




Republic of the Philippines
Tangapan ng Sangguniang Panlungsod
2/F City Hall Bldg., J. Miranda Ave., Con. Peq., Naga City
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ORDINANCE NO. 2018-018
VVVVVVVVVVVVVVVVVVVVV

AN ORDINANCE AMENDING CITY ORDINANCE NO. 2006-065, BY EXPANDING THE WHEEL-CLAMP ORDINANCE AND AUTHORIZING THE TOWING OF ABANDONED, STALLED AND ILLEGALLY PARKED VEHICLES, PROVIDING GUIDELINES FOR DISPOSITIONS OF TOWED AUTOMOBILES, AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF:-

Authors:


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Be it enacted by the Sangguniang Panlungsod of the City of Naga, in session duly assembled, that:

SECTION 1. – TITLE.– This ordinance shall be known as **“The Towing and Expanded Wheel Clamp Ordinance of Naga City”**.

SECTION 2. – DECLARATION OF POLICIES. – In line with R.A. 7160, otherwise known as “The Local Government Code of 1991”, the City of Naga hereby adopts the following policies:


- (a) Orderly and systematically regulate the use of streets, alleys, public places and parking spaces in Naga City;
- (b) Significantly improve the traffic situation of the City; and
- (c) Facilitate the robust and sustainable economic development of Naga City by providing effective mechanisms for the efficient and fast transportation of goods, services, and people.

SECTION 3. – DEFINITION OF TERMS. – For the purposes of this ordinance, the following terms are defined as follows:

- (a) Wheel Clamp – a device that is locked on a vehicle’s tire to hinder it from moving away thru its own motive power;
- (b) Tow-Truck – a vehicle either equipped or not with a boom, that is designed primarily for hauling away abandoned, stalled and illegally parked vehicles by the road side;
- (c) Abandoned Vehicles – vehicles, serviceable or not, left by its owner/s, known or not, on the side of the road with no intention of retrieving back the same;
- (d) Stalled Vehicles – vehicles, which for any cause (e.g., engine trouble, empty fuel tank, flat tire, etc.) is unable to traverse, using its own motive power, a public road, street or thoroughfare in the City of Naga;
- (e) Illegally-Parked Vehicles – vehicles which are parked in No Parking Zones duly designated and identified by existing laws or ordinances. The following are three (3) types of illegally-parked vehicles:

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"Attended illegally parked vehicle" – is an illegally parked vehicle whose driver is present or would appear at any time prior to the actual wheel-clamping or attachment to the tow truck and who is willing and able to move out the illegally parked vehicle without delay;

"Unattended illegally parked vehicle" – is an illegally parked vehicle which does not fall under the definition of attended illegally parked vehicle;

"Hazard Parking" – is resting a vehicle, attended or unattended, on a street and, as a result thereof, obstructing the free flow of traffic thereat, even with hazard lights on.

- (f) Traffic and Common Violation(s) Receipt – the receipt issued by any PSO Traffic Enforcer or PSO deputized agents for Traffic Violations and other Common Violations as declared and defined by existing laws and ordinances and the penalties specified therein are payable within three (3) days from issuance.

SECTION 4. – WHEEL CLAMP AREAS AND TOW-AWAY ZONES. –
The following are herein declared as Wheel Clamp Areas and Tow-Away Zones:

