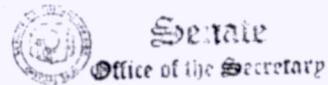


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



19 JUL 24 A11 :39

SENATE

RECEIVED BY [Signature]

S. No. 731

Introduced by SEN. SHERWIN T. GATCHALIAN

**AN ACT REGULATING THE PLACEMENT AND CONTENT OF BILLBOARDS
INCLUDING THEIR SUPPORT STRUCTURES**

EXPLANATORY NOTE

Section 9, Article 2 of the 1987 Constitution provides 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 xxx an improved quality of life for all.*" The growing number and sizes of the billboards in EDSA and practically along every major metropolitan thoroughfare with high vehicular and pedestrian traffic has become a serious concern – for the life and limb of commuters and pedestrians and the dizzying contents of some billboards that distract commuters.

Apparently, the advertisers believe that the larger and more overwhelming the size of the billboard, the better it would be for promoting their products. While that may benefit the advertisers, the billboards foisted on the hapless commuters actually degrade the quality of the streetscape experience. The road-right-of-way (RROW, commonly termed the "street") is public domain and for the general public to use, enjoy and experience. Instead, parts of the RROW/street have become claustrophobic, unsafe

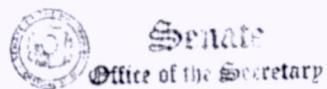
and unkempt mainly due to the overwhelming presence of billboards and their steel support structures. The streetscape has become one large, convoluted and cluttered canvass of oftentimes unwanted visual information. Non-mobile billboards now contribute to a new kind of pollution – one that is visual, without even mentioning some moral questions engendered by some

There is a definite need to restore order in our streets and in our properties and we can start by correcting mistakes spawned by the liberal interpretations on the intent of laws on buildings and structures as these apply to billboards.



SHERWIN T. GATCHALIAN

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**AN ACT REGULATING THE PLACEMENT AND CONTENT OF BILLBOARDS
INCLUDING THEIR SUPPORT STRUCTURES**

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SEC. 1. ***Short Title.*** – This Act shall be known as the "Billboard Regulation Act."

3 SEC. 2. ***Declaration of Policy.*** – It is hereby declared the policy of the State to ensure an improved quality of life for all through continuing efforts to improve the natural and physical environments and to preserve public spaces as public domain and to regulate the use of such spaces for private enjoyment or benefit. Towards this end, the State shall: 1) promulgate measures to institutionalize the mechanism for the regulation of billboards, 2) provide clear guidelines in the size and spacing of proper billboard installation, 3) achieve visual order to enhance the scenic view of the environment, and 4) promote public peace, health, welfare and safety of the people.

12

1 SEC. 3. ***Coverage.*** - This Act shall apply to all existing and proposed
2 advertising signs, billboards, display signs, electrical signs, light emitting diode
3 (LED) signs and billboards, ground signs, roof signs, and sign structures,
4 hereinafter referred to as the "regulated signs," along major thoroughfares,
5 public roads, secondary roads, avenues, streets, roads, parks and open spaces
6 within Metro Manila and other cities and municipalities.

7 SEC. 4. ***Definition of Terms.*** – As used in this Act:

8 a) *Advertisement* refers to a notice or announcement calling the
9 attention of the public through the use of posters, banners, billboards or any
10 advertising signs;

11 b) *Advertising sign* refers to a notice or announcement that directs
12 attention to a business, profession, commodity, service or entertainment
13 conducted, sold or offered at a place other than where the business, profession,
14 commodity, or service is located. It is also known as an off-premise sign;

15 c) *Ad Standards Council* refers to the a non-stock, non-profit
16 organization which aims to promote truth in advertising through self-regulation
17 of advertising content which is recognized by the Philippine Association of
18 National Advertisers (PANA), Association of Accredited Advertising Agencies-
19 Philippines (4As) and other parties who own or exhibit advertising content;

20 d) *Billboard* refers to all types of identification, description, illustration,
21 images, pictures, display or device which is affixed to or represented directly or
22 indirectly upon a portion of a building or structure, support structure or land and
23 which directs attention to a product, place, activity, person, institution, business,
24 idea or belief. The term shall be generic and shall collectively include multi-media
25 or tri-vision billboards, neon or other illuminated signs, painted signs and the
26 like. It consists of a support structure, a display or message area, a lighting
27 system and its related components.

