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APPROVING AND ADOPTING THE REVISED MMDA GUIDELINES FOR TOWING AND IMPOUNDING OPERATIONS IN METRO MANILA

MMDA RESOLUTION NO. 02-33, August 29, 2002

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WHEREAS, MMC Ordinance No. 78-03 as amended, authorizes the Metropolitan Manila Development Authority to tow and impound illegally parked vehicles;

WHEREAS, on October 14, 2000, the Metro Manila Council (Council) agreed to devolve the authority of towing and impounding illegally parked and stalled vehicles in Metro Manila to the Local Government Units (LGUs);

WHEREAS, as a result of the said devolution, some of the LGUs issued their own guidelines on towing and impounding operations in their own locality;

WHEREAS, the Council recognizes the urgent need to implement uniform procedures and guidelines on towing and impounding operations in Metro Manila.

NOW, THEREFORE, be it resolved as it is hereby resolved, pursuant to Section 6 of Republic Act No. 7924, that the Council hereby approves and adopts the Revised MMDA Guidelines for Towing and Impounding Operations in Metro Manila.

RESOLVED FURTHER, that these guidelines be published in two (2) newspapers of general circulation in Metro Manila.

RESOLVED FINALLY, that copies of this Resolution together with the approved guidelines be furnished to the LGUs of Metro Manila.

This Resolution shall take effect upon approval.

Adopted: 29 Aug. 2002

(SGD.) BAYANI F. FERNANDO
Chairman

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Mayor, City of Las Piñas

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Mayor, Pasay City

(SGD.) AMADO S. VICENCIO
Mayor, City of Malabon

(SGD.) JESUS C. CRUZ
President, Metro Manila Vice Mayors League

(SGD.) PERPETUO F. CAMILA
President
Metro Manila Councilor's League

GUIDELINES ON TOWING AND IMPOUNDING OPERATIONS IN METRO MANILA

Pursuant to MMC Ordinance No. 78-03, Series of 1978, as amended by MMC Ordinance No. 78-03A, Series of 1992, and MMDA Regulation No. 96-003, Series of 1996, authorizing the towing and impounding of stalled and illegally parked motor vehicles and/or attachments thereof in Metro Manila, the following guidelines are hereby promulgated, to wit:

SECTION 1. Definition of Terms. —

1.1 "Stalled Vehicle" means any motor vehicle and/or its attachments which for any cause is unable to proceed under its own motive power and is on a public road, street or thoroughfare and dilapidated/junked vehicles in Metro Manila.

1.2 "Illegally Parked Vehicle" refers to one which is parked in areas prohibited by existing law or ordinance for

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parking purposes or those designated by the Authority and or the local government units (LGUs) as NO PARKING areas or zones. For illegally parked vehicles, the prohibited areas are hereunder enumerated:

1.2.1 All National roads in Metro Manila.

1.2.2 In primary and secondary roads of cities and municipalities in Metro Manila:

a. Within six (6) meters of any intersection or curved lane;

b. Within four (4) meters of driveways or entrances to any fire station, hospital, clinic and other similar establishment;

c. Within four (4) meters of fire hydrants;

d. On the roadside of any legally parked vehicle;

e. On pedestrian crosswalks;

f. In front of any authorized driveway;

g. On the sidewalks, paths and alleys not intended for parking;

h. At the foot or near bridges;

i. At any place where official signs have been erected prohibiting parking and/or declared NO PARKING ZONE by the MMDA;

j. Other areas duly declared as "NO PARKING ZONE" provided by law or ordinances.

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

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

SECTION 2. Coverage. — These guidelines shall apply to all towing services and trucks operating in Metro Manila, whether private or public, and those operated/owned by government agencies including the Metro Manila Local Government Units (LGUs) and the Metropolitan Manila Development Authority (MMDA).

It shall include tow trucks operated, owned, or accredited by motor vehicle repair shops, business establishments, transport groups, public utility companies and private clubs, groups or associations, and others.

SECTION 3. Scope of Work. —

3.1 Towing services/companies shall have the primary responsibility to remove any stalled and/or illegally parked vehicle in their area of jurisdiction within the shortest time possible but shall not exceed 15 minutes from the time they received report or directive on such stalled illegally parked vehicle.

3.2 Towing services must have designated impounding areas for their towed vehicles with an efficient system to ensure the safety of the towed vehicles, their accessories, parts and tools. MMDA shall have the authority to conduct inspection of these impounding areas.