4.a Streets within CBD-1

WHEEL CLAMP AREAS	TOW-AWAY ZONES
(1) From corner Gen. Luna-Evangelista Sts. to corner Gen. Luna-P. Burgos Sts., right side facing Plaza Quezon	(1) Plaza Oragon – both sides of plaza
(2) From corner Gen. Luna-P. Burgos Sts. to corner P. Burgos St.-J. Hernandez Ave., right side facing UNC Gate 1	(2) From corner Gen. Luna-Caceres Sts. to corner Gen. Luna-Evangelista Sts., right side facing Plaza Quezon
(3) From corner Sta. Cruz St.-J. Hernandez Ave. to UNC Gate 1, right side facing Zamora St.	(3) From corner Gen. Luna-P. Burgos Sts. to corner Gen. Luna-Arana Sts. (infront of Naga City Police Office), both sides facing Arana St.
(4) Zamora Underpass – both sides	(4) From UNC Gate 1 to corner J. Hernandez Ave.-Zamora St., right side facing Zamora St.
(5) From corner Elias Angeles-Caceres Sts. to corner Caceres-Gen. Luna Sts., right side facing Naga City Peoples Mall	(5) From corner Caceres-Dinaga Sts. to corner Dinaga St.-Panganiban Drive, right side facing Panganiban Drive
(6) From corner Elias Angeles-Bagumbayan Sts. to corner Elias Angeles-Caceres Sts., right side facing Caceres St.	(6) From corner Arana-Barlin Sts. to corner Barlin-P. Burgos Sts. (back of Naga City Police Office), right side facing P. Burgos St.
(7) From corner Iglesia-Barlin Sts. to corner Arana-Barlin Sts., left side facing Arana St.	

(8)	From corner Peñafrancia Ext.- Panganiban Drive to corner P. Burgos St., both sides	
(9)	From corner Peñafrancia Ext.-P. Burgos St. to corner Colgante Bridge, both sides	

4.b Streets within CBD-2

WHEEL CLAMP AREAS	TOW-AWAY ZONES
(1) Panganiban Drive – both sides	(1) From corner J. Miranda Ext. (BFP) to corner J. Miranda Ave.- Panganiban Drive, right side going to Panganiban Drive
(2) Ninoy & Cory Avenue – From corner Panganiban Drive, right side, going towards Triangulo	

4.C Other streets

WHEEL CLAMP AREAS	TOW-AWAY ZONES
(1) Jacob Street - From corner Ocampo Street 1 to Ocampo Street 2 (fronting Naga Central School-both sides of the road) - From corner Ocampo Street 1 to People's Mart (right side of the road going to People's Mart)	(1) Ateneo Avenue - From corner Bagumbayan Street to P. Santos Avenue (right side of the road, going to Ateneo de Naga University)
(2) Ocampo 1 & 2 Streets - From corner Bagumbayan Street up to Jacob Street (left side of the road facing Naga Central School I)	(2) <u>From corner Santonja Street up to Naga Central School 1, right side of the road, facing People's Mart</u>
(3) Bagumbayan St. – From corner Bagumbayan St. (USI Vincentian Park) to corner Bagumbayan St.- MT Villanueva Ave. junction, right side facing Bagumbayan Norte	
(4) Santonja Street – both sides	
(5) Magsaysay Avenue – both sides	
(6) Roxas Avenue (Diversion Road) – both sides	
(7) Peñafrancia Avenue – both sides	
(8) M. T. Villanueva Avenue – both sides	

SECTION 5.-PARKING SPACES ALONG THE CIRCUMFERENCE OF NAGA CITY PEOPLES MALL.– Roads utilized for parking space along the circumference of the Naga City Peoples Mall such as J. Hernandez Avenue, General Luna St., Prieto St., and Zamora St. shall be charged parking fee with the following rates:

- | | | | |
|-----|---|---|--------|
| 5.1 | for the first two (2) hours or a fraction thereof | - | Free |
| 5.2 | every succeeding hour | - | P30.00 |

The existing motorcycle parking areas at the J. Hernandez Avenue of the Naga City People's Mall are incorporated in this ordinance as parking areas for motorcycles.

The Market Enterprise and Promotion Office (MEPO) shall assign/post authorized personnel to collect fees and issue parking fee receipts.

SECTION 6. - PRIVATE LOTS FOR PARKING.—Owners of private lots and spaces that are large enough to accommodate several vehicles may allow the use of their lots or spaces for parking with a fee, provided, that the fees collected shall be reasonable and equitable.

