



Republic of the Philippines

CITY COUNCIL

Quezon City

15th City Council
66th Regular Session

PO2002-196

ORDINANCE NO. SP-**1260**, S-2003

AN ORDINANCE ESTABLISHING THE QUEZON CITY VEHICLE TOWING GUIDELINES FOR THE TOWING OF VEHICLES IN THE CITY AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Introduced by Councilors JORGE L. BANAL, ROMMEL R. ABESAMIS, ERIC Z. MEDINA, VOLTAIRE GODOFREDO L. LIBAN III, MARY ANN L. SUSANO, RAMON P. MEDALLA, DANTE M. DE GUZMAN, RESTITUTO B. MALAÑGEN, ANTONIO E. INTON, JR., RICARDO R. DEL ROSARIO, VINCENT P. CRISOLOGO, ELIZABETH A. DELARMENTE, JULIAN M. L. COSETENG, WENCEROM BENEDICT C. LAGUMBAY, JESUS MANUEL C. SUNTAY, ANTONIO E. INTON, JR. and JANET M. MALAYA.

WHEREAS, the Constitution, under Section 1 of the Bill of Rights, (Art. IV) provides that:

"No person shall be deprived of xxx property without due process of law, nor shall any person be denied equal protection of the laws",

WHEREAS, Section 25, Article II of the same Constitution, provides that:

"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 Metropolitan Manila Development Authority (MMDA) and the City government have adopted the practice of towing illegally parked and stalled vehicles along national and city roads;

WHEREAS, there is an urgent need for clear guidelines in the towing of private vehicles to prevent any abuse by towing operators which are invariably private, profit-driven companies contracted by government instrumentalities;

WHEREAS, the towing of stalled and illegally parked vehicles has been the subject of numerous complaints because of excessive towing fees, the abusive manner of certain towing crews and city-paid workers coordinating the operations;

WHEREAS, the primary objective of towing stalled and illegally parked vehicles is not to generate profit for towing companies but to penalize traffic law violators, clear the roads of obstructions, or assists stalled motorists.

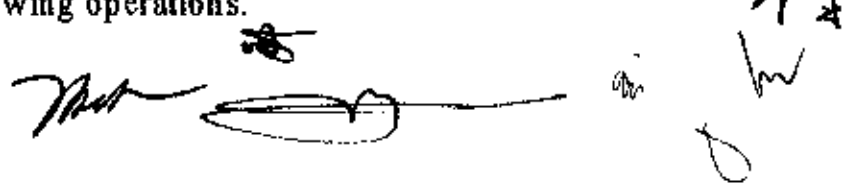
NOW, THEREFORE,

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

Section 1. TITLE - This ordinance shall be known as the Quezon City Vehicle Towing Guidelines.

Section 2. DEFINITION OF TERMS:

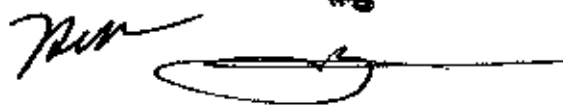
- a. Towing Company - Any company authorized by the national and/or the City government, or their designated instrumentalities, to undertake the towing of stalled and illegally parked vehicles on roads, streets or thoroughfares in Quezon City.
- b. Towing Crew - all personnel of the towing company and/or the government assigned to a towing vehicle actually undertaking towing operations.



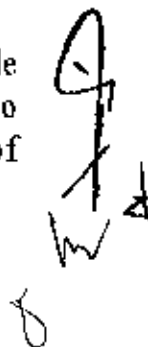
- c. Stalled Vehicle – any vehicle, motorized or otherwise, on the road, street or thoroughfare which, due to a mechanical trouble, could not be operated on or moved on its own.
- d. Illegally Parked Vehicle – any vehicle parked unattended in areas where parking is prohibited as hereunder enumerated:
 - 1. Within six (6) meters from any intersection or curved lane;
 - 2. Within four (4) meters from driveways/entrances of any fire station, hospital, clinic and other similar establishments;
 - 3. Within four (4) meters from fire hydrants;
 - 4. On the roadside of any vehicle stopped or parked;
 - 5. On crosswalks;
 - 6. In front of any private driveway;
 - 7. On the sidewalks, paths, or alleys not intended for parking;
 - 8. At the foot of or near bridges;
 - 9. At any place where official signs have been erected prohibiting parking and/or declared No Parking zone by the proper authorities.
- e. Unattended Vehicle – a parked vehicle whose driver is not inside it nor around the vicinity to move the vehicle out of the prohibited area and to receive a citation ticket.

Section 3. TOWING COMPANY ACCREDITATION - No towing company for stalled or illegally parked private vehicles shall operate in Quezon City, without accreditation by the City government thru the Department of Public Order and Safety (DPOS). The following shall be the requirements for accreditation:

- a. Written proof of ownership of, possession, lease or authority to use and operate, motor vehicle properly equipped with standard towing equipment, used for towing purposes.
- b. Written proof of availability of the necessary organizational, manpower, equipment, materials and financial capability of the applicant.
- c. Authentic copy of public liability insurance from a reputable insurance company adequate to cover loss of, or damages to the motor vehicle towed, and up-dated receipt of payment of premiums, in accordance with Section 6 (b) hereof.



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d. Proof of availability of adequate impounding area.

Section 4. CONTROL/COORDINATION - All towing operations to be undertaken by the City shall be under the control and supervision of the Department of Public Order and Safety while towing operations to be conducted in the City by other authorized government instrumentalities must be coordinated with the City government through the aforementioned department, strictly observing the provisions of this Ordinance as to accreditation and towing procedure.

