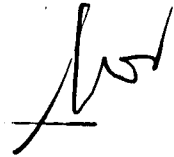




Senate
Office of the Secretary

SEVENTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]

'16 AUG -8 P1:39

RECEIVED BY: 

SENATE

S.B. No. 995

Introduced by SEN. WIN 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.



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

1 SECTION 1. **Short Title.** – This Act shall be known as the “*Billboard*
2 *Regulation Act.*”

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

13
14 SEC. 3. **Coverage.** - This Act shall apply to all existing and proposed
15 advertising signs, billboards, display signs, electrical signs, light emitting

1 diode (LED) signs and billboards, ground signs, roof signs, and sign
2 structures, hereinafter referred to as the "regulated signs," along major
3 thoroughfares, public roads, secondary roads, avenues, streets, roads, parks
4 and open spaces within Metro Manila and other cities and municipalities.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 m) *Regulated signs* refer to existing and proposed advertising signs,
26 billboards, display signs, electrical signs, digital or electronic billboards, LED
27 signs or boards, ground signs, roof signs and sign structures along major
28 thoroughfares, public roads, secondary roads, avenues, streets, roads, parks
29 and open spaces;

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

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

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

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

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

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

17 **SEC. 5. *Guidelines for the Application of Billboard Clearance.* -**

18 Any billboard erected, modified, retrofitted, rehabilitated or otherwise altered
19 and thereafter exhibited after the effectivity of this Act shall comply with the
20 following requirements and conditions:

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

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

30 c) *Height of Billboard Structures* - Ground signs and sign structures
31 along Epifanio delos Santos Avenue (EDSA), Circumferential Road (C-5) and
32 Commonwealth Avenue shall have a maximum thirty-six (36.0) meters height
33 and minimum twenty-four (24.0) in height from the ground. In all the other

1 areas, the height limits for billboard and billboard structures shall be
2 determined by the local government units in their respective local zoning
3 ordinances.

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

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

12 f) *Non-obstruction of Landscape* - No regulated sign shall be
13 constructed as to unduly obstruct the natural view of the landscape, distract
14 or obstruct the view of the public as to constitute a traffic hazard, or otherwise
15 defile, debase or offend aesthetic and cultural values and traditions.

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

21 h) *Restrictions on Combustible Materials* - All regulated signs
22 installed in highly restrictive Fire Zones as defined in Presidential Decree No.
23 1096, otherwise known as the "*National Building Code of the Philippines*" and
24 its Implementing Rules and Regulations (IRR) shall have structural members
25 of incombustible materials. Ground signs may be constructed of any material
26 meeting the requirements of the National Building Code. Combination signs,
27 roof signs, wall signs, projecting signs and signs on marquees shall be
28 constructed of incombustible materials. No combustible materials other than
29 approved plastics shall be used in the construction of electric signs.

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

1 j) *Obstruction of Openings* - No regulated sign shall obstruct any
2 opening to such an extent that light or ventilation is reduced to a point below
3 that required by the National Building Code. Regulated signs installed within
4 1.50 meters of an exterior wall in which there are openings within the area of
5 the regulated sign shall be constructed of incombustible material or approved
6 plastics.

7 k) *Roof Signs* -- Installation of roof signs shall be allowed subject to
8 the provisions of the local zoning ordinance of the concerned local government
9 unit. In addition, a maximum size of two hundred sixteen (216) square meters
10 shall be allowed and the height limit shall be in accordance with allowable
11 height limit contained in the zoning ordinance and the building permit issued
12 by the local government unit. Building name or building sign shall be allowed
13 but shall not exceed one-fourth (1/4) of the area of the supporting roof.

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

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

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

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

31 m) *Material Requirement* - Sign structures carrying signs and
32 signboards made of banners, pennants, tarpaulins and other similar non-
33 rigid materials shall not be installed near power lines, and shall maintain a

1 horizontal clearance from such power lines in accordance with Rule XIII, Table
2 XIII.1 of the National Building Code IRR.

3 n) *Clearance from High Voltage Power Lines* - Clearances of regulated
4 signs from high voltage power lines shall be in accordance with the Philippine
5 Electrical Code. In areas near electrical distribution facilities including that
6 of any power substations, the minimum horizontal distance measured from
7 the property line abutting the RROW and all the adjoining properties to the
8 nearest base of the sign structure shall be the height of the structure plus
9 one (1.0) meter.

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

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

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

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

4 It shall likewise be unlawful for any person, private and public
5 corporations, advertising and promotion companies, movie producers,
6 professional and service contractors to post, install, display any kind or form
7 of billboards, signs, posters and other visual clutters in any part of the roads,
8 sidewalk, center island, posts, trees and open spaces.

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

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

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

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

31 **SEC. 6. Uniformity and Consistency of All Traffic Signs.** - All traffic
32 signs to be installed in all streets of Metro Manila and in other cities or
33 municipalities, whether local or national roads, shall conform to the

1 international standards as to design and installation specifications embodied
2 in the "Philippine Road Signs Manual" or subsequent revisions thereof.
3 Structural specifications shall be in accordance with DPWH standards.

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

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

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

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

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

1 The clearance shall ensure compliance with the requirements on
2 setback, size of display surface, height, minimum distance between signs, as
3 well as 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
15 after due notice, and the cost or expenses incurred shall be chargeable to the
16 owner or operator of the regulated sign, business sign or wall sign.

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

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

- 29 a) In violation of any provision of the National Building Code or its
30 Implementing Rules and Regulations or poses a clear threat to public welfare,
31 safety and health; or

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

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

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

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

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

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

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

24 e) For new applications of regulated signs, any billboard structure or
25 commercial structure erected or installed prior to the release of the MMDA or
26 LGU billboard clearance shall be covered by the following sanctions:

27 i) *First Offense* - Warning and a fine in the amount of Ten thousand
28 pesos (P10,000.00);

29 ii) *Second Offense* - Prohibition from installing advertising material
30 for two (2) years and a fine of Twenty thousand pesos (P20,000.00); and

31 iii) *Third Offense* - Non-issuance of billboard clearance for the
32 subject billboard structure and a fine of One hundred thousand pesos
33 (P100,000.00).

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

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

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

17 SEC. 13. **Implementing Rules and Regulations.** - Within sixty (60)
18 days from the approval of this Act, the Secretary of Public Works and
19 Highways shall, in consultation with the MMDA and the various stakeholders
20 from the advertising industry, promulgate the necessary rules and regulations
21 for the effective implementation of this Act.

22 SEC. 14. **Separability Clause.** - If any provisions or part hereof, is
23 held invalid or unconstitutional, the remaining parts or the provisions not
24 otherwise affected shall remain valid and subsisting.

25 SEC. 15. **Repealing Clause.** - Any law, presidential decree or issuance,
26 executive order, letter of instruction, administrative order, rule or regulation,
27 contrary to or inconsistent with the provisions of this Act is hereby repealed,
28 amended or modified accordingly.

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

Approved,