Republic of the Philippines
HOUSE OF REPRESENTATIVES

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3260

Introduced by HONORABLE WES T. GATCHALIAN

AN ACT
REGULATING THE SALE AND REGISTRATION OF MOTOR VEHICLES IN
METROPOLITAN AREAS 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

EXPLANATORY NOTE

Traffic congestion is one of the most ubiquitous problems plaguing the
everyday lives of Filipinos. It stems not only from the inevitable effects of poor
urban planning, but lack of discipline from Filipinos themselves. Parking in
roadsides has been part of contemporary tradition. With the improvement of
Filipinos’ quality of life comes the ability to purchase more motor vehicles without
taking into consideration its corresponding parking spaces. This further clutters
national roads and highways including its pathways.

Any act of one to achieve convenience should not result in greater
inconvenience to others. If we want our roads to be decongested, this practice of
improper parking should no longer be condoned. The roads and streets are
intended for vehicular and foot traffic and it should be used for that purpose only.
This bill seeks to instill responsibility and accountability to motor vehicle owners by
mandating them to provide appropriate parking spaces for the vehicles they have
and want to purchase.

Under this bill, Local Government Units will be expected to review their
respective traffic codes and adopt measures that are consistent with the objectives
of this mandate. Moreover, they are enabled to invest in parking infrastructures or
provide incentives for private capital to participate in building the infrastructure for off-street parking and long-term lease. Meanwhile, the Land Transportation Office will be required to verify the public document submitted by the registrant or purchaser attesting to the existence of the parking facility.

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

HON. WES T. GATCHALIAN
Representative, 1st District of Valenzuela
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Be it enacted by the Senate and the House of Representatives of the Philippines 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 private vehicles, and provide safe and uncluttered national roads and highways including its pathways where people may freely walk through space for ongoing human and vehicular traffic.

SEC. 3. Scope and Application. - Any person, whether natural or juridical, with residence or business address in the Metropolitan Areas who intends to purchase or register 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. Definition of Terms – as used in this Act, the following words shall
mean:

a. Affidavit shall mean, a written statement of facts voluntarily made by an affiant
under an oath or affirmation administered by a person authorized to do so by
law. It shall include a photograph of the garage, the Original Certificate of Title
or Transfer Certificate of Title or the Condominium Certificate of Title,
whichever is the case, pertinent to the proof of parking space. The affiant may
also present a tax declaration or a certified true copy of the lease agreement of
the parking space.

b. Motor Vehicle as defined under R.A. 4136 shall mean any vehicle propelled by
any power other than muscular power using the public highways, but excepting
road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers,
graders, fork-lifts, amphibian trucks, and cranes if not used on public
highways, vehicles which run only on rails or tracks, and tractors, trailers and
traction engines of all kinds used exclusively for agricultural purposes.

Trailers having any number of wheels, when propelled or intended to be
propelled by attachment to a motor vehicle, shall be classified as separate
motor vehicle with no power rating.

This Act shall not include motorcycles and other two-wheeled vehicles.

SEC. 5. Responsibility of Prospective Buyer of Motor Vehicle. - No motor
vehicle may be legally purchased or registered 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, in
addition to the penalties imposed by this Act.

SEC. 6. 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 requirement for
registration shall likewise apply to motor vehicles purchased prior to the effectivity
of this Act. The affidavit of proof of parking shall be necessary when these motor
vehicles renew their registration with the LTO.

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. 7. **Role of the LGU** - In order to ensure an integrated manner of
operationalizing the provisions of this Act and Section 46 of R.A. 4136, as well as
to avoid conflicting policies and programs in the management of vehicular traffic,
LGUs shall hereafter review their respective traffic codes and adopt measures that
are consistent with the objectives of this Act.

Further, the LGUs are hereby enabled to invest in infrastructure for parking
space, either by itself or provide incentives for private capital to participate in
building the infrastructure for off-street parking and long-term lease, consistent
with their power to create their own sources of revenue, as well as their proprietary
capacity to apply their resources in furtherance of developing self-reliant
communities.

SEC. 8. **Complaint Management** - Any concerned individual may report to
the Public Order and Safety Office of the Local Government Unit (LGU) concerned,
the LTO, Metropolitan Manila Development Authority (MMDA) of 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 Public Order
and Safety Office of the LGU, LTO, MMDA, and law enforcement agencies shall
conduct periodic ocular inspection for the purpose of strictly implementing the
provisions of this Act.

The LTO, MMDA, or personnel from the LGU concerned shall, *motu proprio* or
upon a complaint, ascertain the veracity of the existence of a permanent parking
space or facility for a registered motor vehicle.

A prima facie presumption of non-compliance with the provisions of this Act
shall exist against the owner of the motor vehicle when it is found parked outside the declared parking space for three (3) times.

SEC. 9. **Penal Provisions.** – Any violation of the provisions of this Act, shall suffer the corresponding penalties as herein provided:

a. Any person, whether natural or juridical, who makes untruthful claims on the availability of a parking space or facility in his affidavit to obtain a motor vehicle registration shall be imposed the revocation of the motor vehicle registration and suspended from registering any motor vehicle under his name for a period of three (3) years, in addition to the fine of Fifty Thousand Pesos (P50,000.00).

b. 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. 10. **Transitory Provision** – At the earliest possible time, the government shall expropriate idle or abandoned lands, for the construction of low-cost parking facilities. The government may likewise provide incentives for private capital to invest in building these infrastructures for lease to car owners. Provided, however, that the cost for the rent of these spaces shall be regulated to afford equal access by the public either for short-term or long-term use.

SEC. 11. **Appropriations** - The funding requirement necessary to implement the provisions of this Act shall be included in the budget of the DILG and the DOTR in the year following its enactment.

SEC. 12. **Implementing Rules and Regulations.** - Within ninety (90) days from the effectivity of this Act, the Department of Transportation, in consultation with the Department of Interior and Local Government, MMDA, LTO and a representative from the League of Cities in the Philippines (LCP), shall promulgate
the rules and regulations for the effective implementation of this Act.

SEC. 13. **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. 14. **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. 14. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,