1 e) *Building* refers to a three-dimensional physical development erected
2 within a lot or property or any combination of or all of its three different levels
3 (at grade, below grade, above grade). The term buildings or structures as used
4 in this Act shall invariably refer to both proposed and existing physical
5 developments within a lot;

6 f) *Business sign* refers to an accessory sign that directs attention to a
7 profession, business, commodity, service or entertainment. A business sign may
8 be On-premise, when the sign is placed on the location where the profession,
9 business, commodity, service or entertainment is conducted, sold or offered or
10 Off-premise, when the sign is placed in a location other than where the
11 profession, business, commodity, service or entertainment is conducted, sold or
12 offered;

13 g) *Display surface* refers to the entire area enclosed by the extreme
14 limits or perimeter of a sign;

15 h) *Ground sign* refers to a sign with support resting on the ground,
16 the base of which range from a single pole to double-pole, and does not exceed
17 ten (10.0) square meters as one (1) unit.

18 i) *LED signs or boards* refer to signs and billboards using Light
19 Emitting Diodes technology which digital readouts are displayed and mounted on
20 walls or buildings or with support resting on the ground;

21 j) *Major thoroughfares* refers to a public street or highway which is a
22 major artery leading to other parts of Metro Manila and nearby provinces with a
23 minimum width of ten (10.0) meters, mostly maintained by the National
24 Government;

25 k) *Nits* refers to candela per meter squared which is the international
26 unit of measurement of luminance;

1 l) *Projecting signs* refer to notices or announcements fastened to,
2 suspended from or supported on a building or structure, the display surface of
3 which is perpendicular from the wall surface or is at an angle therefrom;

4 m) *Regulated signs* refer to existing and proposed advertising signs,
5 billboards, display signs, electrical signs, digital or electronic billboards, LED signs
6 or boards, ground signs, roof signs and sign structures along major
7 thoroughfares, public roads, secondary roads, avenues, streets, roads, parks and
8 open spaces;

9 n) *Road-Right-Of-Way or street* refers to a parcel of land unobstructed
10 from the ground to the sky, more than three (3.0) meters in width, appropriated
11 to the free passage of the general public;

12 o) *Roof sign* refers to a sign installed on roofs, roof decks, and the
13 horizontal least cross sectional area in case of supporting frame does not exceed
14 ten (10.0) sq. m. for such framed structure resting entirely on the roof.

15 p) *Setback* refers to the horizontal distance measured ninety (90)
16 degrees from the outermost face of the building or structure to the property
17 lines;

18 q) *Sign structure* refers to means employed to support the installation
19 of signs and this includes the structural frame, anchorages and fasteners to
20 support and suspend such signs. A building where a roof sign is installed entirely
21 on its roof is not part of the sign structure;

22 r) *Temporary sign* refers to a notice or announcement using cloth or
23 other light or combustible material, with or without a frame such as streamer,
24 bills, posters and the like installed for a limited period of time;

25 s) *Wall sign* refers to a notice or announcement painted on, attached
26 to or fastened to the surface of the wall or any part of a building or structure the
27 display surface of which is parallel to the wall surface.

1 SEC. 5. ***Guidelines for the Application of Billboard Clearance.*** – Any
2 billboard erected, modified, retrofitted, rehabilitated or otherwise altered and
3 thereafter exhibited after the effectivity of this Act shall comply with the
4 following requirements and conditions:

5 a) *Setback Requirements* - For new regulated signs, it shall have an
6 eight (8) meters setback from the property line to the edge of the billboard. The
7 existing regulated signs must have a setback of not less than five (5.0) meters.

