



COMMITTEE ON RULES AND PRIVILEGES, LAWS AND ORDINANCES

COMMITTEE REPORT
CRPLO-PCO-2024-231

Office of the Sangguniang Panlungsod
Received by: Janet Reyes
Date: 8 FEB 2025
Time: 10:03am

Subject: An ordinance authorizing the forfeiture of unredeemed or abandoned impounded motor vehicles and prescribing the guidelines on the disposal thereof.

(Date referred: January 06, 2025)

The above-mentioned proposed ordinance underwent its first reading on January 06, 2025 during the 122nd Regular Session of the Sangguniang Panlungsod. The said proposed ordinance was referred by the Acting Presiding Officer, City Councilor and President Pro-Tempore Hon. Reynaldo C. Palabrica to the Committee on Rules and Privileges, Laws and Ordinances.

FINDINGS:

On October 7, 2013, the Sangguniang Panlungsod amended the Revised Traffic Code of the City of Bacoor, through City Ordinance No. 2013-047, Series of 2013 effectively re-numbering Section 122 to Section 125 and shall be read as **"Authority of the BTMD Head to Dispose Unclaimed Vehicles."**

The Bacoor Traffic Management Department found out that there has been a significant number of motor vehicles, parts and accessories in the designated impounding area of the City Government of Bacoor which remains unredeemed and appears to have already been abandoned by its registered owners.

The unredeemed motor vehicles, parts and accessories take up much needed space in the designated impounding area and the security of these causes additional financial burden on the part of the city.





This proposed ordinance is intended to properly dispose of the said impounded and abandoned motor vehicles within a shorter period of time to accommodate more vehicles, and likewise recover the expenses incurred in the maintenance and custody of the same.

Disposition of these unredeemed motor vehicles shall be done through public auction. Written notices shall be sent to the last known registered owner of the vehicle, and the person indicated in the violation ticket informing the person, on the first business date after six (6) months, that the unredeemed or abandoned impounded vehicles will be declared as forfeited and under the legal possession of the City Government.

The proceeds derived from such auction shall be used to defray the expenses of auction. Any balance thereto shall be applied to the accumulated charges and any other expenses incurred in the towing, clamping and storage of the vehicle.

RECOMMENDATION:

After a thorough review of all the circumstances and statements from the resource persons, the Committee respectfully recommends that the Sangguniang Panlungsod approve the above subject matter.

By the motion of Hon. Reynaldo C. Palabrica duly seconded by all the members of the Sangguniang Panlungsod, the above subject matter was **APPROVED** during its 123rd Regular Session.





Republic of the Philippines
Province of Cavite
CITY OF BACOOR
OFFICE OF THE SANGGUNIANG PANLUNGSOD



WE HEREBY CERTIFY that the contents of the foregoing report are true and correct.

Signed this 13th day of January 2025 at the City of Bacoor, Cavite.

COMMITTEE ON RULES AND PRIVILEGES, LAWS AND ORDINANCES



COUN. REYNALDO C. PALABRICA
Chairman



COUN. LEVY TELA
Vice Chairman



COUN. ALEJANDRO GUTIERREZ
Member



COUN. ADRIELITO GAWARAN
Member





COMMITTEE ON RULES AND PRIVILEGES, LAWS AND ORDINANCES

MINUTES OF THE COMMITTEE HEARING
CRPLO-PCO-2024-231

Office of the Sangguniang Panlungsod
Received by FE Bot 2025
Date: 10:05 am

Subject: An ordinance authorizing the forfeiture or unredeemed or abandoned impounded motor vehicles and prescribing the guidelines on the disposal thereof.

(Date referred: January 06, 2025)

The Committee on Rules and Privileges, Laws, and Ordinances sent out invitations to the resource persons and conducted a hearing on January 9, 2025, 9:00 a.m. at the Session Hall of the Sangguniang Panlungsod.

