

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 5959

Introduced by **REP. EDCCEL C. LAGMAN**

EXPLANATORY NOTE

Legislation is a tempered and deliberate process of enacting a reasonable and fair policy which balances the power of the State to regulate acts of citizens and the extent of business vis-à-vis individual rights and free enterprise.

Good legislation should never be the product of an emotional reaction or an irrational response to a controversy or calamity. Neither should it be a knee-jerk reaction to a problem nor a contrived antidote to a crisis.

This bill proposes to strictly but fairly regulate the outdoor advertising industry. It allows the industry to survive and grow even as it prevents abuse and proscribes indiscriminate and illegal installations of billboards and similar advertising structures and signages.

This bill is truly regulatory. It does not wittingly or unwittingly "regulate" to destroy or kill a legitimate multi-million peso industry which positively contributes to the economy, employs thousands of workers and generates allied businesses. Regulation is to put order and institute standards. It is never intended to decimate or exterminate an otherwise legitimate enterprise.

It is not correct to assert or presume that the outdoor advertising industry is presently unregulated. There are existing laws and issuances which circumscribe the engagement in the industry like Chapter 20 of the National Building Code (Presidential Decree No. 1096) and its detailed Implementing Rules and Regulations, the Philippine Electrical Code, the Code of Ethics for Advertising and Promotions and the Philippine Highway Act of 1953 (Republic Act No. 917).

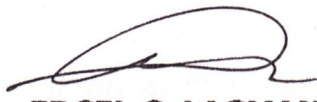
However, it is of critical immediacy that more effective, precise and comprehensive regulations be legislated as violations and avoidance of present restrictions are rampant due to some practioners' unprofessional conduct and practices and such infractions are perpetrated with virtual impunity due to the implementors' laxity and inefficiency.

The salient features of the proposed Billboard Regulation Act of 2006 include the following:

1. It is a comprehensive and balanced measure which addresses not only the issues of structural integrity and road and traffic safety, but also the concerns on size, height, placement, spacing and content of billboards, among other relevant matters;

2. It contains a compendium of clarificatory and precise definition of terms and usages;
3. It includes provisions on official, multimedia, public-sponsored and election-related signs as well as sponsored public signs;
4. It specifically addresses overlooked issues such as windload capacity and earthquake tolerance; and
5. It particularizes the agencies tasked to enforce the pertinent regulations.

Accordingly, the passage of this bill is earnestly sought.



EDCEL C. LAGMAN

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS

THIRD REGULAR SESSION

HOUSE BILL NO. 5959

Introduced by **REP. EDCCEL C. LAGMAN**

**AN ACT
REGULATING THE OUTDOOR ADVERTISING AND NON-MOBILE
BILLBOARD INDUSTRY**

SECTION 1. *Short Title.* – This Act shall be known as the “Outdoor Advertising and Billboard Regulation Act of 2006.”

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to protect and secure the environment, highways, transportation lines and facilities, historical and scenic sites and the public domain in general from obstructions, hindrances and nuisances. In the pursuit of this policy, the State shall regulate in particular the outdoor advertising industry without arbitrarily impairing private enterprise and unduly curtailing the freedom of expression.

SEC. 3. *Definition of Terms.* – As used in this Act, the terms:

- a) “Air Right” means the right to physically develop and subsequently benefit from the continued use of the air space above the road right-of-way (RROW) or other rights-of-way (ROWs) or legal easements or private/public property outside or along such ROWs or easements. Air rights shall not extend to or include the construction and maintenance of non-mobile billboards as defined hereunder.
- b) “Alignments” are the surface areas and spaces traversed by a RROWs, similar ROWs, legal easements or similar public spaces, which form part of the public domain and are therefore prohibited sites for non-mobile billboards.
- c) “Barangay” means the basic and smallest government unit or political subdivision as defined in the Local Government Code.
- d) “Billboard” means a signboard, identification, illustration, image, picture or any other devise for outdoor advertisement consisting of a support structure, a display or message area, an optional lighting system and related components installed on land, building or property to attract or direct attention to a particular product, service, idea, information, design, system, activity, institution, business, belief and/or personality. The term shall be generic and shall collectively refer but not limited to multi-media or tri-vision display, neon or other illuminated and painted signs and the like.
- e) “Billboard Operator” is a natural or juridical person engaged in the construction, erection and maintenance of billboards, whether contracted by a third party or for leasing to advertisers.

