

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **1842**

INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

The proliferation of billboards cluttering our cityscape, and the inherent and acquired danger it poses to life and safety remains to be a relevant and urgent issue we must address the soonest. Although almost a year now when the country experienced the perilous effects of giant billboards standing against typhoon winds, the said tragic plight that resulted to the death of some might happen again unless a more effective and appropriate police power regulation with stiffer penalty is enacted.

Notwithstanding the right of the public to information and the right of billboard operators to enter into a contract, still the billboard industry must be regulated in view of the more compelling duty of the State to protect the welfare and safety of its citizens.

Jurisprudence maintains that a law enacted in the exercise police power to regulate or govern certain activities and transactions could be given retroactive effect and may reasonably impair vested rights or contracts, and is applicable not only to future contracts, but equally to those already in existence. In deed, non-impairment of contracts and vested rights clauses will have to yield to the superior and legitimate exercise by the State of the police power.

In view of the foregoing, approval of this bill is earnestly sought.



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AN ACT
REGULATING THE CONSTRUCTION, INSTALLATION AND MAINTENANCE
OF BILLBOARDS AND FOR OTHER PURPOSES.

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

Section 1. Short Title – This Act shall be known as the "Billboard Regulation Act of 2010."

Sec. 2. Declaration of Policy – It is a declared policy of the State to safeguard life, health, property, and public welfare, consistent with the principles of environmental management and control; and to this end, make it the purpose of this Act to regulate the construction and installation of billboards and other similar structures.

Sec. 3. Definition of Terms – For purposes of this Act, the following term shall have the corresponding meaning:

(a) **"Air Right"** means the right to legally exploit, make use of and benefit from the air space above the roads, right-of-ways, legal easements or any private/public property.

(b) **"Billboard"** means an illustration, identification, description, or device affixed to or represented directly or indirectly upon a building, structure, or land, which is permanent in character and which directs attention to a product, place, activity, person, institution or business.

(c) **"DILG"** means Department of Interior and Local Government

(d) **"DPWH"** means the Department of Public Works and Highways.

(e) **"DOT"** means the Department of Tourism.

(f) **"DOTC"** means the Department of Transportation and Communication

(g) **"MMDA"** means the Metropolitan Manila Development Authority.

(h) **"NBC"** means the National Building Code.

(i) **"Official Sign"** means the informative or directional signage of DOT and other departments and/or subdivisions of the government, including infrastructure project announcements that are installed under the authority

of the National Government or any local government units for purposes of public service.

(j) **"Off-Premise Billboard/Sign"** means a commercial billboard which focuses the attention of the public to the business or activity conducted or product or service sold or offered at a location not on the same premises where such business sign is located.

(k) **"Overhead conductor"** means any electrical conductor, either bare or insulated, installed above the ground except such conductors as are enclosed in an iron pipes or other material covering of equal strength.

(l) **" Road-Right-of-Way" or "Street"** means any public open space for the continuous flow of pedestrian and vehicular traffic, including the air space above it, and which must be free from all forms of physical obstructions for anything found on it, whether of value or not, shall be treated as common garbage.

(m) **"Signs"** means any form of advertisement, poster or placard which is temporary in character and smaller in dimension than a billboard, and which is placed and installed in a public place. For purposes of this Act, signs and billboards may be used interchangeably.

Sec. 4. Regulation of Off-Premise Billboards and Signs - Upon the effectivity of this Act, billboard, sign or other similar structure may be constructed, erected or installed only when compliant with the following rules:

1. No billboards and signs shall be erected in such a manner as to confuse or obstruct the view or interpretation of any official traffic sign signal or device.
2. No billboards and signs shall be constructed as to unduly obstruct the natural view of the landscape, distract or obstruct the view of the public as to constitute a traffic hazard, or otherwise defile, debase, or offend the aesthetic and cultural values and traditions of the Filipino people.
3. No billboards and signs shall be erected on any structure or portion thereof found within the roads, right-of-ways, legal easements and the like. The air rights over such right-of-way and legal easements shall not be availed of for the purpose of erecting billboards and signs.
4. All billboards, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs, including its back and sides, shall be kept neatly painted or posted at all times.
5. Billboards and signs, and their structures shall be designed and constructed to resist wind gusts of at least two hundred fifty (250) kilometers per hour and seismic force of magnitude seven (7) on the Richter scale. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations; further, all components thereof must be hot dipped galvanized in accordance with standards set forth under the Structural Code of the Philippines.

