

HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

HOUSE BILL NO. 3473



Introduced by Rep. Bernadette Herrera-Dy

AN ACT MANDATING MOTOR VEHICLE BUYERS TO PROVIDE A PROOF-OF-PARKING SPACE OR FACILITY AS A REQUIREMENT FOR THE PURCHASE OF MOTOR VEHICLES AND REGISTRATION WITH THE LAND TRANSPORTATION OFFICE (LTO) IN ORDER TO DECONGEST ROADS IN METRO MANILA

Explanatory Note

From 2015 to 2017, the Land Transportation Office (LTO) registered 10,410,814 motor vehicles. It is estimated that there are new 1,000 registrants each day, 600 of whom have newly-purchased vehicles. Metro Manila alone is reported to have at least 2.7 million vehicles. The number of vehicles in the country serve to be problematic due the lack of parking spaces. Vehicles are being parked on streets and alleys that are deemed to be "available." These vehicles take up public spaces which are supposed to be for pedestrians and other road users that need to pass by the area.

In the recent State of the Nation Address, President Duterte directed all concerned local officials in Metro Manila, and all other cities, to undertake immediate action to ensure the speedy and smooth flow of vehicular traffic. In line with this, the Department of Interior and Local Government (DILG) released Memorandum Circular 2019-121 that orders all local government officials to "reclaim public roads which are being used for private means and in the process rid them of illegal structures and obstruction." It is seen that Metro Manila's heavy traffic will lessen if public roads will be reclaimed. Due to this, many cities and municipalities have started clearing the streets under their jurisdiction. Thus, it is only necessary to make a holistic national policy that shall regulate the public's use of roads and streets. At the same time, car owners must also be held accountable if their vehicles are causing inconvenience to the public. There is a need for prospective car buyers and car owners to purchase, lease, and/or procure permanent parking spaces for their vehicles. They must ensure that their purchase of vehicles shall not contribute to road congestion and instead promote road user safety.

With the rising number of motor vehicles in the country, there is a need to regulate and to make appropriate actions to manage the overcrowding of vehicles. As a prerequisite for the purchase of motor vehicles, buyers must be able to prove that they already have a permanent parking space for the vehicle to be bought. In the same respect, car owners shall provide maximum effort to find permanent parking spaces for vehicles that they already own. It is the duty of the state to regulate the public's purchase of vehicles towards better traffic management of the metro. Thus, the state shall mandate motor vehicle buyers to provide a proof-of-parking space or facility as a

requirement for the purchase of motor vehicles and registration with the Land Transportation Office (LTO) in order to decongest roads in Metro Manila.

In view of the foregoing, the passage of this bill is earnestly sought.


BERNADETTE HERERRA-DY

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Section 1. *Short Title.* This Act shall be known as the "Mandatory Vehicle Parking Space Act."

Section 2. *Declaration of Policy.* It is the duty of the state to prioritize safety and public welfare. It is also the government's responsibility to protect the life and property of the people. The public has been continuously inconvenienced by parked vehicles on streets, alleys, and pathways. Towards this end, the state shall promulgate policies to decongest roads, to ensure public safety, and to regulate transportation for the benefit of its citizens.

Section 3. *Proof-of-Parking Space.* Any person, whether natural or juridical, with residence or business address in Metro Manila who intends to purchase a motor vehicle, shall be required to execute an affidavit which shall be acknowledged before a notary public, attesting to the availability of a permanent parking space or facility or that a parking space or facility has been leased or procured specifically for the purpose of parking the motor vehicle intended to be bought, before they can purchase a motor vehicle. Failure to comply shall be penalized under Section 8 of this Act.

Each motor vehicle shall require a separate space for parking. The affidavit executed by the prospective buyer of motor vehicles shall be presented to the Land Transportation Office (LTO) as a requirement for registration. Motor vehicle owners, with existing motor vehicles without parking spaces before the effectivity of this Act, shall be given two (2) years upon the effectivity of this Act to provide permanent parking spaces for their respective vehicles. Failure to comply shall be penalized under Section 8 of this Act.

Car dealers, sales representatives, or any other related persons in the business of selling motor vehicles shall refuse buyers without the appropriate affidavits under this Act. This shall be discussed in Section 5 of this Act.

Section 4. *Responsibilities of Car Owners and Prospective Motor Vehicle Buyers.* No motor vehicle shall be purchased with the absence of the appropriate legal affidavit, attesting to the availability of a permanent parking space or facility or that a parking space or facility has been leased or procured specifically for the purpose of parking the motor vehicle to be purchased. Motor vehicle buyers must be able to prove that they already have a permanent parking space available for the vehicles before being allowed to purchase. The buyer shall also keep the original and a copy of the legal affidavit and ensure its legitimacy. The affiant shall be bound by the claims stated in the document and shall be held liable for untruthful statements made in his affidavit

under Articles 171 and 172 of the Revised Penal Code, without prejudice to any other cases that may be filed against such person.

