

HOUSE BILL NO. 3159

Introduced by HON. LEOPOLDO N. BATAOIL

EXPLANATORY NOTE

*"A business without a sign
is a sign of no business."*

The foregoing lines in a billboard posted somewhere along the periphery of the North Luzon Expressway once caught my attention and my fascination thereof remains to these days.

Indeed, a good ad lingers in people's minds; its recall value prods a person into patronage and purchase of a product or service. It came as no surprise therefore, that billboards grew like mushrooms all over the metropolis and in strategic areas owing to its effectiveness in capturing the attention of the intended market, as well as for its cost-efficiency as a medium of advertising *vis-à-vis* broadcast media.

The laws regulating billboards are scattered elsewhere in our statute books - in the outdated Building Code of the Philippines of 1972 (RA 6541), Chapter 20 of the National Building Code of the Philippines (Presidential Decree No. 1096) and its detailed Implementing Rules and Regulations, the Philippine Electrical Code, the Code of Ethics for Advertising and Promotions, the Philippine Highway act of 1953 (Republic Act No. 917), the National Structural Code of the Philippines of 1992, some relevant Civil Code provisions on easement and nuisance, as well as in various Ordinances of local government units.

The bedlam in the present set-up lies in the absence of an exacting law on billboards. And where different municipalities, cities, and entities are imposing different rates of regulatory fees, there is indeed a need for a uniform schedule of applicable fees.

Other than a recognition of the value of outdoor out-of-home media as an effective marketing tool, this proposed piece of legislation also aims to address the industry's clamor for order in an otherwise chaotic billboards industry - a legitimate multi-billion peso industry, with a positive contribution to the economy by employing thousands of workers and generating allied businesses.

In view of the foregoing, the immediate approval of the bill is exceedingly recommended.


LEOPOLDO N. BATAOIL
Representative, 2nd District of Pangasinan

1 Republic of the Philippines
2 **HOUSE OF REPRESENTATIVES**
3 Quezon City, Metro Manila

4
5 FIFTEENTH CONGRESS
6 First Regular Session

7 HOUSE BILL NO. **3159**
8

9
10 **Introduced by Hon. LEOPOLDO N. BATAOIL**
11

12 **AN ACT**
13 **PRESCRIBING STANDARDS AND GUIDELINES FOR THE OUTDOOR OUT-OF-HOME**
14 **MEDIA INDUSTRY AND FOR OTHER PURPOSES**
15

16
17 Be it enacted by the Senate and House of Representatives of the Congress of the
18 Philippines in session assembled:

19
20 **SECTION 1. *Short Title.*** – This Act shall be known and cited as the “Outdoor Industry
21 Act of 2010.”
22

23 **SECTION 2. *Declaration of Policy.*** – It is the declared policy of the State to protect and
24 secure the environment, highways, transportation lines and facilities, historical and scenic sites
25 and the public domain in general from obstructions, hindrances and nuisances. In the pursuit of
26 this policy, the State shall regulate in particular the outdoor out of home industry without
27 arbitrarily impairing free private enterprise and unduly curtailing the people’s freedom of
28 expression.
29

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

- 31
32 a. “Banner” means a billboard with a size equal to or less than 5.01 square meters in
33 surface area (1.52 meters by 3.30 meters).
34
35 b. “Barangay” means the basic and smallest local government unit or political
36 subdivision as defined in Republic Act No. 7160, as amended, otherwise known as
37 the Local Government Code of 1991.
38
39 c. “Billboard” means a sign or signage, signboard, identification, illustration, image,
40 picture or any other devise for outdoor advertisement, measuring more than 5.01
41 square meters in surface area (or 1.52 meters by 3.30 meters), consisting of a support
42 structure, a display or message area, an optional lighting system and related
43 components installed on land, building, property or transport vehicles to attract or
44 direct attention to a particular product, service, idea, information, design, system,
45 activity, institution, business, belief and/or personality. The term shall be generic and
46 shall collectively refer, but not limited, to multimedia or tri-vision display, neon or
47 other illuminated and painted signs and the like.
48