6. Billboards and signs shall not exceed fifty (50) feet in height. This distance shall be measured from ground level at the base of the support system to the highest point of the billboard.
7. No two billboards located on the same side of a public street or road with four (4) or more lanes shall be spaced less than two thousand (2,000) feet apart. When billboards or signs are located on the same side of public streets or roads with less than four lanes, the spacing shall be no less than one thousand (1,000) feet apart.

Nor shall any billboard be located within a one thousand foot (1,000 ft.) radius of any other billboard even though the two billboards are on different streets. This distance shall be measured along a straight line between the two nearest points of the signs. The minimum spacing requirement shall not apply to two panels viewed from different directions which share a common support structure.

8. NO billboard shall exceed three hundred square feet (300 sq. ft.) in total surface display area.
9. No billboards or signs shall be erected without complying with the required setback prescribed by the applicable local government unit zoning regulations.
10. For billboards or signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such manner as not to overstress any of the elements thereof. The overturning moment produced from lateral forces shall, in no case, exceed two-thirds of the dead-load resisting moment.

Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

11. The supports for all billboards, signs, and their structures placed in or upon private property shall be securely built, constructed, and erected in conformity with the requirements of the National Building Code (NBC).
12. Materials of construction for billboards, signs and sign structures shall be of the quality and grade as specified in the NBC.
13. All billboards, signs and sign structures erected in highly restrictive fire zones shall have structural members of incombustible materials. Ground signs may be constructed of any material meeting the requirements of the NBC. Combination signs, roof signs, walls signs, projecting signs, and signs on marquees shall be constructed of incombustible materials. No combustible materials other than approved plastics shall be used in the construction of electric signs.
14. No part of a billboard or sign shall be constructed or erected on any private or any proprietary property of the government without the consent of the property owner or lawful possessor or authorized

representative and without the approval of the DPWH, through its authorized local government unit (LGU) building official. Provided, that in Metro Manila, the approval of the MMDA upon the favorable recommendation of the concerned LGU building official must be obtained instead.

15. No billboards shall be erected or installed above the roof of any building and structure if found violative of the NBC.
16. Billboard or sign shall not be made of reflective materials that can redirect light towards adjacent buildings and structures, neither shall it be made with oscillating and fluctuating light that may produce unwanted glare.
17. No billboard shall be constructed on a lot where it obscures or shades the windows or doorways of adjacent buildings.
18. No billboards, signs or signs structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe.
19. No billboards or signs shall obstruct any opening to such an extent that light or ventilation is reduced to a point below that required by this Code.
20. Signs shall be located not less than 1.80 meters (6 feet) horizontally or 3.60 meters (12 feet) vertically from overhead electrical conductors which are energized in excess of 750 volts.
21. No billboard with obscene, indecent and immoral contents or graphics shall be allowed to be installed or displayed; therefore, the display content of billboards must be subject to review and approval as provided herein.
22. No billboard or sign shall be erected or installed within a one thousand (1,000) feet circumference of the nearest property line of any of the following:
 - (a) historic site;
 - (b) school;
 - (c) church;
 - (d) hospital;
 - (e) retirement or nursing home;
 - (f) cemetery;
 - (g) governmental building;
 - (h) public park;
 - (i) playground;
 - (i) recreation area;
 - (k) convention center; and
 - (l) any area in which billboards are prohibited.

Sec. 5. Fees and Inventory of Billboards. - Upon the effectivity of this Act the following fees for billboard shall apply:

(1) billboard permit fee of Five Thousand Five Hundred Pesos (P5,000.00) for the construction of new billboards, as well as, for those seeking billboard permit for signs constructed and existing prior this Act; and

(2) annual inspection fee of Three Thousand Pesos (P3,000.00), payable upon filing and approval of the application for the yearly billboard permit

The DPWH and MMDA shall use additional revenues resulting from the foregoing to conduct a thorough countrywide inventory of all 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 local government agency charged with regulating billboards.