MEMBERS OF THE COMMITTEE AND CITY COUNCILOR PRESENT:

HON. ROGELIO NOLASCO
HON. SIMPLICIO DOMINGUEZ
HON. LEVY TELA
HON. ADRIELITO GAWARAN

RESOURCE PERSONS:

ADEL UDARBE - BTMD
ATTY. MARIUS D. SUMIRA - OFFICE OF THE CITY LEGAL SERVICES

COUN. REYNALDO PALABRICA "Our committee hearing regarding the proposed ordinance authorizing the forfeiture or unredeemed or abandoned impounded motor vehicles and prescribing the guidelines on the disposal thereof is now called to order."





COUN. REYNALDO PALABRICA "For the record, in attendance to this hearing are the following honorable members of the city council. Here is Honorable councilor from District 2, Honorable Bok Nolasco."

COUN. REYNALDO PALABRICA "From District 1, our Honorable councilor, Councilor Levy Tela."

COUN. REYNALDO PALABRICA "From District 2, Honorable councilor, Simplicio Dominguez."

COUN. REYNALDO PALABRICA "For the record, may I request the resource persons to introduce themselves and their representation. Let's start with our idol."

ATTY. MARIUS D. SUMIRA "Good morning your honors, Mr. Chair, Attorney Marius D. Sumira from Office of the City Legal Services."

COUN. REYNALDO PALABRICA "Thank you, Attorney Marius. Next po."

ADEL UDARBE "Good morning your honors, Mr. Chair, Adel Udarbe from BTMD."

COUN. REYNALDO PALABRICA "Thank you very much."

COUN. REYNALDO PALABRICA "So we will be discussing about the proposed ordinance on proposed guidelines regarding the unredeemed motor vehicles or impounded motor vehicles under BTMD. First question is, gaano na karami ang impounded na motor o sasakyan?"

ADEL UDARBE "Ang impounded po natin ay nasa eight hundred po. Motor vehicles."

COUN. REYNALDO PALABRICA "Wow. Yung time period nun?"

ADEL UDARBE "Baka po 2017? Up to present po."

COUN. REYNALDO PALABRICA "Up to present?"

ADEL UDARBE "Yes po. Kasi, pag hinayaan po, this will be the first time na makakapag-auction po ng impounded na vehicle, hindi pa po ito nagawa ng city."

COUN. REYNALDO PALABRICA "Oo. Kasi wala ngang ordinansa, walang guidelines how to dispose, so hindi naman puwedeng by suggest ng mayor biglang, hindi naman puwede yun. Of course, there must have with legal basis or whatever the action the mayor may take. Councilor Bok, baka may gusto kayong sabihin?"





COUN. ROGELIO NOLASCO "Mr. Chair, thank you. So, tanong ko lang po, doon sa impounding niyo, separate yung four vehicles sa two vehicles?"

ADEL UDARBE "Sa current setup po natin, since wala po talaga tayong malinaw na impounding area, mag kasama po yung four-wheel at saka two-wheels po na iniimpound po natin. Wala po tayong facility na pagiwalayin po sila. Currently po, ang ginagamit po natin yung sa motor pool po sa Molino, which is yung iniimpounding, ngayon po ay inalis na doon. Noon, magkahiwalay po talaga, since pina ano po ni mayor sa motor pool po yun, kaya pinahiram po sa atin na property, dito po sa tabi ng walter mart, which is less than one thousand square."

COUN. REYNALDO PALABRICA "Napakaliit."

ADEL UDARBE "We could only accommodate so much. So nagkakaroon kami ng issue kung saan lilipat yung iba."

COUN. ROGELIO NOLASCO "Pero accountable naman po lahat yun? Ibig sabihin, separate numbers yung four-wheels at two-wheels."

ADEL UDARBE "Yes po, your honor."

COUN. ROGELIO NOLASCO "Na identified naman nila?"

ADEL UDARBE "Yes po. May inventory naman po kami."

COUN. REYNALDO PALABRICA "Properly recorded."

ADEL UDARBE "Yes po."

COUN. REYNALDO PALABRICA "Councilor Dominguez, parang may tanong po kayo?"

COUN. REYNALDO PALABRICA "Councilor Tela?"

COUN. LEVY TELA "Sa akin matanong ko lang, syempre marami tayong impounding vehicles diyan, paano ba gagawin diyan? Yung iba hindi naclaim diba po? Kung sakali na binibigyan po natin ng mga notice yung mga tao niyan, under auction yung kanila kasi sa sobrang tagal na. at the same time, yung mga impounding vehicles coming from our officers sa barangay, nandiyan din po yan diba? Para kung sakaling I auction, alam din ng mga barangay na pinapa auction niyo po. Yun lang po."