8 b) *Size of Display Surface* - Regulated signs and sign structures,
9 including LED and other electronic signs and billboards, shall not exceed forty
10 inches (40') x sixty inches (60') which is equivalent to two thousand four
11 hundred (2,400) square feet or equivalent to two hundred sixteen (216) square
12 meters inclusive of the space required for the landscape or vertical gardens.

13 c) *Height of Billboard Structures* - Ground signs and sign structures
14 along Epifanio delos Santos Avenue (EDSA), Circumferential Road (C-5) and
15 Commonwealth Avenue shall have a maximum thirty-six (36.0) meters height
16 and minimum twenty-four (24.0) in height from the ground. In all the other
17 areas, the height limits for billboard and billboard structures shall be determined
18 by the local government units in their respective local zoning ordinances.

19 d) *Minimum Distance Between Signs* - No new billboard or billboard
20 structure shall be located within the distance of one hundred (100) meters from
21 existing billboards. In some areas where more than one billboard structure can
22 be constructed side-by-side, the distance should be three (3) meters apart.

23 e) *Non-obstruction of Traffic Signs* - No regulated sign shall be
24 installed in such a manner as to confuse or obstruct the view or interpretation of
25 any official traffic sign, signal or device.

26 f) *Non-obstruction of Landscape* - No regulated sign shall be
27 constructed as to unduly obstruct the natural view of the landscape, distract or

1 obstruct the view of the public as to constitute a traffic hazard, or otherwise
2 defile, debase or offend aesthetic and cultural values and traditions.

3 g) *Billboards-free Zones* - No billboard or billboard structures shall be
4 constructed in areas of historical sites, tourist destinations and parks. Neither
5 shall they be installed near power stations and institutional establishments like
6 hospitals, schools and other academic or learning facilities.

7 h) *Restrictions on Combustible Materials* - All regulated signs installed
8 in highly restrictive Fire Zones as defined in Presidential Decree No. 1096,
9 otherwise known as the "National Building Code of the Philippines" and its
10 Implementing Rules and Regulations (IRR) shall have structural members of
11 incombustible materials. Ground signs may be constructed of any material
12 meeting the requirements of the National Building Code. Combination signs, roof
13 signs, wall signs, projecting signs and signs on marquees shall be constructed of
14 incombustible materials. No combustible materials other than approved plastics
15 shall be used in the construction of electric signs.

16 i) *Clearances from Fire Escapes, Exits or Standpipes* - No regulated
17 sign shall be installed in such a manner that any portion of its surface or
18 supports will interfere in any way with the free use of any fire escape, exit, or
19 standpipe.

20 j) *Obstruction of Openings* - No regulated sign shall obstruct any
21 opening to such an extent that light or ventilation is reduced to a point below
22 that required by the National Building Code. Regulated signs installed within 1.50
23 meters of an exterior wall in which there are openings within the area of the
24 regulated sign shall be constructed of incombustible material or approved
25 plastics.

26 k) *Roof Signs* – Installation of roof signs shall be allowed subject to
27 the provisions of the local zoning ordinance of the concerned local government
28 unit. In addition, a maximum size of two hundred sixteen (216) square meters

1 shall be allowed and the height limit shall be in accordance with allowable height
2 limit contained in the zoning ordinance and the building permit issued by the
3 local government unit. Building name or building sign shall be allowed but shall
4 not exceed one-fourth (1/4) of the area of the supporting roof.

5 The owner or operator of the roof sign shall be required to submit a
6 Certification prepared, signed and sealed by a civil or structural engineer
7 confirming the structural stability and worthiness of the existing building that it is
8 still safe to carry the proposed roof sign.

9 l) *Wall Sign* - Wall signs shall be placed on the exterior perimeter
10 walls of the building and maybe allowed to cover the entire surface of blank walls
11 provided that it shall not exceed the roofline and cover or obstruct windows and
12 any openings such as fire exits.

13 Wall signs should follow the roll down procedure during inclement
14 weather. For wall mounted LED signs, they shall be treated as wall signs subject
15 to luminance regulations which should not exceed the limits of the wall.

