

[MMDA RESOLUTION NO. 02-34, s. 2002, August 29, 2002]

PRESCRIBING RULES AND PROCEDURES FOR THE DISPOSITION OF TOWED AND IMPOUNDED VEHICLES IN VIOLATION OF MMC ORDINANCE NO. 78-03 ENTITLED "AUTHORIZING TRAFFIC LAW ENFORCEMENT AGENCIES TO TOW AND IMPOUND STALLED MOTOR VEHICLES AND/OR ATTACHMENTS THEREOF IN ANY PUBLIC ROAD, STREET OR THOROUGHFARE WITHIN METROPOLITAN MANILA AND PROVIDING PENALTIES THEREOF" AS AMENDED

WHEREAS, MMC Ordinance No. 78-03 as amended by MMA Ordinance No. 3, Series of 1992 and MMDA Regulation No. 96-003, authorizes traffic law enforcement agencies to impound stalled vehicles and take such other measures or actions as may be necessary to minimize traffic congestion in Metro Manila;

WHEREAS, the maintenance and custody of impounded and abandoned vehicles in accordance with MMC Ordinance No. 78-03 as amended, have been causing unnecessary expenses to the MMDA, hence the need to dispose of these vehicles in order to recover said expenses;

WHEREAS, there is a need to prescribe rules and procedures implementing MMC Ordinance No. 78-03 as amended, particularly on the disposition of towed and impounded vehicles.

NOW, THEREFORE, be it resolved as it is hereby resolved, pursuant to Section 6 of Republic Act 7924, that the Council hereby prescribed the following rules and procedures for the disposition of towed and impounded vehicles in violation of MMC Ordinance No. 78-03 as amended:

SECTION 1. It shall be the duty of the MMDA, through the Traffic Operations Center to verify the registered owner thereof, if not known, at the Land Transportation Office.

SECTION 2. In all cases before any public sale is done, the owners of the impounded and abandoned vehicles, shall be given one (1) written notice, through registered mail with return card, giving them the option to redeem the said property after paying all the necessary charges within a period of fifteen (15) days from the receipt of such notice or to participate in the public bidding to be set and conducted by the MMDA Auction Committee.

SECTION 3. The MMDA shall not be liable for any loss, damages that may be incurred as an incident or result of such apprehensions by the officer-in-charge thereof.

SECTION 4. The MMDA Auction Committee which shall administer the auction of impounded motor vehicles shall be composed of the following:

- a. Executive Director of the MMDA Traffic Operations Center or his representative, as chairman.
- b. Director III of the Legal Service or his/her representative, as member.
- c. Representative from the Office of the Assistant General Manager for Finance and Administration, as member.
- d. Chief of Staff, Office of the AGM for Operations, as member

A representative from COA-MMDA and the Internal Control Service (ICS) shall be present in all proceedings.

SECTION 5. The Auction Committee shall observe the following rules and procedures for the disposition of impounded or abandoned motor vehicles.

- a. The Committee shall hold auction of vehicles every first Monday of the month and fix the place of the public sale where all concerned and interested parties may participate in the bidding and shall post notice of auction in all Local Government Units in Metro Manila and other places identified by the Committee.
- b. No prospective bidder shall be allowed to participate unless he first register with the Auction Committee who shall in turn provide him with a bidding number at least two (2) hours prior to the scheduled bidding.
- c. The minimum bid price shall not be less than or equivalent to the total fees and other charges as may be ascertained by the Auction Committee, in addition to the fines and penalties provided for under MMC Ordinance No. 78-03 as amended.
- d. There must be at least two (2) bidders. In case only one (1) bidder participated, the same shall be considered as failed bidding. Where failed bidding has occurred twice, the MMDA shall have the right to take possession of all vehicles and shall dispose of the same accordingly.
- e. During the auction, the auctioneer shall declare the bidding open and all bidders present shall be furnished with a list of vehicles that are offered for bidding.
- f. The auctioneer will indicate that he has accepted the final and highest offer by announcing "Done!", thereby closing the bidding to all other offers or bids.
- g. Winning bidders shall immediately deposit twenty (20%) percent of the amount that was bid and shall have three (3) days to perfect the auction sale by paying the balance. Bids not perfected after three (3) days shall be cancelled and the initial deposit shall be forfeited in favor of the MMDA.

SECTION 6. Vehicles sold at public auction shall be taken out at the impounding area by the winning bidders within seven (7) days from date of auction. Failure to take out such vehicle within the prescribed period shall render the bidding null and void. The payment made by the buyer is forfeited and the bid shall be considered imperfect. After the public sale, the proceeds shall be applied to all liens, fines, fees,