- 1 d. "Building Height Limit" or "BHL" means the maximum height allowed for a building
2 or structure based on its proposed use or occupancy. The BHL is generally measured
3 from the established grade line to the topmost portion of such a building or structure,
4 inclusive of an Outdoor medium mounted on top of such a building or structure.
5
- 6 e. "Carriageway" or "roadway" means the portion or component of the RROW on
7 which land-based transportation conveyances such as motor vehicles are allowed to
8 pass or park. For RRROWs, the term may be "Railway" and, for WROWs, the
9 applicable term may be "Waterway" or "Vessel-way".
10
- 11 f. "Content" means the message and image components of a display which may be
12 advertising, commercial, directional or general public information in intent.
13
- 14 g. "DILG" means the Department of the Interior and Local Government.
15
- 16 h. "Display" means the material or device mounted on the outdoor medium support
17 structure, including transport vehicles, together with its content.
18
- 19 i. "DOTC" means the Department of Transportation and Communications.
20
- 21 j. "DPWH" means the Department of Public Works and Highways.
22
- 23 k. "Firewall" means a reinforced masonry or reinforced concrete separator with the
24 appropriate fire-resistive rating and which shall be positioned between buildings or
25 structures to maintain the fire integrity of each building or structure. Firewalls that are
26 erected along and/or above property lines utilize a substantial portion of the
27 maximum development potential of a property and shall therefore have no openings
28 except for the permitted vent wells specified under the National Building Code
29 (NBC) and its Implementing Rules and Regulations (IRR).
30
- 31 l. "IRR" means Implementing Rules and Regulations.
32
- 33 m. "Legal Easement" shall be defined under the New Civil Code of the Philippines.
34
- 35 n. "LGU" means local government unit.
36
- 37 o. "Lighting System" means the luminaries, complete lighting units, power source,
38 connections, controls and all support structures and devices that ensure the continuous
39 illumination of a display.
40
- 41 p. "Non-Conforming Outdoor Media" means any Outdoor medium lawfully constructed
42 prior to the enactment of this Act, which does not conform to the provisions of this
43 Act.
44
- 45 q. "Off-premise Sign" means an outdoor medium that advertises goods or services that
46 are sold or offered at a place other than where the outdoor medium is physically
47 located.
48

- 1 r. "Official Signs" mean directional or informative signs, including infrastructure
2 project announcements and descriptions, in whatever legal form, that are officially
3 designed and erected by or through the national government or any of the local
4 government units for the purpose of public service and information.
5
6 s. "On-premise sign" means an Outdoor Medium that advertises goods or services that
7 are sold or offered within the place where the Outdoor Medium is physically located.
8
9 t. "OOH Media" means Out-Of-Home Media or any type of advertising that reaches the
10 consumer while he or she is outside the home. This is in contrast with broadcast,
11 print and internet or web-based advertising.
12
13 u. "Outdoor Medium" or "Outdoor Media" means OOH media found outdoors or
14 outside buildings and transit vehicles, whether an off-premise sign or an on-premise
15 sign.
16
17 v. "Outdoor Operator" is a natural or juridical person engaged in the construction,
18 erection and maintenance of outdoor media, whether contracted by a third party or for
19 leasing to advertisers.
20
21 w. "Property line" means the imaginary or defined line or a set of such interconnected
22 lines denoting the limits of a property.
23
24 x. "ROW" means the Right-of-Way, including the airspace above the ROW
25
26 y. "RROW" or "Road-Right-of-Way" or "Street" means a public open space for the
27 continuous flow of pedestrian and vehicular traffic, including the air space above the
28 RROW. It is also the surface area lying between two (2) or more parallel properties
29 and its width is horizontally measured from opposite property lines.
30
31 z. "RRROW" means the railroad-right-of-way consisting of railway, tramway or tracks
32 on which the trains actually pass as well as the buffer areas on either side of the
33 railway for operational safety and fixed facilities for passenger exchanges, inclusive
34 of the airspace above the RRROW.
35
36 aa. "Setback" means a one-dimensional quantity denoting the level horizontal distance
37 measured at a ninety degree angle (90°) from the line formed by the outermost face of
38 a building, structure or Outdoor Media Support Structure to a property line, whereby
39 both lines run parallel to each other.
40
41 bb. "Sidewalk" means the portion on each side of the RROW for the exclusive use of
42 pedestrians and the disabled who are in transit.
43
44 cc. "Sign Permit" refers to the permit secured from the appropriate LGU for installation,
45 attachment, painting of any form of Outdoor Media display.
46
47 dd. "Sponsored Public Signs" are traffic, informational, public service signs or a
48 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.