ADEL UDARBE "Salamat po, your honor."

COUN. REYNALDO PALABRICA "So yung, hiwa-hiwalay pala yung impounded vehicles natin, sa ngayon mayroon tayo sa motor pool na na clear tapos sa isang area nalang."





ADEL UDARBE "Mayroon po tayo sa Molino 3, yung sa motor pool natin doon, mayroon po tayo sa walter mart, mayroon pa din po tayong natitira sa Gawaran property po sa Niog. Tapos po mayroon din po tayong private towing and impounding pa po na nag start lang po this year."

COUN. REYNALDO PALABRICA "Kakontra natin yan. Binigyan natin ng authority si Mayor. So anyway, yung isang question din lang, yung mga katulad sa Gawaran property, and property beside walter mart, nirerentahan ba natin yun?"

ADEL UDARBE "Yung sa may tabi po ng walter mart."

COUN. REYNALDO PALABRICA "Yung eight hundred vehicles, napakarami na yun. With this proposed ordinance Attorney Marius, would you please guide or enlighten the committee, nabasa mo na ba yung provisions? Mayroon ba tayong conflict with the existing national law? Regarding with this proposal?"

ATTY. MARIUS D. SUMIRA "Wala naman po korsi, since yung pag mamanager po ng impounding is na kay BTMD, so yung regulation, as long mayroon pong basbas ng ating Sangguniang Panlungsod, we can act po to dispose yung mga unredeemed, especially yung dilapidated po."

COUN. REYNALDO PALABRICA "It is stated in the proposal that the vehicle owner, have only six months to redeem with redemption period, after six months, it is the authority of the city to dispose the vehicle in favor of the city, okay lang ba yun?"

ATTY. MARIUS D. SUMIRA "Yes po. Through ordinance po, base sa manual naman ng COA ng disposal, sa COA DBM ng government property, wala naman po tayong nava-violate kasi once na ma up for bidding, at wala makapag bid, or hindi po talaga siya ma process, halimbawa walang nag appear na magbibid, puwede na po talaga natin siya treat as government property for disposal."

COUN. REYNALDO PALABRICA "So after six months unredeemed, it will be declared by the City Government all those vehicles are government property."

ATTY. MARIUS D. SUMIRA "Ang proteksyon lang po natin doon, dapat masigasig po yung ating notification."

COUN. REYNALDO PALABRICA "Notification."

ATTY. MARIUS D. SUMIRA "Talagang makakarating doon sa tao."

COUN. REYNALDO PALABRICA "With regards doon sa notification, is there a law or requirement? How many times we should send notices to all concerned?"

ATTY. MARIUS D. SUMIRA "At least two notices po, prior. Dapat po hindi malapit. For example po, six months, dapat one month before matapos yung six months,





nag simula na yung una, tapos two weeks bago yung intended auction mayroon na po yung pangalawa."

COUN. REYNALDO PALABRICA "Safe naman itong ordinance natin kasi ang sinasabi dito, not earlier than sixty days bago mag auction, upon doon sa pinaka huling notice. So very safe naman tayo kasi it is two months already, sixty days."

ADEL UDARBE "May tanong lang po ako kay legal, sir halimbawa, baka maisip na malagay sa alanganin yung city doon sa statement na, after six months, yung sasakyan, property na natin, parang ganun?"

ATTY. MARIUS D. SUMIRA "Kung magfapail po, kunwari sa auction, puwede po kasi siyang I appropriate na, as unredeemed or abandoned."

ADEL UDARBE "Kasi, ang naisip ko lang po your honor, attorney, let's just say fortuneer yung na impound natin for six months, ang penalty na babayaran niya is fifty thousand, tapos yung sasakyan nabenta natin ng five hundred thousand, yung four hundred-fifty thousand na excess ba mapupunta sa city o bibigay natin sa owner?"

ATTY. MARIUS D. SUMIRA "Kung known po si owner."

ADEL UDARBE "Kung known si owner?"