Provided further, that the necessary permit from the local government be secured before the operation of the same.

SECTION 7. - TOWING.— Personnel of duly accredited towing firms shall operate under the guidance of the Wheel Clamp/Towing Task Group which is composed of PNP and PSO personnel.

Only the following vehicles may be towed:

- (a) stalled vehicles;
- (b) illegally parked vehicles;
- (c) those obstructing the declared bike lanes;
- (d) those vehicles that are parked within six (6) meters from road corners;
- (e) those vehicles that are parked within six (6) meters of the intersection of curb lines;
- (f) those vehicles that are parked within six (6) meters of a fire hydrant;
- (g) those blocking the areas declared as parking areas for persons with disabilities (PWDs) or for emergencies;
- (h) vehicles ordered by the Wheel Clamp/Towing Task Group or any authority to be towed or removed for security reasons; and
- (i) vehicles involved in accidents.

SECTION 8. - GUIDELINES.— The following shall be observed in the towing of vehicles:

- 8.1. Towing Process and Towner's Responsibility. — Before the actual towing, the tow truck crew shall issue a Technical Inspection Report (TIR) to the vehicle's owner, or leave the same to a Traffic Enforcer manning the site or any responsible person who can give notice to the vehicle's owner. Likewise, a TIR shall also be submitted to the personnel of the PSO duly assigned to accompany the crew of the towing firms and to take pictures of the four (4) sides of vehicles to be towed.

The TIR shall indicate, among others, the name of the owner (if possible), the vehicle's plate number, type and color, including the accessories thereof, and a description of the vehicle's condition.

The Towing Company/Agency shall be held responsible for losses/damages incurred while towing the vehicle. Personnel of these companies/agencies are not employees of the City of Naga.

- 8.2. Procedure. — In towing a vehicle, the following process must be adhered to:

- (a) Attended illegally parked vehicle will NOT be towed but a ticket shall be issued by a PSO Traffic Enforcer (or deputized personnel) to the owner thereof.
- (b) For unattended illegally parked vehicle, the tow truck driver shall blow the truck's horn five (5) times to alert the owner thereof. After one minute, the horns shall be blown again for five (5) times and shall serve as a second notice. If the driver does not respond to the second notice. If the driver does not respond to the second blowing of horns, the vehicle shall be towed and a ticket shall be issued at the impounding area.

A notice shall be left or entrusted to any traffic officer on duty at the site, or to any responsible person who can give said notice to the owner. The impounding area where the said vehicle shall be brought to shall likewise be indicated in the notice.

8.3. Towing of Stalled Vehicles. – For stalled vehicles, the following must be observed:

- (a) Flat-tired vehicles must be moved to the shoulder of the road by its owner. The latter should exert all efforts to move the same, otherwise, it will be towed. If towed, a TVCR will be issued to the owner.

Changing of flat tires on the middle of the road or on the roadway is strictly not allowed.

- (b) Stalled or illegally parked vehicles as a result of empty fuel tank may be towed to the nearest gasoline station. In either case, a TCVR will be issued to the owner.

If towed, however, the towing fee and the number of kilometers from the point of origin to the nearest gasoline station will also be indicated on the TCVR.

- (c) Stalled or illegally parked vehicles as a result of engine trouble shall likewise be towed. A TCVR shall likewise be issued to the driver.

8.4. No towing crew shall ever be allowed to board a vehicle to be towed or being towed, even if permitted by said vehicle's owner or driver or operator.

8.5. Wheel clamp shall be applied to illegally parked and unattended vehicles in any street or area designated as "no parking" or "tow awayzone", "clamp wheel zone", pedestrian lanes, or beside fire hydrants and driveways, roads designated as fire lanes, and bike lanes.

SECTION 9. – **IMPOUNDING AREA.** – The towed vehicles shall be under the responsibility of the towing company, until redeemed.

