

**Republic of the Philippines**  
**SANGGUNIANG PANLUNGSOD**  
**CITY OF MAKATI**

**PRESENT:**

Councilor	NELSON S. PASIA - Temporary Presiding Officer
“	MARIE ALETHEA SJ. CASAL-UY
“	ISRAEL S. CRUZADO
“	MANUEL MONSOUR T. DEL ROSARIO III
“	FERDINAND T. EUSEBIO
“	VIRGILIO V. HILARIO
“	HENRY A. JACOME
“	ARNOLD C. MAGPANTAY
“	LEONARDO M. MAGPANTAY
“	ROMEO C. MEDINA
“	TOSCA CAMILLE T. PUNO-RAMOS
“	VINCENT T. SESE
“	MARY RUTH C. TOLENTINO
“	MA. CONCEPTION M. YABUT
“	NEMESIO S. YABUT, JR.
LnB President	MA. ARLENE M. ORTEGA

**ABSENT:**

Vice Mayor	ROMULO V. PEÑA, JR.
Councilor	MARIA THERESA N. DE LARA - Sick Leave

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By unanimous vote of the Sangguniang Panlungsod members who are present, the following City Ordinance was enacted on third and final reading:

**CITY ORDINANCE NO. 2014-066**

Authors: Coun. I.S. Cruzado, F.T. Eusebio, A.C. Magpantay,  
V.T. Sese, N.S. Yabut, Jr., N.S. Pasia, M.A.S.J. Casal-Uy,  
L.M. Magpantay, V.V. Hilario, M.TN. de Lara, H.A. Jacome,  
R.C. Medina, T.C.T. Puno-Ramos, M.R.C. Tolentino,  
M.C.M. Yabut and M.A.M. Ortega

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CITY ORDINANCE NO. 2003-089 (MAKATI CITY TRAFFIC CODE) SO AS TO PROVIDE FOR ADDITIONAL RULES, REGULATIONS AND PENALTIES IN THE EXISTING ON-STREET PARKING, TOWING AND OTHER TRAFFIC REGULATIONS IMPLEMENTED IN THE MAKATI CITY CENTRAL BUSSINESS DISTRICT (MCBD) UNDER MAKATI MUNICIPAL ORDINANCE NO. 45, SERIES OF 1988; MAKATI MUNICIPAL ORDINANCE NO. 93-338, ORDINANCE NO. 97-175; ORDINANCE NO. 2011-010; ORDINANCE NO. 2013-A-061, AND FOR OTHER PURPOSES.**

**WHEREAS**, the On-Street Parking Project in the MCB D is a highly successful, innovative and long-running public-private partnership ventured by into the City Government with the Makati Parking Authority (MAPA) which legal framework and implementation are guided by the rules and regulations provided under Makati City Municipal Ordinance No. 45 Series of 1988; Makati City Ordinance No. 93-338 Makati Ordinance No. 97-175 and Makati Municipal Ordinance No. 93-338, as incorporated into the Makati City Traffic Code (City Ordinance No. 2003-089) as amended by City Ordinance No. 2011-010 and City Ordinance No. 2013-A-061);

**WHEREAS**, there is a need to enhance the system of enforcement of on-street parking regulations and to ensure that violators are penalized.

**WHEREAS**, amendments to the Makati City Traffic Code are necessary to cope with the challenges for stricter implementation and simplified processes to eliminate unnecessary inconvenience to violators in redeeming vehicles subject to wheel clamping;

**WHEREAS**, amendments to City Ordinance 2010-010 are necessary to correct typographical errors so as to clarify their application and furthermore, incorporate a proviso in the case of impounded vehicle which have remained unclaimed for six (6) months;

**WHEREAS**, this is in line with the purpose of codification of on-street parking regulations into the Makati Traffic Code to place all existing traffic ordinances, rules and regulations into a single legal document;

**WHEREAS**, the amendments shall enhance the system of enforcement of on-street parking regulations while ensuring that violators are penalized.

