

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH (17TH) CONGRESS  
First Regular Session

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REGISTRATION UNIT BILLS AND INDEX SERVICE	

House Bill No. 2263

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Introduced by: Rep. BERNADETTE R. HERRERA-DY

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**AN ACT DEFINING THE BASIC REQUIREMENTS FOR THE SECURITY AND  
SAFETY OF PERSONS AND PROPERTY IN PARKING LOT FACILITIES,  
PROVIDING FOR A SYSTEM OF ASSESSMENT OF PARKING LOT SAFETY  
FEATURES, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

This bill is a response to the alarming rate by which crimes against persons and property occur in vehicle parking facilities.

While data indicating the prevalence of parking facility crime in the Philippines may be lacking or inadequate, overseas studies note that parking facilities represent one major location where a high frequency of violent crimes, including rape, theft, and assault, occur. We take these studies to be illustrative of similar trends in the country.

The 2008 Criminal Victimization in the United States<sup>1</sup> report published annually by the US Department of State showed that a parking lot or garage was the place of occurrence of 7% of the 4.5 million incidents of violent crimes for 2008, most notably 21.1% of motor vehicle theft, 11.9% of theft, 17.0% of robbery, and 6.1% of assault.

A report by the Australian Institute of Criminology<sup>2</sup> stated that in 2007, 62 out of 253 murders, 10,734 out of the 17,988 robberies, and 408 out of the 732 kidnappings occurred in community category locations including car parks.

A 2006 Crime Statistics Report<sup>3</sup> of the Singapore Police Force reveals that out of the 900 cases of motor vehicle theft in the Singapore, three-fourths of those cases occurred overnight and were mainly committed at car parks in public housing estates.

A study published by the British Society of Criminology entitled Car Park Crime and Security in South Korea: A Case Study of Seoul Apartment Complexes<sup>4</sup> showed that in the area of Bundang-Gu, from January 1998 to June 2002, a total of 368 crimes were committed in apartment parking lots. Vehicle theft and Theft from the vehicle comprised the top two car park crimes, with an occurrence of 31% and 46% respectively.

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<sup>1</sup> Bureau of Justice Statistics, US Department of Justice. Criminal Victimization in the United States, 2008 Statistical Tables. Table No. 61. <http://www.bjs.gov/content/pub/pdf/cvus08.pdf>

<sup>2</sup> Location of Violent Crime Statistics 2007. <http://www.aic.gov.au/en/statistics/violent%20crime/location.aspx>

<sup>3</sup> Crime Situation Jan-Dec 2006. Singapore Police Force. [http://www.spf.gov.sg/stats/stats2006\\_index.htm](http://www.spf.gov.sg/stats/stats2006_index.htm)

<sup>4</sup> Heonhyo Park. Car Park Crime and Security in South Korea: A Case Study of Seoul Apartment Complexes. British Society of Criminology, Volume 7. July 2004. <http://www.britisoccrim.org/volume7/003.pdf>

While similar studies indicating the prevalence of parking facility crimes are not sufficiently available for the Philippines, vehicle theft, including theft of vehicle contents and personal items stored therein, has been a noted problem. To illustrate, a 2003 study by the Philippine Center for Investigative Journalism yielded that an average of six cars were stolen each day in 2002. An August 2011 *Inquirer* news report showed that eight of ten vehicle thefts occurred in Metro Manila from January to July 2011. According to the PNP Highway Patrol Group, 84% of stolen motor vehicles nationwide within the same time period occurred in Metro Manila. The same report showed Quezon City accounting more than one-fourth of all car theft cases, reiterating the city's moniker of "car theft capital" of the Philippines.

