

# **COMMENTS ON THE RE-IMPOSITION OF CLEARANCE REQUIREMENT FOR THE TRANSFER OF MOTOR VEHICLES FROM ONE ISLAND TO ANOTHER**

**Submitted for consideration by**

**The League of Provinces of the Philippines (LPP)**

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## **The Policy Proposal**

This policy proposal intends to address the problem of “carnapping and other similar nefarious activities”.

On the one hand, the re-imposition of a clearance requirement is seen as a deterrent in the transportation of illegally acquired vehicles. It is also intended to eventually curb the incidents of carnapping. This is supported by the Philippine National Police (PNP), the Department of the Interior and Local Government (DILG) and Association of Insurance Claimsmen Inc (AIC), among others, based on news reports.

On the other hand, it is viewed as an “overlapping, redundant and superficial” government action which results “not only in additional governmental expenditures but also in operational inefficiency and unnecessary costs to interisland shipowners and operators”. This is according to Executive Order No. 493.

## **The Policy Problem**

It is submitted that the problem of rampant transportation of stolen vehicles is largely caused and perpetuated by the acquisition of “different but genuine LTO plates and Official Receipt and Certificate of Registration with the help of rogue LTO personnel”. This has been noted in a news report.

From this perspective, the problem in the transportation of stolen vehicles can be viewed as an outcome of the unscrupulous deeds of some Land Transportation Office (LTO) officials. To our mind, this is the problem that deserves more attention than the transport of stolen vehicles which is only an outgrowth of the main problem in the LTO.

## **Comments and Inputs**

Notwithstanding this observation and considering the call for comments for the proposed policy of re-imposing clearance requirement for the inter-island

transfer of motor vehicles by the Department, the League humbly submits the following insights:

1. On the Feasibility of the proposed 10-minute Motor Vehicle Shipment Requirement

The function of enforcement officers in implementing this policy must, as much as possible, be ministerial in character. This allows for the ease in the processing of papers and documents relative to the transport of vehicles. Otherwise, the discretion of enforcement officers in interpreting provisions of the new policy will lead to various delays in the envisioned 10-minute process.

As we very well know, such discretion may increase the propensity of the enforcement sector to corruption and bribery. This is an effect that we all want to avert and we all likewise condemn.

There must also be several enforcement units on the ground that will implement the proposed policy. The abundance of these units will strengthen the ability of the enforcement agency to expedite the processing of the numerous vehicles passing through the ports. This proposal, of course, requires much financial support.

2. On the Sufficiency of the proposed 10-minute Motor Vehicle Shipment Requirement

An assessment of this aspect of the program is necessarily entwined with the assessment of the true policy problem – the issuance of genuine but different LTO plates, receipts and other documents by some wayward LTO officials. This problem is the primary concern and it must therefore be addressed first or in conjunction with other problems such as the transport of stolen vehicles through our ports.

Absent such efforts, the sufficiency of the 10-minute Motor Vehicle Shipment Requirement will be an exercise in futility. Stolen vehicles will always appear to have a semblance of regularity in their paperworks especially when placed under a limited scrutiny. These vehicles will still be transported with ease. Hence, there will be little difference between the status quo and the desired state of affairs.

3. On the Criteria to be used in the strategic application of the MVSC to Selected ports

The manner of selecting ports must be congruent with the hot spots of stolen vehicles transshipment based on PNP reports. This is a criterion that will ensure the relevance and will enhance the effectivity of the policy to be

adopted. Prioritization of these areas shall also maximize the use of finite resources in government.

#### 4. Coverage and extent of inter-agency coordination and participation

The core mandate of the League is enunciated in Section 502 of the Local Government Code of 1991. It states that the League shall serve as the venue for ventilating, articulating and crystallizing issues affecting provinces as well as a forum for securing solutions thereto.

The powers and functions of the League under Section 504 of the LGC are the following:

- a. Assist the national government
- b. Promote genuine and meaningful local autonomy
- c. Promotion of LGU welfare
- d. Encourage People's Participation
- e. Supplement efforts for gainful employment
- f. Prioritize development projects
- g. Forum for crystallizing and expressing ideas; and
- h. Other necessary and incidental powers.

In the context of the foregoing powers and functions, the League can serve as the communication link between the national government and the provinces in the implementation of the proposed policy. The League is a potent actor in the implementation of national policies given that the League has direct and established relationships with the Local Chief Executives – the decision-makers and chief implementers.

Advocacy is also a key policy instrument of the League in enjoining member-provinces to participate in the implementation of national programs. This can be tapped not only to encourage participation but more so to imbue in the stakeholders a sense of ownership necessary for the eventual realization of the envisioned goals of the policy proposal.

#### **SOURCES:**

1. DILG Memorandum dated 10 May 2012
2. Executive Order 493, Removing Red Tape and Reducing Clearance Requirements for Interisland Vessels
3. <http://www.journal.com.ph/index.php/news/national/3588-shipping-clearance-vs-car-theft-gains-support>
4. <http://www.sunstar.com.ph/bacolod/local-news/2011/11/26/23-hot-cars-recovered-192675>