

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
18TH CONGRESS
First Regular Session
House Bill No. **4776**



Introduced by **REP. EVELINA G. ESCUDERO**

EXPLANATORY NOTE

"The use of property bears a social function, and all economic agents shall contribute to the common good. Individuals and private groups, including corporations, cooperatives, and similar collective organizations, shall have the right to own, establish, and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands." (Section 6, Article XII of the 1987 Philippine Constitution)

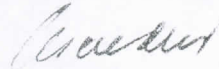
The lack of efficient and reliable public transportation has Filipinos resort to ownership of private vehicles for commute to work, business functions, family occasions personal errands and other transport needs. In fact, data shows that on average, 1,000 cars are sold daily and most of these sales are in Metro Manila.

The upturn in ownership of private vehicles and the recent Department of the Interior and Local Government directive to Local Government Units to reclaim public roads used for private ends as contained in its Memorandum Circular 2019-121, saw the increase in demand for parking spaces in malls, hospitals, hotels and other commercial establishments. Business owners seized the opportunity to cash in on the situation by charging parking fees at varying rates. The rates can go to as high as Php200.00 for a few hours and Php100.00 per hour. These exorbitant parking fees greatly increased the burden borne by the ordinary Filipinos compelled to use private vehicles for lack of better transport options.

Pursuant to the above-quoted provision of the Constitution, this Bill seeks to regulate parking fees imposed by various establishments by providing mechanism for the imposition of acceptable and reasonable parking fees. Until and unless public

transportation and other alternative modes of commute and transportation are made viable, the regulation of parking fees is indeed necessary.

In view of the foregoing, this representation seeks the approval of this bill.



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AN ACT
REGULATING THE IMPOSITION OF PARKING FEES IN SHOPPING MALLS,
HOTELS AND SIMILAR BUSINESSES OR COMMERCIAL ESTABLISHMENTS AND
PRESCRIBING PENALTIES THEREFOR

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

SECTION 1. Short Title. - This Act shall be known as the "**Parking Fee Regulation Act of 2019.**"

SECTION 2. Declaration of Policy. - It is hereby declared a policy of the State to promote common good by regulating the use of private property for public welfare. Toward this end, the government has to step in to temper the exaction of unreasonable, if not even exorbitant, fees by private property owners against the consuming public, taking advantage of the high demand and what has become a public necessity. Consequently, a policy of regulation must be set to strike an acceptable balance between property ownership and public welfare.

SECTION 3. Coverage. - This Act shall regulate the imposition and collection of fees by owners, operators, administrators and managers of shopping, business and commercial establishments such as malls, hotels, shops, markets, depots and the like for the use of parking spaces or lots located within these properties.

SECTION 4. Issuance of Building Permit. - No Building Permit shall issue for the construction of shopping, business and commercial establishments such as malls, hotels, shops, supermarkets, depots and the like unless the owners thereof submit a sworn undertaking that adequate parking spaces and facilities shall be made available to the public. Adequate parking spaces and facilities shall mean the number of parking slots that is required to accommodate the average number of consumers on a daily basis.

SECTION 5. Allowable Parking Fee. – The allowable parking fee shall not exceed twenty pesos (P20.00) for the first three (3) hours and an additional five pesos (P5.00) for every succeeding hour.

Owners of establishments covered by this Act may petition the Department of Trade and Industry (DTI) for the adjustment of the prescribed parking fee herein and the DTI shall review such Petition taking into consideration the number of parking slots being offered to the public, the reasonable return of investment, inflation rate and consumer price index adjustments, and such other relevant factors for the denial or approval of the Petition.

SECTION 6. Prohibition on Invoking Waiver of Liability – Business establishments shall maintain and provide security in the parking spaces of their establishments. In cases where parking fees are imposed, these business establishments shall be responsible for the safety of the vehicles and shall be prohibited from invoking the waiver of liability in case of loss of or damage to vehicle parked in the parking facility.

SECTION 7. Penalties. Any person or owner of shopping malls, hotels and similar business and/or commercial establishments, his agents and/or authorized representatives who violates the provisions of this Act shall pay the fine of One Hundred Thousand Pesos (P100,000.00) per customer charged with an overpriced parking fee and the revocation of their license to operate.

SECTION 8. Implementing Rules and Regulations - The DTI in consultation with the Department of the Interior and Local Government (DILG) shall issue and promulgate the implementing rules and regulations for the effective implementation of this Act within two (2) months from its effectivity .

SECTION 9. Separability Clause - If any provision or part of this Act shall be declared invalid or unconstitutional the remaining parts or provisions not affected thereby shall remain valid and effective.

SECTION 10. Repealing Clause - All laws, decrees, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. Effectivity Clause - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,

¹ A bill of similar import is likewise filed at the Senate with S.B. No. 1000.