Very recently, according to the Philippine National Police-Highway Patrol Group (PNP-HPG), "*Sagpi*" or "Seized at Gunpoint Intimidation" has become the second widely used modus operandi in the Philippines wherein motor vehicle thieves use stolen vehicles without any identification and target motorists traveling alone late at night and along roads that are either deserted or have minimal traffic.<sup>5</sup> A variety of *Sagpi* methods include some suspects posing as passengers in public-utility vehicles or as hitchhikers. Other criminal groups surveil individuals living in wealthy subdivisions or villages. The surveillance takes weeks before holding the victims at gunpoint as they step out of the car to open the gates. Culprits through *Sagpi* can either seize one's car after it is parked or when they see the owner heading towards the car. *Sagpi* can be combined with "carjacking", where culprits use guns to threaten and force the driver out and run off with the vehicle.<sup>6</sup>

The Comprehensive Report on Carnapping<sup>7</sup> for January to July 2011 by the Philippine National Police Highway Patrol Group showed that of the 286 cases of vehicular theft committed nationwide, 207 cases were those categorized as Stolen While Parked (SWP), 60 cases were those Seized at Gunpoint with Intimidation (SAGI), and 19 cases were Failed to Return (FTR) cases. This report reveals that for carnapping, offenders are significantly more likely to commit the crime when there are more options for stealth such as when the car is parked rather than confronting an active driver.

Additionally, anecdotal evidence suggests that parking facilities pose a similar threat in the Philippines. A recent prime example of such evidence was the January 11, 2012 discovery of a deceased Overseas Filipino Worker, identified as Netz Aly Bagin. Ms. Bagin was found stuffed inside her own medium sized suitcase left in the open parking area of the Ninoy Aquino International Airport Terminal 2. Airport authorities stated that finding the person responsible would be difficult as there are no CCTV monitors covering the entire parking facility of the airport terminal.

While the debate continues on whether CCTV cameras can be an effective deterrent of crime in public places, a study conducted by the Urban Institute Justice Policy Center of the United States showed that by upgrading and increasing various modes of surveillance and access control interventions, parking lot facilities have shown significant reductions in car-related crimes in New York, Newark, New Jersey, Oregon, and North Carolina in the United States, and in Dover and East Midlands in the United Kingdom. The summary of the

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<sup>5</sup> *Motor vehicle-theft cases bare crafty players, tech-reliant cops*, BusinessMirror, February 15, 2016, available at <http://www.businessmirror.com.ph/2016/02/15/motor-vehicle-theft-cases-bare-crafty-players-tech-reliant-cops-2/>

<sup>6</sup> *Id.*

<sup>7</sup> Philippine National Police – Highway Patrol Group. *Comprehensive Report on Carnapping: January to April 2011*. <http://highwaypatrolgroup.com/resources/08%20Comprehensive%20Report%20Carnapping%20January%20to%20April%202011%20short%20ver2.pdf>

results is shown below<sup>8</sup>:

Project	Nature of Intervention	Percent Reduction in Car Crime
Dover (UK)	Combination of access control and employee surveillance	85% car thefts
Surrey University	Combination of natural and formal surveillance (CCTVs)	50% thefts from cars
Port Authority NY/NJ	Access control	100% car thefts
Newark Int'l Airport	Access control	63% car thefts
East Midlands (UK)	Combination of surveillance, access control, signage, and management practices	69-100% reduction
Portland, OR	Combination of access control and formal surveillance (bike patrols)	66-77% thefts from cars
Charlotte, NC	Combination of formal (bike patrol, CCTV) and natural surveillance (increased foot traffic), and access control	53% thefts from cars

There is clearly a need for legislation to mandate that owners and administrators of parking lot facilities upgrade their safety and security systems to be at par with our global neighbors, and to deter the incidence of violent crimes in parking facilities. This bill aims to do exactly that.

Moreover, we find the need to preempt systemic use of blanket or excessively sweeping waivers, disclaimers, and other similar stipulations found on many parking tickets and customer stubs routinely issued by the parking lot attendant at the point of ingress and egress. Hence in Chapter of 7 of the Act, we include provisions that prohibit blanket waivers of liability and waivers of liability for intentional or negligent acts, as void against public policy. The Act further outlines the liability for owners and/or administrators of parking facilities, liability of valet parking services, and requirements for a valid waiver of liability. These provisions are patterned after several U.S. state statutes, including:

- New York CLS Gen Oblig § 5-325 (for Section 32 of the Act)
- California Civ Code § 1630 (for Section 34)
- American Restatement of Torts, Second (for Section 35)
- Tennessee Code Ann. § 24-5-111, and Georgia O.C.G.A. § 44-12-77 (for Section 36)
- Restatement (Second) of Torts Section §§ 342, 344 (for Section 35)

Section 5, Article II of the 1987 Constitution provides: "The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy." As policy makers it is our responsibility to provide, as best as we can possibly foresee, methods which assist in maintaining peace and order and protecting life and property so that the Filipino people would benefit more from the gifts of democracy.

