



Republic of the Philippines

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City
<http://www.dilg.gov.ph>



12 FEB 2020

MEMORANDUM CIRCULAR

No. 2020-031

TO : ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS, PUNONG BARANGAYS, PRESIDING OFFICERS OF LOCAL SANGGUNIANs, DILG REGIONAL DIRECTORS, BARMM MINISTER OF LOCAL GOVERNMENT, AND ALL OTHERS CONCERNED

SUBJECT : MANDATORY ESTABLISHMENT OF IMPOUNDING AREAS BY LOCAL GOVERNMENT UNITS

The Local Government Code (LGC) vested police powers to LGUs, inherent to regulate the use of streets, avenues, alleys, sidewalk, bridges, parks, regulate traffic on all streets and bridges; prohibit encroachments or obstacles thereon and, when necessary for the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places. The underlying mandate of this police power to LGUs is set out in Section 16 of the Local Government Code, to serve the public interest and advance the general welfare of the people in the locality

Consistent with this statutory provisions of the Code, DILG Memorandum Circular (MC) No. 2019-121 dated July 29, 2019 was issued, enjoining local government officials to reclaim public roads, mandating further, the revocation of permits given to private entities to occupy public roads, alleys and other thoroughfares. This policy on clearing of roads and obstructions is complemented with the issuance of DILG MC 2020-004 dated January 10, 2020, mandating LGUs to regulate the operation of tricycles, and in the granting of franchises, reiterating further, specific provisions of RA 4136 (The Land Transportation and Traffic Code) on prohibition of illegal parking of motor vehicles in sidewalks.

Moreover, DOTr-DWPH-DILG Joint Memorandum Circular No. 2018-001 was issued on January 17, 2018, which specifically mandates local government units to classify roads and enforce speed limits, with the end in view of enhancing public health, convenience, maintain peace and order and promote the general welfare of the inhabitants prescribed under the Code.

In view hereof, and for purposes of strengthening and sustaining efforts on clearing roads, alleys and sidewalks for smooth flow of vehicular traffic, and for the safety and convenience of the inhabitants, cities and municipalities are mandated to:

- Establish an impounding area for the safekeeping of immobilized and towed vehicles on the streets that are illegally parked and stalled parked vehicles, other traffic violation offenses punishable with impoundment as prescribed in the ordinance, to include vehicles involved in accidents; and
- Adopt an ordinance prescribing clear guidelines on towing, impounding and releasing of impounded vehicles, to provide certain penalties, as may be appropriate and necessary. The ordinance shall be founded on clear authority, clarity, consonant with the general powers, prescribed purpose, consistent with national laws and policies, and shall not be unreasonable or discriminatory.

All DILG Regional Directors and the BARMM Minister of Local Government are hereby directed to cause the immediate and widest dissemination of this Memorandum Circular to all local government units within their respective regions, and to monitor LGUs' compliance thereof.


EDUARDO M. AÑO
Secretary *ti*



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