



Republic of the Philippines
Province of Isabela
MUNICIPALITY OF PALANAN

OFFICE OF THE SANGGUNIANG BAYAN

Literal copy of **Municipal Ordinance No. 2021 – 076** approved by the Sangguniang Bayan of Palanan, Isabela in its **Regular Session on January 25, 2021** held at the Legislative Session Hall, this Municipality.

Sponsored: HON. EARL JOHN ANGELO A. BERNARDO, Sangguniang Bayan Member

MUNICIPAL ORDINANCE NO. 2021-076

AN ORDINANCE PRESCRIBING REGULATIONS FOR THE TOWING AND IMPOUNDING OF ILLEGALLY PARKED AND STALLED VEHICLES AND DESIGNATING IMPOUNDING AREA/S FOR THIS PURPOSE AND PROVIDING TOWING AND IMPOUNDING FEES AND PENALTIES FOR VIOLATION THEREOF.

WHEREAS, Section 447 '5) (v) (vi) of Republic Act 7160, otherwise known as the Local Government Code of 1991 empowers the Sangguniang Bayan to approve ordinances, which shall ensure the efficient and effective delivery of the basic services and facilities, and in addition to said services and facilities, shall:

(v) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and the operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use;

(vi) Regulate traffic on all streets and bridges; prohibit encroachments or obstacles thereon and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal construction in public places;

WHEREAS, consistent with the statutory provisions of the Code, DILG Memorandum Circular (MC) No. 2019-121 dated July 29, 2019 was issued, enjoining local government officials to reclaim public roads, mandating further, the revocation of permits given to private to occupy public roads, alleys and other thoroughfares. This policy on clearing of roads and obstructions is complemented with the issuance of DILG MC No. 2020-004 dated January 10, 2020, mandating LGUs to regulate the operation of tricycles, and in the granting of franchises, reiterating further, specific provisions of RA 4136 (The Land Transportation and Traffic Code) on prohibition of illegal parking of motor vehicles in sidewalks;

WHEREAS, DILG Memorandum Circular No. 2020-031, released on February 12, 2020 provides the Mandatory Establishment of Impounding Areas by Local Government Units;

WHEREAS, there in an urgent need to prescribe regulations on illegally parked and stalled vehicles in order to efficiently and effectively implement the existing traffic ordinances, rules and regulations and to be at pace with the continuing development of the municipality;

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Bayan of Palanan, Isabela in session assembled, that:

SECTION 01. DEFINITION OF TERMS:

TOWING - to pull along or clamp vehicles through the use of tow bar and chain block with belt lifter;

IMPOUNDING - to take into temporary protective legal custody of vehicles for a fee;

STALLED VEHICLES – those motor vehicles and/or its attachments, which for any cause are unable to proceed under its own power and are on a major public road street or thoroughfare;

ILLEGALLY PARKED VEHICLES – those vehicles which are parked (attended or unattended) in areas prohibited by law or ordinances for parking purpose or as NO PARKING areas or zones.

ANGELINA A. BERNARDO
LNB PRESIDENT

JUSTIN KERRELL S. BERNARDO
SK FEDERATION PRESIDENT

STORIA D. CAULIAN
SB MEMBER

CRISEIDA S. DELA PENA
SB MEMBER

THEO ANGELO A. GARCIA
SB MEMBER

EARL JOHN ANGELO S. BERNARDO
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MICHAEL JOHN D. BERNARDO
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ROBERT B. NERI
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PACITA MONA Q. ATANACIO
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SB MEMBER


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SB MEMBER

SECTION 02. TOWING OF VEHICLES REGULATIONS.

The *Apprehending Traffic Officer/ PNP Member* shall issue citation ticket to owner/driver of the towed illegally parked and stalled vehicle at the point where the vehicle is towed.

The Towing Agency, whether private or government shall be held responsible for losses/damages incurred while towing the vehicles and ceases only upon receipt of the same by the impounding office.

a. FOR ILLEGALLY PARKED VEHICLES

Attended illegally towed vehicles shall not be towed but the driver shall be immediately issued an *Ordinance Infraction Receipt (OIR) / Citation Ticket*.