  
**BERNADETTE HERRERA-DY**

<sup>8</sup> Table 3.7: Summary of Surveillance and Access Control-Based Interventions. Page 38. Nancy La Vigne & Samantha Lowry. Evaluation of Camera Use to Prevent Crime in Commuter Parking Facilities: A Randomized Controlled Trial. Urban Institute Justice Policy Center Technical Report. September 2011.

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**AN ACT DEFINING THE BASIC REQUIREMENTS FOR THE SECURITY AND  
SAFETY OF PERSONS AND PROPERTY IN PARKING LOT FACILITIES,  
PROVIDING FOR A SYSTEM OF ASSESSMENT OF PARKING LOT SAFETY  
FEATURES, AND FOR OTHER PURPOSES**

*Be it enacted in the Senate and House of Representatives of the Philippines in the  
Congress assembled:*

**CHAPTER 1 - GENERAL PROVISIONS**

**SEC. 1. Short Title.** This Act shall be known as the “*Car Park Security Act of  
20\_\_*”.

**SEC. 2. Declaration of National Policy.** – The 1987 Constitution provides that,  
“[t]he maintenance of peace and order, the protection of life, liberty, and property, and  
promotion of the general welfare are essential for the enjoyment by all the people of the  
blessings of democracy.” In the pursuit of this Policy, this Act shall have the following  
objectives:

- a) To establish the minimum safety standards of parking facilities to ensure the security  
and safety of persons and property within;
- b) To establish a system for the assessment and rating of parking facilities to ensure  
such facilities are compliant with the minimum safety standards provided for by this  
Act;
- c) To impose upon owners, administrators, and managers of car parking facilities  
greater responsibility for acts of trespassers within their respective facilities;
- d) To criminalize the tampering, vandalism, and destruction of CCTV camera systems  
and digital recording systems installed in car parking facilities;
- e) To criminalize the misuse of data from CCTV camera and digital recording systems  
installed in car parking facilities; and



- 1 f) To ensure that commercial parking lot owners and administrators can be held  
2 accountable for criminal and wrongful activity occurring in their premises in light  
3 of basic standards of fairness and substantive due process.  
4

5  
6 **SEC. 3. *Definition of Terms.*** – As used under this Act, the following words or  
7 terms shall have the following meaning:  
8

- 9 a) “Access control” shall refer to any system implemented to ensure the safe and  
10 convenient movement of pedestrians and vehicles within the parking facility, as well  
11 as restricting access to trespassers and unauthorized persons.  
12  
13 b) “Formal Surveillance” shall refer to any system of surveillance that requires the use  
14 of tactical positioning of security personnel, on-site patrols, security stations, and the  
15 like.  
16  
17 c) “Natural Surveillance” shall refer to any system of surveillance whereby the public  
18 at large have a visual access into the facility. Natural surveillance highlights layout  
19 and orientation of the parking facility as well as the strategic use of design,  
20 landscaping, and lighting.  
21  
22 d) “Technical Surveillance” shall refer to any system of surveillance whereby  
23 mechanical or electronic measures such as CCTV Systems, Digital Recording  
24 Devices, and the like are used.  
25  
26 e) “Territorial Reinforcement” shall refer to the boundary treatment of parking facilities  
27 and the importance of security, layout, orientation, and signage.  
28  
29 f) “Parking Facility” shall refer to any lot, building, or space used for the exclusive  
30 purpose of parking vehicles, motorcycles, and bicycles. Parking facilities may be on-  
31 ground, under-ground, or multi-level. For purposes of this Act, parking facilities  
32 shall be limited to those charging a fee for the provision of a parking space for a  
33 certain period of time.  
34

