

Sangguniang Panglungsod

REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

ORDINANCE NO. 02-037

AN ORDINANCE REQUIRING ACCREDITATION OF TOW TRUCK COMPANIES AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

- Sponsored by:
- Hon. Atty. Icasiano M. Dela Rea*
 - Hon. Elmer S. Espeleta*
 - Hon. Lucio B. Constantino*
 - Hon. Francis Ian T. Bagatsing*
 - Hon. Patricio L. Boncayao, Jr.*
 - Hon. Victor L. Ulanday*
 - Hon. Aldrin L. San Pedro*
 - Hon. Nicanor L. Echavez, Jr.*
 - Hon. Allan Rey A. Camilon*
 - Hon. Raul R. Corro*
 - Hon. Melchor R. Teves*
 - Hon. Rene Carl S. Cayetano*
 - Hon. Mario E. Bulay, Jr.*
 - Hon. Mamerto T. Sevilla, Jr.*
 - Hon. Rufino B. Joaquin*
 - Hon. Artemio A. Simundac*

WHEREAS, Section 458 (5) (v) (vi) of Republic Act 7160, otherwise known as the Local Government Code of 1991, empowers the Sangguniang Panlungsod to approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities, and in addition to said services and facilities, shall:

(v) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and the operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use;

(vi) Regulate traffic on all streets and bridges; prohibit encroachments or obstacles thereon and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places;

WHEREAS, Section 458 (3), (i) and (ii) of the same Code authorizes the Sangguniang Panlungsod to enact ordinances authorizing the issuance of permits, upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the City, and pursuant to this legislative authority, shall:

Victor L. Ulanday

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- (i) *Fix and impose reasonable fees and charges for all services rendered by the city government to private entities;*
- (ii) *Regulate or fix license fees for any business or practice of profession within the city and the conditions under which the license for said business or practice of profession may be revoked xxxxx;*

WHEREAS, there is an urgent need to accredit private tow trucks for the efficient and effective implementation of traffic ordinances on towing and impounding of illegally parked and stalled vehicles within the City of Muntinlupa;

NOW, THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of Muntinlupa the following:

Section 1. SCOPE OF THE ORDINANCE. This Ordinance applies to all owners/operators of private tow trucks who will operate and will do business within the City of Muntinlupa. They cannot do or engage in any towing business or activities without first being accredited by the City Government.

Section 2. ACCREDITATION OF TOW TRUCK COMPANIES. To ensure strict compliance with this Ordinance, the following requirements must be submitted by the owner/proprietor of tow truck/s to the Business Permit and License Office (BPLO) before doing any towing business or activities:

- a. SEC Registration and/or DTI Registration of business name;
- b. Detailed Financial statement for at least the current year;
- c. Mayor's Permit;
- d. OR, CR and franchise papers of truck/s;
- e. Organizational chart and experience data sheet of key personnel;
- f. Performance record of the company to ensure that the applicant has sufficient skills to provide towing services;
- g. Cash bond of P25,000.00 (for towed heavy vehicles, like trucks, container vans, buses, pick-ups) and P30,000.00 (for towed light vehicles, like cars, jeeps, vans) per tow truck to answer for any losses or damages incurred in towing vehicles and for any refund for improper towing operations;
- h. P1,000.00 annual accreditation fee for each tow truck;
- i. Other pertinent documents that the BPLO/MTMB/TED may require relative to the accreditation;
- j. Tow truck company shall be required to provide parking and office space near or within the impounding area.

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All tow trucks presently engaged in towing business or activities within the City of Muntinlupa must comply with the requirements within sixty (60) days from the passage of this Ordinance. Otherwise, their activities may be terminated or prohibited.

Section 3. All tow trucks must be equipped at all times with the following equipment and accessories:

1. Tow bar (for light and heavy vehicles);
2. Chain block with belt lifter;
3. Crocodile jack and tire wrench (for light and heavy vehicles);
4. Fire extinguisher;
5. Acetylene/Oxygen with hose and torch (optional);
6. Blinkers (color yellow);
7. Siren;
8. Handheld radio (two-way);
9. Camera;
10. Early Warning Device (EWD) and/or Reflectorized Bollards (2 or more); and
11. Sign board "Caution - This vehicle is being towed"

All tow trucks are subject to MTMB/TED inspection. They shall not be accredited by the BPLO without the favorable written recommendation from MTMB/TED.

Upon completion of all the requirements abovementioned, the accreditation of the said towing company is subject to final approval/confirmation of the Sangguniang Panglungsod.

Section 4. VEHICLE SPECIFICATIONS AND PERFORMANCE STANDARD.
The towing vehicle must undergo and pass the following MTMB/TED Standards:

- a. The standard color of all accredited tow trucks shall be white;
- b. All accredited tow trucks must permanently display on both sides of the vehicle the authorized billboard stating that it is an official tow truck body, name of company, Triple 2 Base and MTMB telephone number/s;
- c. Accredited tow trucks must be in good running condition and shall carry on board at all times complete tools and equipment needed for the operation;
- d. Tow truck personnel must wear at all times the prescribed uniform and identification cards to be prescribed by the BPLO;
- e. NTC Permit and Permit to Possess and Purchase Radio Communication units:

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- f. All tow trucks shall be subject to a monthly maintenance check-up;
- g. Smoke-belching tow trucks shall not be allowed to operate and all tow trucks shall be required to undergo air pollution emission test every six (6) months;
- h. All tow trucks shall be deployed at pre-determined areas for faster response time;
- i. Tow truck operation shall be on a 24-hour basis.

