

SENATE

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S. No. 368

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Introduced by SEN. SHERWIN T. GATCHALIAN

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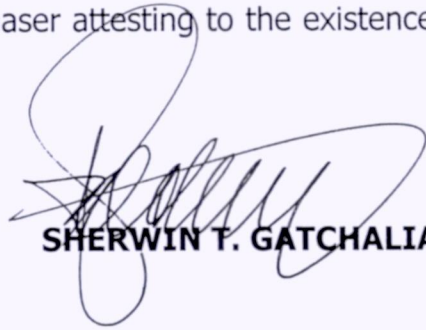
**AN ACT**  
**REGULATING THE SALE OF MOTOR VEHICLES IN METRO MANILA BY**  
**REQUIRING A PROOF-OF-PARKING SPACE OR FACILITY FROM**  
**MOTOR VEHICLE BUYERS AS A PRE REQUISITE FOR THE PURCHASE**  
**OF A MOTOR VEHICLE AND REGISTRATION WITH THE LAND**  
**TRANSPORTATION OFFICE**

EXPLANATORY NOTE

The problem with traffic is not only confined in the big city streets such as EDSA, and congestion isn't isolated in the vicinity of Manila ports - the motor vehicles 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.

Motor vehicle owners should be made responsible to provide a permanent parking space for their private vehicles, whether this is made an integral part of their house or building structure or a leased facility. The street is primarily intended for vehicular or foot traffic and should not be appropriated as personal parking spaces for these vehicles. Any financially-able purchaser of a motor vehicle can be presumed to be able to provide a parking facility for his vehicle.

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

A handwritten signature in black ink, appearing to read 'Sherwin T. Gatchalian', is written over the printed name. The signature is stylized with large loops and a prominent initial 'S'.

**SHERWIN T. GATCHALIAN**

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**TRANSPORTATION OFFICE**

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

11 SEC. 3. *Scope and Application.* - Any person, whether natural or  
12 juridical, with residence or business address in Metro Manila who intends to



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

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

10 SEC. 4. *Responsibility of Prospective Buyer of Motor Vehicle.* - No  
11 motor vehicle may be legally conveyed in the absence of a public document  
12 duly attested to by the prospective buyer of a motor vehicle and  
13 acknowledged before a notary public, that a permanent parking space or  
14 facility already exists for the motor vehicle which is subject of the sale. The  
15 affiant shall be bound by the claims stated in the document and shall be held  
16 liable for untruthful statements made in his affidavit under Articles 171 and  
17 172 of the Revised Penal Code.

18 SEC. 5. *Role of the Land Transportation Office.* - The LTO shall make  
19 as a pre-requisite in the registration of a motor vehicle the submission of the  
20 affidavit attesting to the existence of a permanent parking space or facility by  
21 the buyer or vendee of the motor vehicle that it has confirmed the existence  
22 of a permanent parking space or facility for the motor vehicle to be  
23 purchased.

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

27 SEC. 6. *Local Government Units and Citizen Patrol.* - Any concerned  
28 individual may report to the LTO, Metropolitan Manila Development Authority  
29 (MMDA), or the engineering office of the local government unit (LGU)  
30 concerned the existence of motor vehicles which are parked on the streets,  
31 alleys or pathways primarily used for pedestrian and motor vehicle traffic.

1 Authorized personnel of the LTO, MMDA, LGU engineering office, and law  
2 enforcement agencies shall conduct periodic ocular inspection for the purpose  
3 of strictly implementing the provisions of this Act.

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

7 *SEC. 7. Penalties.* - A motor vehicle registration issued to an owner,  
8 whether natural or juridical, which has been fraudulently obtained from the  
9 LTO by making untrue claims in the public document executed for the  
10 purpose of complying with the requirements under Section 3 of this Act  
11 indicating that an adequate parking space or facility exists for a motor  
12 vehicle, shall be revoked and the motor vehicle owner shall be suspended  
13 from registering a motor vehicle under his name for a period of three (3)  
14 years and imposed a fine in the amount of Fifty Thousand Pesos  
15 (P50,000.00) for every violation of the provisions of this Act.

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

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

25 *SEC. 8. Implementing Rules and Regulations.* - Within ninety (90) days  
26 from the effectivity of this Act, the Department of Transportation and  
27 Communication, in consultation with the Department of the Interior and Local  
28 Government, MMDA, LTO and representatives from the LGUs in Metro  
29 Manila, shall promulgate the rules and regulations for the effective  
30 implementation of this Act.

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

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

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

Approved,