle license plate, or any manner of attachment that impedes in any way the visibility or reflectivity of the authorized motor vehicle license plate and/or the third plate sticker.

SEC. 6. Apprehension of other Traffic Violations using NCAP. -

Other traffic violations not indicated nor listed above can be the subject of NCAP provided that the Manila Traffic and Parking Bureau (MTPB) has consented or directed such apprehension in pursuit of apprehending traffic violators in the City of Manila.

SEC. 7. Penalty for Violation of "No Contact Apprehension Program (NCAP)". - Registered owners of vehicles found violating the provisions under this Ordinance shall be liable in accordance with the fines enumerated below:

CODE	TYPE OF OFFENSE/VIOLATION	FINES & PENALTIES
Article 127 (1)	Counter Flow Driving	
	1st offense	PhP. 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Article 127 (2)	Disobedience to Traffic Control Signals and Signs	
	1st offense	PhP. 2,000.00
	2nd offense	3,000.00
	3rd offense	4,000.00
Article 127 (3)	Obstruction of the Pedestrian Lane	
	1st offense	PhP. 2,000.00
	2nd offense	3,000.00
	3rd offense	4,000.00
Article 127 (4)	Driving over a Yellow Box	
	1st offense	PhP. 2,000.00
	2nd offense	3,000.00
	3rd offense	4,000.00
Article 127 (5)	Over Speeding	
	1st offense	PhP. 2,000.00
	2nd offense	3,000.00
	3rd offense	4,000.00
Article 127 (6)	Reckless Driving	
	1st offense	PhP. 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00

Article 127 (7)	Failure to Wear the Prescribed Seat Belt Device	
	1st offense	PhP. 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Article 127 (8)	Failure to Use Motorcycle Helmets	
	1st offense	PhP. 2,000.00
	2nd offense	3,000.00
	3rd offense	4,000.00
Article 127 (9)	Anti-Distracted Driving	
	1st offense	PhP. 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Article 127 (10)	Driving an Unregistered Vehicle	
	1st offense	PhP. 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Article 127 (11)	Failure to attach or improper attachment/tampering of authorized vehicle license plate and/or third plate sticker	
	1st offense	PhP. 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Article 154	Disregarding Lane Markings	
	1st offense	PhP. 2,000.00
	2nd offense	3,000.00
	3rd offense	4,000.00

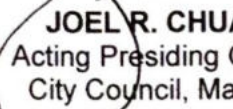
In case of multiple violations, whereby the traffic violator was apprehended by the traffic enforcers and was also caught on camera by NCAP of a totally different traffic violation, or violation of another ordinance, the corresponding penalties for the violation committed shall accordingly be imposed by the traffic enforcer and NCAP. In case the traffic violator was apprehended by both the NCAP and the traffic enforcer but of the same offense, the latter's apprehension shall prevail over NCAP.

A Notice of Violation (NOV) shall be issued to registered owners of vehicles violating the Traffic Rules and Regulations stated in Section 127 of this Ordinance. Attached is the template of the Notice of Violation marked as "ANNEX A" to be issued to a traffic violator and shall form an integral part hereof. The Manila Traffic and Parking Bureau (MTPB) may change the design of the Notice of Violation from time to time as needed.


SEC. 8. Alternative Penalty Payment System (APPS) of the City of Manila. –

1. The City Treasurer is hereby authorized to accept over-the-counter payments in accredited banks, payment centers, internet banking, automated teller machines, and mobile money as an alternative modes of payment for penalties for violation/s of this Ordinance.

PRESIDED BY:



JOEL R. CHUA
Acting Presiding Officer
City Council, Manila

ATTESTED:



LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON

OCT 12 2020


FRANCISCO "Isko Moreno" DOMAGOSO
Mayor
City of Manila

ATTESTED:


BERNARDITO C. ANG
City Government Department Head III
(Secretary to the Mayor)

RNF: jhb/rmd/kjm/jmt/eyes

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LUCH R. GEMPIS, JR.
Secretary to the City Council