ee. "SMPS" means the Special Metropolitan Political Subdivision as defined by Section 11, Article X of the 1987 Constitution of the Republic of the Philippines, such as the Metropolitan Manila Development Authority (MMDA).

ff. "Support Structure" means the framework on which the display or attention-catching device of an Outdoor Medium is mounted, including transport vehicles. The foundation and superstructure form part of the support structure.

gg. "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(s).

hh. "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.

ii. "Video Billboard" refers to an Outdoor Medium with video display.

jj. "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.

kk. "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.

ll. "Yard" means a two-dimensional space consisting of the vacant land area between the outermost portion of an Outdoor Medium including its Support Structure and the Property Lines.

SECTION 4. *Regulation of Outdoor Media.* - Any Outdoor Media constructed, 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, RRROWS, ROWS and Legal Easements:

1. Outdoor Media shall not 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. Outdoor Media shall not be erected in a manner that can confuse or obscure or obstruct the view or interpretation or that may interfere,

1 imitate or resemble official traffic signs, signals or devices, or prevent a clear and
2 unobstructed view of Official Signs in approaching or merging traffic.
3

4 2. The outermost portion or projection of an Outdoor Medium or its Support
5 Structure or its lighting system shall be located at least one and a half (1.5) meters
6 away from electrical high-tension lines, or at such adequate distance to avoid the
7 magnetic field generated by such electrical high-tension lines.
8

9 3. Subject to the provisions of Section 4(c) of this Act, Outdoor Media shall be
10 allowed to be erected within the RROW, RRROW, UROW, WROW, legal
11 easement and the like.
12

13 4. Reckoned from the carriageway portion of a ROW, RROW or RRROW to an
14 existing Outdoor Medium and unless with the written waiver of the owner of the
15 existing Outdoor Medium, obstruction of an existing Outdoor Medium by another
16 Outdoor Medium (whether an Off-Premise Sign or an On-Premise Sign) from its
17 intended viewership, no matter how partial, shall be strictly prohibited. The
18 existing Outdoor Medium shall be considered not obstructed by a new Outdoor
19 Medium, whether an Off-Premise Sign or an On-Premise Sign, when it is fully
20 visible within two hundred (200) meters distance from its intended audience.
21

22 5. No part of an Outdoor Medium including its support structure shall be
23 installed or constructed upon natural growths such as trees, rocks, and the
24 like.
25

26 b. Position Within Private And Proprietary Properties Outside RROWS, RRROWS,
27 ROWS and Legal Easements:
28

29 1. No part of the Outdoor Medium and its Support Structure shall go beyond the
30 Property Lines of the property on which it stands or the property or properties
31 over which the Outdoor Media owner has a valid and subsisting contract/s for
32 occupancy.
33

34 2. No part of an Outdoor Medium shall be placed on, within or over any private
35 property or any proprietary property of the national government or any of its
36 political subdivisions or agencies or government-owned and/or controlled
37 corporation without the written consent of the property owner or lawful possessor
38 of the property or their duly authorized representative.
39

40 3. No Outdoor Medium shall be erected or maintained upon or above the roof of
41 any building and structure if the building or structure cannot accommodate the
42 additional load, taking into consideration generally-accepted engineering
43 standards, as determined and sworn to by an independent and duly-licensed
44 structural engineer.
45

46 c. Position Within RROWS, RRROWS, ROWS, Legal Easements, and Government
47 Properties:
48

