

SANGGUNIANG PANLUNGSOD  
PASAY CITY, METRO MANILA

ORDINANCE NO. 724 S-1996

AN ORDINANCE PROHIBITING TRAFFIC ENFORCERS FROM REMOVING AND/OR CONFISCATING LICENSE PLATES WITHOUT THE CONSENT OF THE OWNER OR DRIVER OF STALLED OR PARKED MOTOR VEHICLES ALONG THE STREETS OF PASAY CITY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

Sponsored by All the Members of the City Council

WHEREAS, Section 1, Article III of the 1987 Constitution explicitly declares:

“No person shall be deprived of x x x property without due process of law, nor shall any person be denied equal protection of law.”

WHEREAS, Section 25, Article II of the same constitution provides:

“The state shall ensure the autonomy of local government.”

WHEREAS, Section 2 (a), Chapter I, Book I of Republic Act 7160, otherwise known as the Local Government Code of 1991 pronounces:

“It is hereby declared the policy of the state that the territorial political subdivisions of the State shall enjoy genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals. Toward this end, the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities and resources. The process of decentralization shall proceed from the national government to the local government units.”

WHEREAS, Section 5, Chapter I, Book I of the same Code decreed:

“Section 5. Rules and Interpretation - In the interpretation of the provisions of this Code, the following rules shall apply:

(a) Any provision on a power of a local government unit shall be liberally interpreted in its favor, and in case of doubt, any question thereon shall be resolved in favor of devolution of powers and of the lower local government unit. Any fair and reasonable doubt as to the existence of the power shall be interpreted in favor of the local government unit concerned;

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(b) x x x x x x x x x x

(c) The general welfare provisions in this Code shall be liberally interpreted to give more powers to local government units in accelerating economic development and upgrading the quality of life for the people in the community.”

**WHEREAS**, it is of public knowledge that traffic enforcers or their agents and/or any other person acting in their command are confiscating motor vehicles stalled, parked and/or unattended in entire Pasay City streets and sidewalks, worse detaching and removing licensed plates of motor vehicles without the voluntary express consent of the driver and owner thereof;

**WHEREAS**, publicly known practice by the traffic enforcers of confiscating motor vehicles and/or detaching or removing license plates of motor vehicles stalled, parked and/or unattended in Pasay City streets and sidewalks constitute flagrant violation of the constitutional mandate.

**WHEREAS**, our traffic law enforcers are drawing their salaries and wages from taxes being paid by the city taxpayers including that of the motorists and thus, when these taxpayers’ motor vehicles are being stalled, they must be extended with such needed assistance and help instead of being harassed and frightened by traffic law enforcers who displayed confiscatory, malicious and oppressive acts against these motorists.

**NOW, THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED**, by the Sangguniang Panlungsod of Pasay in session duly assembled

**Section 1. Prohibitory Act** - The defacement or removal of licensed plate of motor vehicle by the law enforcement agency or its agent or any other person acting for and its behalf without the voluntary express consent of the driver and/or owner thereof is hereby prohibited.

**Section 2. Penalty Provision** - Any person who violates Section hereof shall suffer the penalty of imprisonment for a period not exceeding one (1) year or a fine not exceeding Five Thousand (P5,000.00) Pesos or both at the discretion of the court.

**Section 3. Repealing Clause** - All ordinances, rules and regulations or parts thereof which are inconsistent with any of the provisions of this ordinance are hereby repealed or modified accordingly.

**Section 4. EFFECTIVITY** - This ordinance shall take effect upon passage and approval of the Sangguniang Panlungsod of Pasay, posting in three (3) conspicuous places in the city and its publication once in a newspaper of general circulation in the city.

Enacted on 7th day of November, 1996.

**APPROVED:**

**HON. PABLO P. CUNETA**  
City Mayor

**HON. WENCESLAO B. TRINIDAD**  
City Vice Mayor & Presiding Officer