**NOW, THEREFORE, BE IT ENACTED, AS IT HEREBY ENACTED, BY THE SANGGUNIANG PANLUNGSOD OF MAKATI, METRO MANILA, BY VIRTUE OF THE POWER VESTED IN IT BY LAW, IN SESSION ASSEMBLED** to incorporate supplementary amendments, into the Makati City Traffic Code (City Ordinance No. 2003-089, as amended by City Ordinance No. 2011-010 and City Ordinance No. 2013-A-061) additional rules, regulations, and penalties in the implementation of the on-street parking regulations implemented in the MCBD, that;

**Section 1.** Article XII (a) ON STREET PARKING RULES AND REGULATIONS is hereby amended to read as follows:

*Section 56 (a).* On street parking shall be allowed on various streets in the Makati Central Business District which had been designated and/or declared as such by the Makati Parking Authority (MAPA) with the parking hours limited to a maximum period of three (3) hours only. Accordingly upon the expiration of the allotted 3-hour parking time limit, the vehicle shall be deemed “Illegally Parked”, together with those which have been found violating the prescribed rules and regulations on the use of street parking facilities under Section 57 hereof. “Illegal Parking” is committed as defined in this Section and for violation of any of the rules and regulations of Section 57 (a), in relation to the on-street parking system. Other parking violations/prohibitions shall be governed by their respective provisions.

Subject to the guidelines/regulations provided in this Ordinance and the Makati City Traffic Code, the City Police, MAPSA, or MAPA enforcers may, as necessary and appropriate, opt to cause:

- a) The immobilization of the vehicle with the use of wheel clamp (Denver Boot) until its owner/driver arrives in cases where removal of the vehicle is impractical/unnecessary.
- b) The removal/towing of the vehicle in the nearest impounding area if it causes obstruction or there is a need to clear the street for whatever other legal purpose/s.
- c) However, wheel clamping may also be used to immobilize a vehicle due for towing to prevent its surreptitious/unauthorized removal while waiting for the arrival of the tow truck.
- d) Wheel clamping may also be used to immobilize a vehicle whose owner/driver fails to pay the proper parking fees.

*Section 57 (a).* The following parking rules and regulations are hereby promulgated and prescribed relative to the use of on-street parking facilities:

- a) The absence of “No Parking” signs does not mean that parking is allowed, parking is permitted only within spaces marked with the white “T” lines.
- b) Other than those authorized, vehicles are not allowed to park on-street parking slots marked with yellow “T” lines.
- c) Parking on or over the marker is prohibited. Vehicles parked parallel to a curb shall be within one (1) foot of the curb and inside parking markers.

- d) Vehicles must not be parked facing or opposite the flow of traffic.
- e) Vehicles shall not be parked in such manner as to create hazard or to obstruct vehicular/pedestrian traffic and/or wheelchair ramps.
- f) No major repairs on vehicles shall be allowed at the parking slots.
- g) Motorcycles, scooters, mopeds and the like are not allowed to park/occupy slots intended for four wheel vehicles.
- h) Vehicles found violating any of the prescribed rules and regulations shall likewise be deemed "Illegally Parked".

**Section 58 (a).** The on duty traffic enforcer/officer shall observe the following guidelines/procedures in attaching and removal of the wheel clamp and release of the vehicle to it's owner/driver:

***Attachment:***

- a) Ensure that the wheel clamp is the one prescribed/provided by the MAPA which must be inspected to be in good working condition prior to each and every use;
- b) The wheel clamp must be carefully attached to one (1) of the tire assemblies on the safe side where any accidental/unnecessary damage to the vehicle itself and other cars and/or injury to passing pedestrians may be avoided;

***Removal:***

- a) The wheel clamp shall only be removed upon presentation of receipt/s of payment of the following charges/fees at the current rates:
  - 1) Unpaid or accrued parking charges
  - 2) Clamping and release service fee

Should there be any doubt or question on the authenticity of the receipts presented, the removal shall be effected after proper verification is made.

- b) A vehicle that was immobilized via wheel clamp prior to 6:00 p.m. and that has remained immobilized after 6:00 p.m. without the timely arrival of the owner/driver and payment of the fees specified in the immediately preceding paragraph a) above, except as otherwise provided in paragraph c) below, shall be subject to:
  - 1) Towing and impounding;
  - 2) Payment of the accrued parking fee;
  - 3) Payment of service fee for clamping and release;
  - 4) Payment of towing services and impounding costs: and
  - 5) Payment of the fine for illegal parking.
- c) In cases where clamping was simply used to immobilize vehicles that were eventually towed or impounded, clamping fee shall be waived, in which case, only the towing fees shall be exclusively charged and collected from the violator, together with the corresponding parking fee for the excess hours and the fine for illegal parking.
- d) However, whenever the owner/driver of the vehicle timely arrives before the actual hook up to the tow truck, the towing may be called off. Instead, the violator shall be required to pay the clamping and release service fee and shall be issued the OVR for illegal parking with fine to be paid to the City Treasurer's Office.