- f) "Billboard Unit" or "BU" shall refer to one particular display with a total minimum surface area of seven and a half (7.5) square meters to a maximum surface area of two hundred twenty-five (225) square meters.
- g) "Building Height Limit" or "BHL" means the maximum height allowed for a building or structure based on its proposed use or occupancy. The BHL is generally measured from the established grade line to the topmost portion of such a building or structure, inclusive of a non-mobile billboard mounted on top of such a building or structure.
- h) "Carriageway" or "Roadway" means the portion or component of the RROW on which land-based transportation conveyances such as motor vehicles are allowed to pass or park. For RRROWs, the term may be "Railway" and for WROWs, the applicable term may be "Waterway" or "Vessel-way".
- i) "Content" means the message and image components of a display which may be advertising, commercial, directional or general public information in intent.
- j) "Display" means the material or device mounted on the non-mobile billboard support structure together with its contents.
- k) "DILG" means the Department of the Interior and Local Government.
- l) "DOTC" means the Department of Transportation and Communication.
- m) "DPWH" means the Department of Public Works and Highways.
- n) "Firewall" means a reinforced masonry or reinforced concrete separator with the appropriate fire-resistive rating and which shall be positioned between buildings or structures to maintain the fire integrity of each building or structure. Firewalls that are erected along and/or above property lines utilize a substantial portion of the maximum development potential of a property and shall therefore have no openings except for the permitted vent wells specified under the National Building Code (NBC) and its Implementing Rules and Regulations (IRR). Firewalls shall not be used as mounting surfaces for billboards and other types of display.
- o) "Intersections" are common surface areas or spaces shared by two (2) or more RROWs, similar ROWs or legal easements or a mix of such public spaces, which form part of the public domain and are therefore prohibited sites for non-mobile billboards.
- p) "IRR" means Implementing Rules and Regulations.
- q) "Legal Easement" means a public open space mandated under law that must be absolutely free of all forms of physical obstructions that can negatively affect natural light and ventilation within such a space or that can impede access to or the full recreational use of such a space by the general public. Legal easements also refer to the public area that may lie between the legally usable portions of a private/public property and natural or built bodies of water or waterways.
- r) "Lighting System" means the luminaries, complete lighting units, power source, connections, controls and all support structures and devices that ensure the continuous illumination of a display.
- s) "LGU" means Local Government Unit.

- t) "Minimum Billboard Unit" shall refer to one display with a surface area of seven and a half (7.5) square meters which could be displayed in multiples provided that the combined surface area shall not exceed two hundred twenty-five (225) square meters. It shall have a minimum dimension of one (1) meter.
- u) "Maximum Billboard Unit" shall refer to one display with a maximum total surface area of two hundred twenty-five (225) square meters.
- v) "MMDA" means the Metropolitan Manila Development Authority.
- w) "NBC" means the National Building Code of 1977 under Presidential Decree No. 1096, including any amendments.
- x) "Non-Conforming Billboard" means any non-mobile billboard lawfully constructed prior to the enactment of this Act which does not conform with the provisions of this Act.
- y) "Non-Mobile Billboard" means a billboard positioned at a fixed location, where it can be readily and continuously viewed by the passing public.
- z) "Official Signs" mean directional or informative signs, including infrastructure project announcements and descriptions, in whatever legal form, that are officially designed and erected by or through the National Government or any of the Local Government Units for the purpose of public service.
- aa) "Property Line" means the imaginary or defined line or a set of such interconnected lines denoting the limits of a property.
- bb) "ROW" means the Right-of-Way, including the airspace above the ROW.
- cc) "RROW" or "Road-Right-of-Way" or "Street" means a public open space for the continuous flow of pedestrian and vehicular traffic, including the air space above the RROW, that must be free of all forms of prohibited physical obstructions. It is also the surface area lying between two (2) or more parallel properties and its width is horizontally measured from opposite property lines.
- dd) "RRROW" means the Railroad-Right-of-Way consisting of the railway, tramway or tracks on which the trains actually pass as well as the buffer areas on either side of the railway for operational safety and fixed facilities for passenger exchanges, inclusive of the airspace above the RRROW.
- ee) "Scenic Vista" refers to a natural feature in the viewable landscape which offers the viewer a refreshing visual experience or respite.
- ff) "Setback" means a one-dimensional quantity denoting the level horizontal distance measured at a ninety degree angle (90°) from the line formed by the outermost face of a building, structure or billboard support structure to a property line, whereby both lines run parallel to each other.
- gg) "Sidewalk" means the portion on each side of the road right-of-way (RROW) for the exclusive use of pedestrians and the disabled who are in transit.
- hh) "Sign Permit" refers to the permit secured from the appropriate LGU for installation, attachment, painting of any form of non-mobile billboard display.

