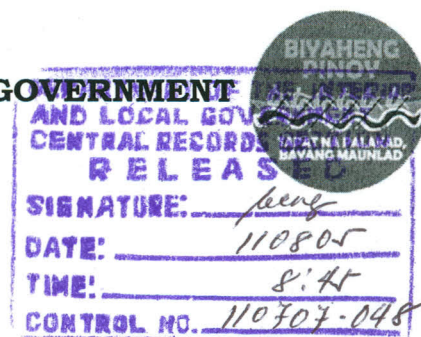




Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

Francisco Gold Condominium II
EDSA Cor. Mapagmahal St., Diliman
Quezon City



LEGAL SERVICE

Legal Opinion No. 49 s. 2011

AUG 02 2011.

MR. JUSTIN SILOS GATUSLAO

2378 C.L. Montelibano Drive
Capitol Subdivision, Bacolod City

Dear Mr. Gatuslao:

This has reference to your letter seeking clarification from this Office on the "scope of the term "GOVERNMENT VEHICLE" in relation to the required marking of the words "FOR OFFICIAL USE ONLY" on all government vehicles, as directed by this Department in DILG Memorandum Circular (MC) No. 2010-101. Further, the aforesaid MC bans all names or initials and/or images or pictures of government officials in billboards and signages of government programs, projects and properties.

Your inquiry before this Office arose on the basis of your claim that there were numerous reports of non-compliance in Himamaylan City wherein residents therein questioned the local authorities for refusing to mark the government vehicles with "For Official Use Only". Two reasons were raised:

- a. A motorcycle is not considered a vehicle; and
- b. Top city officials, especially the Mayor, is (sic) exempt from this directive because of unspecified "security reasons".

To address your concern, it is the opinion of this Office that a **vehicle** includes motorcycle and that if owned by the government, said vehicle must be marked with 'FOR OFFICIAL USE ONLY' to comply with DILG MC No. 2010-101.

It is an elementary rule that when the law speaks in clear and categorical language, there is no need, in the absence of legislative intent to the contrary, for any interpretation. Words and phrases used in a statute should be given their plain, ordinary, and common usage meaning. (*Domingo vs Commission on Audit, G.R. No. 112371, 07 October 1998*)

A vehicle is a machine that you travel in or on, especially one with an engine that travels on roads, for example a car, bus, van, truck, or motorcycle (*Macmillan OnLine Dictionary*). It is also defined as a device or structure for transporting persons or things; a conveyance: a self-propelled conveyance that runs on tires; a motor vehicle. (*Free Online Dictionary*).

As to the exemption allegedly being reasoned out by some local officials, there is nothing in the aforesaid circular which provides for an exemption from the marking of government vehicles for so-called 'security reasons'.

We appreciate your concern in raising these matters.

Very truly yours,

ATTY. JESUS B. DOQUE IV
Director III