ATTY. MARIUS D. SUMIRA "Opo."

ADEL UDARBE "Hindi natin idedeposito o whatsoever?"

ATTY. MARIUS D. SUMIRA "Kung hindi, itrust fund po muna. Yung discrepancy po kasi medyo malaki, yung halaga. Dapat mayroon po kayong naka allot na trust fund, to safe keep muna for a year, kung walang magclaclaim talaga, puwede na pong itreat as."

COUN. REYNALDO PALABRICA "Magbigay tayo ng grace period, parang redemption period."

ADEL UDARBE "Doon sa value."

COUN. REYNALDO PALABRICA "Sa value ng sasakyan. After declaring six months unredeemed, it is already government property, na auction natin. Still, we will allow the grace period of six months? Six months ba?"

ADEL UDARBE "Puwede naman pong six months."

COUN. REYNALDO PALABRICA "The proceeds of the auctions, six months before we finally claim the proceeds. But before we proceed, we would like to acknowledge for the record, the presence of our honorable councilor from District 1, Honorable Adriel Gawaran."





COUN. ROGELIO NOLASCO "Mr. Chair."

COUN. REYNALDO PALABRICA "Yes, Councilor Nolasco?"

COUN. ROGELIO NOLASCO "May tanong lang ako kay attorney. Attorney, in case na hindi ma verify, walang pagkakakilanlan, at walang mapadalhan ng notices yung isang unit na naka impound, ano po ang dapat mangyari doon? O ano yung magiging sitwasyon ng unit na yun?"

ATTY. MARIUS D. SUMIRA "Idedeclare po siya as abandoned. Once na dumating yung time ng auction, nakalagay po doon na notices or sent pero walang nag rerespond, hindi malaman kung sino yung owner at kung nasaan na yung owner, kasi mayroon po yung cases na talagang hindi na nila intensyong balikan. Kung naiwan na yan diyan, bahala na yan diyan, or mayroon din naman po yung lumpat na sila ng lugar, hindi na po yun yung last known address nila."

COUN. REYNALDO PALABRICA "Yung sa ordinance natin."

COUN. ROGELIO NOLASCO "Attorney, pag po na impound, naka record sa inyo?"

ATTY. MARIUS D. SUMIRA "Opo. Ang problema po doon, is yung last known address, kung hindi na po sila doon nakatira or kung hindi pinapansin yung notices, so puwede pa rin pong mag proceed, hindi po magiging hindrance yun para sa government process."

COUN. ROGELIO NOLASCO "Thank you, attorney."

COUN. REYNALDO PALABRICA "Paano kung sub urban, no? Anyway, what is not stated in the proposed ordinance is the grace period for the proceeds, hindi nakasama dito. We will see to it that it will be included in another petition, to allow a grace period for the redemption for the proceeds for the auction. Walang problema sa BTMD?"

ADEL UDARBE "Yes po. Wala naman po."

COUN. REYNALDO PALABRICA "Also, we will state in the proposed ordinance, hindi kasi stated dito that the proceeds will go to the trust fund, there must be a creation of trust fund."

COUN. ROGELIO NOLASCO "So, may napag-usapan kami ni sir kanina regarding sa mga auction na hindi na matutubos, na puwedeng maidonate sa TESDA, diba po yun yung nabanggit niyo?"

ADEL UDARBE "Yes po your honor."

COUN. ROGELIO NOLASCO "Para mapag-aralan ng mga estudyante sa college."





ADEL UDARBE "Yes po your honor."

COUN. REYNALDO PALABRICA "We will also include that in the provision, that those vehicles that super dilapidated, maybe the engine will use for study ng mga mechanical students, puwede rin siguro, ilagay nalang din natin. Doon sa isang provision, to those vehicles, which will be used for study or whatever, similar to that activity, we will give Mayor the authority to decide. General provisions. Yes, attorney?"

ATTY. MARIUS D. SUMIRA "Mr. Chair, gusto ko lang po I note yung sa section four, yung guidelines and procedure."

COUN. REYNALDO PALABRICA "Yes."

