

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

17th Congress
First Regular Session

HOUSE BILL NO. 2641

HOUSE OF REPRESENTATIVES	
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Introduced by Representative WES GATCHALIAN

EXPLANATORY NOTE

The problem with traffic in the highly urbanized cities of our country is perennial and its causes, systemic. One of the clear culprits are the motor vehicles, both those for private use and those for hire, that continue to occupy the side streets, parked and idle, push carts, litters of all kind have been eyesores and a hindrance to foot and automobile traffic in most of our streets.


The street is part of public domain primarily intended for vehicular or foot traffic and therefore should not be appropriated as personal parking spaces for any of these vehicles. In view of this, motor vehicle owners should be made responsible to provide a permanent parking space for their vehicles, whether this is made an integral part of their house or building structure, a leased facility, or by some other property relations.

In addition, under pain of penalties provided in this Act, this legislative initiative requires the Land Transportation Office to verify the public document submitted by the registrant/purchaser attesting to the existence of the parking facility.

The Supreme Court of the Philippines has repeatedly characterized driving as a privilege and not a property right.

The state is therefore empowered to impose measures and requisites before granting such privilege which would aid in attaining its desired ends. Requiring prospective owners of motor vehicles to also secure a permanent parking space is but a reasonable measure to aid in easing up the continuously worsening traffic problem in our cities which has hampered our economic growth.

Immediate passage of this bill is earnestly sought.


WES GATCHALIAN
Representative
1st District, Valenzuela City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

17th CONGRESS
First Regular Session

House Bill No. **2641**

Introduced by Representative Weslie T. Gatchalian

AN ACT
REGULATING THE SALE OF MOTOR VEHICLES IN
HIGHLY URBANIZE CITIES BY REQUIRING A
PROOF-OF-PARKING SPACE OR FACILITY FROM
MOTOR VEHICLE BUYERS AS A PRE-REQUISITE
FOR THE PURCHASE OF A MOTOR VEHICLE
AND REGISTRATION WITH THE LAND
TRANSPORTATION OFFICE

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

SECTION 1. *Short Title.* - This Act shall be known as the "*Proof-of Parking Space Act.*"

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to protect and promote the right of the people to a balanced and healthful ecology. The State also recognizes that the use of property bears a social function, hence it is subject to the duty of the State to intervene when the common good so requires. Towards this end, the State shall promulgate measures to lessen traffic congestion, curb the number of vehicles both for private and public use, provide safe and uncluttered pathways where people may freely walk through to their destinations, and maintain a clean and healthy environment by clearing the streets of parked motor vehicles and other clutter that reduce the space for ongoing human and vehicular traffic.

SEC. 3. *Scope and Application; Proof-of-Parking Space or Facility.* - Any person, whether natural or juridical, with residence or business address in Highly Urbanize Cities 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. Each and every 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 pre-requisite for registration.

SEC. 4. *Responsibility of Prospective Buyer of Motor Vehicle.* - No motor vehicle may be legally conveyed in the absence of a public document duly attested to by the prospective buyer of a motor vehicle and acknowledged before a notary public, that a permanent parking space or facility already exists for the motor vehicle which is subject of the sale. 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.

SEC. 5. *Role of the Land Transportation Office.* - The LTO shall make as a pre-requisite 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 or vendee of the motor vehicle that it has confirmed the existence of a permanent parking space or facility for the motor vehicle to be purchased.

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.

SEC. 6. **Local Government Units and Citizen Patrol.** - Any concerned individual may report to the LTO or any government agencies charged with traffic management or the engineering office of the local government unit (LGU) concerned the existence of motor vehicles which are parked on the streets, alleys or pathways primarily used for pedestrian and motor vehicle traffic. Authorized personnel of the LTO, LGU engineering office and law enforcement agencies shall conduct periodic ocular inspection for the purpose of strictly implementing the provisions of this Act.

The LTO, or personnel from any government agency charged with traffic management, the LGU concerned shall, *moto proprio* or upon a complaint, ascertain the veracity of the non-existence of a permanent parking space or facility for a registered motor vehicle.

SEC. 7. **Penalties.** - A motor vehicle registration issued to an owner, whether natural or juridical, 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 and imposed a fine in the amount of Fifty Thousand Pesos (P50,000.00) for every violation of the provisions of this Act.

Any officer or employee of the LTO who has allowed the registration of a motor vehicle without the necessary document required under Section 3 of this Act or with knowledge of the falsity of the statements in the instrument attesting to the availability of the permanent parking space or facility for the motor vehicle, shall be suspended from office for a period of three (3) months without pay.

The penalties enumerated herein shall be without prejudice to the liability that may be incurred under the Revised Penal Code and other existing laws.

SEC. 8. ***Implementing Rules and Regulations.*** - Within ninety (90) days from the effectivity of this Act, the Secretary of Transportation and Communication, in consultation with the Secretary of the Interior and Local Government, the agency head of LTO and representatives from the LGUs concerned shall promulgate the rules and regulations for the effective implementation of this Act.

SEC. 9. ***Repealing Clause.*** - All laws, presidential decrees, executive orders, memoranda, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 10. ***Separability Clause.*** - If any part or provision of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 11. ***Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,