Impounded vehicles shall be released in accordance with stipulations of this ordinance.

SECTION 10. – **TIME OF PAYMENT AND AUCTION SALE.** – The fines and towing fees shall be paid within three (3) days from the date a vehicle was towed and/or impounded.

If the operator or owner of the vehicle fails to pay the fines and/or towing fees within the aforesaid period, a storage fee of ONE HUNDRED PESOS (P100.00) per day, counted from the lapse of abovementioned period, shall be imposed.

If the vehicle is not redeemed by the operator or owner within a period of two (2) months from the date it was towed or impounded, the same shall be sold at the public auction on the first Monday of the succeeding month. The proceeds of the auction sale shall first be applied to the accumulated charges (fine, towing fees and storage fees) and the excess, if any, shall be given to the vehicle's operator or owner.

SECTION 11. – PENALTIES. – There shall be imposed on the owner of the wheel clamped or towed vehicle, as the case may be, the following:

- 11.1. **Wheel-Clamped Vehicles** – For the release of any wheel-clamped vehicle, a fine of ONE THOUSAND PESOS (P1,000.00) must be paid by the owner thereof to the City of Naga. Payment shall be made at any official payment center designated by the City Government. An official receipt shall be presented to the duly designated PSO personnel who shall, in turn, record the same on a logbook and release the vehicle to its owner.

The owner/driver/operator of the wheel-clamped vehicle shall be given a maximum period of three (3) hours to redeem and/or settle the fine stated above. Otherwise, the wheel-clamped vehicle shall be towed to the impounding area and an additional towing fee and storage fee shall be imposed to the owner.

- 11.2. **Tampering of Wheel Clamp** – It is unlawful and/or illegal for any owner/driver/operator of a wheel-clamped vehicle to try to remove or destroy, successful or not, the wheel clamp. Violators shall be meted a fine of ONE THOUSAND PESOS (P1,000.00) or one (1) month imprisonment or both, at the discretion of the court, along with the cost of the wheel clamp should it be destroyed.

- 11.3. **Illegally Parked Vehicles** – Any driver who shall illegally park his motor vehicle on any public road, street or thoroughfare in the City of Naga shall pay a fine of ONE THOUSAND PESOS (P1,000.00) jointly and severally liable with his operator.
In addition thereto, if towed and impounded, a standard towing fee shall be collected subject to the following rates:

11.3.a. Trucks having gross capacity weight of 4,000 kilos and above shall be imposed a towing fee of ONE THOUSAND FIVE HUNDRED PESOS (P1,500.00) for the first four kilometers, and FOUR HUNDRED PESOS (P400.00) for every succeeding kilometer going to the impounding area.

11.3.b. Cars, jeeps and pick-ups having gross capacity weight of not less than 4,000 kilos shall be imposed a towing fee of ONE THOUSAND PESOS (P1,000.00) for the first four (4) kilometers and FOUR HUNDRED PESOS (P400.00) for every succeeding kilometer going to the impounding area.

SECTION 12. – REMUNERATION OF TOWING FIRMS. – The following shall govern the remuneration of towing firms:

- (a) SEVENTY PERCENT (70%) of all paid standard towing fees and FIFTY PERCENT (50%) of the succeeding towing fee per kilometer, after the first four (4) kilometers, shall be appropriated to the towing firms as remuneration for their towing services. All other payments made by the

apprehended vehicle owner, such as fines for traffic violations and storage fees, shall all accrue to the coffers of the City Government of Naga;

- (b) The owner/driver of the towed vehicle shall directly pay the towing firm of the share hereunto described, while the City's share shall be paid to the City Treasurer's Office, or to any authorized bonded personnel, before the vehicle is released.