1. Outdoor Media erected within or at a RROW, RRROW, UROW, WROW and the like shall be covered by a duly executed contract with the government agency, which has settled jurisdiction over the property, and shall be subject to existing safety regulations imposed by the said agency. The government agency shall be responsible for coordinating with other government agencies and instrumentalities, including the concerned LGU/s, in the implementation of the contract.
2. Outdoor Media erected within or at a RROW, RRROW, UROW, WROW and the like shall consider the continued safe operation of public transportation and pedestrian traffic upon which the Outdoor Media is erected.
3. Outdoor Media erected within or at a RROW, RRROW, UROW, WROW and the like must also be covered with specific plans duly approved by the respective government instrumentality, agency or department upon which the Outdoor Media owner has a contract with.
4. Outdoor Media erected within or at a RROW, RRROW, UROW, WROW and the like must be erected and lighted in such a way so as not to distract motorists, but must be able to contribute to the brightening of the immediate area upon which the Outdoor Media is erected.
5. Outdoor Media erected within or at a RROW, RRROW, UROW, WROW and the like, together with its cantilevered support structures, may be used to effectively provide shelter for the pedestrians passing underneath from the ordinary elements of nature.
6. The provisions of this Act shall not apply to small outdoor signs that do not exceed three (3) square meters and provides a clear vertical distance of at least four (4) meters for passing pedestrians.

d. Billboard Spacing and Density :

1. Reckoned from the carriageway portion of a ROW, RROW or RRROW to an existing Outdoor Medium and unless with the written waiver of the owner of the existing Outdoor Medium, obstruction of an existing Outdoor Medium by another Outdoor Medium, whether an Off-Premise Sign or an On-Premise Sign, from its intended viewership, no matter how partial, shall be strictly prohibited. The existing Outdoor Medium shall be considered not obstructed by a new Outdoor Medium, whether an Off-Premise Sign or an On-Premise Sign, when it is fully visible within two hundred (200) meters distance from its intended audience.
2. Outdoor Media may be single-faced or multiple-faced. In the case of a free-standing or wall/roof-mounted multiple-faced Outdoor Medium, the allowable display surface area per advertising face shall not exceed four hundred fifty (450) square meters, provided that the Outdoor Media and its Support Structure does not exceed the Property Lines of the property on which it stands or the property or properties over which the Outdoor Media owner has a contract/s of occupancy, and the BHL requirements under this Act are complied with.

e. Display Content and Lighting:

1. All display Content for Outdoor Media and temporary signs must conform to the standards set by the Advertising Board of the Philippines (ADBOARD) and the Advertising Standards Council (ASC). Censorship of Content shall be within the sole jurisdiction of the ADBOARD and the ASC.
2. No Outdoor Medium with any commercial content shall be erected within a twenty (20) meter distance of the nearest property line of declared historic or cultural sites or of public parks.
3. Outdoor Media which contain, include or are illuminated by any flashing, intermittent or moving light or lights, or have reflective surfaces and devices shall be permitted; provided, that such Outdoor Media does not interfere with traffic safety.
4. Electronic variable message Outdoor Media shall be permitted; provided, that such Outdoor Media does not interfere with traffic safety and does not resemble or simulate traffic control or safety devices or signs.
5. Outdoor Media must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.

f. Outdoor Media (Except Banners) Must Have Structural Integrity To Withstand The Following:

1. Maximum wind load capacity of two hundred (200) kilometers per hour; and,
2. Earthquakes of a maximum magnitude of 6.0 on the Richter scale.

g. Allowable Dimensions For Outdoor Media Displays:

1. In the case of a free-standing or wall/roof-mounted multiple-faced Outdoor Media, the allowable display surface area per advertising face shall not exceed four hundred fifty (450) square meters; provided, that the Outdoor Media and its Support Structure does not exceed the property lines of the property on which it stands or the property over which it has a contract of occupancy; provided further, that, the BHL requirements under this Act are complied with; and, provided finally, that the whole structure shall be able to withstand a wind load of two hundred (200) kilometers per hour.
2. No Outdoor Media 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 or the building roof in the case of roof-mounted Outdoor