35 **SEC. 4. *Coverage.*** – The provisions of this Act shall cover all public parking  
36 facilities, whether on-ground, underground, or multi-level, in all public areas such as, but  
37 not limited to, shopping centers and malls, office buildings, airports and seaports, terminals,  
38 hotels and motels, hospitals, cinemas, sports complexes, stand-alone retail and service  
39 establishments, government offices, parks, and public and private schools and universities  
40 nationwide. Privately owned subdivisions, buildings, and parks not open to the public are  
41 not covered by this Act.  
42

## 43 **CHAPTER 2 - COMPLIANCE**

44

45 **SEC. 5. *Pre-Compliance Assessment.*** – The Department of Transportation and  
46 Communications (DOTC) shall, within six months after the effective date of this Act,  
47 conduct a pre-compliance assessment of all parking lot facilities nationwide. The DOTC  
48 shall determine the current risk situation of the parking facilities, noting any occurrence of  
49 vandalism and the potential strengths and weaknesses of the current barriers and fences,  
50 surveillance systems, lighting, CCTV cameras and digital monitoring equipment, and  
51 security personnel. The DOTC shall then provide the owners and/or administrators of each

1 parking facility with a detailed assessment and recommended safety and security  
2 improvements.

3  
4 **SEC 6. *Compliance with Safety Standards and Compliance Assessment.*** – Every  
5 owner and/or administrator of parking facilities shall, not later than six months after receipt  
6 of the Pre-Compliance Assessment, adopt the safety standards as provided by this Act and  
7 the Pre-Compliance Assessment Report provided by the DOTC. Every owner and/or  
8 administrator shall provide a report detailing the safety and security features adopted within  
9 their parking facilities to the Secretary of the DOTC, who shall then issue Safety  
10 Compliance Certificates to the owners and/or administrators of the parking facilities.

11  
12 The DOTC shall conduct a secondary inspection of parking facilities within two months  
13 from the receipt of the detailed report or the expiration of the six month period stated above  
14 for the adoption and implementation of the safety standards of this Act.

15  
16 Failure of owners and/or administrators of parking facilities to adopt the standards  
17 mandated and/or provide the Secretary of the DOTC with the report detailing the safety and  
18 security features adopted shall prompt the DOTC to conduct additional inspections and  
19 assessments of the parking lot facility every two months from the expiration of the period  
20 mentioned in the preceding paragraph.

21  
22 The DOTC shall coordinate with local government units to ensure compliance with the  
23 provisions of this Act.

24  
25 **SEC 7. *Annual Compliance Review.*** – The DOTC shall, at least once every twelve (12)  
26 months from the issuance of Safety Compliance Certificates, conduct inspections and  
27 assessments of parking facilities at random, to ensure continuity of the safety measures  
28 adopted. The DOTC shall note any and all changes, improvements, and deteriorations in  
29 the safety standards implemented in each parking facility in an Annual Compliance  
30 Assessment Report, a copy of which shall be provided to the owners and/or administrators  
31 of the parking facility.

32  
33 In case the DOTC shall find non-compliance and non-maintenance of the safety  
34 standards set forth by this Act, the Safety Compliance Certificates previously issued shall  
35 be immediately revoked, and shall be re-issued only upon satisfactory adoption of the safety  
36 standards.

37  
38 Owners and/or administrators of parking facilities shall comply with the assessments  
39 provided by the DOTC within two months upon receipt of the Annual Compliance  
40 Assessment Report.

41  
42 **SEC 8. *Penalties for Non-Compliance.*** – Failure to adopt and maintain the  
43 standards set by this Act, the Pre-Compliance Assessment Report, and the Annual  
44 Compliance Assessment Report within the period provided shall subject the owners and/or  
45 administrators of parking lot facilities to the following sanctions:

46  
47 First instance: Fine of not more than Ten Thousand Pesos (PhP 10,000)  
48 Second instance: Fine of not more than Fifty Thousand Pesos (PhP 50,000)  
49 Third instance: Fine of not more than One Hundred Thousand Pesos (PhP 100,000)  
50 and revocation of business permits and licenses to operate.  
51  
52

## CHAPTER 3 – ESTABLISHMENT OF BOUNDARIES AND MAINTENANCE OF TERRITORIAL REINFORCEMENT MEASURES

**SEC. 9. *Establishment of Boundaries.*** – All parking facilities shall, as far as practicable, establish and maintain a perimeter with a clearly defined boundary, defining it as an exclusive, bounded private area. For purposes of delineation, it may be necessary to include features that prohibit access to and removal of vehicles and property from the parking facility. Such demarcation must be established to ensure that all drivers and pedestrians use only designated routes.