Sec. 6. Billboard Permit – Billboards and signs may be erected, constructed or installed only upon the issuance of a billboard permit, by the DPWH through its authorized LGU building official, and in Metro Manila by the MMDA, after payment of required fees. Provided, that no billboard permit shall be issued without a compulsory insurance coverage, the amount of which shall be determined by DPWH.

Billboard permit and inspection clearance issued by the DPWH or MMDA, is revocable when it is shown that the billboard fails to comply with the provisions of this Act and its implementing rules, NBC and other regulations promulgated by concerned agencies, and/or poses a clear threat to public welfare, safety and health.

Sec. 7. Billboard Content; Subject to Review. – All display contents or subjects and graphics must conform with the standards set by the Advertising Board of the Philippines and/or other government agency mandated by law to review and approve the same. Thus, billboard owner and/or operator must obtain this approval, in addition to those mentioned under Secs. 5 and 6 of this Act.

Sec. 8. Enforcement of the Act - It shall be the primary duty of the DPWH and in Metro Manila, the MMDA to effectively enforce the provisions of this Act. Thus, both may request any duly constituted law enforcement agencies and other officers of the government to render immediate assistance for the purpose.

All non-conforming billboards and/or installations, and those found to be dangerous or hazardous shall be summarily abated and dismantled by the DPWH or MMDA, as the case may be, with all the costs related to the demolition, hauling and disposal thereof charged at the expense of the billboard owner, operator or lawful possessor.

Sec. 9. Assisting Entities. – In compiling with the inventory mentioned in Section 5, the DPWH and MMDA shall cooperate with billboard permit holders, local government units, nongovernmental organizations, citizens groups and other stakeholders concerned with scenic conservation and transportation.

Sec. 10. Development of Official Signs. - The DOT is directed to develop, construct and contract with public and private entities for the construction and maintenance of official signs in addition to any such signs currently operated by the DOT. The DOT shall consult with scenic conservation groups, businesses and business organizations, and local governments to facilitate the development of these signs in such a way as to allow businesses to reach the traveling public without the deleterious impact of billboards on scenery.

Sec. 11. Penalties – The principal penalty for any violation of the provisions of this Act or its implementing rules committed by billboard owners or operators shall be summary abatement and dismantling of their respective billboards and signs, notwithstanding compliance of the billboard itself with the structural requirement under this Act.

In addition, any person, corporation, trust, firm, partnership, association or entity found violating this Act or the rules and regulations promulgated thereunder shall be punished by a fine of One Hundred Thousand pesos (P100,000.00) or imprisonment of at least six (6) months but not more than one (1) year.

If the violation is committed by a corporation, trust or firm, partnership, association or any other entity, the penalty of imprisonment shall be imposed on the entity's responsible officers, which may include, the president, vice-president, chief executive officer, general manager, managing director or partner.

Any officer of the duly designated enforcement agency who neglect or fails to enforce the provisions of this Act shall be administratively liable and in addition, punished by a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00), without prejudice to the filing of appropriate criminal charges.

Sec. 12. Implementing Rules and Regulations. – The DPWH, in coordination with MMDA and other agencies of the national and local governments shall promulgate the rules and regulations to carry out the provisions of this Act within sixty (60) days from its effectivity.

Sec. 13. Funding – The amount necessary to carry out the provisions of this Act shall be included in the budget of concerned government agencies in the General Appropriations Act of the year following its enactment into law and thereafter.

Sec. 14. Transitory Provision - All billboard structures not conforming with the provisions of this Act shall immediately be dismantled by their owners or corrected accordingly, provided, that those covered by existing advertising contracts are given six (6) months to novate or modify said contracts to conform with the provisions herein.

Sec. 15. Repealing Clause – All laws, decrees, executive orders or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 16. Separability Clause – If any provision of this Act is held invalid or unconstitutional, other provisions not affected shall continue to be in full force and effect.

Sec. 17. Effectivity – This Act shall take effect 15 days after its complete publication in at least two (2) newspapers of general circulation.

Approved,