Media, whichever is higher, up to the highest point of the Outdoor Medium or any of its components

h. Maintenance of Outdoor Media:

1. Outdoor Media shall at all times be maintained in a safe and stable condition.
2. All Outdoor Media, together with the Support Structure, shall be kept in repair and in proper state of preservation by the owner thereof.
3. Outdoor Media shall be inspected by the Outdoor Media owner after every occurrence of major typhoons and earthquakes.
4. Outdoor Media shall be jointly inspected on an annual basis by the Outdoor Media owner and the representative of the Office of the Building Official (OBO).
5. Installed advertising materials of affected Outdoor Media shall be automatically lowered by the Outdoor Media owner upon any official announcement and/or release of a Typhoon Signal No. 2 bulletin by the *Philippine Atmospheric, Geophysical and Astronomical Services Administration* (or PAGASA).

SECTION 5. *Placement of Billboards with respect to Emergency Exits, Doors and Windows, and Firewalls.* – Outdoor Media shall not in any manner interfere with the free use or operation of any fire escape, emergency exit, door, window, standpipe and the like. Outdoor Media shall not be erected, constructed and maintained as to obstruct the safe passage to any emergency exit, accessibility ramp or other openings. Outdoor Media shall not in any manner interfere with the free use or passage of a fire escape or be so placed as to prevent compliance with the provisions on easement of light and view of the New Civil Code of the Philippines and other applicable laws and regulations. Firewalls shall not be used as mounting surfaces for billboards and other types of display.

SECTION 6. *Permits Required.* – The following provisions shall govern the procurement of permits for Outdoor Media erected and constructed after the effectivity of this Act:

- a. Except as otherwise provided for in this Act, no Outdoor Medium shall hereinafter be erected, constructed or maintained unless the following permits are obtained by the owner thereof and after the payment of the prescribed fees:
 1. A one-time DPWH clearance issued prior to construction by the DPWH national office or the District Engineer concerned, upon the favorable endorsement by the DPWH, covering the specific construction/installation of the Outdoor Media. The issuance of the DPWH clearance shall be ministerial once an endorsement has been issued by the DPWH Secretary or his authorized representative. The DPWH clearance need not be obtained on an annual basis;
 2. A one-time building permit issued prior to construction by the DPWH, through the Office of the Building Official of the city or municipality, where the Outdoor Medium is proposed to be erected or constructed (OBO); and,

3. An annual inspection and sign permit issued by the DPWH, through the Office of the Building Official of the city or municipality where the Outdoor Medium is located (OBO), after the conduct of a field inspection by the Office of the Building Official (OBO) to validate the structural integrity of the Outdoor Medium, to determine whether the same is well-maintained, and to ascertain that no unauthorized enlargement has been done by the Outdoor Media Operator.

For Banners attached to lampposts, only the annual inspection and sign permit shall be required.

- a. An application for a building or annual sign permit shall be made in writing by an Outdoor Media Operator on the permit form furnished by the OBO concerned and shall include such information as may be required for a complete understanding of the proposed work.

For this purpose, only the following documents and information shall be required of the applicant:

1. A certified true copy of the Certificate of Title (on file with the proper Registry of Deeds), or tax declaration or current real property tax receipt, if the applicant is the owner of the property;
 2. A duly-notarized Contract of Lease, if the applicant is not the owner of the property or building on which the Outdoor Medium shall stand or be placed;
 3. Five (5) sets of design plans and engineering specifications of the proposed Outdoor Medium;
 4. Clearance from the DPWH;
 5. Clearance from the concerned barangay; and
 6. Clearance from the Outdoor Advertising Association of the Philippines (OAAP).
- b. The application, with the complete set of documents and/or attachments, shall be filed by the applicant and stamped "Received" by the OBO, indicating the date and time, with the complete printed name and signature of the concerned OBO personnel actually receiving the said documents.
 - c. The application shall be acted upon, whether favorably or unfavorably, within fifteen (15) calendar days from the date and time of filing; otherwise, the same shall be deemed approved by the OBO. If the application is rejected, the OBO shall issue a pronouncement in writing citing the reason(s) why the application is rejected, and the applicant shall be given a chance to remedy the defect(s) within fifteen (15) calendar days from the date and time such rejection was officially and actually conveyed to the applicant.