16 The owner or operator shall be required to submit a certification prepared,
17 signed and sealed by a civil or structural engineer confirming the structural
18 stability and worthiness of the existing building that it is still safe to carry the
19 proposed wall sign. The consent of the neighbor should be submitted as a
20 requirement for clearance.

21 m) *Material Requirement* - Sign structures carrying signs and
22 signboards made of banners, pennants, tarpaulins and other similar non-rigid
23 materials shall not be installed near power lines, and shall maintain a horizontal
24 clearance from such power lines in accordance with Rule XIII, Table XIII.1 of the
25 National Building Code IRR.

26 n) *Clearance from High Voltage Power Lines* - Clearances of regulated
27 signs from high voltage power lines shall be in accordance with the Philippine
28 Electrical Code. In areas near electrical distribution facilities including that of any
29 power substations, the minimum horizontal distance measured from the property

1 line abutting the RROW and all the adjoining properties to the nearest base of
2 the sign structure shall be the height of the structure plus one (1.0) meter.

3 o) *LED Signs or Boards, Electronic Signs and Digital or Electronic*
4 *Billboards* - LED Signs and Boards, electronic signs and digital or electronic
5 billboards shall have a maximum size of two hundred sixteen (216) square
6 meters. Its brightness must be five thousand (5,000) nits during the daytime and
7 four hundred (400) nits at nighttime. They shall be equipped with outdoor
8 sensors to ensure that standard brightness or luminance is complied with to
9 ensure tolerable and safe levels including time delay for power surges to avoid
10 glare when powering up at night time.

11 Their installations should be duly certified by structural engineers to carry
12 a two hundred forty to two hundred fifty (240-250) kilometers per hour (Kph)
13 wind load capacity and must be placed above traffic lights.

14 p) *Prohibited Signages* - All regulated signs, temporary signs and LED
15 signs installed over or across or straddling along public thoroughfares, center
16 islands and RROW, whether it be a national road or secondary road are strictly
17 prohibited except those approved by the Metropolitan Manila Development
18 Authority (MMDA) in Metropolitan Manila, pursuant to its programs and policies,
19 or the respective local government unit (LGU) in other areas, whose main
20 messages and majority of the LED area space shall be for traffic, public
21 emergency and government announcement purposes or contributes in the
22 enhancement and improvement of applicable road infrastructure and furniture
23 consistent with the programs of the MMDA and the Department of Public Works
24 and Highways (DPWH).

25 Markers of historical sites and tourist destinations including directional
26 signs shall not be combined with advertisement signs even if these are
27 sponsored by private businesses.

28 It shall likewise be unlawful for any person, private and public
29 corporations, advertising and promotion companies, movie producers,

1 professional and service contractors to post, install, display any kind or form of
2 billboards, signs, posters and other visual clutters in any part of the roads,
3 sidewalk, center island, posts, trees and open spaces.

4 No signs shall be installed in trees, electric or lighting posts, center
5 islands, side strips and fences that will destroy, alter, or deface the natural
6 landscape or seascape of historical sites and tourist destinations.

7 q) *Automatic Dismantling During Inclement Weather* - All regulated
8 signs, temporary signs and LED signs along covered areas shall automatically be
9 put down or turned off by the owners and advertisers upon the announcement
10 by the Philippine Atmospheric Geophysical and Astronomical Services
11 Administration (PAGASA) that there would be a low pressure area or other
12 weather disturbance. In case of failure of the billboard owners and advertisers to
13 comply with this Section, the MMDA in Metropolitan Manila, and the concerned
14 LGU in other areas, shall put down the aforesaid advertising material at the
15 expense of the owners.

16 r) *Ad Standard Council Screening* - To conform with the standards for
17 advertising content, all out-of-home (OOH) billboard advertising materials shall
18 be screened by the Ad Standard Council (ASC) and assigned an ASC screening
19 reference number that shall be prominently displayed with the displayed or
20 exhibited advertising material. Non-compliant billboards referred to the ASC
21 which do not comply within five (5) days shall be rolled-down by the MMDA in
22 Metropolitan Manila and the concerned LGU in other areas.

