

COMMISSION ON AUDIT CIRCULAR NO. 2000-005
October 4, 2000

TO : Heads of Departments; Chiefs of Bureaus, Agencies, and Offices; Managing Heads of Government-owned and/or Controlled Corporations; Local Chief Executives; Assistant Commissioners, Directors, Officers-in-Charge, and Auditors of the Commission on Audit; and all others concerned

SUBJECT : Clarifying the implementation of COA Circular No. 99-002 dated June 15, 1999 in view of Section 41 of the General Provisions, General Appropriations Act, FY 2000 and its effect on the Supreme Court Decision in *Aida Domingo vs. Commission on Audit* (G.R. No. 112371, October 7, 1998).

1.0 This Circular is issued to clarify the effect of Section 41, of the General Provisions, General Appropriations Act, FY 2000, on COA Circular No. 99-002 dated June 15, 1999 which was issued to bring into effect the ruling of the Supreme Court in the case entitled "Aida Domingo vs. COA."

2.0 REGULATIONS ON NON-ENTITLEMENT

2.1 Section 41 of the General Provisions, GAA FY 2000 provides in part:

"The transportation allowance herein authorized shall not be granted to officials who use government motor transportation. x x x." [emphasis added]

This provision was a restatement of the GAA of the previous years except that the words "assigned a government vehicle" were deleted from the present GAA. The deletion cannot be for no purpose at all since this was made right after the promulgation of the Supreme Court decision, *supra*, which held that:

"Had the legislative intent been that government officials issued an official vehicle could still collect transportation allowance if they do not actually use subject vehicle, the word "use" instead of "assign" should have been employed."

Based on the above-cited provision and decision, there can be no other interpretation but that the legislature wanted to negate the effect of the ruling in favor of those officials who are or whose offices are assigned government vehicles but who do not use the same.

2.2 In view of the foregoing, the prohibition against the use of government vehicles by officials provided with transportation allowance under Paragraph VI of Memorandum Circular No. 75-6 pursuant to Section 14, Presidential Decree 733 is hereby restated. Heads of agencies whose offices have been assigned vehicles and those officers to whom such heads specifically assigned a vehicle when there are more than one vehicle issued to the agency shall not be deprived of their transportation allowance on that basis alone.

2.3 Whenever an official or employee entitled to transportation allowance uses the

government vehicle issued to his office, a corresponding proportionate reduction on his transportation allowance shall be made.

- 2.4 To ensure strict compliance with the prohibition against the use of government motor vehicles by those who are already enjoying transportation allowance benefits, all concerned are hereby enjoined to observe the existing regulations involving the marking of government vehicles, the use of RP plates, and the proper filling up of the corresponding trip tickets.
- 2.5 All unit auditors are accordingly directed to see tot the implementation of this Circular in their respective unit.

3.0 REPEALING CLAUSE

COA Circular No. 99-002 and all other existing issuances inconsistent herewith are repealed/modified accordingly.

4.0 This Circular shall take effect immediately.

(Sgd.) CELSO D. GAÑGAN
Chairman

(Sgd.) RAUL C. FLORES
Commissioner

(Sgd.) EMMANUEL M. DALMAN
Commissioner