



REPUBLIKA NG PILIPINAS
PAMAHALAAN LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Telephone no. 861-0181/Fax: 862-6473
Email address: sangguniangpanlungsod2k19@gmail.com



ORDINANCE NO. 2021-280

AN ORDINANCE IMPLEMENTING THE NO CONTACT APPREHENSION PROGRAM (NCAP) OF THE CITY OF MUNTINLUPA AND FOR OTHER PURPOSES

- Sponsored by:
- Hon. Coun. Ting Niefes*
 - Hon. Coun. Atty. Raul R. Corro*
 - Hon. Coun. Alexson V. Diaz – via zoom*
 - Hon. Coun. Paty Katy C. Boncayao*
 - Hon. Coun. Louisito A. Arciaga*
 - Hon. Coun. Allan Rey A. Camilon– via zoom*
 - Hon. Coun. Stephanie G. Teves– via zoom*
 - Hon. Coun. Ivey Rhia A. Tadeña*
 - Hon. Coun. Engr. Marissa C. Rongavilla– via zoom*
 - Hon. Coun. Francis Ian T. Bagatsing*
 - Hon. Coun. Mark Lester M. Baes*
 - Hon. Coun. Ma. Dhesiree G. Arevalo– via zoom*
 - Hon. Coun. Engr. Mamerto T. Sevilla, Jr.*
 - Hon. Coun. Engr. Arlene D. Hilapo*
 - Hon. Coun. Cornelio M. Martinez*
 - Hon. Coun. Walter A. Arcilla*
 - Hon. Coun. Kenichi D. Takagi, Jr. – via zoom*

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 RA 7160 empowers the city, through an ordinance, to regulate traffic in all streets and bridges within the city territory;

WHEREAS, City Ordinance No. 04-022 Series of 2004 otherwise known as **“An Ordinance Enacting the Muntinlupa City Traffic Code, subject to All Laws and Existing Legal Rules and Regulations”** took effect on 25th November 2004.”;

WHEREAS, in July 2020, the Sanggunian authorized the City Mayor to enter into a Memorandum of Agreement (MOA) with QPAX Traffic System to implement the No Contact Apprehension Program (NCAP) using the state of the art technology in the monitoring of traffic ordinances, rules and regulations;

WHEREAS, in order to enhance the culture of traffic discipline among motorists, the City of Muntinlupa will implement the NCAP 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;





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WHEREAS, to ease the payment of fines and penalties in relation to the **NCAP**, 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 Muntinlupa;

WHEREAS, a **NCAP** Trust Fund needs to be created and established wherein all penalties and fines in the implementation of the **NCAP** are to be deposited.

NOW THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED, by the 9th Sangguniang Panlungsod of Muntinlupa, in a session duly assembled the following:

SECTION 1. Short Title— This Ordinance shall be known as the “ **No Contact Apprehension Program Ordinance of the City of Muntinlupa**”.

SECTION 2. Declared Policy — It is the policy of the City to adopt a systematic, uniform and transparent NCAP 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.

SECTION 3. Scope. This ordinance shall be implemented only at the identified areas as stated in the Implementing rules and regulations and shall cover all violations stated therein

SECTION 4. Implementation -

- a. The City Government on its own or through a Joint Venture or Service Agreement shall cause the installation of Traffic Enforcement Cameras (TECs) in intersections and motorways within the City. The TECs are electric devices that automatically take high speed, high resolution photos and videos of vehicle committing the violations defined in this chapter.
- b. NCAP pertains to the sending of a notice of violation to the address of the registered owner of a vehicle based on the Land Transportation Office (LTO) database who commits the violations defined in this Ordinance as recorded by TECs without the physical apprehension by a traffic enforcer.





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- c. The City shall create a **Motor Vehicle Registration Alert System** (MVRAS) wherein it will link up with the 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, 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 fail to pay the corresponding fine/penalties subject to the conditions mentioned below.
- d. The City of Muntinlupa 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 TECs within the City. The Accounting Office 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.
- e. A monthly *Honoraria* shall be given to the members and secretariat of the City of Muntinlupa Traffic Adjudication Board amounting to **Php2,000.00** for every hearing conducted subject to the availability of funds.

SECTION 5. 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:
 - I. Conveying members of the police force on urgent police duty;
 - 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





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Sen. J. Manangit
[Signature]
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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 Muntinlupa 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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SECTION 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.