- e) The impounded or immobilized vehicle shall be released to the custody of the owner/driver upon verification of his identity and presentation of proof of ownership or legal possessions of the vehicle. In case of doubt on the right to possess the vehicle by the driver/claimant, release thereof shall be made to and/or in the presence of the registered owner. Upon the release and after payment of the fees specified above, the violator shall be issued the OVR for illegal parking with the fine to be paid to the City Treasurer's Office.
- f) The MAPA and the City Government shall have a 80-20 percent sharing between them of the clamping and release service fees collected. The MAPA shall remit twenty percent (20 %) or P200.00 of the clamping fee to the City Government. The rest of the amount shall be used by MAPA for its operations and traffic management projects and programs.
- g) In case of impounded vehicles which have remained unclaimed for six (6) months, after due notice to the owner, the said vehicles shall be sold at a public auction to the highest bidder. The money collected shall be first be applied to the storage fees due to the operator of the impounding area with the remainder to be held in trust by the City Government for the owner of the vehicle, to be released to him upon the payment of the appropriate fees for the violation for which the vehicle was towed and impounded.

***Parenthetically, aside from those already provided under Sections 133, 134, and 135 of Makati Traffic Ordinance, the following additional guidelines and procedures shall be observed for towing and prior release from impoundment of vehicles:***

- a) That whenever the driver is inside the car or had timely arrived and voluntarily removed his vehicle before the actual hook up to the tow truck, the towing may be called off. Instead, the violator shall be required to pay the corresponding parking fee to MAPA and shall be issued with the OVR for illegal parking with fine to be paid to the City Treasurer's Office.
- b) That a notice to the owner/ driver advising him/her of the fact that his/her vehicle was towed shall be posted and/or left, whichever means deemed feasible and appropriate under the circumstances by the Traffic Officer, at the exact spot/location where the vehicle was originally parked prior to towing.
- c) The vehicle shall only be released to the custody of the owner/driver upon verification of his/her identity and presentation of proof of ownership and/or possession of the vehicle. In case of doubt on the right to possess the vehicle by the driver/claimant, release thereof shall be made to and/or in the presence of the registered owner.

***Section 59 (a).*** The unauthorized removal, destruction, disfiguration, and/or defacing of the "Notice of Wheel Clamp Attachment" as well as that of the wheel clamps being used by MAPSA or MAPA in locking and/or immobilizing vehicles for violation of the 3-hour parking limit is prohibited and penalized with a fine of Five Hundred Pesos (P500.00) payable to the City Treasurer's Office plus the cost/s of repair or replacement of the damaged wheel clamp payable to MAPA.

**Section 2.** Section 11 (11.33) and (11.42) of City Ordinance No. 2011-010 are hereby amended to read as follows:

- 11.33 Non-issuance of fare tickets on bus;
- 11.42 Flagged-up meter or operating taxi on contractual basis;

**Section 3.** Section 11 of City Ordinance No. 2011-010 is hereby further amended to incorporate a final proviso, as follows:

**Provided finally, that** in case of impounded vehicles which have remained unclaimed for six (6) months, after due notice to the owner, the said vehicles shall be sold at a public auction to the highest bidder. The money collected shall be first be applied to the storage fees due to the operator of the impounding area with the remainder to be held in trust by the City

Government for the owner of the vehicle, to be released to him upon the payment of the appropriate fees for the violation for which the vehicle was towed and impounded.

**Section 4.** The City Mayor is hereby authorized to enter into a supplemental Memorandum of Agreement (MOA) with the Makati Parking Authority (MAPA) with the end in view of effectively implementing this and other traffic ordinances in the Makati Central Business District (MCBD )

**Section 5.** All ordinances, rules, and regulations inconsistent with any provision of this Ordinance shall be deemed repealed, amended, or modified accordingly.

**Section 6.** This Ordinance shall take effect after fifteen (15) days from its posting in conspicuous places in the city and publication in, at least, a newspaper of local circulation following its enactment by the Sangguniang Panlungsod and approval by the Honorable City Mayor.

**Section 7.** Let a copy of this Ordinance be furnished the MAPA, MAPSA, City Treasurer's Office, Towing Contractor and other concerned offices for their information, guidance and reference.

**ENACTED BY THE SANGGUNIANG PANLUNGSOD OF MAKATI, METRO MANILA,** in its regular session held on December 09,2014.

Certified true and corrected by :

**ATTY. RODEL R. NAYVE**  
Sanggunian Secretary

Attested by :

**COUNCILOR NELSON S. PASIA**  
Temporary Presiding Officer

Approved by:

**JEJOMAR ERWIN S. BINAY, JR.**  
City Mayor

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