SECTION 13. – ACCREDITATION OF TOWING SERVICES. – In recognizing and accrediting towing firms, the following processes shall be observed:

- 13.1. Coverage – All towing firms which would like to operate in the City of Naga must apply for accreditation to the Sangguniang Panlungsod. Towing trucks or vehicles to be used by these towing firms shall include private vehicles with proper categorization from LTO, and those owned/accredited by motor vehicle repair shops, business establishments, transport groups, public utility companies, and private automobile clubs.

- 13.2. Accreditation – The Sangguniang Panlungsod shall post an announcement of invitation for interested towing services.

All towing services applying for accreditation must submit to the Sangguniang Panlungsod the following documents, in three (3) sets:

- (a) Business Profile of the firm or company applying for accreditation;
 - (b) Letter of Intent, stating the owner's intention to apply for accreditation as a towing firm and indicating therein a pledge to shoulder the expenses for damages, if there will be, on the towed vehicle during the towing of the same;
 - (c) Certificate of Registration (CR) and recent Official Receipt for the vehicle's registration with the LTO;
 - (d) List and 2" x 2" pictures of the towing crew;
 - (e) Driver's License of the official driver of the towing vehicle and that of his reliever/alternate;
 - (f) Postal size picture of the tow truck/vehicle;
 - (g) Certified copies of the Transfer Certificate of Title of the lot (if owned by the towing company), or a Lease Contract (if not owned), as proof of having adequate space for impounding area.
- 13.3. Performance Bond – Towing firms, which are found by the Sangguniang Panlungsod to be complaint to the accreditation requirements, shall submit a Performance Bond to the Public Safety Office. This Performance Bond shall be intended for the damages which may be incurred by towed vehicles during towing.
 - 13.4. Certificate of Accreditation – Upon submission of the Performance Bond, a Certificate of Accreditation shall be issued to the towing firm. A certified/authenticated copy of the said certificate shall be carried on the tow truck along with the other documentary requirements required by the LTO and other agencies to be carried while operating such vehicle.
 - 13.5. Signage – The Sangguniang Panlungsod Accreditation Number, LTO plate number, and the phrase "For complaints, suggestions and inquiries, text or call PSO Hotline Numbers 09088853000, 09177772277 and 4723000",

shall be painted on the truck's left and right sides, on its front and on its back.

SECTION 14. – **PROVISION OF SIGNAGES/INFORMATIVE SIGNS.** – Before the effectivity of this ordinance, appropriate and adequate signages confirming with international standards shall be put up/installed by the Public Safety Office in coordination with the Philippine National Police.

The City Events, Protocol, and Public Information Office (CEPPIO) shall make widest information of this ordinance.

SECTION 15. – **TRANSITORY PROVISIONS.**– Until such time that duly-accredited towing firms are not yet in full operation, personnel of the Public Safety Office (PSO), with the assistance of the Philippine National Police, shall supervise all towing operations within City of Naga and shall ensure proper implementation of this ordinance.

SECTION 16. – **SEPARABILITY CLAUSE.** – Any provision or portion of this ordinance found to be in violation of the Constitution or invalid shall not impair the other provisions or parts thereof and shall remain in full force and effect.

SECTION 17. – **REPEALING CLAUSE.** – All ordinances, rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed and/or modified accordingly.

SECTION 18. – **EFFECTIVITY.** – This ordinance shall take effect two (2) months after publication in a newspaper of general circulation in the City of Naga.

ENACTED: May 22, 2018

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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.



GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod



KIAH REINELYN C. OCBINA
City Youth Secretary to the
Sangguniang Panlungsod



NELSON S. LEGACION
City Vice Mayor
& Presiding Officer

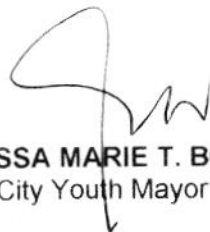


JOSEF RYAN B. TOSOC
City Youth Vice Mayor &
Presiding Officer

APPROVED:



JOHN G. BONGAT
City Mayor *5/29/18*



ALYSSA MARIE T. BORJA
City Youth Mayor