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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:

- c. 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;
- d. 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.



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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.

C. 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. Stopping on 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.

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 his provision shall be construed to justify the driver of a vehicle driving at a speed which:



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- 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 covered 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.

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.

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12. Disregarding Lane Markings

A driver should observe compliance with lane markings as may be deemed applicable to him. The said markings may be installed on the side, median, overhead, or may be painted on the road.

SECTION 6. 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
Section 5 (1)	Counter Flow Driving	
	1st offense	Php 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Section 5 (2)	Disobedience to Traffic Control Signals and Signs	
	1st offense	Php 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Section 5 (3)	Obstruction of the Pedestrian Lane	
	1st offense	Php 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Section 5 (4)	Driving over a Yellow Box	
	1st offense	Php 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Section 5 (5)	Over Speeding	
	1st offense	Php 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Section 5 (6)	Reckless Driving	
	1st offense	Php 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Section 5 (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



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Section 5 (8)	Failure to Use Motorcycle Helmets	
	1st offense	Php 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Section 5 (9)	Anti-Distracted Driving	
	1st offense	Php 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Section 5 (10)	Driving an Unregistered Vehicle	
	1st offense	Php 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00
Section 5 (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
Section 5 (12)	Disregarding Lane Markings	
	1st offense	Php 3,000.00
	2nd offense	4,000.00
	3rd offense	5,000.00

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 5 of this Ordinance within one (1) month from the date of violation. 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 Muntinlupa Traffic Management Bureau (MTMB) may change the design of the Notice of Violation from time to time as needed.

The violator must settle the fines/penalty with 10 days from the receipt of the Notice of Violation. Otherwise, violation will be reported to the LTO and appropriate charges will be filed before the Office of the City Prosecutor/Court.



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SECTION 7. Alternative Penalty Payment System (APPS) of the City of Muntinlupa

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.
2. Bank, other financial institutions and non-banking institutions as well as Mobile Money Services Providers shall be accredited by the Muntinlupa City Government to provide the required services provided in this Ordinance. The Muntinlupa 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.

SECTION 8. 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.

Twenty-Five Percent (25%) of the fines collected shall be transferred on a monthly basis to the **Muntinlupa Traffic Management Bureau Trust Fund (MTMBTF)** to augment the expenses for traffic operation such as but no limited to the procurement of traffic engineering device/equipment, traffic signs, traffic signal.

SECTION 9. Implementing Rules and Regulations - The City Legal Office and the Muntinlupa Traffic Management Bureau (MTMB) will formulate the applicable implementing rules and regulations of this Ordinance within 90 days from the passage of this Ordinance.

SECTION 10. 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.





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SECTION 11. Repealing Clause - Provisions on the City Ordinance No 04-022, Series of 2004 and its amendments, 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.

SECTION 13. Effectivity – The ordinance shall take effect upon approval of the IRR and compliance with the publication requirements mandated by law.

ENACTED, by the 9th Sangguniang Panlungsod of Muntinlupa this 25th day of October 2021, on its 120 Regular Session.

CONCURRED:

DISTRICT 1:

COUN. ATTY. RAUL R. CORRO
Member

COUN. ALEXSON V. DIAZ
Member

COUN. PATY KATY C. BONCAYAO
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. TING NIEFES
Member

COUN. STEPHANIE G. TEVES
Member

COUN. IVEE RHIA A. TADEFA
Member

DISTRICT 2:

COUN. ENGR. MARISSA C. RONGAVILLA
Member

COUN. FRANCIS IAN T. BAGATSING
Member

COUN. MARK LESTER M. BAES
Member

COUN. MA. DHESIREE G. AREVALO
Member



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COUN. ENGR. MAMERTO T. SEVILLA, JR.
Member

COUN. ENGR. ARLENE D. HILAPO
Member

COUN. CORNELIO M. MARTINEZ
Member

COUN. WALTER A. ARCILLA
President
Sectoral Representative
Association of Barangay Chairman

COUN. KENICHI D. TAKAGI, JR.
President
Sectoral Representative
Federation of Sangguniang Kabataan

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE
Secretary to the Sanggunian

ATTESTED:

ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI
City Mayor

Date: 29 OCT 2021

Norie/9th SP