3.3 Tow trucks must be pre-deployed at strategic locations to ensure quick response.

SECTION 4. Vehicle and Operating Standards. —

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4.1 All towing services must be registered with the Authority annually. The Authority shall issue numbered stickers to tow trucks. The following documents shall be required:

4.1.1 Duly accomplished registration form.

4.1.2 Certificate of Registration/Official Receipt of Registration

4.1.3 Certificate of Public Convenience or Franchise issued by the LTFRB, if operating as for hire.

4.1.4 Certificate of Smoke Emission Tests.

4.1.5 SEC Registration and/or DTI Registration of Business Name.

4.1.6 Mayor's Permit for the current year.

4.1.7 Location Map of Impounding Area.

4.1.8 Accreditation documents, if any.

4.1.9 NBI and Police Clearances of tow trucks personnel.

4.1.10 Certificate of drug tests and Neuro-Psychiatric Examination of tow trucks personnel.

4.1.11 Surety bond certificate covering the amount of P100,000.00, per tow truck

A registration fee of P500 per sticker shall be paid by the applicant.

4.2 Upon submission of the bond documents and the Surety bond Certificate, a registration certificate and sticker will be issued per tow truck.

4.3 Tow trucks shall be required to undergo air pollution tests every six (6) months.

4.4 Tow trucks must be in excellent running condition, and they must be equipped with radios and/or cell phones, and all the other required devices such as the following:

4.4.1 Towing Bar

4.4.2 Spare tire

4.4.3 Chain block with belt lifter

4.4.4 Jack and tire wrench

4.4.5 Fire extinguisher

4.4.6 Blinker and hazard light

4.4.7 Tool Box

4.4.8 Two (2) units of reflectorized early warning device

4.4.9 Signboard to be installed at the rear of towed vehicle indicating that it is being towed.

4.5 They shall be required to undergo monthly maintenance check up.

4.6 Towing services must operate on a 24 hour basis.

4.7 They must have proper markings on their body indicating the name, address and telephone number of the towing company/operator.

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4.8 The tow trucks crew or personnel must:

4.8.1 Wear identification cards of their company/office, prescribed uniforms, shoes and have short hair cuts.

4.8.2 Exercise utmost courtesy and observe proper decorum in dealing with the public/motorists.

SECTION 5. Guidelines for Accreditation. —

5.1 Must have at least two (2) wreckers passing standards for handling light and heavy vehicles. Improvised wreckers not meeting the said standards shall not be allowed.

5.2 Must submit the performance record of the company to ensure that it has sufficient skills to provide towing services.

5.3 Must submit a surety bond for each tow truck requested for accreditation to answer for any loss or damage incurred in towing vehicles. Towing company/agency shall be required to post a surety bond of P100,000.00 per tow truck.

5.4 Must pay annual accreditation fees to the LGU concerned. MMDA accredited towing company/agency shall be required to pay P5,000.00 annual accreditation fee for the first two (2) tow trucks and P2,000 for every additional unit in excess of two (2).

5.5 Must submit all necessary documents pertinent to the ownership of the company and its towing equipment.

5.6 Accredited tow trucks must have standard colors. For MMDA accredited tow trucks, the standard color shall be white.

SECTION 6. Guidelines for Towing Vehicles. —

6.1 The towing company/agency, whether private or government shall be held responsible for losses/damages incurred while towing the vehicles.

6.2 For Illegally Parked Vehicles:

6.2.1 Attended illegally parked vehicles shall not be towed but the driver shall be immediately issued a TVR.

6.2.2 Unattended illegally parked vehicle shall be towed and issued a TVR immediately upon arrival at the impounding area.

6.3 For Stalled Vehicles as a Result of Flat Tire

6.3.1 Flat-tired vehicle must be moved to the emergency lane on its own, if not, it will be towed. In either case, TVR will be issued.

6.3.2 Changing of flat tires on the roadway is not allowed.

6.4 Stalled or illegally parked vehicle as a result of empty fuel tank, may be 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 a TVR shall be issued to the driver.

6.5 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 move his vehicle due to the absence of equipment, etc. or to circumstances beyond his control, and a TVR shall be issued to the driver.

6.6 Illegally parked vehicles that are already clamped to the tow truck shall not be subject for intercession by the owner of the vehicle or by the representatives of their company's tow truck.

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SECTION 7. Towing-Procedures. —

7.1 Upon receipt of the report on a stalled/illegally parked vehicle, the tow truck shall immediately proceed to the identified location thereof.

7.2 On arrival at the identified location, the tow truck crew shall immediately call the MMDA METROBASE to report on the said stalled/illegally parked vehicle. The following information must be provided:

7.2.1 Stalled/illegally parked vehicle's plate number, type and color;

7.2.2 Vehicle's condition/other description;

7.2.3 Tow truck's name, plate number, address and telephone number;

7.2.4 Designated impounding area or location where the stalled/illegally parked vehicle will be brought.

7.3 If the vehicle is unattended, the tow truck driver shall blow the truck's horn five (5) times twice in a row with a space of one minute in between. If the owner does not respond, the vehicle will be towed.