- ii) "Sponsored Public Signs" are traffic, informational, public service signs or a combination thereof that partially show or advertise the sponsor's business, activity, product or service being offered to the public commercially, wherein the area covered by the commercial advertisement does not exceed 20% of the total display area.
- jj) "Support Structure" means the rigid framework on which the display or attention-catching device of a non-mobile billboard is mounted. The foundation and superstructure form part of the support structure.
- kk) "Temporary Sign" means a sign made of fabric, cloth, vinyl, plastic or similar light and/or combustible material, with or without frame i.e., streamers, bills, posters and the like that are installed within or outside a ROW for public display and viewing for a limited period of time, subject to the issuance of the required permit.
- ll) "UROW" means the Utility Right-of-Way consisting of the area on which public utility lines are allowed to pass, including buffer, safety zones, service and maintenance areas and the airspace above the UROW.
- mm) "Video Billboard" refers to Non-mobile Billboard with video display.
- nn) "View Corridor" means the visually unobstructed width, depth and height of all available sight lines running through and along RROWs, legal easements and similar ROWs, open spaces within lots including yards and courts or through and along designated public spaces including recreational areas. View corridor also means specific ranges of sight lines from a building or structure to a specific natural object considered of beauty or value.
- oo) "WROW" means the Water Right-of-Way found in inland waterways such as rivers, streams, lakes, canals and the like and consisting of the waterway and vessel-way on which boats, ships and barges pass, as well as the embankments and portions of the shore areas used to access the waterway and vessel-way, including the airspace above the WROW.
- pp) "Yard" means a two-dimensional space consisting of the vacant land area between the outermost portion of a non-mobile billboard including its support structure and the property lines.

SEC. 4. *Regulation of Non-Mobile Billboards.* - Any non-mobile billboard erected, modified, retrofitted, rehabilitated or otherwise altered and thereafter exhibited after the effective date of this Act shall comply with the following requirements:

a) *Position Along RROWs, ROWs and Legal Easements:*

- (1) No billboard shall be located in a position that obstructs or obscures the view of vehicular or pedestrian traffic in such a manner as to endanger the safe movement thereof. Non-mobile billboards shall not be erected in a manner that can confuse or obstruct the view or interpretation of any official traffic sign, signal or device.
- (2) The outermost portion or projection of a non-mobile billboard or its support structure or its lighting system shall be located at least two and a half (2.5) meters away from high-tension lines.
- (3) No billboard shall be erected on any structure or portion thereof found within the RROW, RRROW, UROW, WROW, legal easement and the like.

The air rights over such ROWs and legal easements shall not be availed of for the purpose of erecting non-mobile billboards.