ATTY. MARIUS D. SUMIRA "Hindi na po namin sinama dito, sabi po ng City Legal Officer natin na mas okay kung through separate or through EO nalang po yung guidelines, para hindi na po magpapasa ng batas ang SP, ang Sanggunian, every time na, for example mayroon ditong bidders' bond, tapos yung forms, hindi papalitan yung forms, tapos kailangan nanaman I amend yung existing na ordinance. So, Inexplain ko lang po yung guidelines and procedure ay magiging subject nalang na magiging part nalang ng IRR."

COUN. REYNALDO PALABRICA "Part ng IRR?"

ATTY. MARIUS D. SUMIRA "Yes po."

COUN. REYNALDO PALABRICA "So ibig sabihin, hindi na specified sa IRR. So, the Mayor will decide on whatever guidelines he may think correct through EO?"

ATTY. MARIUS D. SUMIRA "Opo."

COUN. REYNALDO PALABRICA "Titingnan muna namin, kasi yung authority."

ATTY. MARIUS D. SUMIRA "Opo, inadvise lang po din namin baka kasi din po makita po dito."

COUN. REYNALDO PALABRICA "Okay. So, any other concern? Parang wala namang problema itong ordinansang ito. Any manifestation? BTMD?"

ADEL UDARBE "No. We're all good po your honor. Thank you very much po. Ang ano lang po namin, that the longer we keep the vehicle, it depreciates lalo yung presyo, tapos mas napupuno yung impounding natin, yung problema lang po natin kung saan mailalagay yung sasakyan. So mas gusto po namin ito, para makapag-auction po kami kahit twice or three times a year."

COUN. REYNALDO PALABRICA "And also, requesting for the process. Attorney Marius, any manifestation if you want?"





ATTY. MARIUS D. SUMIRA "Thank you po kasi ako po gumawang personal nitong draft ordinance, and masaya po ako pagkastart ng taon naisalang dito sa Sanggunian, yun lang po. Thank you po."

COUN. REYNALDO PALABRICA "Maybe this is the very first ordinance that will be passed by the City Council this 2025. Written by Attorney Marius. From my colleagues, any manifestation? Councilor Gawaran? Do you have any? Mayroon po ba kayong gustong sabihin?"

COUN. ADRIELITO GAWARAN "Ire-reserve ko nalang yung mga komento."

COUN. REYNALDO PALABRICA "Okay. Please take note that the manifestation our honorable Adriel Gawaran from District one, reserves his right to express his opinion or manifestation during the regular session. Not in this committee hearing. Any other manifestation? Councilor Tela, may gusto ka bang sabihin? No more? Councilor Dominguez? Do you have a motion?"

COUN. SIMPLICIO DOMINGUEZ "If there are no other matter to discuss, I moved for the adjournment."


COUN. REYNALDO PALABRICA "It has been moved by Honorable Dominguez, this hearing be adjourned, any second to the motion? Unanimous. Seconded. Therefore, this hearing is now adjourned."

The committee hearing ended at exactly 9:30 a.m

Prepared by:


RONALDO M. VERONA
Office Staff

Attested by:


COUNCILOR REYNALDO C. PALABRICA
Chairman
Committee on Rules and Privileges, Laws and Ordinances





PCO 2024-231 – AN ORDINANCE AUTHORIZING THE FORFEITURE OF UNREDEEMED OR ABANDONED IMPOUNDED MOTOR VEHICLES AND PRESCRIBING THE GUIDELINES ON THE DISPOSAL THEREOF.



Office of the Sangguniang Panlungsod
Received by: *[Signature]*
Date: 9/1/25





Republic of the Philippines
Province of Cavite
CITY OF BACOOR

OFFICE OF THE SANGGUNIANG PANLUNGSOD



CCBCR-SPBac-F01.01
05/30/2024



PCO 2024- 231 – AN ORDINANCE AUTHORIZING THE FORFEITURE OF UNREDEEMED OR ABANDONED IMPOUNDED MOTOR VEHICLES AND PRESCRIBING THE GUIDELINES ON THE DISPOSAL THEREOF.