**SEC. 10. *Forms of Boundaries.*** – For the purpose of deterring offenders and trespassers, the following may be used as boundaries, dependent of the location and form of the parking facility and the degree of potential risk: Plants, hedges, or dense shrubbery; walls, whether high or low retaining; fencing or railings; grass verges of suitable gradient; flower beds or rockery; moats or ditches; natural features such as a river; and other buildings or improvements.

**SEC. 11. *Form of Boundary Complementary to Surveillance methods.*** – The form of boundary used by owners and/or administrators of parking facilities shall be used in conjunction with the system of surveillance adopted.

For example, boundaries such as walls and thick railings in on-ground parking facilities would limit the effectiveness of natural surveillance by by-standers on adjacent public grounds.

Boundaries in above ground and multi-level parking facilities with open air levels shall have barriers which are high enough to ensure that trespassers and offenders are unable to climb upon such barriers while still allowing for the use of natural surveillance methods.

**SEC. 12. *Territorial Reinforcement.*** – The use of actual and symbolic boundaries, spatial legibility, and environmental concerns shall be optimized to complement surveillance and security management of parking facilities.

It is preferred, but not required, that the walls and ceilings of above-ground, multi-level, and underground parking facilities shall be painted white to ensure maximum luminescence of natural and artificial light within parking facilities.

The use of signs and symbols to delineate areas of ingress and egress of pedestrians and vehicles, flow of traffic, use of CCTV surveillance, and locations of administration security personnel, intercom systems, telephone areas, toilets, and entrances and exits to buildings and malls adjacent to parking facilities shall be significant enough to adequately communicate to the public of their purpose and location.

## CHAPTER 4 – SURVEILLANCE AND LIGHTING SYSTEMS

**SEC. 13. *Mandatory use of Closed Circuit Television (CCTV) Systems.*** – All parking facilities shall install and maintain reasonably sufficient Closed Circuit Television (CCTV) Systems in all public areas of the parking facilities especially areas of possible entrapment such as corners and corridors that have limited visibility and pose potential areas for theft and violent crimes. Such areas include, but are not limited to, car park areas, waiting areas, stairwells and elevators, and ingress and egress areas of vehicles and pedestrians.

1       **SEC. 14. *Quality of Closed Circuit Television (CCTV) Systems.*** – CCTV Systems  
2 installed in parking facilities shall have a minimum recording quality of 30 frames per  
3 second (30fps) and shall be able to adequately distinguish facial features, shapes, and colors  
4 of pedestrians and vehicles over a targeted range.

5  
6       Nothing in this section shall preclude the adoption of more advanced technology as they  
7 become available.

8  
9       **SEC. 15. *Mandatory Use of Digital Monitoring and Recording Systems.*** – As a  
10 measure to store the data captured by the CCTV systems installed in parking facilities, all  
11 owners and/or administrators shall install digital monitoring and recording systems. The type  
12 of digital monitoring and recording systems shall depend upon the size of the parking  
13 facility, the potential risks of trespass, and the potential risks of commissions of crimes  
14 within the facility.

15  
16       **SEC. 16. *Protection of CCTV and Digital Monitoring and Recording Systems.*** – The  
17 location of CCTV cameras and the digital monitoring and recording systems shall be placed  
18 in such manner as to ensure that the cameras, wiring, power source, and data are resistant to  
19 vandalism and destruction.

20  
21       CCTV cameras shall be placed, as far as practicable, outside the reach of persons  
22 without need of additional tools or equipment such as ladders and step-tools.

23  
24       The location of the digital monitoring and recording system shall be kept locked and  
25 inaccessible to unauthorized personnel.