- (4) Temporary signs, regardless of material, intended use and size, including election-related signs or signs showing the names and/or likeness of elective and appointed officials, shall not be strung or installed over or across a RROW, RRROW, UROW, WROW, legal easement and the like, unless otherwise permitted by the *barangay* or LGU concerned but in no case shall the period of display exceed seven (7) calendar days. The *barangay* or LGU must thereafter remove said temporary signs.
- (5) Reckoned from the carriageway portion of RROW to an existing non-mobile billboard, no subsequent non-mobile billboard shall be constructed such that it will obstruct the former's viewing distance from its intended viewing audience within two hundred (200) meters in any metropolitan area and three hundred (300) meters outside thereof.
- (6) No part of a non-mobile billboard including its support structure shall be installed or constructed within carriageways, roadways, ROWs, RRROWs, UROWs, WROWs, infrastructure or structures of public transportation facilities, telephone/utility poles or upon natural growths such as trees, rocks and the like. In particular, non-mobile billboards shall not be erected or maintained violating the air rights above a carriageway, roadway, railway, waterway or vessel-way.
- (7) No non-mobile billboard that may obscure or obstruct the view of vehicular or pedestrian traffic or that may interfere, imitate, resemble or be confused with official traffic signs, signals or devices shall be permitted nor any billboard that prevents a clear and unobstructed view of official traffic signs in approaching or merging traffic be permitted.
- (8) No non-mobile billboard that may impair, obstruct or cover any scenic vista or view corridor of the natural landscape shall be permitted.

b) Position within Private and Proprietary Properties Outside RRROWs / ROWs/ Legal Easements

- (1) No non-mobile billboard shall be erected without complying with the front, side and rear setback and yard requirements prescribed by the applicable LGU zoning regulations. All non-mobile billboards, however, shall have an additional setback of 2.5 meters from high tension wires in the surrounding area.
- (2) No part of a non-mobile billboard shall be placed on, within or over any private property or any proprietary property of the National Government or any of its political subdivisions or agencies or government-owned or controlled corporation without the written consent of the property owner or lawful possessor or duly authorized representative and without the permit of the DPWH.
- (3) No billboard shall be erected or maintained upon or above the roof of any building and structure if the same is in violation of the National Building Code and its IRR.
- (4) No billboard shall be constructed on a property where the same can obscure or shade the windows or doors of adjacent buildings and structures. Non-mobile

billboards shall not be made of reflective material that can redirect unwanted light towards adjacent buildings and structures.

c. Billboard Spacing and Density

- (1) Non-mobile billboards located upon or oriented towards traffic traveling upon the same side of a RROW/street shall be so spaced to comply with the minimum clear and unobstructed viewing distance from its intended viewing audience of two hundred (200) meters within any metropolitan area and three hundred (300) meters outside thereof.
- (2) Non-mobile billboards may be single-faced or double-faced or layered. In the case of a double-faced billboard, the allowable display surface area per billboard unit on each face shall not exceed two hundred twenty-five (225) square meters, provided that applicable setback, yard and building height limit (BHL) requirements of the applicable LGU zoning ordinance are complied with.

d. Display Content and Lighting

- (1) All display contents for non-mobile billboards and temporary signs must conform with the standards set by the Advertising Board of the Philippines and/or the government agency authorized or to be authorized to review and approve the display.
- (2) All contents exhibited in a foreign language shall similarly exhibit the corresponding translation in either English or the local dialect.
- (3) No billboard with any commercial content shall be erected within a thirty-five (35) meter distance of the nearest property line of declared historic or cultural sites or of institutional sites such as schools, churches, hospitals, government buildings, public parks, playgrounds, recreation areas, convention centers, cemeteries or any other area which must be free of non-mobile billboards with commercial contents.
- (4) Non-mobile billboards shall be illuminated only by luminaries exuding a fixed, non-oscillating and non-fluctuating amount of light that shall not produce unwanted glare or reflectance when directed at a display. This glare shall likewise apply to internal lighting generated by Video Billboards.

e. In addition to the requirements set by the NBC, a non-mobile billboard must have structural integrity to withstand the following:

- (1) Maximum windload of 240 kilometers per hour;
- (2) Earthquakes of a maximum magnitude of 6.0 on the Richter scale; and
- (3) Other climatic and geographic factors to be determined by the DPWH, Philippine Atmospheric Geophysical and Astronomical Services Administration, Philippine Institute of Volcanology and Seismology, the Department of Science and Technology and the LGUs in case of local conditions

f. Allowable Dimensions for Non-Mobile Billboard Displays

- (1) A billboard unit shall have a surface or display area of between seven and a half (7.5) square meters minimum and two hundred twenty-five (225) square meters maximum.
- (2) No billboard shall exceed forty (40) meters in height, measured from the average elevation of the surface of the natural ground or existing sidewalk or carriageway level, whichever is higher, up to the highest point of the non-mobile billboard or any of its components. In reckoning and applying this maximum height requirement, there must be prior compliance with the relevant setback, yard, and building height limit (BHL) requirements of the applicable LGU zoning ordinances.
- (3) All non-mobile billboards shall be erected in conformity with the building height limits (BHL) prescribed in the applicable LGU zoning regulations.