Republic of the Philippines
Province of Cavite
CITY OF BACOOR
Office of the City Mayor



VICER-MENDIOLA
11/14/2024

02 December 2024

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor of Bacoor
Bacoor Government Center
Bacoor, Cavite

OFFICE OF THE
SANGGUNIANG PANLUNGSOD
RECEIVED
BY: ARIEL
DATE: 12/02/2024 TIME: 10:14
BACOOR CITY, CAVITE

THRU: Atty. Khalid Atega, Jr.
Sangguniang Panlungsod Secretary

SUBJECT: Request to Pass a City Ordinance Authorizing the Forfeiture of Unredeemed or Abandoned Impounded Motor Vehicles and Prescribing the Guidelines on the Disposal Thereof

Dear Hon. Bautista-Mendiola:

Under City Ordinance No. 2013-2, Series of 2013, otherwise known as the Revised Traffic Code of the City of Bacoor, the City government is authorized to dispose of unclaimed vehicles. This authority was reiterated when the Sangguniang Panlungsod amended the Revised Traffic Code of the City of Bacoor on 7 October 2013 through City Ordinance No. 2013-047, Series of 2013. Based on the findings of the Bacoor Traffic Management Department, there has been a significant number of motor vehicles, motor parts and/or accessories in the designated impounding area of the City Government of Bacoor which remains unredeemed and appears to have already been abandoned by its registered owners after being impounded pursuant to the Revised Traffic Code of the City of Bacoor.

In view thereof, I respectfully request the esteemed members of the Sangguniang Panlungsod to perform the appropriate action to pass a City Ordinance that will authorize the forfeiture of unredeemed or abandoned impounded motor vehicles and prescribing the guidelines on the disposal thereof. Attached herewith is a draft ordinance with the same purpose, for your reference and consideration.



Sincerely yours

STRIKE B. REVILLA
City Mayor

STRIKE AS
Address: Bacoor Government Center, Bacoor Blvd.,
Bacoor Bldg., Bigy, Bayanan, City of Bacoor, Cavite
Telephone: 048-417-0727
Website: www.bacoorcity.gov.ph

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PROPOSED CITY ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE FORFEITURE OF UNREDEEMED/ABANDONED IMPOUNDED MOTOR VEHICLES AND PRESCRIBING THE GUIDELINES ON THE DISPOSAL THEREOF AMENDING FOR THE PURPOSE SECTION 122 OF CITY ORDINANCE NO. 2013-2, SERIES OF 2013, AS AMENDED BY CITY ORDINANCE NO. 2013-047, SERIES OF 2013, OTHERWISE KNOWN AS THE REVISED TRAFFIC CODE OF THE CITY OF BACOOR

WHEREAS, the Sangguniang Panlungsod of the City of Bacoor passed City Ordinance No. 2013-2, Series of 2013, otherwise known as the Revised Traffic Code of the City of Bacoor, providing for the authority to dispose of unclaimed vehicles, viz:

Section 122. Authority to Dispose of Unclaimed Vehicles. (a) *The Head of BTMD is hereby authorized to recommend to the City Mayor the disposal of a vehicle that has been taken into custody. Such disposition shall be at public auction under such procedure, as the City Mayor shall establish with the approval of the Sangguniang Panlungsod. Written notice of such auction shall be sent to the last known registered owner by certified mail at least 10 days prior to the date of auction, and said auction shall be held not earlier than 60 days after the date upon such vehicle shall have been taken into custody. Any person entitled to such vehicle may claim the same at any time prior to such auction upon payment of all costs and expenses relating to the towing and storage of such vehicle, as determined by said officer or his authorized subordinates.*

(b) *The funds derived from any such auction shall be used to defray the expenses of auction and any other expenses incurred in taking into custody and the balance if any, shall become part of the Bacoor Traffic Management Trust Fund.*

WHEREAS, on 7 October 2013, the Sangguniang Panlungsod amended the Revised Traffic Code of the City of Bacoor, through City Ordinance No. 2013-047, Series of 2013, effectively re-numbering Section 122 thereof to Section 125 and shall read as follows:

Section 125. Authority of the BTMD to Dispose Unclaimed Vehicles.