7.4 The METROBASE operator on duty shall verify on its records whether or not said tow truck is duly registered. If so, it shall record all above information in the METROBASE official logbook of incoming reports and assign a control number for each entry or towing incident. He must also affix his signature opposite each entry.

The pages of the METROBASE official logbook must be pre-numbered. In case of any error made in the recording of the towing incident, a horizontal line must be made to indicate the error or its validation.

7.5 If the subject vehicle for towing is in the watch list of carnapped vehicle, then it will be reported to the proper authorities.

7.6 The METROBASE, thereafter, shall give the go signal to the towing crew with the following instructions: "YOU ARE CLEARED TO TOW", to indicate that they may proceed in towing the vehicle.

7.7 Upon receipt of such instructions, the towing crew shall engage the tow-hook to the stalled or illegally parked vehicle.

7.8 Before actual towing, if the owner is around, the tow truck crew shall issue a Technical Inspection Report indicating the name of the owner, vehicle's plate number, type and color, including the accessories thereof, and a description of the vehicle's condition. In case the owner/driver is not in the premises of the vehicle, the notice shall be left/entrusted to any traffic officer on duty at the site, or to any responsible person who can give the notice to the owner.

The impounding area where the said vehicle shall be towed and impounded should likewise be indicated.

7.8.1 Should the vehicle owner refuse to accept the notice, then the notice shall be disregarded and the apprehending officer will place a notation in the notice that the owner refused to accept before the vehicle is towed.

7.8.2 In all instances, a TVR will be issued, as prescribed in Sec. 6.

7.8.3 When the tow truck starts to move, within the first minute after towing, the tow truck crew shall advise the METROBASE that the towing operation is in progress.

7.9 The tow truck crew shall also advise the METROBASE of the time of their arrival upon reaching the designated impounding area with the towed vehicle.

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7.10 METROBASE shall validate the above information.

7.11 If the towed vehicle is not recorded in the logbook, the vehicle will be reported as missing and considered as carnapped.

SECTION 8. Monitoring of Towing Operations. —

8.1 Traffic enforcement units shall be responsible in monitoring any suspicious or illegal towing operation being conducted in Metro Manila.

8.2 In case of any suspicion on a tow truck conducting a towing operation which may arise due to the absence of the sticker to be issued by MMDA, the traffic enforcer shall stop said tow truck for questioning. He shall call the METROBASE to verify whether said towing incident has been reported to it, and if said tow truck is duly authorized.

8.3 If the tow truck has no authority to operate towing service in Metro Manila, the towing incident shall be considered an unlawful or illegal act, and the tow truck operator shall be charged for colorum operation. The traffic enforcer shall issue a TVR to the tow truck operator thru the driver for such violation and shall impound said tow truck.

8.4 The traffic enforcer shall report the illegally operating tow truck to the METROBASE with complete information on the towing vehicle and the towed vehicle.

8.5 METROBASE shall send the above information to all law enforcement agencies to verify if same is among those reported as carnapped vehicle.

8.6 Appropriate charges of carnapping shall be filed against the tow truck owner/operator, whose tow trucks are registered but failed to report the on-going towing operation or whose tow trucks are not registered with the MMDA/Local Government concerned.

SECTION 9. Construction and Operation of Impounding Yards. —

The construction and operation of impounding yards shall be subject to the guidelines to be prescribed by the MMDA.

SECTION 10. Towing Fees. —

The towing fees herein stated shall be charged by tow trucks for hire and shall be paid either to the Metro Manila Local Government Unit concerned/or to MMDA, as the case may be.

TYPE/LOAD OF VEHICLE TOWING FEE

Trucks having gross capacity weight of 4,000 kilos and above P1,200.00

Cars, jeeps and pick-ups having gross capacity weight of less than 4,000 kilos P800.00

Any driver who shall illegally park his motor vehicle on any public road, street or thoroughfare in Metro Manila shall pay a fine of FIVE HUNDRED (P500.00) PESOS. In addition thereto, a standard towing fee shall be collected by both government and private entities subject to the following rates:

Trucks having gross capacity weight of 4,000 kilos and above P1,400.00

Cars, jeeps and pick-ups having gross capacity weight of less than 4,000 kilos P1,000.00

SECTION 11. Act of Goodwill. — Accredited tow trucks shall render its services free of charge in times of conflagration, floods, earthquakes and other calamities within Metro Manila.

SECTION 12. Implementation. — The MMDA Traffic Operations Center shall be in charge of the following operations and shall supervise the proper implementation of these guidelines. Additional rules and regulations relative thereto may be issued by the Chairman.

SECTION 13. Repealing Clause. — All issuances inconsistent with these guidelines are hereby deemed revoked.

SECTION 14. Effectivity. — This shall take effect upon approval.

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