

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 6079



Introduced by ACT-CIS Party-list Representative ROWENA NIÑA O. TADURAN

EXPLANATORY NOTE

Parking space nowadays, as they say, is a very prized, and, may I add - "priced" commodity. It has become such a necessity that people are willing to part with their hard-earned money just to avail of a tiny space for their vehicles.

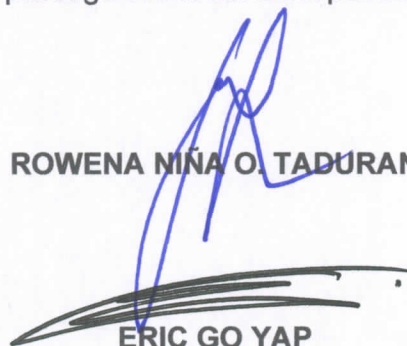
In many areas, the parking fee is fixed, i.e., there is a flat rate which is good for one (1) day, regardless of the number of hours a vehicle is parked in a parking facility. In other places, however, the fee is fixed for the first two (2) or three (3) hours, and thereafter, a fee is added per hour for as long as the vehicle is parked.

A person who parks his/her vehicle in a parking facility has the obligation to pay for the space. Upon receipt of the parking fee, isn't it the natural and concomitant obligation of the owner/operator/manager of the parking facility to ensure the safety and security of the vehicle?

Unfortunately, that is not the reality in our country. Whenever a vehicle is burglarized or worse, carnapped, the owner/operator/manager of the parking facility does a Pontius Pilate and denies any liability. The owner/operator/manager of the parking facility will always point to the provision in the parking ticket which absolves it from liability in case of loss of or damage to the vehicle or loss of articles inside the same. Assuming that this proviso is legal, is it however, moral?

To answer these questions, the passage of this bill is respectfully sought.

ROWENA NIÑA O. TADURAN



ERIC GO YAP

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AN ACT

DEFINING THE OBLIGATIONS AND LIABILITIES OF OWNERS/OPERATORS/MANAGERS OF CAR-PARKS OF MALLS, OFFICE/COMMERCIAL BUILDINGS, OPEN PARKING SPACES, AND OTHER SIMILAR ESTABLISHMENTS, AND FOR OTHER RELATED PURPOSES.

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

Section 1. Short Title. – This Act shall be known as the “Parking Area Responsibility for Automobile Damages Act (PARADA)”

Section 2. Declaration of State Policy. – It is the policy of the State to protect the interests of the consumers, promote their general welfare and establish standards of conduct for business and industry.

Section 3. Coverage. – This Act shall cover pay parking facilities for all kinds of motor vehicles, including parking spaces in shopping malls, restaurants, hospitals, schools or other similar establishments, including vacant lots and buildings that are solely or partly devoted for use as pay parking.

Free parking facilities in restaurants, malls, parks and similar commercial establishments are likewise covered by this Act since the availability of a safe and secure parking area is the primary consideration of people who patronize these establishments.

Section 4. Responsibilities and Liabilities. – Owners/operators/managers of parking facilities shall ensure the safety and security of the vehicles parked in their facilities.

(a) Each parking facility shall be equipped with such number of CCTV cameras as may be sufficient to monitor all the vehicles therein. It shall be the responsibility of the owners/operators/managers of parking facilities to see to it that all CCTV cameras are always in good order. If after investigation of a car burglary or a carjacking, it is found out that there are no CCTV cameras or that the CCTV camera/s positioned nearest to the subject car is defective or non-functional, the owner/operator/manager shall be deemed negligent and be liable for damages.

Upon the occurrence of a crime, the owner/operator/manager of the parking facility shall, without delay, render immediate assistance to the victim and allow him/her and the police authorities access to the crime scene. He/she shall also give the victim and the police authorities

copies of the CCTV footage/s which captured the incident. Refusal of the owner/operator/manager of the parking facility to allow immediate access and/or give copies of CCTV footages shall render him/her liable for damages as well as for Obstruction of Justice under Presidential Decree No. 1829.

(b) Security guards in such number as reasonably sufficient shall man the parking facility. In the event of a burglary or carnapping, the absence of a security guard in the parking facility shall be prima facie evidence of negligence and shall render the owner/operator/manager of the parking facility liable for damages.

(c) Damages shall be in an amount not less than TWO HUNDRED THOUSAND PESOS (PHP 200,000.00). However, if the victim has sufficient proof that the loss is more than the said amount, the damages shall be in the amount actually proved, but in no case less than TWO HUNDRED THOUSAND PESOS (PHP 200,000.00).

Section 5. Separability Clause. – If any provision of this Act or the applicability of such provision to any person or circumstance shall be held invalid, the validity of the other provisions of this Act and the applicability of such provisions to other persons or circumstances shall not be affected thereby.

Section 6. Repealing Clause. – All laws, executive issuances, orders and rules and regulations contrary to or inconsistent with this Act, or any part thereof, are hereby repealed, amended and/or modified accordingly.

Section 7. Effectivity. – This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or at least in two (2) newspapers of general circulation.