(a) *The Traffic Operations Officer is hereby authorized to recommend to the City Mayor the disposal of a vehicle that has been taken into custody. Such disposition shall be through public auction under such procedure, as the City Mayor shall establish with the approval of the Sangguniang Panlungsod. Written notice of such auction shall be sent to the last known registered owner by registered mail at least ten (10) days prior to the date of auction, and said auction shall be held not earlier than 60 days after the date the vehicle shall have been taken into custody. Any person entitled to such vehicle may claim the same at any time prior to such auction upon payment of all costs and expenses relating to the towing and storage of such vehicle, as determined by the Traffic Operations Officer or his authorized subordinates.*

(b) *The proceeds derived from such auction shall be used to defray the expenses of auction and any other expenses incurred in the towing and*





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05/30/2024



storage of the vehicle. The balance if any, shall accrue to the Bacoor Traffic Management Trust Fund.

WHEREAS, the findings of the Bacoor Traffic Management Department shows that there has been a significant number of motor vehicles, motor parts and/or accessories in the designated impounding area of the City Government of Bacoor which remains unredeemed and appears to have already been abandoned by its registered owners after being impounded pursuant to the Revised Traffic Code of the City of Bacoor;

WHEREAS, there has been a continued increase in the number of impounded motor vehicles, motor parts and/or accessories due to the intensified clamping, towing and impounding operations of the City Government pursuant to City Ordinance No. 213-2022, Series of 2022, entitled, "An Ordinance Amending Section 139 of the Revised Traffic Code of the City of Bacoor and Penalizing the Tampering, Destruction, or Unauthorized Removal of Tire Clamps;"

WHEREAS, these unredeemed impounded motor vehicles, motor parts and/or accessories take up much needed space in the designated impounding area of the City Government and the security for said motor vehicles causes additional financial burden on the part of the City Government which could instead be utilized to fund more important project, programs or activities of the City;

WHEREAS, in order to properly dispose of the said impounded and abandoned motor vehicles within a shorter period of time to accommodate more vehicles, and likewise recover the expenses incurred in the maintenance and custody of the same, there is a need to further amend certain provisions of City Ordinance No. 2013-2, as amended by City Ordinance No. 2013-047, Series of 2013.

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Bacoor THAT:

SECTION 1. Short Title. This Ordinance shall be entitled "*An Ordinance Authorizing the Forfeiture of Unredeemed or Abandoned Impounded Motor Vehicles and Prescribing the Guidelines on the Disposal Thereof*".

SECTION 2. Amendment of Section 125 of the Revised Traffic Code. The provision of Section 125 of the Revised Traffic Code is hereby amended which shall now read as follows:

Section 125. Authority of the BTMD to Declare the Forfeiture and Dispose Unredeemed or Abandoned Impounded Vehicles. -

(a) Failure of the operator, registered owner or any person duly authorized by the registered owner to redeem the impounded vehicles, pursuant to any violation of this Code which warrants the impounding at the designated impounding area of the City Government of Bacoor, within six (6) months from the date it was impounded shall be considered as unredeemed or abandoned and shall be declared forfeited and in the legal possession of the City Government of Bacoor, in particular the Bacoor Traffic Management Department.

(b) The Head of the Bacoor Traffic Management Department is hereby authorized to recommend to the City Mayor the disposal of any vehicle that has been taken into custody by the City Government pursuant to any

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violation of this Code which warrants the impounding thereof Such disposition shall be done through public auction, under such procedure as the City Mayor shall establish with the approval of the Sangguniang Panlungsod. Written notices shall be sent to the last known registered owner or person indicated in the documents of the vehicle, and the person indicated in the violation ticket, if available, by registered mail (1) on the first business date after the sixth (6th) month informing the person that the unredeemed or abandoned impounded vehicle will be declared as forfeited and under the legal possession of the City Government, and (2) at least ten (10) days prior to the date of auction, and said auction shall be held not earlier than six (6) months after the date the vehicle shall have been taken into custody. Any person entitled to such vehicle may redeem the same, at any time prior to the day of auction, upon payment of penalties, all costs and expenses relating to the towing, clamping and storage of such vehicle at the designated impounding area of the City, as determined by the Head of the Bacoor Traffic Management Department, or, in his/her absence, the officer-in-charge of the Department.