23 For purposes of this Section, out-of-home (OOH) media refers collectively
24 to all forms of media outside the home that carry advertising messages for
25 consumer audiences.

26 SEC. 6. ***Uniformity and Consistency of All Traffic Signs.*** – All traffic
27 signs to be installed in all streets of Metro Manila and in other cities or
28 municipalities, whether local or national roads, shall conform to the international
29 standards as to design and installation specifications embodied in the "Philippine

1 Road Signs Manual" or subsequent revisions thereof. Structural specifications
2 shall be in accordance with DPWH standards.

3 In case of road signs for traffic improvement projects such as one-way
4 system, alternate or detour routes, U-turn slots and the like, appropriate design
5 plan shall be coordinated with the MMDA in Metropolitan Manila or the concerned
6 LGU in other areas prior to installation and implementation.

7 SEC. 7. ***Adherence to Code of Ethics.*** – All advertisers, owners and
8 operators of billboards shall adhere to the ASC's Code of Ethics for advertising
9 and promotions regulating the content of the advertising signs, meaning the
10 message, including its words and visuals, being conveyed by the sign must not
11 be offensive and should conform to accepted moral standards.

12 No outdoor advertiser or billboard operator shall display or cause to be
13 displayed upon any advertising structure or sign, any statement or words of an
14 obscene, indecent or immoral character, or any visual that goes against public
15 morals or decency.

16 SEC. 8. ***Review of Advertising Content.*** – The review of the contents
17 of regulated signs including digital or electronic billboards, moving or static LED
18 sigs, and liquid crystal display (LCD) advertisements shall be administered and
19 regulated by the Movie and Television Ratings and Classification Board (MTRCB).
20 The billboard owner or operator shall forthwith be notified if the content of the
21 advertisement defiles, debases or offends aesthetic and cultural values and
22 traditions and shall require them to modify the content of the billboard
23 accordingly. The findings of the MTRCB shall not be subject to appeal.

24 SEC. 9. ***Billboard Clearance.*** – All owners and operators of existing
25 regulated signs, billboards and structures along major thoroughfares shall be
26 required to secure a clearance from the MMDA for the Metropolitan Manila or the
27 LGU Building Official with regard to other areas. The clearance shall be made a
28 requirement prior to the issuance of locational, structural clearances and permits.
29 A clearance granted prior to the effectivity of this Act shall be suspended pending
30 compliance of the requirements.

1 The clearance shall ensure compliance with the requirements on setback,
2 size of display surface, height, minimum distance between signs, as well as
3 clearance from power lines, location, structural stability and zoning.

4 All applications for billboard clearance shall be required to pay the
5 following to the MMDA or to the concerned LGU:

- 6 a) P1,000.00 upon filing of the application;
7 b) P5,000.00 annual inspection fee;
8 c) P2,000.00 clearance fee.

9 The clearance shall be valid for one (1) year, unless sooner revoked for
10 violation of this Act and other applicable laws or ordinances concerning
11 billboards. An application for renewal shall be made not later than thirty (30)
12 days after the expiration of the clearance: *Provided*, That the billboard has not
13 been altered or modified. Failure to comply within the said period, shall cause
14 the MMDA or LGU to remove or roll down the advertising material installed after
15 due notice, and the cost or expenses incurred shall be chargeable to the owner
16 or operator of the regulated sign, business sign or wall sign.

17 SEC. 10. **Billboard Permit Required.** – No billboard shall hereinafter be
18 erected, constructed, maintained or altered until a billboard permit has been
19 issued by the Building Official of the LGU concerned after payment of the
20 required fees. An application for a billboard shall be made in writing by a duly
21 licensed outdoor advertising company or by legitimate entities with in-house
22 outdoor advertising services on the permit forms furnished by the authorities
23 concerned and shall include such information as maybe required for a complete
24 understanding of the proposed work.