- 1 d. The building permit or annual inspection clearance to a qualified entity to erect, operate,
2 maintain an Outdoor Medium may be revoked if such is:
3
4 1. Found to violate any of the provisions of this Act and its IRR; and,
5
6 2. Declared by a court of competent jurisdiction to pose a clear, actual and present threat to
7 public welfare, safety and health. 8

9 The permit or clearance issued by the DPWH may be reinstated by the DPWH if the
10 provisions or rules violated are complied with.
11

12 **SECTION 7. *Regulatory Fees of Outdoor Media.*** – Upon the effectivity of this Act, the
13 following fees for an Outdoor Medium shall apply:
14

- 15 a. A one-time DPWH clearance fee of Two Thousand Five Hundred Pesos (Php2,500.00) per
16 Outdoor Medium, payable (i) Upon filing of the application for building permit for a new
17 Outdoor Medium to be constructed after the effectivity of this Act; or, (ii) Upon filing of the
18 first application for sign permit for an Outdoor Medium existing as of the date of this Act.
19
20 b. A one-time building permit fee of Two Thousand Five Hundred Pesos (Php2,500.00) per
21 Outdoor Medium, payable upon filing of the application for building permit for a new
22 Outdoor Medium to be constructed after the effectivity of this Act. This fee shall cover all
23 clearances and permits required for the procurement of the building permit.
24
25 c. An annual inspection and sign permit fee of Two Thousand Five Hundred Pesos
26 (Php2,500.00) per Outdoor Medium, payable upon filing and approval of the application for
27 the yearly sign permit. This fee shall cover all clearances and permits required for the
28 procurement of the annual sign permit. In the case of Banners, the fee shall be One Hundred
29 Pesos (Php100.00) per Banner.
30
31 d. The fee for annual business permits required by the local government units (LGUs) shall not
32 exceed Two Thousand Five Hundred Pesos (Php2,500.00), which shall be payable upon
33 filing and approval of the application for the yearly business permit.
34

35 The fees for the DPWH clearance shall be collected by the Office of the District Engineer of the
36 locality where the Outdoor Medium is proposed to be located for remittance to the DPWH, which shall
37 be the lead agency charged to implement the provisions of this Act. The DPWH, in coordination with
38 the other government agencies such as the SMPS and other LGUs, shall use such revenues to conduct a
39 thorough countrywide inventory of all Outdoor Media.
40

41 The fees for the building permit and annual sign permit shall be collected by the Office of the
42 Building Official of the city or municipality where the Outdoor Medium is located for remittance to the
43 DPWH. The building and sign permit fees collected shall be used to defray the cost of inspecting the
44 Outdoor Medium for compliance with this Act and its implementing rules and regulations on a yearly
45 basis.
46

47 **SECTION 8. *Abatement of Dangerous Billboards.*** – The following procedure shall be observed
48 in the abatement/demolition of Outdoor Media deemed to be ruinous or dangerous:
49