(c) The proceeds derived from such auction shall be used to defray the expenses of auction. Any balance thereto shall be applied to the accumulated charges, i.e. fine, towing, clamping and impounding fees, and any other expenses incurred in the towing, clamping and storage of the vehicle. Any balance thereafter, if any, shall accrue to the General Fund of the City.

(d) The BTMD shall likewise include in the written notice any creditor, mortgagee, or other persons interested in the impounded vehicle pursuant to immediately available documents or after it has discovered or has been made aware of the same.

SECTION 3. Impounding and Claiming of Vehicles Impounded Pursuant to the Revised Traffic Code of the City of Bacoor.

3.1. Impounding of Vehicles

a. Before impounding any vehicle, the Impounding Officer (Traffic enforcer/Deputized Traffic enforcer) shall make an inventory in the presence of the driver of:

1. The vehicle's parts/accessories, personal effects, damage or defects, if any, in the Technical Inspection Report (TIR) Form.
2. The Technical Inspection Report form should be properly accomplished by the BTMD traffic enforcer, duly concurred by the driver/owner of the impounded vehicle and witnessed by the security guard manning the perimeter.
3. If the driver/owner of the vehicle is not present, picture documentation shall be necessary, detailing the outside and inside of the impounded vehicle.

b. The security designated by the City Administrator at the impounding area of the City Government of Bacoor shall be held responsible for any losses/damages to the vehicles impounded in the area.

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c. Impounded vehicles must be orderly parked according to classification as maybe assigned by the Impounding Officer.

d. While at the impounding area, using of tow bar in lifting and/or assisting impounded vehicle for starting purposes shall be prohibited to avoid unexpected cases of accidents or any damages to be incurred therein.

3.2. Claiming of Impounded Vehicles

When redeeming towed, clamped, or impounded vehicles, the owner/driver or the authorized representative shall present the motor vehicle's Certificate of Registration before the BTMD's Office. The BTMD shall issue the necessary order of payment to the owner/driver or the authorized representative.

After obtaining the necessary order of payment, the owner/driver or his/her authorized representative shall pay the accumulated charges by virtue of the clamping, towing and impounding of the subject vehicle as well as any other fine relative thereto, if any, to the Office of the City Treasurer.

After obtaining the receipt from the Office of the City Treasurer, the BTMD shall issue a Release Slip to be presented to the Impounding Officer.

The Impounding Officer shall release the impounded vehicle/s including parts and accessories covered by the Traffic Inspection Report form upon presentation of the following:

- a. Proof of being the legitimate driver/owner of the vehicle or an authorized representative; and
- b. Proof of payment, together with the corresponding release slip.

SECTION 4. Guidelines and Procedure on the Disposal of Unredeemed or Abandoned Impounded Vehicles through Public Sale or Auction. – The Guidelines and Procedures on the Disposal of Unredeemed or Abandoned Impounded Vehicles through Public Sale or Auction shall be detailed in the Implementing Rules and Regulations of this Ordinance.

The IRR shall be subject of review by the Office of the City Mayor, as it deems necessary, for further improvement of its implementation.

SECTION 5. Penalties. Any violation of this ordinance by any person shall be subject to the following penalties:

First Offense	P3,000
Second Offense	P4,000
Third Offense	P5,000 plus imprisonment for a period not more than six (6) months, at the discretion of the Court

The filing of a case for violation of this Ordinance does not in any way prevent the filing of any administrative, civil, or criminal charges that may be filed against the offender.

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SECTION 6. Implementing Rules and Regulations. The BTMD, with the assistance of the Office of the City Legal Service, shall formulate the implementing rules and regulations of this Ordinance and submit the same for approval of the City Mayor not later than sixty (60) days after the date of effectivity hereof.

SECTION 7. Mandatory Review of the Ordinance and IRR. This Ordinance shall be subject of a mandatory review every three (3) years by the Sangguniang Panlungsod.

SECTION 8. Separability Clause. – If, for any reason, any provision or part of this Ordinance is declared invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SECTION 9. Repealing Clause. Any provisions of ordinances, executive orders, issuances, or rules and regulations inconsistent with the provisions of this Ordinance are hereby repealed, amended, or modified accordingly.

SECTION 10. Effectivity. – This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the City of Bacoor.

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