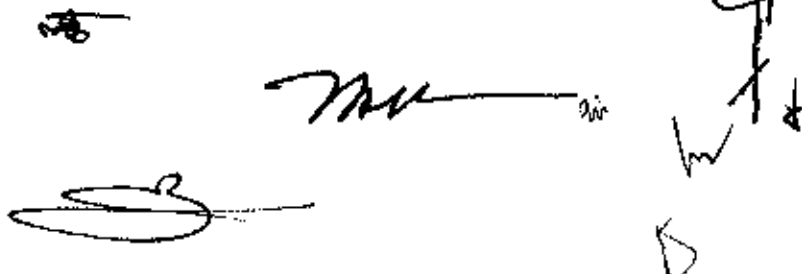
Section 5. ORIENTATION - The DPOS shall prepare a short orientation course on the contents of this Ordinance and on courtesy for team leaders of towing crew and City government workers involved in towing operations.

Section 6. GUIDELINES - The following guidelines should be strictly observed in the towing of vehicles in Quezon City:

- a. All authorized towing vehicles undertaking towing operations in the City should have its car number and towing company name clearly printed on the sides and back portion of the car, the number of which should be bold and not less than five (5) inches in height, while the company name letters should be bold and not less than three (3) inches in height.
- b. All towing companies operating in Quezon City should be covered by a surety bond of not less than Ten Million Pesos (P10,000,000.00) to cover for any damages caused by its towing operation on the towed cars.
- c. Team leaders of all towing operations as well as the head of City personnel coordinating operations in vehicle impounding yards should undertake a seminar on the provision of this ordinance and on courtesy to be given by the DPOS who would then issue Seminar Completion Certificates to the attendees.

All members of the towing crew while on operation should always wear identification cards with their names prominently written.

- d. All towing vehicles on operation should at all times be accompanied by a uniformed government traffic personnel authorized to issue traffic violation tickets.

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- e. Only unattended illegally parked vehicles without drivers could be towed to city-designated impounding yards.
- f. Drivers of illegally parked vehicles will only be issued citation tickets and directed to drive their vehicles out of the No Parking area.
- g. Towing crews should leave an information card with the nearest house, establishment, or building where a vehicle was towed from, the card to contain information as to the plate number of the vehicle towed, and where the vehicle was brought, with a sketch of the impounding yard location, as well as the requirements and corresponding fees to be paid for redeeming the vehicles.
- h. A stalled vehicle on the road, street or thoroughfare with its driver around should only be towed (accompanied by its driver) to the nearest available motor shop, parking area, or any available space where it will not obstruct vehicular or pedestrian traffic, the area to be determined by the vehicle owner/driver, when these areas are available and nearer than the impounding yard, and will be charged of the towing fee in accordance with Section 8 hereof.

Section 7. EXCEPTIONS FROM TOWING - Stalled motor vehicles shall not be towed without the written consent of its driver/owner/operator, as the case may be in the following situations:

- 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 where vehicular traffic is not affected and a mechanic has already been called to correct the defective engine.
- c. When the motor vehicle was stalled due to lack of fuel and has been pushed to the side of the road, street or thoroughfare where vehicular traffic is not affected 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 vehicle may be issued. Provided, that in no case will any vehicle be allowed in the aforecited situation for more than four (4) hours.

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Section 8. AUTHORIZED RATES OF TOWING FEES -- The fees to be imposed for towing stalled/illegally parked motor vehicles along any public road, street or thoroughfares in Quezon City shall not be in excess of the following rates:

<u>TYPE/LOAD OF VEHICLES</u>	<u>TOWING FEE</u>
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.

Section 9. UPDATING OF FEES -- The City Mayor is hereby authorized to update the towing fees stated in Section 8 hereof when necessary through an Executive Order.

Section 10. PENALTIES -- Violation of this Ordinance shall be penalized by imprisonment of not less than one (1) month nor more than five (5) months or a fine of FIVE THOUSAND PESOS (P5,000.00), or both imprisonment and fine at the discretion of the Court.

The manager of the towing company in cases of corporations, or the proprietor and his manager in single proprietorship firms, together with all members of the towing crew in the towing truck concerned, shall be collectively liable together with the government's traffic officer accompanying the towing crew, unless any member of the towing crew or the traffic officer file a formal dissenting report against the towing operation concerned with the Department of Public Order and Safety within twenty four (24) hours from an operation, which report would exempt him from any liability under this Ordinance for such operation. The team leader of the towing crew is not eligible to this exemption.

Section 11. REPEALING CLAUSE -- All ordinances, local executive orders, memoranda, and other issuances or portion thereof contrary hereof are deemed repealed, modified or amended accordingly.

Section 12. SEPARABILITY CLAUSE -- If, for any reason or reasons, any part or provisions of this Ordinance shall be held to be unconstitutional or invalid other parts or provisions thereof not affected thereby shall continue to be in full force and effect.



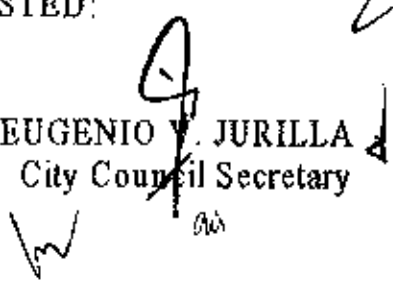
Section 13. This Ordinance shall take effect thirty (30) days upon its approval and publication in at least three (3) newspapers of general circulation.

ENACTED: May 20, 2003.



HERBERT M. BAUTISTA

Vice Mayor
Presiding Officer

ATTESTED:



EUGENIO V. JURILLA
City Council Secretary

APPROVED: June 30, 2003


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on May 20, 2003, was finally PASSED on Third Reading by the City Council on June 3, 2003.


EUGENIO V. JURILLA
City Council Secretary