SEC. 5. *Placement of Billboards with respect to Emergency Exits, Doors and Windows.* - No billboard shall be erected in such a manner that any portion of its display or support will interfere in any way with the free use or operation of any fire escape, emergency exit, door, window, standpipe and the like. A non-mobile billboard shall not be erected, constructed and maintained as to obstruct any emergency exit or other openings or to prevent free passage from one part of a roof to any part thereof. A non-mobile billboard in any form or shape shall not in any manner be attached to a fire escape or be so placed as to interfere with an opening required for introducing natural light and ventilation into a building or structure.

SEC. 6. *Fees and Inventory of Billboards.* - As of the effective date of this Act, the following fees for a non-mobile billboard shall apply:

- a) A one-time billboard inventory fee of Two Thousand Five Hundred Pesos (P2,500.00) per billboard, payable (i) upon filing of the application for building permit for a new non-mobile billboard to be constructed after the effectivity of this act; or (ii) upon filing of the first application for sign permit for non-mobile billboards legally constructed before the effectivity of this Act;
- b) An annual inspection fee of Two Thousand Five Hundred Pesos (P2,500.00), payable upon filing and approval of the application for the yearly sign permit; and
- c) A building permit fee for new non-mobile billboards in accordance with the National Building Code and its IRR.

The inventory and annual inspection fees shall be collected by the District Engineer in each engineering district for remittance to the DPWH, which shall be the lead agency for the conduct of the inventory and annual inspection. The DPWH in coordination with the other agencies such as the MMDA (for the Metropolitan Manila Area only) and with the provincial LGUs, shall use the additional revenues to conduct a thorough countrywide inventory of all non-mobile billboards, including plotting the exact location of each sign, determining whether or not each sign has a valid permit from the DPWH, MMDA and any LGU agency charged with regulating billboards. The annual inspection fees shall be used to defray the cost of inspecting said non-mobile billboards for compliance with this Act, the NBC and other applicable laws, rules and regulations on a yearly basis.

SEC. 7. *Non-Mobile Billboard Permit Required.* - Except as otherwise provided in this Act, no non-mobile billboard shall hereinafter be erected, constructed, maintained or altered unless a billboard permit has been issued by the DPWH after payment of the required fees. An application for a non-mobile billboard shall be made in writing by a billboard operator on the permit forms furnished by the authorities concerned and shall include such information as may be required for a complete understanding of the proposed work.

The construction permit or annual inspection clearance issued by the DPWH for a qualified entity to erect, operate, maintain a non-mobile billboard may be revoked by the DPWH if the non-mobile billboard is:

1. Violates any of the provisions of the Act and its IRR, the National Building Code and its IRR, and guidelines, standards, manuals of procedure and other regulations promulgated by the DPWH; and
2. Poses a clear threat to public welfare, safety and health.

The permit or clearance issued by the DPWH may be reinstated by the DPWH if the provisions or rules violated are complied with.

SEC. 8. *Abatement of Dangerous Billboards.* - When any non-mobile billboard is found or declared to be dangerous or ruinous, the DPWH shall order its repair or demolition at the expense of the billboard operator, depending upon the degree of danger it poses to life, health or safety, without prejudice to further action that may be taken under the provisions of the New Civil Code or the National Building Code and its IRR.

The business address of the billboard operator shall be permanently attached to the right lower corner of a non-mobile billboard's support structure to facilitate the identification billboard operator.

SEC. 9. *Official Signs Exempted.* - The following official signs are exempt from the restrictions of this Act:

- (1) Official highway route number signs, street names, directional and other official government signs;
- (2) Information and public service signs, such as those on availability of restrooms, telephone or similar public conveniences;
- (3) Information and description on infrastructure projects;
- (4) Official traffic signs, signals, devices and the like; and
- (5) Official signs for memorial or historical places.