- a. There must be an official and verified finding or declaration by the Office of the Building Official of the place where the Outdoor Medium is located that the Outdoor Medium is ruinous or dangerous.
- b. Written notice or advice shall be served upon the Outdoor Media Operator of the Outdoor Medium or lot/building owner of such finding or declaration, citing the specific findings and reason(s), and giving him/them at least fifteen (15) calendar days from receipt of the notice within which to cause repair, abate, demolish and remove, as the case may be, the ruinous or dangerous Outdoor Medium or any part or portion thereof.
- c. Within the said fifteen (15)-day period, the Outdoor Media Operator or lot/building owner may, if he so desires, appeal to the DPWH Secretary the finding or declaration made by the Building Official concerned and formally request for a re-inspection or re-investigation of the affected Outdoor Medium. The appeal shall work to stay the execution of the order for repair, abatement, demolition or removal.
- d. If the appeal is meritorious, the DPWH Secretary shall designate a competent representative/s other than the Building Official concerned to undertake the re-inspection or re-investigation of the Outdoor Medium together with the Outdoor Media Operator or lot/building owner, or its/their representative/s. The representative/s so designated shall make or complete his/their report within a period of thirty (30) calendar days.
- e. If, after re-inspection or re-investigation, the finding is the same as the one issued by the OBO being contested, the DPWH Secretary shall, through the Building Official concerned, notify the Outdoor Media Operator or lot/building owner, giving him not more than fifteen (15) calendar days from receipt of notice of the results of the re-inspection or re-investigation of affirmed finding, to make the necessary repair, abatement, demolition and removal of the subject Outdoor Medium or parts thereof, as the case may be.
 1. If the Building Official has determined that the Outdoor Medium must be repaired or abated, the Order to be issued shall require that the work: - (i) physically commence within fifteen (15) calendar days from the date of receipt by the Outdoor Media Operator or lot/building owner of such Order; and (ii) be completed within such reasonable time as may be determined by the Building Official.
 2. If the Building Official has determined that the Outdoor Medium must be demolished, the Order shall require that: - (i) the Outdoor Media Operator commence demolition within fifteen (15) calendar days from the date of receipt by the Outdoor Media Operator or lot/building owner of such Order; and (ii) the demolition be completed within such reasonable time as may be determined by the Building Official.
- f. If, after re-inspection or re-investigation, the finding is that the Outdoor Medium is neither ruinous nor dangerous, the DPWH Secretary shall, through the Building

Official concerned, notify the Outdoor Media Operator or lot/building owner of such findings, with an advice to disregard the original notice.

- g. The decision of the DPWH Secretary on the appeal shall be final.
- h. Upon failure of the Outdoor Media Operator or lot/building owner to comply with the Order of the Building Official or of the DPWH Secretary, in case of appeal, to repair, abate, dismantle or remove the Outdoor Medium or any part thereof after fifteen (15) calendar days from the date of receipt of the Order, the Building Official shall cause the Outdoor Medium to be repaired, dismantled or removed, partly or wholly, as the case may be, with all expenses therefore chargeable to the Outdoor Media Operator or lot/building owner.

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

- a. Official highway route number signs, street names, directional and other official government signs;
- b. Information and public service signs, such as those on availability of restrooms, telephone or similar public conveniences;
- c. Information and description on infrastructure projects;
- d. Official traffic signs, signals, devices and the like; and,
- e. 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 content does not exceed 20% of the total display area.

SECTION 10. *Outdoor Advertising Association of the Philippines.* - The Outdoor Advertising Association of the Philippines (OAAP) shall act as the recognized national organization of Outdoor Media Operators and shall assist the concerned government agency/agencies in the implementation and enforcement of this Act.

Prior to the construction of an Outdoor Medium, the Outdoor Media Operator shall secure a written clearance from the OAAP to ensure that the proposed Outdoor Medium does not violate the OAAP's Code of Ethics.

SECTION 11. *Penal Clause.* - It shall be unlawful for any natural or juridical person to directly or indirectly erect, construct, enlarge, repair, move, remove or maintain any Outdoor Media contrary to or in violation of any provision of this Act.

No officer or employee of the national or local governments, now or hereafter charged with the enforcement of laws, ordinances or regulations relating to the construction, erection or

1 alteration of Outdoor Media, shall endorse the approval of any plans, designs or specifications
2 which have not been prepared and submitted in full accord with all the provisions of this Act.

3
4 Any individual or firm, whether in the private or public sector, who shall violate any of
5 the provisions of this Act shall, upon conviction by a court of competent jurisdiction, be
6 punished by a fine of not less than thrice the value of the Outdoor Medium including its Support
7 Structure, but not more than ten times the value of said Outdoor Medium including its Support
8 Structure, or by imprisonment of not less than one (1) year but not more than five (5) years, or
9 both, at the discretion of the court. In case of a firm, partnership, corporation or association,
10 whether private or public, the penalty shall be imposed upon its responsible officers for such
11 violation. In case the guilty party is an alien, he/she shall immediately be deported after payment
12 of the fine and/or service of sentence.