Unattended illegally parked vehicle shall be towed and issued Ordinance Infraction Receipt /Citation Ticket an abandoned vehicle.

b. FOR STALLED OR ILLEGALLY PARKED VEHICLE AS A RESULT OF FLAT TIRE

Stalled or illegally parked vehicle as a result of flat tire/s but equipped with complete serviceable paraphernalia to replace the flat tire such as spare tire, jack tire wrench, shall not be towed. The towing personnel concerned shall provide reasonable assistance, including towing the vehicle to move it to safer and less obstructive/problematic area.

Stalled or illegally parked vehicle as a result of flat tire/s but not equipped with complete paraphernalia as mentioned above shall be towed and likewise be issued Citation Ticket/Ordinance Infraction Receipt.

c. Stalled or illegally parked vehicle as a result of empty fuel tank maybe towed to the nearest gasoline station, however, the towing fee should be paid to the tow truck in accordance with the number of kilometers from the point of origin to the gasoline station and the Citation Ticket/Ordinance Infraction Receipt shall also be issued to the driver.

d. Stalled or illegally parked vehicle as a result of engine trouble shall be towed in cases where the driver deliberately refuses to remove his vehicle or cannot do so because of the absence of equipment, etc., or due to circumstances beyond his control, could not move his vehicle.

e. A vehicle may be towed, upon request of the owner, to the owner's garage or auto repair shop of his choice, instead of the government impounding areas, but subject to the rates as stated herein and payment procedure as follows:

1. If a government-owned towing vehicle is used, the apprehending officer shall issue Ordinance Infraction Receipt /Citation Ticket to the driver/owner and the vehicle shall be redeemed at the designated Redemption Center upon payment of the corresponding fines and towing fees;
2. If an accredited towing vehicle is used, the apprehending officer shall issue Ordinance Infraction Receipt/ Citation Ticket to the driver/owner. The stalled vehicle may be towed only to the place requested by the driver/owner upon mutual agreement between towing agency and the driver/owner as to the manner of payment of towing fees. The Ordinance Infraction Receipt/ Citation Ticket upon showing the receipt indicating payment of the towing fee.

f. Illegally parked vehicles that are already clamped to the tow truck shall not be subject for intercession the owner of the vehicle or to be rescued by their own company tow truck.

g. Vehicles parked along the national road delivering goods shall not be towed, provided that their vehicle does not obstruct the free flow of traffic.

SECTION 03. IMPOUNDING OF VEHICLES

a. Before impounding any vehicle, the designated Impounding Officer (IO) shall see to it that:

1. The vehicle's parts /accessories and defects are reflected in the *Technical Inspection Report (TIR) Form*;

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THEO ANGELO A. GARCIA
SB MEMBER

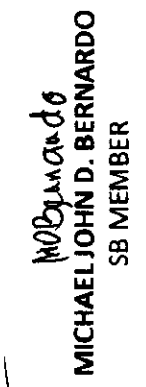

MICHAEL JOHN D. BERNARDO
SB MEMBER

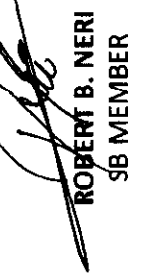

ROBERT B. NERI
SB MEMBER

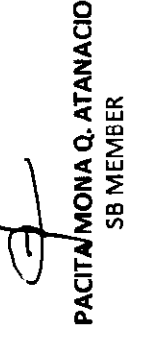

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2. The Traffic Inspection Report Form is properly signed by the *Apprehending Traffic Officer*, duly concurred by the driver/owner of the impounding vehicle and witnessed by the security guard manning the perimeter.
3. The LGU *Assigned Security Officer* shall be held responsible for any losses/damages to the vehicle impounded in the area.
4. Impounded vehicles must be orderly parked according to classification as may be assigned by the Impounding Officer.
5. While at the impounding area, using of tow bar in lifting and/or assisting impounded vehicle for starting purposes shall be prohibited to avoid unexpected cases of accidents or any damages to be incurred therein.

SECTION 04. CLAIMING OF IMPOUNDED VEHICLES

When redeeming towed vehicles, the owner/driver of the authorized representative shall present the motor vehicle Certificate of Registration at the designated *Redemption Center*.

The owner/driver or his authorized representative shall pay the prescribed fine, towing and impounding fees to the designated Redemption Center, who in turn shall issue the necessary proof of payment.