Function and utility of the sign shall be the primary consideration in the determination of an official sign, and shall not be designated as such by mere resolutions of LGUs.

A sponsored public sign shall be considered an official sign if the commercial advertising it contains does not exceed 20% of the total display area.

SEC. 10. *National Organization of Non-Mobile Billboard Operators.* - A *bona fide* national organization of Non-Mobile Billboard Operators to be accredited by the DPWH, registered with the Securities and Exchange Commission as a non-profit, non-stock association, shall self-regulate the billboard industry in accordance with this Act.

All billboard operators must be members in good standing of any national outdoor advertising association and must abide by the association's Code of Ethics and Guidelines.

SEC. 11. *Penal Clause.* - It shall be unlawful for any natural or juridical person to directly or indirectly erect, construct, enlarge, alter, repair, move, improve, remove, convert, use or maintain any billboard contrary to or in violation of any provision of this Act.

No officer or employee of the National Government, chartered cities, provinces, municipalities, and barangays, now or hereafter charged with the enforcement of laws, ordinances or regulations relating to the construction, erection or alteration of non-mobile billboards, shall endorse the approval of any plans, designs or specifications which have not been prepared and submitted in full accord with all the provisions of this Act.

Any individual or firm, whether in the private or public sector, who shall violate any of the provisions of this Act shall, upon conviction by the proper court, be punished by a fine not less than thrice the amount of the non-mobile billboard including its support structure but not more than ten times the amount of said billboard including its support structure or by imprisonment of not less than one (1) year but not more than five (5) years, or both, at the discretion of the court. In case of a firm, partnership, corporation or association, whether private or public, the penalty shall be imposed upon its responsible officers for such violation, and in case the guilty party is an alien, he/she shall immediately be deported after payment of the fine and/or service of sentence.

SEC. 12. *Enforcement of the Act.* - It shall be the primary duty of the DPWH to effectively enforce the provisions of this Act. All duly constituted law enforcement agencies and officers of the national, provincial, city or municipal governments or of any political subdivision thereof, shall, upon the call or request of the DPWH, render immediate and complete assistance in enforcing the provisions of this Act and to prosecuting violators. The Secretary of Justice or his duly designated representative shall act as legal adviser to the DPWH and render legal assistance as may be necessary in carrying out the provisions of this Act.

SEC. 13. *Transitory Clause and Non-Conforming Billboards.* - Within five (5) years from the date of the effectivity of this Act, any non-conforming non-mobile billboard, including those designed/constructed in full compliance with the National Building Code and its Implementing Rules and Regulations (IRR) or in compliance with LGU building codes or ordinances existing as of the approval of this Act shall be dismantled, removed or altered to conform to the provisions of this Act. The cost of dismantling, removal or alteration shall be charged to the owner or operator of the non-complying billboard. The owners or operators of such altered billboards shall thereafter secure a certificate of compliance, the required permits and pay the necessary fees.

Existing billboards erected without permits before the enactment of this Act shall be given written notice to secure a permit within ninety (90) days from receipt. The DPWH shall dismantle such billboards at the expense of the billboard operators who fail to secure the required permits.

SEC. 14. *Implementing Rules and Regulations (IRR).* - Within ninety (90) days after the effectivity of this Act, the DPWH, in coordination with other agencies of the national and local governments, and in consultation with all stakeholders in the industry, shall adopt and promulgate such rules and regulations, to carry out the provisions of this Act and which shall be effective 15 days following their publication in the *Official Gazette* or in two (2) major daily newspapers of general circulation. The updating of and amendments to the IRR shall be undertaken by the DPWH every five (5) years, including the provisions on the permit and related fees.

The IRR of this Act shall include the proper spacing, density, sizing and proportioning/configuration and format of non-mobile billboards as provided for in this Act.

The recognized National Organization of Non-Mobile Billboard Operators shall assist the DPWH in the formulation of the IRR.

The DPWH shall also prepare and promulgate the necessary guidelines, standards and manuals of procedure.

SEC. 15. *Separability Clause.* – If any provision or part hereof is declared invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 16. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation, contracts and other memorandum of agreements entered into by a government agency, LGU or government owned and controlled organization contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SEC. 17. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two newspapers of general circulation.

Approved,