Republic of the Philippines
Quezon City
13TH CITY COUNCIL

PO95-261

71st Regular Session

7 ORDINANCE NO. SP-455, S-96

AN ORDINANCE REGULATING THE TOWING OF STALLED/ILLEGALLY PARKED MOTOR VEHICLES ALONG PUBLIC ROADS, STREETS AND THOROUGHFARES OF QUEZON CITY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

Introduced by Councilors ALBERTO M. GALARPE and MOISES S. SAMSON.

Co-Introduced by Councilors Victor V. Ferrer, Jr., Wilma Amoranto-Sarino, Antonio L. Sioson, Emilio G. Tamayo, Winston "Winnie" T. Castelo, Ma. Fresca M. Biglang-awa, Godofredo T. Liban II, Marciano P. Medalla, Antonio V. Hernandez (Anthony Alonzo), Enrico S. Serrano, Connie S. Angeles, Franz S. Pumaren, Jorge L. Banal, Michael F. Planas, Eufemio C. Lagumbay, Cesar A. Dario, Jr., Joseph Peter S. Sison, Nanette Castelo Daza, Bayani V. Hipol, Alfredo A. Francisco (Fred Montilla), Ramon G. Mathay, Bonifacio M. Rillon and Marvin C. Rillo.

WHEREAS, Section 1, Article III of the 1987 Constitution explicitly declares:

> "No person shall be deprived of x x x property without due process of law nor shall any person be deprived equal protection of the law."

WHEREAS, Section 25, Article II of the same constitution, provides:

> "The State shall ensure the autonomy of local government."

WHEREAS, Section 2 (a), Chapter I, Book I of Republic Act 7160, otherwise known as the Local Government Code of 1991 pronounces:

> "It is hereby declared the policy of the State that the territorial and political subdivisions of the State shall enjoy genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals.

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Toward this end, the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities and resources. The process of decentralization shall proceed from the national government to the local government units."

WHEREAS, the towing of stalled and illegally parked motor vehicles along public roads, streets, or thoroughfares of Quezon City at the instance of traffic enforcers, in coordination with certain private towing firms, has been the subject of repeated complaints from drivers/owners/operators of private and public utility vehicles;

WHEREAS, the principal cause of these complaints is the abusive manner with which such towing are effected and the excessive towing fees imposed therefor which range from eight hundred pesos (P800.00) to one thousand pesos (P1,000.00) or upwards;

WHEREAS, it is only fair and just that motorists and drivers in Quezon City should be spared from unjust and unreasonable apprehension for stalled and illegally parked vehicles as well as the payment of excessive towing fees;

WHEREAS, it will require no less than an ordinance of the Quezon City Council to stop these pernicious practices by traffic enforcers and private towing firms.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED:

SECTION 1. Definition of Terms:

1. Stalled Vehicle means any motor vehicle which is unable to proceed under its own mobile power and is on any public road, street or thoroughfare in Quezon City.

2. Illegally Parked vehicle is one that is parked unattended in areas where parking is prohibited as hereunder enumerated:

   a. Within six (6) meters from any intersection or curved lane;
   b. Within four (4) meters from driveways/entrances of any fire station, hospital, clinic and other similar establishments;

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c. Within four (4) meters from fire hydrants;
d. On the roadside of any vehicle stopped or parked;
e. On crosswalks;
f. In front of any private driveway;
g. On the sidewalks, paths, alleys not intended for parking;
h. At the foot of or near bridges;
i. At any place where official signs have been erected prohibiting parking and/or declared No Parking zone by proper authorities.

3. Private Towing Firm - a private enterprise duly accredited by any government agency to tow stalled vehicles along public roads, streets and thoroughfares within Quezon City.

SECTION 2. Exceptions from Towing - Stalled motor vehicles shall not be towed without the written consent of its driver/owner/operator, as the case may be:

a. When the stalled vehicle has been pushed beside the shoulder of the road, street, or thoroughfare and does not obstruct traffic.

b. When the motor vehicle has been pushed to the side of the road, street or thoroughfare and a mechanic has already been called to correct the defective engine.

c. When the motor vehicle was stalled due to the lack of fuel and has been pushed to the side of the road, street or thoroughfare and the purchase of the necessary fuel has already been arranged by the driver/owner.

In the foregoing cases, only the Traffic Citation Ticket for stalled or illegally parked motor vehicles shall be issued but the towing thereof shall not be undertaken unless the driver/owner gives his written consent thereto.

SECTION 3. Authorized Rates of Towing Fees - The fees to be imposed for towing stalled/illegally parked motor vehicles along any public road, street or thoroughfare in Quezon City shall not be in excess of the following rates:

TYPE/LOAD OF VEHICLES	TOWING FEE
Container vans, trailers, lorries	P800.00 for the first four kms. +
Trucks having gross capacity weight of 4,000 kilos and above	P600.00 for the first four kms. +
Cars, jeeps and pick-ups having gross capacity weight of less than 4,000 kilos	P300.00 for the first four kms. +
	P50.00 for every succeeding km.

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Owners/operators whose motor vehicles are stalled in any public road, street, or thoroughfare within Quezon City which are not towed within a reasonable time shall pay a fine of only two hundred pesos (P200.00).

SECTION 4. It is hereby declared unlawful, likewise, to replace and/or remove or cause the replacement or removal of license plate of motor vehicle by the law enforcement agency or its agent or any other person acting for or in his behalf without the voluntary consent of the driver and/or owner thereof.

SECTION 5. Any ordinance, rule or regulation, executive order or circular of local origin which may be inconsistent herewith is hereby repealed or modified accordingly.

SECTION 6. This Ordinance shall take effect upon its approval.

ENACTED: November 5, 1996.

(SGD.) HERBERT M. BAUTISTA
Vice-Mayor
Presiding Officer

ATTESTED:

(SGD.) EUGENIO V. JURILLA
City Secretary

APPROVED: Nov. 27, 1996

(SGD.) ISMAEL A. MATHAY, JR.
City Mayor

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