Pursuant to the provisions of Republic Act No. 11229 otherwise known as the “Child Safety in Motor Vehicles Act,” and in accordance with its Implementing Rules and Regulations (IRR), this Memorandum Circular is issued to provide uniform operating procedures in the clearance process of child restraint systems (CRS) acquired prior to the effectivity of R.A. No. 11229 or within the transitory period following the date of effectivity as provided under Section 13 of the IRR, which shall be referred to as “previously acquired CRS” in this Memorandum Circular.

I. GENERAL RULE

The use of previously acquired CRS shall be allowed, provided that the CRS has been duly inspected and cleared for use by the LTO in accordance with the rules provided under Section II of this Memorandum Circular.

All CRS acquired before 02 February 2021 shall be subjected to LTO inspection and be issued a Clearance Certificate.

Clearance Officer is an LTO personnel who has been duly trained and certified as a fitter who can inspect the CRS in the motor vehicle and issue the CRS clearance certificate.

All LTO fitting stations must have at least one (1) designated Clearance Officer who has been duly trained as a fitter.

II. PROCEDURE FOR THE ISSUANCE OF A CLEARANCE CERTIFICATE

A. Presentation of the Owner of a Previously Acquired CRS

All owners of a CRS previously acquired before the effectivity of R.A. No. 11229 shall submit the CRS to any LTO fitting station for proper inspection and clearance.

B. Inspection at the LTO Fitting Station

The Clearance Officer shall conduct a visual inspection of the previously acquired CRS and ensure that said CRS:

1. Expired

The use of an expired CRS is not allowed pursuant to Section 7 of R.A. No. 11229. The Clearance Officer shall determine whether or not the previously acquired CRS has expired.
with Rule III, Section 10(b) of the IRR. An expired CRS shall not be issued a CRS Clearance Certificate.

However, the use of a CRS without an expiration date may be allowed, provided that it is not sub-standard or damaged in accordance with the provisions stated under II-B, par. 2 of this Memorandum Circular.

2. Sub-standard or damaged
A sub-standard or damaged CRS is a CRS that contains any of the following:

a. A cracked or damaged plastic shell and/or metal component/s;

b. A frayed harness or tether strap, or broken stitching along the harness or tether strap;

c. A twisted, torn, or abraded webbing strap;

d. A quick release buckle that does not engage or disengage smoothly;

e. One or more missing parts; or

f. Other substantial damage visible to the eye.

A CRS which shows any of the foregoing indicators shall not be issued a CRS Clearance Certificate.

C. Issuance of the Clearance Certificate

1. Filling-out the Clearance Certificate

During the inspection of the previously acquired CRS, the Clearance Officer shall complete the CRS Clearance Certificate, which shall contain the following relevant details:

a. Date of Inspection;

b. CRS Clearance No.;

c. Type of CRS (i.e. rear-facing CRS, forward-facing CRS, booster seat, convertible CRS);

d. Manufacturer's name, initials, or trademark;

e. Year of production;

f. Instructions for correct installation and use (appropriate pictograms/symbols, correct webbing path, configuration, etc.);

g. Country of origin;

h. Serial/Batch No.; and

i. Period of validity (if any).

The CRS Clearance Certificate (See Annex A) must be certified and duly signed by the Clearance Officer who conducted the inspection, and cleared for use in accordance with this Memorandum Circular.
2. Conditions for Use of Previously Acquired CRS

A previously acquired CRS that has successfully undergone the inspection and clearance process by the LTO shall be issued a CRS Clearance Certificate, and shall be allowed for use in accordance with the following conditions:

a. Previously acquired CRS with expiration dates – A previously acquired CRS with an expiration date and which has been duly inspected and cleared by the LTO shall be allowed for use only until the date of its expiration.

b. Other previously acquired CRS – A previously acquired CRS without an expiration date and which has been duly inspected and cleared by the LTO shall be allowed for use in the continued absence of the conditions set forth in II-B, par. 2 of this Memorandum Circular.

III. TRANSITORY PROVISIONS

Any person intending to use a previously acquired CRS must have the CRS subjected to inspection and clearance by the LTO within one (1) year from February 2, 2021, or until February 2, 2022.

IV. REPEALING CLAUSE

All Department Orders, Memoranda, Circulars and other issuances in conflict with these Guidelines are deemed revoked, amended, or revised accordingly.

V. SEPARABILITY CLAUSE.

In the event that any provision shall be held or declared void, invalid or unenforceable by a court of competent jurisdiction or by legislation or regulation, the remainder of this Memorandum Circular shall be fully effective and binding.

VI. EFFECTIVITY.

This Memorandum Circular shall take effect fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved this November 8, 2021

EDGAR C. GALVANTE
Assistant Secretary
Land Transportation Office

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