13
14 **SECTION 12. *Enforcement of the Act.*** - It shall be the primary duty of the DPWH to
15 effectively enforce the provisions of this Act. All duly constituted law enforcement agencies and
16 officers of the national, provincial, city, municipal, or barangay governments, or of any political
17 subdivision thereof, shall, upon the call or request of the DPWH, render immediate and complete
18 assistance in enforcing the provisions of this Act. The Secretary of Justice or his/her duly
19 designated representative shall act as legal adviser to the DPWH and render legal assistance as
20 may be necessary in carrying out the provisions of this Act.

21
22 **SECTION 13. *Transitory Clause and Non-Conforming Outdoor Media.*** - Outdoor
23 Media existing as of the effectivity of this Act, including those designed or constructed in full
24 compliance with the National Building Code and its Implementing Rules and Regulations (IRR)
25 or in compliance with LGU building codes or ordinances existing as of the approval of this Act,
26 shall not be covered by Sections 4 and 5 of this Act; provided, that the owners of these Outdoor
27 Media, within six (6) months from effectivity of this Act, shall: (i) submit to the OBO concerned
28 a certification from a duly-licensed structural engineer that the Outdoor Medium is in
29 compliance with accepted engineering standards and is structurally sound; (ii) file an application
30 for the appropriate permits, with complete attachments; and, (iii) pay the corresponding fees. It
31 shall be ministerial on the part of the OBO concerned to issue the permits and levy the proper
32 fees once the structural engineer's certification and complete application is submitted.

33
34 Should the Outdoor Media Operator fail to perform the above within the period
35 prescribed, the DPWH shall dismantle such Outdoor Media at the expense of the Outdoor Media
36 Operator.

37
38 **SECTION 14. *Implementing Rules and Regulations (IRR).*** - Within sixty (60) calendar
39 days after the effectivity of this Act, the DPWH, in coordination with other agencies of the
40 national and local governments, and in consultation with the Outdoor Advertising Association of
41 the Philippines (OAAP) and all stakeholders in the industry, shall adopt and promulgate such
42 rules and regulations to carry out the provisions of this Act. Such rules and regulations shall
43 become effective fifteen (15) days following its publication in the *Official Gazette* or in two (2)
44 major daily newspapers of general circulation. The updating of and amendments to the IRR shall
45 be undertaken by the DPWH every five (5) years, including the provisions on the permit and
46 related fees.

47
48 The OAAP shall sit as a regular member of the committee drafting the IRR and shall
49 assist the DPWH in the formulation thereof.

1
2 The DPWH shall also prepare and promulgate the necessary guidelines, standards and
3 manuals of procedure in accordance with the provisions of this Act.
4

5 **SECTION 15. *Oversight Committee.*** – There shall be a five (5) member oversight
6 committee in the implementation of this Act composed of the following:
7

- 8 a. The Secretary of Public Works and Highways, or his duly authorized representative;
9
10 b. The Secretary of the Interior and Local Governments, or his duly authorized
11 representative;
12
13 c. The Secretary of Finance, or his duly authorized representative;
14
15 d. The Secretary of Transportation and Communications, or his duly authorized
16 representative; and,
17
18 e. Representative of the OAAP.
19

20 **SECTION 16. *Separability Clause.*** – If any provision or part hereof is declared invalid
21 or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
22 valid and subsisting.
23

24 **SECTION 17. *Repealing Clause.*** – Any law, presidential decree or issuance, executive
25 order, letter of instruction, administrative order, rule or regulation, contracts and other
26 memoranda of agreement entered into by a government agency, LGU or government-owned
27 and/or controlled corporation/organization contrary to or inconsistent with the provisions of this
28 Act is hereby repealed, modified, or amended accordingly.
29

30 **SECTION 18. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
31 publication in at least two newspapers of general circulation.
32

33 Approved.
34
35