



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

ORDINANCE NO. 02-040

AN ORDINANCE PRESCRIBING REGULATIONS FOR THE TOWING AND IMPOUNDING OF ILLEGALLY PARKED AND STALLED VEHICLES WITHIN THE CITY OF MUNTINLUPA AND DESIGNATING IMPOUNDING AREA/S FOR THIS PURPOSE, AND PROVIDING TOWING AND IMPOUNDING/STORAGE FEES AND FINES FOR VIOLATION THEREOF.

Sponsored by: **Hon. Atty. Icasiano M. Dela Rea**
Hon. Elmer S. Espeleta
Hon. Francis Ian T. Bagatsing
Hon. Patricio L. Boncayao, Jr.
Hon. Nicanor L. Echavez, M.D.
Hon. Allan Rey A. Camilon
Hon. Atty. Raul R. Corro
Hon. Rene Carl S. Cayetano
Hon. Mario E. Bulay, Jr.
Hon. Mamerto T. Sevilla, Jr.
Hon. Rufino B. Joaquin

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, the modernization of traffic management and control is in line with the eight (8) point program of the City;

WHEREAS, there is an urgent need to prescribe regulations on illegally parked and stalled vehicles in order to efficiently and effectively implement the existing traffic ordinances, rules and regulations and to be at pace with the continuing development of the City;

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

Bagatsing *Mamerto T. Sevilla, Jr.* *Rufino B. Joaquin*

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Section 1. DEFINITION OF TERMS:

- a. **TOWING-** to pull along or clamp vehicles through the use of tow bar and chain block with belt lifter;
- b. **IMPOUNDING-** to take into temporary protective legal custody of vehicles for a fee;
- c. **STALLED VEHICLES-** those motor vehicles and/or its attachments which for any cause are unable to proceed under its own power and are on a major public road street or thoroughfare;
- d. **ILLEGALLY PARKED VEHICLES-** those vehicles which are parked (attended or unattended) in areas prohibited by law or ordinances for parking purpose or as NO PARKING areas or zones, such as those enumerated under Seksiyon 3 (1-9) of Kautusang Panlungsod Blg. 01-014.

Section 2. TOWING OF VEHICLES, REGULATIONS.

The Apprehending Traffic Officer (ATO) shall fill-up a Technical Inspection Report (TIR) Form indicating among other information, an inventory of motor vehicle parts/accessories and defects noted therein to be signed by Apprehending Traffic Officer with the concurrence of the owner/driver of the motor vehicle.

The Apprehending Traffic Officer shall issue Ordinance Infraction Receipt (OIR) to the owner/driver of the towed illegally parked and stalled vehicle at the point where the vehicle is towed.

The towing agency, whether private or government shall be held responsible for losses/damages incurred while towing the vehicles and ceases only upon receipt of the same by the impounding office.

a. For illegally Parked Vehicles

Attended illegally towed vehicles shall not be towed but the driver shall be immediately issued an Ordinance Infraction Receipt.

Unattended illegally parked vehicle shall be towed and issued OIR as an abandoned vehicle.

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b. For Stalled or Illegally Parked Vehicle as a Result of Flat Tire

Stalled or illegally parked vehicle as a result of flat tire/s but equipped with complete serviceable paraphernalia to replace the flat tire, such as spare tire, jack tire wrench, shall not be towed. The towing personnel concerned shall provide reasonable assistance, including towing the vehicle to move it to safer and less obstructive/problematic area.

Stalled or illegally parked vehicle as a result of flat tire/s but not equipped with complete paraphernalia as mentioned above shall be towed and likewise be issued Ordinance Infraction Receipt.

c. Stalled or illegally parked vehicle as a result of empty fuel tank maybe towed to the nearest gasoline station, however, the towing fee should be paid to the tow truck in accordance with the number of kilometers from the point of origin to the gasoline station and the Ordinance Infraction Receipt shall also be issued to the driver.

d. Stalled or illegally parked vehicle as a result of engine trouble shall be towed in cases where the driver deliberately refuses to remove his vehicle or cannot do so because of the absence of equipment, etc, or due to circumstances beyond his control, could not move his vehicle.

