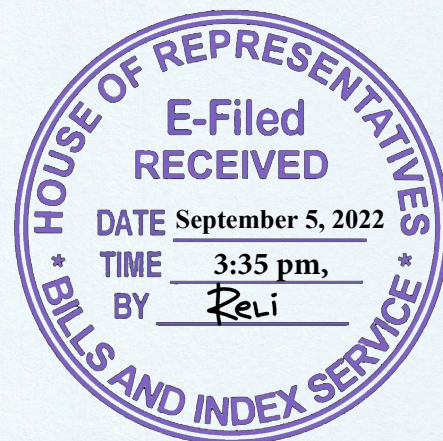


Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4431



Introduced by Representative 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. In 2021, it was reported that Metro Manila has the second-worst traffic congestion in the world among 416 cities in 57 countries – wherein drivers are expected to spend an average of 53% extra travel time being stuck in traffic.¹ 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. These further clutters national roads and highways including its pathways.

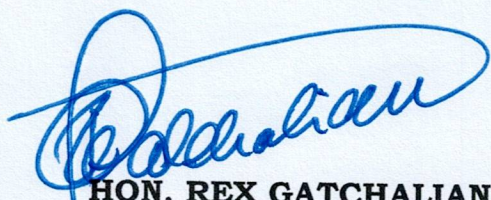
Any act of one to achieve convenience should not result in greater inconvenience to others. If we want our roads to be decongested, this practice of improper parking should no longer be condoned. The roads and streets are intended for vehicular and foot traffic and it should be used for

¹ Inquirer.net, Metro Manila: 2nd worst in the world – report. See <https://newsinfo.inquirer.net/1383983/metro-manila-traffic-2nd-worst-in-the-world-report>.

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. REX GATCHALIAN
Representative
1st District, Valenzuela City

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

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

3
4 SEC. 2. **Declaration of Policy.** - It is hereby declared the policy of the
5 State to protect and promote the right of the people to a balanced and
6 healthful ecology. The State also recognizes that the use of property bears a
7 social function, hence it is subject to the duty of the State to intervene when
8 the common good so requires. Towards this end, the State shall promulgate
9 measures to lessen traffic congestion, curb the number of private vehicles,
10 and provide safe and uncluttered national roads and highways including its
11 pathways where people may freely walk through space for ongoing human
12 and vehicular traffic.

13
14 SEC. 3. **Scope and Application.** - Any person, whether natural or
15 juridical, with residence or business address in the Metropolitan Areas who

1 intends to purchase or register a motor vehicle, shall be required to execute
2 an affidavit which shall be acknowledged before a notary public, attesting to
3 the availability of a permanent parking space or facility or that a parking
4 space or facility has been leased or procured specifically for the purpose of
5 parking the motor vehicle intended to be bought before they can purchase a
6 motor vehicle. Each and every motor vehicle shall require a separate space
7 for parking.

8 The affidavit executed by the prospective buyer of motor vehicles shall
9 be presented to the Land Transportation Office (LTO) as a pre-requisite for
10 registration.

11
12 SEC. 4. **Definition of Terms** – as used in this Act, the following
13 words shall mean:

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

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

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

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

32
33 SEC. 5. **Responsibility of Prospective Buyer of Motor Vehicle.** - No

1 motor vehicle may be legally purchased or registered in the absence of a
2 public document duly attested to by the prospective buyer of a motor
3 vehicle and acknowledged before a notary public, that a permanent parking
4 space or facility already exists for the motor vehicle which is subject of the
5 sale. The affiant shall be bound by the claims stated in the document and
6 shall be held liable for untruthful statements made in his affidavit under
7 Articles 171 and 172 of the Revised Penal Code, in addition to the penalties
8 imposed by this Act.

9
10 **SEC. 6. *Role of the Land Transportation Office.*** - The LTO shall
11 make as a pre-requisite in the registration of a motor vehicle the submission
12 of the affidavit attesting to the existence of a permanent parking space or
13 facility by the buyer or vendee of the motor vehicle that it has confirmed the
14 existence of a permanent parking space or facility for the motor vehicle to be
15 purchased. The requirement for registration shall likewise apply to motor
16 vehicles purchased prior to the effectivity of this Act. The affidavit of proof of
17 parking shall be necessary when these motor vehicles renew their
18 registration with the LTO.

19 The document must be kept on file and the same shall be produced
20 when there exists a claim or evidence to the contrary that the parking space
21 or facility attested therein does not exist.

22
23 **SEC. 7. *Role of the LGU*** - In order to ensure an integrated manner of
24 operationalizing the provisions of this Act and Section 46 of R.A. 4136, as
25 well as to avoid conflicting policies and programs in the management of
26 vehicular traffic, LGUs shall hereafter review their respective traffic codes
27 and adopt measures that are consistent with the objectives of this Act.

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

1
2 SEC. 8. **Complaint Management** - Any concerned individual may
3 report to the Public Order and Safety Office of the Local Government Unit
4 (LGU) concerned, the LTO, Metropolitan Manila Development Authority
5 (MMDA) of the existence of motor vehicles which are parked on the streets,
6 alleys or pathways primarily used for pedestrian and motor vehicle traffic.
7 Authorized personnel of the Public Order and Safety Office of the LGU, LTO,
8 MMDA, and law enforcement agencies shall conduct periodic ocular
9 inspection for the purpose of strictly implementing the provisions of this
10 Act.

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

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

17
18 SEC. 9. **Penal Provisions.** - Any violation of the provisions of this
19 Act, shall suffer the corresponding penalties as herein provided:

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

28 b. Any officer or employee of the LTO who has allowed the
29 registration of a motor vehicle without the necessary
30 document required under Section 3 of this Act or with
31 knowledge of the falsity of the statements in the
32 instrument attesting to the availability of the permanent
33 parking space or facility for the motor vehicle, shall be

1 suspended from office for a period of three (3) months
2 without pay.

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

6
7 SEC. 10. **Transitory Provision** – At the earliest possible time, the
8 government shall expropriate idle or abandoned lands, for the construction
9 of low-cost parking facilities. The government may likewise provide
10 incentives for private capital to invest in building these infrastructures for
11 lease to car owners. Provided, however, that the cost for the rent of these
12 spaces shall be regulated to afford equal access by the public either for
13 short-term or long-term use.

14
15 SEC. 11. **Appropriations** - The funding requirement necessary to
16 implement the provisions this Act shall be included in the budget of DILG
17 and the DOTR in the year following its enactment.

18
19 SEC. 12. **Implementing Rules and Regulations.** - Within ninety (90)
20 days from the effectivity of this Act, the Department of Transportation, in
21 consultation with the Department of Interior and Local Government,
22 MMDA, LTO and a representative from the League of Cities in the
23 Philippines (LCP), shall promulgate the rules and regulations for the
24 effective implementation of this Act.

25
26 SEC. 13. **Repealing Clause.** - All laws, presidential decrees, executive
27 orders, memoranda, rules, and regulations contrary to or inconsistent with
28 the provisions of this Act are hereby repealed, amended or modified
29 accordingly.

30
31 SEC. 14. **Separability Clause.** - If any part or provision of this Act is
32 declared unconstitutional or invalid, the remaining parts or provisions not
33 affected shall remain in full force and effect.

1
2 SEC. 14. **Effectivity.** - This Act shall take effect fifteen (15) days after
3 its publication in the *Official Gazette* or in a newspaper of general
4 circulation.

Approved,