Section 5. PERCENTAGE SHARE OF THE CITY AND THE TOW TRUCK. The City Government of Muntinlupa shall be entitled to a twenty percent (20%) share of the total amount of towing fee collected which the tow truck company shall remit to the City Government at the end of each month.

The tow truck company shall be entitled to the remaining balance of towing fee after deducting the percentage share of the City Government and other third party claims, if any.

Section 6. TERMINATION OF THE CONTRACT, GROUNDS. The City Government of Muntinlupa may terminate the services or contract of the tow truck company on any of the following grounds:

- a. Failure to comply with the vehicle specifications and performance standard;
- b. Charging non-existent infractions and violations not covered by any ordinance;
- c. Failure to remit the percentage share of the City;
- d. And other causes analogous to the above.

Provided, however, that the owners/operators of tow trucks shall be given opportunity to explain their side first.

Section 7. PENALTIES. Any violation on the part of the tow truck company shall be penalized in accordance with the following:

- a. Revocation/withdrawal of accreditation, or suspension of towing operation, or non-renewal of registration, depending upon the gravity of the offense;
- b. Confiscation of Performance Bond.

Section 8. TRANSITORY PROVISIONS

Accredited tow trucks shall be deployed by the MTMB/TED to every barangay where it shall be stationed at all times immediately after being dispatched, except when towing a vehicle to the impounding area;

Victor L. Manday

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Investigation surrounding complaints on lack of accreditation requirements of towing companies shall be handled jointly or motu proprio investigated by the Towing and Impounding Operations Section, MTMB/TED and BPLO, which shall submit the necessary report and recommendation thereon for the retention, suspension and withdrawal of the accreditation to the Chief Executive on such complaints.

Towing personnel shall consist of drivers and a sufficient number of assistants who shall work in three (3) shifts. Only traffic enforcers who are deputized by Local Chief Executive shall be allowed to escort tow trucks and issue the corresponding Ordinance Infraction Receipt (OIR) to violators of this Ordinance.

The accredited tow truck company shall be fully responsible/answerable for third party claims arising from towing and towing infractions.

Applicants for new accreditation must undergo the same procedures as outlined in the accreditation requirements and standards stated in Section 2 and 3 hereof.

Section 9. REPEALING CLAUSE.

Any ordinances, rules and regulations which are inconsistent with this Ordinance shall be repealed accordingly.

Section 10. EFFECTIVITY CLAUSE.

This Ordinance shall take effect immediately upon approval and after publication in any newspaper of general circulation of the City.

ENACTED, by the *Sangguniang Panlungsod of Muntinlupa* this 14th day of February 2002, on its 22nd Regular Session.

CONCURRED:

ALDRIN L. SAN PEDRO
Councilor

Victor L. Ulanday
VICTOR L. ULANDAY
Councilor

Elmer S. Espeleta
ELMER S. ESPELETA
Councilor

Dr. Nicanor L. Echavez
DR. NICANOR L. ECHAVEZ
Councilor

Francis Ian T. Bagatsing
FRANCIS IAN T. BAGATSING
Councilor

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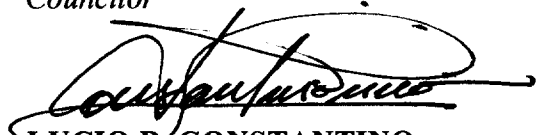
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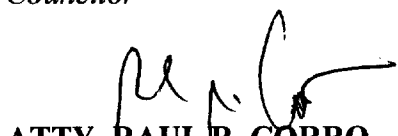
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ATTY. PATRICIO L. BONCAYAO, JR.
Councilor


RENE CARL S. CAYETANO
Councilor



ALLAN REY A. CAMILON
Councilor



LUCIO B. CONSTANTINO
Councilor

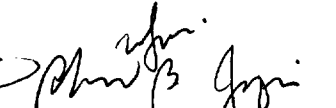

ATTY. RAUL R. CORRO
Councilor



MARIO E. BULAY, JR.
Councilor


MELCHOR R. TEVES
Councilor


MAMERTO T. SEVILLA, JR.
Councilor


ATTY. ICASIANO M. DELA REA
Councilor



RUFINO B. JOAQUIN
Councilor


ARTEMIO A. SIMUNDAC
Sectoral Representative
President
Association of Barangay Captains

ABSENT:

BAL NIEFES
Councilor

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


ATTY. ISIDORO L. SORIANO, JR.
Secretary
SANGGUNIANG PANLUNGSOD

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ATTESTED:

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ATTY. JO JASON T. ALCARAZ
Vice Mayor/Presiding Officer

APPROVED:

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ATTY. JAIME R. FRESNEDI
City Mayor

Date: _____

Lito Salamat, Jr.
/Nory

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