e. A vehicle maybe towed, upon request of the owner, to the owner's garage or auto repair shop of his choice, instead of the government impounding areas, but subject to the rates as stated herein and payment procedure as follows:

1. If a government-owned towing vehicle is used, the apprehending officer shall issue Ordinance Infraction Receipt to the driver/owner and the vehicle shall be redeemed at the designated Redemption Center upon payment of the corresponding fines and towing fees;
2. If an accredited towing vehicle is used, the apprehending officer shall issue Ordinance Infraction Receipt to the driver/owner. The stalled vehicle may be towed only to the place requested by the driver/owner upon mutual agreement between the towing company and the driver/owner as to the manner of payment of towing fees. The Ordinance Infraction Receipt shall be redeemed at the designated Redemption Center upon showing the receipt indicating payment of towing fee.

f. Illegally parked vehicles that are already clamped to the tow truck shall not be subject for intercession by the owner of the vehicle or to be rescued by their own company tow truck.

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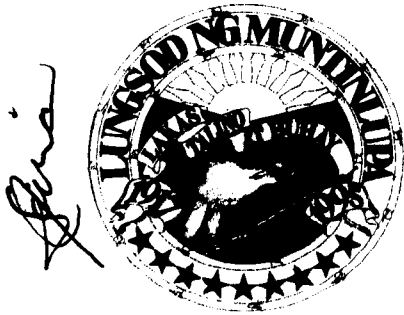
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- g. Vehicles parked along the national road delivering goods shall not be towed, provided that their vehicles does not obstruct the free flow of traffic.

Section 3. IMPOUNDING OF VEHICLES

- a. Before impounding any vehicle, the designated Impounding Officer (IO) shall see to it that:
1. The vehicle's parts/accessories and defects are reflected in the Technical Inspection Report (TIR) Form;
 2. The Traffic Inspection Report form is properly signed by the apprehending traffic officer, duly concurred by the driver/owner of the impounding vehicle and witnessed by the security guard manning the perimeter.
- b. The Security Office shall be held responsible for any losses/damages to the vehicle impounded in the area.
- c. Impounded vehicles must be orderly parked according to classification as maybe assigned by the Impounding Officer.
- d. While at the impounding area, using of tow bar in lifting and/or assisting impounded vehicle for starting purposes shall be prohibited to avoid unexpected cases of accidents or any damages to be incurred therein.

Section 4. CLAIMING OF IMPOUNDED VEHICLES

When redeeming towed vehicles, the owner/driver or the authorized representative shall present the motor vehicle Certificate of Registration at the designated Redemption Center.

The owner/driver or his authorized representative shall pay the prescribed fine, towing and impounding fees to the designated Redemption Center, who in turn shall issue the necessary proof of payment.

The Impounding Officer shall release the impounded vehicle/s including parts and accessories covered by the Traffic Inspection Reportt form upon presentation of the following:

- a. Proof of being the legitimate driver/owner or authorized representative;
- b. Proof of payment, together with the corresponding release slip.



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Section 5. DESIGNATED IMPOUNDING AREAS

The City Government, through Muntinlupa Traffic Management Bureau (MTMB)/ Traffic Environment and Discipline (TED) shall establish and designate the official impounding area/s.

Section 6. TOWING AND IMPOUNDING FEES.

The fines/fees for towing and impounding to be imposed under this ordinance shall be in accordance with the rates prescribed as follows:

1. Container vans, trailer lorries, trucks and buses having gross capacity weight of 4,000 kilos above, shall pay the corresponding towing fee of P500.00 for the 1st four (4) kilometer or less and P100.00 for every succeeding kilometer from the towing area to the impounding area;
2. Buses, cars, jeep and pick-ups having gross capacity of less than 4,000 kilos, shall pay the corresponding towing fee of P500.00 for the 1st four (4) kilometer or less, and P50.00 for every succeeding kilometer.