26  
27       **SEC. 17. *Storage of CCTV Data.*** – Data acquired through CCTV systems in parking  
28 facilities shall be retained for a minimum of 45 days. Data recordings covering suspicious  
29 activities and suspected unlawful activity shall be stored for a minimum of 90 days unless  
30 copies have been previously provided to police officers and agents.

31  
32       **SEC. 18. *Criminalization of Tampering With or Disabling Security or CCTV***  
33 ***Systems.*** – It shall be unlawful for any unauthorized person to refocus, reposition, cover,  
34 manipulate, disconnect, or otherwise tamper with or disable a security or surveillance  
35 camera or security system. Any person violating the provisions of this section shall be,  
36 upon conviction, guilty of an offense punishable by a fine of not more than Ten Thousand  
37 Pesos (PhP 10,000.00).

38  
39       It shall be unlawful for any person to use, refocus, reposition, cover, manipulate,  
40 disconnect, or otherwise tamper with or disable a security or surveillance camera or  
41 security system for the purpose of avoiding detection when committing, attempting to  
42 commit, or aiding another person to commit or attempt to commit the crimes within  
43 parking facility premises, including but not limited to theft, robbery, assault or infliction of  
44 physical injury, and rape and other forms of sexual assault. Any person violating the  
45 provisions of this paragraph, in addition to and distinct from the immediately prior  
46 paragraph, shall be, upon conviction, guilty of an offense punishable by imprisonment for  
47 not more than one (1) year, or a fine of not more than Fifty Thousand Pesos (PhP 50,000),  
48 or by both, without prejudice to the penalty provided for by law as an principal, accessory,  
49 or accomplice to the crime in its consummated, attempted, or frustrated stage.

50  
51       **SEC. 19. *Criminalization of Unauthorized Use of Data Acquired through CCTV***  
52 ***Systems in Parking Facilities.*** – It shall be unlawful for any person to commit or aid in the



commission of acquiring, broadcasting, sharing, or storing any CCTV data acquired from CCTV systems in parking facilities by unauthorized persons. Any person violating the provisions of this section shall be, upon conviction, guilty of an offense punishable by imprisonment for not more than one (1) year, or a fine of not more than Fifty Thousand Pesos (Php 50,000), or by both.

**SEC. 20. *Preferential use of Natural Surveillance Systems.*** – Natural surveillance, such as sightlines and public access by sight into parking facilities, shall be preferred.

Parking facilities shall maximize any potential uses of natural surveillance whenever practicable.

**SEC. 21. *Preferential Use of Formal Surveillance Systems.*** – Formal surveillance systems, such as the use of stationed and roaming security guards, shall likewise be preferred. The number and extent of formal surveillance required shall depend upon the size of the parking facility and the potential risk of trespass and commission of violent crimes.

**SEC. 22. *Lighting Systems.*** – All parking facilities shall have adequate lighting throughout operating hours. White lights are preferred as such lights provide higher luminescence and complement the details captured by the CCTV Systems.

All areas of the parking facility, including, but not limited to, car park areas, waiting areas, stairwells and elevators, toilets, and ingress and egress areas of vehicles and pedestrians must be well-lit.

Areas of possible entrapment such as corners and corridors that have limited visibility and pose potential areas for theft and violent crimes must likewise be well-lit.

**SEC. 23. *Preferential Use of Natural Light.*** – The use of natural light shall, whenever practicable, be preferred. However, when natural light is insufficient to adequately illuminate areas of the parking facility, artificial lighting systems shall be used.

**SEC. 24. *Protection of Lighting Systems.*** – The location of electrical and lighting systems shall be placed in such manner as to ensure that the cameras, wiring, power source, and data are resistant to vandalism and destruction.

The location of the electrical mains and fuses shall be kept locked and inaccessible to unauthorized personnel.

## CHAPTER 5 – ACCESS CONTROL

**SEC. 25. *Preferential Use of Minimal Ingress and Egress Points.*** – To minimize unauthorized access and to allow for easy orientation of pedestrians and vehicles, ingress and egress points shall be minimized and clearly identified.

**SEC. 26. *Preferential Use of One-way Flow of Traffic.*** – Parking facilities shall, whenever practicable, incorporate a one-way circulatory movement of traffic within the parking areas.

