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SENATE
P.S. Res 708

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Introduced by Senator Poe

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CARNAPPING OF VEHICLES DISGUISED AS TOWING, WITH THE END IN VIEW OF INSTITUTING A STRICT REGULATORY FRAMEWORK TO EFFECTIVELY DISMANTLE TOWING SYNDICATES, PUNISH UNSCRUPULOUS, ERRING AND NON-ACCREDITED FIRMS AND ULTIMATELY PROTECT THE INTEREST OF MOTOR VEHICLE OWNERS

Whereas, the 1987 Philippine Constitution is known for its strong provisions on social justice, fair treatment of citizens and rule of law, as manifested in the specific provisions in Article II (Declaration of Principles and Policies)

- **Section 5.** The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.
- **Section 9.** The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.
- **Section 10.** The State shall promote social justice in all phases of national development.
- **Section 11.** The State values the dignity of every human person and guarantees full respect for human rights;

Whereas, the Metro Manila Council (MMC) issued 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, which authorizes the Metropolitan Manila Development Authority (MMDA) to tow and impound illegally parked vehicles. On October 14, 2000, the MMC devolved the authority of impounding illegally parked and stalled vehicles in Metro Manila to the local government units (LGUs);

Whereas, Section 1 of Memorandum Circular No. 09 series of 2010 issued by the MMDA requires towing firms operating in Metro Manila, which includes "privately or government-owned towing vehicles with or without public franchises and those owned or accredited by motor vehicle repair shop, business establishments, transport groups,

public utility companies and private automobile clubs," to secure accreditation with the MMDA¹;

Whereas, the MMDA accredited 24 towing companies with their towing truck units and assigned body numbers as of May 23, 2014²;

Whereas, towing companies are also operating in other LGUs outside the National Capital Region;

Whereas, in an incident at midnight on June 7, 2014, a towing firm identified as SMD Towing Services hauled a vehicle parked in SM Mall of Asia in Pasay City without putting a notice, to the terror of the driver without knowing whether his car was towed or carnapped. The custodian in charge of that day refused to identify himself and was not wearing an identification card, in violation of Section 4.8.1 of the Guidelines on Towing and Impounding Operations in Metro Manila issued by the MMC³ ;

Whereas, the custodian also failed to present the company's authority from the local government and the MMDA and the subsequent local ordinance to substantiate its claim that it has authority to tow and impound vehicles;

Whereas, in a video posted at www.topgear.com.ph, a sport utility vehicle was being towed in Bonifacio Global City in Taguig and the manner in which the car was being towed was improper⁴;

Whereas, a motorist also caught a video of a car being towed on Panay Avenue in Quezon City wherein four employees of the operator jump and rode the trunk while the car was being hauled by Goldwin Towing Services⁵;

Whereas, other instances of questionable towing included:

- The clamping and lifting of motor vehicles even with the presence and against the will of the driver or owner who is willing to pay for the violation, contrary to Section 6.2.1 of the Guidelines on Towing and Impounding Operations in Metro Manila which states that "attended illegally parked vehicles shall not be towed but the driver shall be immediately issued a TVR⁶" or traffic violation receipt;
- Putting a towed vehicle in an impounding area far from the place where the car was towed, to deliberately increase the rate of a flat P1,500 and gain more profit (P200 is charged for every succeeding kilometer as contained in Section 4.a of MMDA Memorandum Circular No. 09 series of 2010);

¹ <http://www.mmda.gov.ph/MMDAMC/MMDAMC09.html>

² <http://www.mmda.gov.ph/MMDA-Registered-Towing-Services.pdf>

³ http://www.aaphilippines.org/userfiles/file/MMDA_Res_02-33.pdf

⁴ <http://www.topgear.com.ph/features/motoring-tales/video-this-is-how-they-tow-a-range-rover-sport-in-bonifacio-global-city>

⁵ <http://www.abs-cbnnews.com/video/nation/metro-manila/04/03/14/watch-towing-company-workers-jump-car>

⁶ *ibid.*

Whereas, on March 21, 2014, a fire engulfed a private impounding area operated by Southern Crest Towing Services along Macapagal Avenue in Pasay City, destroying some 50 vehicles⁷;

Whereas, towing companies should exercise utmost care to the property of motor vehicle owners who pay their hard-earned cash to purchase motor vehicles for personal or business use;

Whereas, there is an urgent need to call the attention of concerned government agencies and immediately stop the Gestapo-like and arbitrary enforcement of the MMDA regulations where hapless victims would just pay the towing firms to avoid unnecessary delays and hassle;

Whereas, the act clamping, lifting and the subsequent towing and impounding of a motor vehicle against the will of the owner may constitute a violation of Republic Act No. 6539 or the Anti-Carnapping Act of 1972 which states that carnapping is the taking, with intent to gain, of a motor vehicle belonging to another without the latter's consent or by means of violence against or intimidation of persons, or by using force upon things;

Whereas, the public has been repeatedly warned against a *modus operandi* of carnappers styling themselves as towing companies over the "mysterious" disappearance of motor vehicles forcibly clamped by non-accredited operators⁸;

BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Philippine Senate, that the Senate Committee on Public Order and Dangerous Drugs be directed to conduct an inquiry, in aid of legislation, on the apparent carnapping of vehicles disguised as towing, with the end in view of instituting a strict regulatory framework to effectively dismantle towing syndicates, punish unscrupulous, erring and non-accredited firms and ultimately protect the interest of motor vehicle owners;

RESOLVED FURTHER, that the MMDA and the Philippine National Police be directed to launch a nationwide compliance check on tow truck firms and initiate a crackdown on fly-by-night operators and criminal syndicates that unlawfully tow and charge exorbitant fees.

RESOLVED FURTHERMORE, that duly-licensed towing companies be obliged to present their authority to operate, business permits, proper receipt system, appropriate and well-lighted place of operations and observe appropriate movement of motor vehicles.

Adopted,


GRACE POE

⁷ <http://www.philstar.com/metro/2014/03/22/1303620/fire-destroys-50-impounded-vehicles-pasay>

⁸ http://www.remate.ph/2011/03/tow-truck-panibagong-modus-ng-carnap-gang/#.U5P7K_mSx0c