The *Impounding Officer* shall release the impounded vehicle/s including parts and accessories covered by the *Traffic Inspection Report Form* upon presentation of the following:

- a. Proof of being the legitimate driver/owner or authorized representative;
- b. Proof of payment, together with the corresponding release slip.

SECTION 05. DESIGNATED IMPOUNDING AREAS.

The Municipal Government shall establish and designate the official impounding area/s.

SECTION 06. TOWING AND IMPOUNDING FEES.

The fines/fees for towing and impounding to be imposed under this ordinance shall be in accordance with the rates prescribed as follows:

1. Vehicles having gross capacity weight of 4,000 kilos above, shall pay the corresponding towing fee of **P500.00** for the 1st four (4) kilometers or less and **P300.00** for every succeeding kilometer from the towing area to the impounding area;
2. Vehicles having gross capacity of less that 4,000 kilos, shall pay the corresponding towing fee of **P300.00** for the 1st four (4) kilometers or less, and **P150.00** for every succeeding kilometer.


The fines and towing fees imposed in this Ordinance shall be paid within five (5) days from the date the vehicle was towed or impounded, provided, however, that if the operator/owner of the vehicle fails to pay the fines and/or towing fees within the said period, an impounding fee of:

- a. Twenty Pesos (P20.00) per day on the first and second month;
- b. Fifty Pesos (P50.00) per day on the third and fourth month;
- c. One Hundred Pesos (P 100.00) per day on the fifth and sixth month shall be imposed, but not to exceed P10,000.00.


Provided, further, that if after six (6) months the fine, towing and impounding fee have not been paid by the operator/owner of the vehicle, the same shall be sold at public auction, the proceeds of which shall be applied to the accumulated charges (fine, towing and impounding fees) and the excess, if any shall be returned to the operator/owner.

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In the event that a privately-operated towing vehicle is utilized, the towing charges collected shall accrue to the owner or the privately- owned towing vehicle, after deducting the twenty percent (20%) share of the Municipal Government.

SECTION 07. TRANSITORY PROVISIONS.

Accredited tow trucks shall be deployed by the *Traffic Management Enforcers* to every barangay where it shall be stationed at all times immediately after being dispatched, except when towing a vehicle to the impounding area.

All special operations for illegally parked vehicle shall be cleared beforehand from the *Chief, Towing and Impounding Operations*.

Towing personnel shall consist of drivers and sufficient number of assistants who shall work in three (3) shifts. Only traffic enforcers who are deputized by the Local Chief Executive shall be allowed to escort tow trucks/vehicles/Towing Company may be deputized for purposes of issuing Ordinance Infractions Receipt/Citation Ticket to violators.

Motorist/parties with complaints and grievances to settle with apprehending traffic officers and/or tow truck personnel concerned may initially file their complaints with the Traffic Management Enforcers/ Members of the PNP, who shall make an initial investigation thereon and shall submit the necessary reports on the recommended disciplinary actions thereon.

Vehicles which figure in vehicular accidents, thereby immobilizing and/or disabling them, are not "stalled vehicles".

Vehicles left unattended and involve in vehicular accidents resulting in homicide and/or physical injuries to the driver/passenger, or where extensive damages to the vehicles result therefrom, are not covered by this Ordinance. In such cases, assistance to the motorist concerned should be extended without delay with the end view of removing/towing any such vehicles obstructing the free flow of traffic at the scene of the accident.


Complaints shall be filed in writing and should indicate the following:

- a. Plate number and type of vehicle;
- b. Time and place of apprehension;
- c. Name of Apprehending Officer;
- d. Location of Impounding Area; and
- e. Reasons for complaining.

SECTION 08. REPEALING CLAUSE. Any ordinances, rules and regulations, which are inconsistent with this Ordinance shall be repealed accordingly.

SECTION 09. EFFECTIVITY CLAUSE. This Ordinance shall take effect immediately upon approval and after fifteen (15) days publication.


I HEREBY CERTIFY to the correctness of the foregoing Ordinance, which was duly enacted by the Sangguniang Bayan of Palanan, Isabela during its Regular Session on January 25, 2021.


NELIA ALAMO-PLATA
Secretary to the Sanggunian

ATTESTED AND CERTIFIED
TO BE DULY ENACTED:


JIMMY B. GONZALES
Municipal Vice Mayor/Presiding Officer

APPROVED:


ELIZABETH B. OCHOA
Municipal Mayor
Date: 2-3-2021