**SEC. 27. *Segregation of Vehicular and Pedestrian Lanes.*** – Parking facilities shall provide clearly defined lanes for the exclusive use of pedestrians for the purpose of ensuring their safety.

## CHAPTER 6 – SPACE AND ACTIVITY MANAGEMENT

**SEC. 28. *Training and Orientation of Security Personnel and Staff.*** – Owners and/or administrators of parking facilities shall ensure that their security personnel and staff are knowledgeable and well-oriented with the parking facility and the location and use of intercom systems, security alarms, automated gates, and the like.

**SEC. 29. *Segregation of Parking Facilities for Motorcycles and Bicycles.*** – Parking facilities shall provide a separate parking area for motorcycles and bicycles to prevent accidents and to aid in securing and monitoring of motorcycles and bicycles, which may prove to be easier for robbers and thieves to acquire.

**SEC. 30. *Segregation of Parking Facilities for Long-Term Parked Vehicles.*** – Parking facilities that cater to both long-term guests and transients shall provide a separate and enclosed parking area for long-term guests in order to aid in the protection of the vehicles and property within.

## CHAPTER 7 – EXTENT OF LIABILITY AND EXCULPATORY PROVISIONS

**SEC. 31. *Prohibition Against Blanket Waivers of Liability.*** – It shall be unlawful for owners and/or administrators of parking facilities to impose blanket or unconditional waivers limiting their liability for damage to property and injury to persons caused by any and all acts of their employees, staff, trespassers, and third persons against the property or persons within the parking facility and its adjunct facilities. Any waiver to such effect shall be void and against public policy.

**SEC. 32. *Prohibition Against Waiver of Liability for Intentional or Negligent Acts.*** – It shall be unlawful for owners and/or administrators of parking facilities to impose waivers exempting themselves from liability for damage to property and injury to persons within their premises resulting from the intentional or negligent acts of the owner and/or administrator of the parking facility, his agents or employees, in the operation of any vehicle, or in the housing, storage, parking, repair or servicing, or in the conduct or maintenance of such parking facility or other similar place. Any waiver to such effect shall be void and against public policy.

**SEC. 33. *Waiver of Liability for Force Majeure or Acts of God.*** – Owners and/or operators of parking facilities may waive their liability for damage to property and injury to persons within their premises if such damage or injury occurred due to force majeure or acts of God.

For purposes of this Act, such occurrences refer to the unpredictable and irresistible event, external to the will of the owner and/or administrator of parking facilities causing damage to property or injury to persons of which such owner and/or administrator took reasonable steps to avoid. Acts of God may include fire, flood, earthquake, storm, hurricane or other natural disasters, while force majeure may include war, invasion, act of foreign enemies, hostilities, civil war, rebellion, revolution, insurrection, military or usurped power, terrorist activities, and riots.

1       **SEC. 34. Requirements of a Valid Waiver of Liability.** – Except as otherwise provided  
2 by law, a printed contract providing for the parking or storage of a vehicle shall not be  
3 binding, in whole or in part, on the owner of the vehicle or on the person who leaves the  
4 vehicle with another, unless such conforms to the following requirements:

- 5
- 6       1. The waiver of liability must be stated in clear and unambiguous terms.
- 7       2. The waiver of liability must be in clear, explicit language in English, Filipino or the  
8       dominant local language or dialect in the area where the parking facility is located.
- 9       3. In cases of waiver contained in a parking ticket or card, the front of the ticket or  
10      card must contain the words, "Must read - the terms and conditions limit our  
11      liability" in 10 point font type or larger. The reverse side of the ticket or card must  
12      contain the terms of the waiver in eight point font type or larger.
- 13      4. A copy of the waiver shall be posted in conspicuous places at each ingress of  
14      vehicles and pedestrians of the parking facility, in an area of at least 17 inches x 22  
15      inches, in 13 point font type or larger.
- 16      5. The waiver of liability shall not contain any waiver contrary to Sections 31 and 32  
17      of this Act, or any terms that are otherwise contrary to law or public policy.
- 18      6. Any such waiver may not incorporate by external reference to the owner's or  
19      administrator's own rules and regulations, guidelines manuals, handbooks, board  
20      resolutions, by-laws, and other internal memoranda in any case; provided, however,  
21      that owners and/or administrators may make external references to existing  
22      corpuscles of such internal rules, etc., only in those matters which do not concern  
23      waivers of liability; provided, lastly, that if such external references are made, the  
24      parking lot owner and/or administrator is required to make available, upon request,  
25      copies to the public such internal rules, etc., during reasonable business hours and  
26      upon reasonable conditions.
- 27

