

MAY 25 1990

EXECUTIVE ORDER NO. 266

PROVIDING FOR TWO SERVICE UNITS IN THE OFFICE OF THE ASSISTANT SECRETARY FOR LAND TRANSPORTATION IN THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS, DEFINING THE POWERS AND FUNCTIONS THEREOF AND FOR OTHER PURPOSES

WHEREAS, there is a need to upgrade the Law Enforcement Division in the Office of the Assistant Secretary for Land Transportation into a service unit in order to make more effective the enforcement of traffic laws, rules and regulations;

WHEREAS, for a more meaningful law enforcement, it is likewise imperative to create within the Office of the Assistant Secretary for Land Transportation a service unit that shall specifically discharge the quasi-judicial powers and functions of the Department of Transportation and Communications insofar as violations of traffic laws, rules and regulations are concerned;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. There shall be two service units in the Office of the Assistant Secretary for Land Transportation in the Department of Transportation and Communications, namely:

- 1 Law Enforcement Service, and
- 2 Traffic Adjudication Service.

Each of the aforesaid service units shall be headed by a Service Chief to be appointed by the President upon recommendation of the Secretary of Transportation and Communications.

SECTION 2. The existing Law Enforcement Division in the Office of the Assistant Secretary for Land Transportation is hereby upgraded into a service unit which shall henceforth be known as the Law Enforcement Service and shall have the same functions and powers as those that the existing division now exercises.

SEC. 3. The Traffic Adjudication Service shall have the following powers and functions:

a) To hear and decide cases involving violations of laws, rules and regulations governing land transportation and to impose fines and/or penalties therefor; provided that violations resulting in damage to property and/or physical injuries or violations constituting offenses punishable under the Revised Penal Code or other penal laws shall be under the jurisdiction of the regular courts;

b) To order the impounding of motor vehicles and confiscation of plates or the arrest of violators of laws, rules and regulations governing land transportation;

c) To issue subpoena and subpoena duces tecum and to summon witnesses to appear in any proceedings thereof, and to administer oaths and affirmations;

d) To promulgate rules and regulations governing the proceedings before it; provided that except with respect to paragraph c, the rules of procedure and evidence prevailing in the courts of law shall not be controlling and all reasonable means to ascertain the facts in each case shall be used without regard to technicalities of law and procedures but all in the interest of due process; and

e) To perform such other functions and duties as may be provided by law, or as may be necessary, or proper or incidental to its powers and functions.

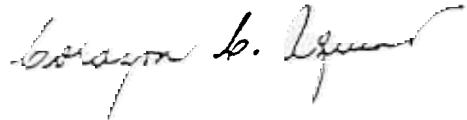
SEC. 4. The Traffic Adjudication Service and the Law Enforcement Service may require the cooperation and assistance of the Philippine Constabulary, particularly the Highway Patrol Group, the Integrated National Police or any government agency or office.

SEC. 5. Funds needed to carry out the provisions of this Executive Order shall be taken from funds available in the Department and/or from subsequent appropriations..

SECTION 6. This Executive Order accordingly modifies Executive Order No. 125 as amended by Executive Order No. 125-A.

SECTION 7. This Executive Order shall take effect immediately.

Done in the City of Manila, this 25th day of July, in the year of Our Lord, nineteen hundred and eighty-seven.



By the President:



JOVITO P. ARROYO
Executive Secretary