The fines and towing fees imposed in this Ordinance shall be paid within five (5) days from the date the vehicle was towed or impounded, provided however, that if the operator/owner of the vehicle fails to pay the fines and/or towing fees within the said period, an impounding fee of :

- a. One Hundred Pesos (P100.00)/per day on the first and second month;
 - b. Two Hundred Pesos (P200.00)/per day on the third and fourth month;
 - c. Three Hundred Pesos (P300.00)/per day on the fifth and sixth month;
- shall be imposed , but not to exceed P20,000.00.

Provided, further, that if after six (6) months the fine, towing and impounding fee have not been paid by the operator/ owner of the vehicle, the same shall be sold at public auction, the proceeds of which shall be applied to the accumulated charges (fine, towing and impounding fees) and the excess, if any, shall be returned to the operator/owner.

In the event that a privately-operated towing vehicle is utilized, the towing charges collected shall accrue to the owner of the privately-owned towing vehicle, after deducting the twenty percent (20%) share of the City Government;

Section 7. TRANSITORY PROVISIONS

Accredited tow trucks shall be deployed by the Muntinlupa Traffic Management Bureau/Traffic Environment and Discipline to every barangay where it shall be stationed at all times immediately after being dispatched, except when towing a vehicle to the impounding area.



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All special operation for illegally parked vehicle shall be cleared beforehand from the Chief, Towing and Impounding Operations.

Towing personnel shall consists of drivers and sufficient number of assistants who shall work in three (3) shifts. Only traffic enforcers who are deputized by the Chief Executive shall be allowed to escort tow trucks. Towing company may be deputized for purposes of issuing Ordinance Infraction Receipt to violators.

Motorist/parties with complaints and grievances to settle with apprehending traffic officers and/or tow truck personnel concerned may initially file their complaints with the Muntinlupa Traffic Management Bureau/ Traffic Environment and Discipline Towing and Impounding Operations Group, who shall make the initial investigations thereon and shall submit the necessary reports on the recommended disciplinary actions thereon with the Chief, MTMB/TED.

Vehicles which figure in vehicular accidents, thereby immobilizing and/or disabling them, are not "stalled vehicles."

Vehicles left unattended and involved in vehicular accidents resulting in homicide and/or physical injuries to the driver/passenger, or where extensive damages to the vehicles result there from, are not covered by this ordinance. In such cases, assistance to the motorist concerned should be extended without delay with the end in view of removing/towing any such vehicles obstructing the free flow of traffic at the scene of the accident.

Complaints shall be filed in writing and should indicate the following:

- Plate number and type of vehicle;
- Time and place of apprehension;
- Name of apprehending officer;
- Location of impounding area; and
- Reasons for complaining

Section 8. REPEALING CLAUSE.

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

Section 9. EFFECTIVITY CLAUSE.

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

APPROVED by the Sangguniang Panlungsod of Muntinlupa during its 25th Regular Session this 14th of March, 2002.

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CONCURRED:

DR. NICANOR L. ECHAVEZ
Councilor

[Handwritten signature of Dr. Nicanor L. Echavez]

ATTY. PATRICIO L. BONCAYAO, JR.
Councilor

[Handwritten signature of Atty. Patricio L. Boncayao, Jr.]

ALLAN REY A. CAMILON
Councilor

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ATTY. RAUL R. CORRO
Councilor

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ATTY. ICASIANO M. DELA REA
Councilor

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Councilor

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FRANCIS IAN T. BAGATSING
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MARIO E. BULAY, JR.
Councilor

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Councilor

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RUFINO B. JOAQUIN
Councilor

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ABSENT:

BAL NIEFES
Councilor

MELCHOR R. TEVES
Councilor

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VICTOR L. ULANDAY
Councilor

LUCIO B. CONSTANTINO
Councilor

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ARTEMIO A. SIMUNDAC
Sectoral Representative
President
Association of Barangay Captains

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

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

ATTESTED:

ALDRIN L. SAN PEDRO *pbs, jr.*
Acting Vice Mayor/Presiding Officer

APPROVED:

ATTY. JO JASON T. ALCARAZ
Acting City Mayor
Date: _____

LITO B, SALAMAT, JR. 03/14/02
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