AN ORDINANCE REQUIRING COMMERCIAL ESTABLISHMENTS OPERATING IN THE CITY OF MUNTINLUPA TO PROVIDE MOTORISTS A MINIMUM GRACE PERIOD OF FIFTEEN (15) MINUTES IN THE USE OF THEIR PAY PARKING AREAS AS WELL AS PROVIDING FOR EXEMPTIONS THEREOF.

Sponsored by: Hon. Coun. Mark Lester M. Baes
Hon. Coun. Bal Nieves
Hon. Coun. Stephanie G. Teves
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Ringo A. Teves
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Alexander Diaz
Hon. Coun. Iveye Rhia Arciaga-Tadefa
Hon. Coun. Christine May A. Abas
Hon. Coun. Mariissa Cole-Rongavilla
Hon. Coun. Lucio B. Constantino
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Victor L. Ulanday
Hon. Coun. Grace B. Gonzaga
Hon. Coun. Walter A. Arcilla – ABC

WHEREAS, Section 9 of the 1987 Philippine Constitution declares that 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 improved quality of life for all.

WHEREAS, Section 2 of Republic Act 7581, otherwise known as the Price Act, states that "...It is also a declared policy of the State to provide effective and sufficient protection to consumers against hoarding, profiteering and cartels with respect to the supply, distribution, marketing and pricing of said goods...";

WHEREAS, the implementation of an absolute "No Grace Period" policy in parking areas violates the basic principles of fairness and practicality as it places undue economic hardship to passing motorists who are merely dropping off or picking up passengers, especially passengers who need special attention and care such as children, seniors and Person With Disability (PWDs);

WHEREAS, Commercial establishments, especially their parking lots, must strictly conform to the minimum standards setforth by the National Building Code;

WHEREAS, there is a need for the local government to regulate the operation of parking lots that cater to commercial establishments to prevent unfair business practices that adversely affect the economic welfare of the people without trampling on the rights of business owners to gain profit through lawful and conscionable means as well as their right to protect their interest;
NOW, THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED, by the 8th Sangguniang Panglungsod of Muntinlupa, Metro Manila, by virtue of the powers vested in it by law, in Session assembled, that:

SECTION 1. It is hereby ordained that all commercial establishments in the City of Muntinlupa are required to provide a grace period of a minimum of fifteen (15) minutes for the use of its designated pay parking areas. Provided, however, that a 'No Grace Period' policy may be implemented as per the exemptions stated in Section 4 of this ordinance.

SECTION 2. Definition of Terms. For purposes of this Ordinance:

1) Commercial Establishments – refers to establishments primarily used by businesses for profit through the sale of goods and services such as but not limited to convenience stores, payment centers, service shops, hotels, retail stores, bars, restaurants, theaters, entertainment areas, malls, gaming areas, banks and financial institutions.

2) Designated Parking Area – refers to the area specifically allocated for parking for patrons and customers as indicated and detailed in its approved building plans and in conformity to the minimum design standards set forth by Presidential Decree 1096, otherwise known as the Building Code, its implementing rules and regulations and other applicable laws.

3) Parking Areas – refers to lots, buildings or any structure used for parking of vehicles.

4) Private Garage – a building or portion of a building in which only motor vehicles used by the owners and tenants of the building or buildings on the premises are stored or kept.

SECTION 3. Coverage. This Ordinance shall apply to all Designated Parking Areas of all Commercial Establishments in the City of Muntinlupa. However, it shall not apply to private garages as defined by Annex A, Definition of Terms of the Building Code of the Philippines.

SECTION 4. Exemptions. A "No Grace Period" policy may be implemented in commercial establishment in the following cases:

1) Parking areas developed or constructed solely for pay parking and not for the purpose of complying with the minimum parking requirements of any commercial establishment.

2) Additional parking areas provided by the owner/ operator of a commercial establishment in excess of the Designated Parking Area (as defined in letter b, section 2 of this ordinance) of the commercial establishment.
 SECTION 5. No Pass Through Policy Allowed. In all cases, commercial establishments with single or multiple exits may implement a 'No Pass Through' policy in their property without prejudice to the requirement to provide a minimum grace period of fifteen (15) minutes for motorists as set forth by this ordinance.

 SECTION 6. Signages. Commercial establishments are mandated to post their policy/cies on parking in conspicuous areas for the benefit of the public and provide proper signages for the same;

 SECTION 7. Implementation and Penalties. The Business Permits and Licensing Office (BPLO) of the City of Muntinlupa shall ensure the effective implementation of this ordinance. Violators of this ordinance shall be charged with the following penalties:

 I. 1st Offense – One Thousand (Php1,000.00) Philippine Pesos
 II. 2nd Offense – Three Thousand (Php3,000.00) Philippine Pesos
 III. 3rd Offense and thereafter – Five Thousand (Php5,000.00) Philippine Pesos and revocation of business permit.

 SECTION 8. Implementing Rules and Regulations. Within thirty (30) days from the date of approval of this ordinance, the Business Permits and Licensing Office of the City of Muntinlupa shall formulate the implementing rules and regulations for this ordinance.

 SECTION 9. Separability Clause. If for any reason, any part/s or provision/s of this Ordinance shall be declared unconstitutional or invalid, others parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

 SECTION 10. Repealing Clause. All ordinances, resolutions, executive orders, rules and regulations or part/s thereof, which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

 SECTION 11. Effectivity. This ordinance shall take effect fifteen (15) days after publication in a newspaper of general circulation.

 ENACTED, by the 8th Sangguniang Panlungsod of Muntinlupa this 9th day of October, 2017, on its 53rd Regular Session.

 CONCURRED:

 DISTRICT I:

 COUN. ATTY. PATRICIO L. BONCAYAO, JR.
 Member

 COUN. BAL NIEFES
 Member

 COUN. STEPHANIE G. TEVES
 Member
I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE
Secretary to the Sanggunian
Ordinance No. 17-114

ATTESTED:
CELSO G. DIOKO
City Vice-Mayor/Presiding Officer

APPROVED:
ATTY. JAIME R. FRESNEDI
City Mayor
Date: 02 NOV 2017

Norie/8th SP