25 The construction and erection permit or annual inspection clearances
26 issued by the LGU for a qualified entity to erect, operate, and maintain a
27 billboard may be revoked by the DPWH if the billboard is:

1 a) In violation of any provision of the National Building Code
2 or its Implementing Rules and Regulations or poses a clear threat to public
3 welfare, safety and health; or

4 b) In violation of any provision of this Act or its
5 Implementing Rules and Regulations or of any provision of subsequent
6 derivative rules and regulations as subsequently promulgated by the DPWH.

7 The permit or clearances issued by the MMDA and the LGU for the
8 erection, operation, and maintenance of a billboard and revoked by them, may
9 be officially reinstated if the violations found have been properly addressed or
10 remedied.

11 SEC. 11. **Administrative Fines and Sanctions.** – After the effectivity of
12 this Act, the following fines shall be imposed on any person, corporation,
13 partnership, or juridical entity found violating the size and height requirement for
14 outdoor advertising as provided in this Act:

15 a) The fine shall be computed at P100.00 per square foot of the
16 surface space of the advertising material.

17 b) Government offices or agencies with non-compliant government
18 signs shall be charged P25.00 per square foot.

19 c) A surcharge of Twenty Five Percent (25%) of the penalty shall be
20 added for failure to pay the fine within seven (7) days upon receipt of notice
21 thereof.

22 d) Operators shall be given ninety (90) days from receipt of notice of
23 violation to comply or retrofit the non-compliant billboard structure based on the
24 rules and regulations hereof. Failure to retrofit within the said period from receipt
25 of notice, shall cause the dismantling/removal of the billboard and the cost for
26 such shall be for the account of the billboard owner.

- 1 e) For new applications of regulated signs, any billboard structure or
2 commercial structure erected or installed prior to the release of the MMDA or
3 LGU billboard clearance shall be covered by the following sanctions:
4 i) *First Offense* - Warning and a fine in the amount of Ten thousand
5 pesos (P10,000.00);
6 ii) *Second Offense* - Prohibition from installing advertising material for
7 two (2) years and a fine of Twenty thousand pesos (P20,000.00); and
8 iii) *Third Offense* - Non-issuance of billboard clearance for the subject
9 billboard structure and a fine of One hundred thousand pesos (P100,000.00).

10 SEC. 12. ***Transitory Provisions.*** - All owners and operators of existing
11 regulated signs and billboard structures are given six (6) months from the
12 approval of this Act to retrofit their billboards as to size of display surface,
13 height, minimum distance between signs, as well as clearance from power lines,
14 location, structural stability and zoning in order to conform with the provisions
15 herewith stated. Structures that do not comply with the requirements after six
16 (6) months may be subject to summary dismantling by the MMDA or the LGU,
17 and appropriate charges shall be filed against its owner or operator.

18 Without prejudice to whatever legal action the MMDA or the LGUs may
19 take, all owners and operators of existing regulated signs and sign structures
20 without valid permits and clearances are required to apply for building permits
21 and other required permits and clearances immediately.

22 The MMDA and the LGUs concerned may grant a reasonable period of
23 time for the owners and operators of existing regulated signs and sign structures
24 to comply with the requirements in the preceding paragraph.

25 SEC. 13. ***Implementing Rules and Regulations.*** – Within sixty (60)
26 days from the approval of this Act, the Secretary of Public Works and Highways
27 shall, in consultation with the MMDA and the various stakeholders from the
28 advertising industry, promulgate the necessary rules and regulations for the
29 effective implementation of this Act.

1 SEC. 14. ***Separability Clause.*** – If any provisions or part hereof, is held
2 invalid or unconstitutional, the remaining parts or the provisions not otherwise
3 affected shall remain valid and subsisting.

4 SEC. 15. ***Repealing Clause.*** – Any law, presidential decree or issuance,
5 executive order, letter of instruction, administrative order, rule or regulation,
6 contrary to or inconsistent with the provisions of this Act is hereby repealed,
7 amended or modified accordingly.

8 SEC. 16. ***Effectivity Clause.*** – This Act shall take effect fifteen (15) days
9 after its publication in the *Official Gazette* or in at least two (2) newspapers of
10 general circulation.

Approved,