Car owners and prospective motor vehicle buyers must also ensure that the parking spaces purchased, leased, or procured shall not be an obstruction to road safety and shall not contribute to road congestion. Car owners, without permanent parking spaces for their vehicles before the effectivity of this Act, shall provide maximum effort in the purchase, lease, or procurement of permanent parking spaces for each vehicle they own within the given time period.

Section 5. Responsibilities of Car Dealers, Sales Representatives, and Businesses in the Conduct of Sale of Motor Vehicles Car dealers, sales representatives, or any other related persons in the business of selling motor vehicles shall refuse buyers that cannot present a legally notarized affidavit attesting to the availability of a permanent parking space or facility or that a parking space or facility has been leased or procured specifically for the purpose of parking the motor vehicle to be purchased. Both the person and the company shall be liable under this Act. Failure to comply shall be penalized under Section 8 of this Act.

Section 6. Registration of Vehicles by the Land Transportation Office (LTO). The Land Transportation Office (LTO) shall require, in the registration of a motor vehicle, the submission of the affidavit attesting to the existence of a permanent parking space or facility by the buyer before the purchase of the motor vehicle. Both the car owner and the LTO should have both a copy of the affidavit.

The document must be kept on file and the same shall be produced when there exists a claim or evidence to the contrary that the parking space or facility attested therein does not exist.

Section 7. Ocular Inspection of Local Government Units and Citizen Watch. Any concerned individual may report to the Land Transportation Office (LTO), Metropolitan Manila Development Authority (MMDA), the metropolitan coordinating council, or the engineering office of the local government unit (LGU) regarding the wrongful parking of motor vehicles on the streets, alleys or pathways primarily used for pedestrian and motor vehicle traffic. Preferably, the complaints should be accompanied with proper photo documentation of the streets, alleys or pathways with the parked motor vehicles. Photos need not to be professionally taken.

Authorized personnel of the aforementioned agencies shall conduct random and periodic ocular inspection to strictly implement the purposes of this Act.

Section 8. Penal Provisions. The following are the imposed penalties of those in violation of the Act herewith:

- a) A motor vehicle owner, who purchased a vehicle and has not complied with Section 3 of this Act or was proven to obtain an illegal and/or false public document, indicating that an adequate parking space or facility exists for a motor vehicle, shall pay a fine of three hundred thousand pesos (P300,000.00) and penalized by imprisonment of one (1) to three (3) years, upon discretion of the court.
- b) A motor vehicle registration issued to an owner, which has been fraudulently obtained from the LTO by making untrue claims in the public document executed for the purpose of complying with the requirements under Section 3 of this Act indicating that an adequate parking space or facility exists for a motor vehicle, shall be revoked and the motor vehicle owner shall be suspended from registering a motor vehicle under his name for a period of three (3) years, imposed a fine in the amount of one hundred fifty thousand pesos (P150,000.00), and penalized by imprisonment of six (6) to twelve (12) months.

- 1 c) A motor vehicle owner who illegally parked on streets, alleys, or pathways and not the
2 declared permanent parking space in the affidavit shall be imposed a fine in the amount
3 of one hundred thousand pesos (P100,000.00) and penalized by imprisonment of three
4 (3) to six (6) months.
- 5 d) Any car dealer, sales representatives, or any other related persons in the business of
6 selling motor vehicles, who sold a motor vehicle to a buyer that wasn't able to comply with
7 the requirements under Section 3 of this Act shall pay a fine of two hundred thousand
8 pesos (P200,000.00) for each vehicle sold and their business permits and licenses from
9 appropriate agencies shall be the suspended or cancelled, upon discretion of the court.
- 10 e) Any officer or employee of the LTO who has allowed the registration of a motor vehicle
11 without the necessary document required under Section 3 of this Act or with knowledge of
12 the falsity of the statements in the instrument attesting to the availability of the permanent
13 parking space or facility for the motor vehicle, shall pay a fine of fifty thousand pesos
14 (P50,000.00), suspended from office for a period of three (3) to six (6) months without pay
15 or terminated by the LTO, upon discretion of the court.

16 **Section 9. Implementing Rules and Regulations.** Within ninety (90) days from the effectivity of
17 this Act, the Department of Transportation (DOTR), the Land Transportation Office (LTO), the
18 Metro Manila Development Authority (MMDA), the Department of Interior and Local Government
19 (DILG), local government units, and representatives from car businesses, in consultation with
20 other related government agencies and stakeholders, in consultation with appropriate
21 government agencies and other stakeholders, shall promulgate the necessary rules and
22 regulations to implement this Act.

23 **Section 10. Separability Clause.** If, for any reason or reasons, any part of the provision of this
24 Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not
25 affected thereby shall continue to be in full force and effect.

26 **Section 11. Repealing Clause.** All laws, decrees, orders, rules, and regulations, or parts thereof,
27 inconsistent with the provisions of this Act are hereby repealed, amended, or modified
28 accordingly.

29 **Section 12. Effectivity Clause.** This Act shall take effect after fifteen (15) days following its
30 publication in the Official Gazette and at least two (2) newspapers of general circulation.

31 **Approved,**