28       Nothing in this section shall be construed to prohibit the enactment of other laws or  
29       ordinances on this subject that are not less restrictive than what is provided in this Section.

30

31       **SEC. 35. Liability of Owners and/or Administrators of Parking Facilities.** – Owners  
32       and/or administrators of parking facilities are required to exercise ordinary diligence of a  
33       reasonable person in the safety and protection of vehicles and persons within their premises.

34

35       Owners and/or administrators of parking facilities are subject to liability for physical  
36       damage or harm caused by the accidental, negligent, or intentionally harmful acts of third  
37       persons or animals, and by the failure to exercise reasonable care to:

- 38       1. discover that such acts are being done or are likely to be done, or
- 39       2. give a warning adequate to enable the visitors to avoid the harm, or otherwise to  
40       protect them against it.

41

42       Owners and/or operators of parking facilities shall be liable for physical damage or harm  
43       to vehicles or persons within their premises should it be proven that he had failed to provide  
44       reasonable protection from foreseeable criminal activities.

45

46       For purposes of this Act, an activity shall be foreseeable if the owner and/or operator of  
47       a parking facility knows or has reason to know that criminal activities are occurring or are  
48       about to occur. Previous experience with criminal activities within the premises such that  
49       there is a likelihood of criminal conduct shall deemed foreseeable.

50

1       **SEC. 36. *Liability of Valet Parking Services.*** – Other provisions of law  
2 notwithstanding, a contract of deposit is created between the owner of a vehicle and the  
3 owner and/or administrator of the parking facility in cases of valet parking.  
4

5       Such relationship is created when the owner of the automobile transfers possession and  
6 control of the automobile to the owner and/or administrator or his designated employees for  
7 the purpose of securing parking of the vehicle.  
8

9       The degree of care of the owner and/or administrator of the parking facility shall be that  
10 required of a good father of a family in the safekeeping and return of the vehicle.  
11

12       **SEC. 37. *Knowledge of Contents of Vehicle Required for Liability by Valet Parking***  
13 ***Services.*** – Owners and/or administrators of valet parking services for hire are not liable for  
14 the contents thereof unless the depositary has actual or constructive knowledge or notice as  
15 to such contents.  
16

17       **SEC. 38. *Presumption of Negligence.*** – In all actions by a depositor against a  
18 depositary owner and/or administrator of valet parking services for loss or damage to  
19 personal property, proof by the depositor that the property was delivered to the depositary  
20 or his designated employees in good condition and that it was returned in a damaged  
21 condition, shall constitute prima facie evidence that the depositary was negligent.  
22

## 23 24                   **CHAPTER 8 – MISCELLANEOUS PROVISIONS** 25

26       **SEC. 39. *Enforcement.*** – The DOTC shall enforce this Act. Any complaints alleging  
27 violations of this Act shall be filed with the DOTC and shall be subject to its implementing  
28 rules and regulations as well as the Rules of Court in case of appeal.  
29

30       **SEC. 40. *Separability Clause.*** – In the event that any provision of this Act is declared  
31 unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of the remainder  
32 of the provisions of this Act shall not be affected thereby.  
33

34       **SEC. 41. *Repealing Clause.*** – All laws, presidential decrees, letters of instructions,  
35 executive orders, administrative orders, rules, regulations, and other issuances or parts  
36 thereof which are contrary to or inconsistent with the provisions of this Act are hereby  
37 revoked, repealed, or modified accordingly.  
38

39       **SEC. 42. *Effectivity.*** – This Act shall take effect fifteen (15) days following the  
40 completion of its publication in any two (2) national newspapers of general circulation.  
41

42       *Approved,...*