



Republic of the Philippines  
**DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS**

16 May 2012

DEPARTMENT ORDER NO. 2012-08

Subject : PROVIDING FOR THE RULES OF PRACTICE AND PROCEDURE FOR APPEALED CASES BEFORE THE OFFICE OF THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS

In view of the promulgation of the "2011 Revised Rules of Practice and Procedure Before the Land Transportation Franchising and Regulatory Board", the following rules shall govern appeals from orders, rulings or decisions of the LTFRB *en banc* (the "Board") to the Secretary of the Department of Transportation and Communications.

1. *Appeal*.—Any party may appeal the order, ruling, or decision of the Board to the Secretary. However, interlocutory orders cannot be the subject of an appeal. The Secretary may *motu proprio* review any order, ruling or decision of the Board.
2. *Procedure on appealed Cases*. – In case of an appeal under the preceding section, the following rules shall apply:
  - a) An appeal from an order, decision or ruling of the Board shall be perfected by filing with the Board a Notice of Appeal and with the Secretary, within a period of thirty (30) days from notice of such order, ruling or decision; Copy of the Notice of appeal must be furnished all parties to the case;
  - b) No appeal shall be entertained by the Secretary unless it is shown that a Motion for Reconsideration from the order, ruling or decisions has been filed with the Board and the same has been denied.
  - c) Upon filing of Notice of Appeal, the appellant shall pay with the Board the required appeal fee, whereupon, the Board shall act on the Notice of Appeal and shall transmit the certificate of payment of the appeal fee to the Secretary.
  - d) Within five (5) days from receipt of the certificate from the Board, the Secretary shall notify and require the Board to forward the record of the case. Within five (5) days from such notice, the entire records shall be forwarded to the Office of the Secretary.

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- e) Immediately upon receipt of the records of the case and/or the documents mentioned in the preceding paragraph, the Secretary shall inform the appellant thereof, and shall issue an order requiring the appellant to file within ten (10) days from receipt of the order a verified position paper together with the documents or evidence supporting the appeal. The appellant may file his/her verified position paper simultaneously with the filing of the Notice of Appeal.
- f) Appellant's verified position paper shall contain the following data/matters:
  - f.1) Exact date of the appealed order, ruling, decision;
  - f.2) Exact date when the appealed order, ruling or decision was received by him;
  - f.3) Information regarding compliance with the requirements for appeal under these rules;
  - f.4) Brief statement of the case and the facts;
  - f.5) Reasons or grounds for appeal;
  - f.6) Arguments in support of the appeal;
  - f.7) Relief sought.


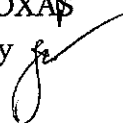
The Secretary may require the filing of additional pleadings to provide additional information.

- g) Any party filing the required pleading or documents and other pleadings pertinent to the appealed case shall furnish the adverse party/ies, including the Board, copies thereof.
  - h) Upon receipt of the appellant's position paper, the Secretary shall issue an order requiring then adverse party/ies to file within ten (10) days from receipt of the order a reply to the position paper which must likewise be verified.
  - i) Unless other pleadings are required by the Secretary, the appealed case shall be considered submitted for resolution when the pleadings above mentioned have been filed. Parties may file their respective memoranda.
3. *Effect of Appeal.* -- The appeal shall not stay the execution of the resolution or decision of the Board en banc, unless the Secretary shall order otherwise.
4. *Appeal Fee.* -- Failure on the part of the appellant to pay the appeal fee shall be a ground for *motu proprio* dismissal of the appeal by the Board or by the Secretary.

5. *Appeal from the order of the Secretary.* – The order of the Secretary shall be appealable within thirty (30) days from receipt thereof in accordance with the provisions of the Rules of Court.

All other issuances inconsistent herewith are deemed superseded and/or amended. This Order shall take effect immediately.

For strict compliance.

  
MAR ROXAS  
Secretary 



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