

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4937

Introduced by **HON. JOSEPH F. VIOLAGO**

Explanatory Note

The proliferation of hazardous billboards of all shapes and sizes along the major thoroughfares of Metro Manila and other cities and in national highways in the provinces and other areas in local government units (LGUs) continues due to lack of laws regulating their placement as well as the lack of coordination of government agencies and local governments in ensuring that these billboards will not endanger the lives and well-being of our people.

Senator Miriam Defensor-Santiago aptly described this reality and situation as a "billboard hell".

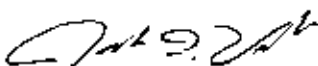
Only with the death of some victims as well as the injuries caused by billboards that collapsed during some recent typhoons have ushered to the fore the urgent imperative to institute measures, as well as the loud uproar following the display of commercial/advertisement billboards showing images of men and women which, to most, offend our collective and shared representations of decency and long-revered conventional community standards.

Can the placement of billboards be regulated? Yes, as it is well within the purview of the State under the police power doctrine and of a long line of cases replete with the recognition that the freedom of the individual must at times yield and be subordinated to the common welfare starting with the classic case of *Jacobson v. Massachusetts* (197 US 11, 1905). Can billboards be prohibited? The answer is also Yes.

In our long years of adherence to the tenets and principles of constitutional democracy and republicanism, we have come to know that police power is that inherent power to regulate liberty and property for the promotion of general welfare. It is also referred to as the state authority to enact legislation that may interfere with personal liberty or property to promote the general welfare. Generally, it consists of an **imposition of restraint** upon liberty or property in order to foster the common good in the interest of public health, public safety, public morals and general welfare. Constitutionalist are of the shared view that it is not capable of an exact definition but has been purposely veiled in general terms to underscore its all-comprehensive, vast and pervasive embrace.

This proposed initiative embodies most of the original provisions of a legislative initiative filed by Senator Miriam Defensor-Santiago which was unanimously approved by the Senate during the last Congress, but was not enacted into law due to the absence of similar initiative by the House of Representatives.

In view of the foregoing, the immediate passage of this measure is earnestly and vigorously sought.


JOSEPH F. VIOLAGO

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AN ACT
REGULATING THE PLACEMENT OF BILLBOARD SIGNS

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

SECTION 1. Short Title. - This Act shall be known as the "Billboard Regulation Act."

SEC. 2. Declaration of Policy.--It is the declared policy of the State to protect life, health, safety and property and to promote the general welfare that are essential for the enjoyment by all its people. The State shall also ensure to ensure the protection and promotion of the country's sceneries and environment, as well as the complete non-obstruction of vital traffic signs.

SEC. 3. Definition of Terms. - As used in this Act the term:

- (1) "Billboard" means an identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business.
- (2) "Off-Premise Billboard" means a business billboard which directs 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.
- (3) "DPWH" means the Department of Public Works and Highways.
- (4) "MMDA" means the Metropolitan Manila Development Authority.
- (5) "DOT" means the Department of Tourism.

SEC. 4. Regulation of Off-Site Signs and Billboards. - Any off-premise sign erected after the effective date of this Act shall comply with the following standards:

- (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.
- (2) Each billboard shall be set back at least twenty-five (25) feet from any road or street right-of-way line, measured from the closest part of the billboard.
- (3) No billboard shall be located within one thousand (1,000) feet of any interchange, within one thousand (1,000) feet of any right-of-way of any underpass, overpass, bridge or tunnel, or within one thousand (1,000) feet of any street intersection.
- (4) All billboards shall be erected in conformity with the front, side and rear yard requirements of the district in which they are located.

(5) No billboard shall be erected 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
 - (j) recreation area
 - (k) convention center
- or any area in which billboards are prohibited.

(6) No billboard shall be permitted whenever property zoned as residential would be between the sign and the roadway toward which it is oriented.

(7) No part or foundation or support of any billboard shall be placed on, in, or over any private property without the written consent of the property owner.

(8) No part or foundation or support of any billboard shall be placed on, in, or over any public property, including public rights-of-way, or any utility or drainage easement, or upon telephone or utility poles, or natural features such as trees and rocks.

(9) No billboard shall be erected or maintained upon or above the roof of any building structure.

(10) No billboard shall be constructed on a lot where it obscures or shades the windows or doorways of adjacent buildings.

(11) No two billboards located upon, or oriented towards traffic traveling upon, 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; 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. 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. 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.

(12) No billboard shall exceed three hundred square feet (300 sq. ft.) in total surface display area.

(13) Billboards may be single-faced or double-faced but no billboard shall contain more than one face on each side of the display and the surface area shall not exceed a total area of three hundred square feet (300 sq. ft.) per structure.

(14) No billboard shall be permitted which, because of its size, shape, or location, may obscure or obstruct the view of vehicular or pedestrian traffic or be confused with any authorized

38 traffic control sign, signal, or device.

(15) No billboard shall be permitted which, because of its size, shape, or location, may impair any scenic vista from the highway or a building adjacent to the highway or to the billboard.

(16) No billboard shall exceed fifty (50) feet in height. This distance shall be measured from ground level at the base of the billboard's support system to the highest point of the billboard.

(17) No billboard structure shall be built that will not withstand wind gusts of less than two hundred forty (240) kilometers per hour, and not withstand an earthquake with a magnitude of less than seven (7) on the Richter scale.

(18) No billboard structure shall be built with an overhang. All billboard structures shall, from the ground up, have the same size as its base.

SEC. 5. Permit Fee and Inventory of Billboards. -

(1) As of the effective date of this Act, the annual fee for a billboard permit for a new construction of a billboard shall be Twenty Five Thousand Pesos (P 25,000.00).

(2) The DPWH in coordination with the MMDA shall use additional revenues resulting from subsection (1) 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. Insurance. - No billboard structure shall be erected without a mandatory insurance coverage, the amount of which is to be jointly determined by the Insurance Commission (IC). Any insurance policy secured for this purpose must only be procured from reputable private insurance companies duly licensed and accredited by the IC which are in existence and operational for at least five (5) years, with a net worth of at least Five Hundred Million Pesos (P500,000.00) based on the audited financial statement submitted and approved under the Philippine Financial Reporting Standards (PFRS), with a current certificate year of authority and with an IC-approved policy.

SEC. 7. Enforcement of the Act - It shall be the primary duty of the DPWH to effectively enforce the provisions of this Act.

SEC. 8. Liability of Officers. - Any officer of the duly designated enforcement agency who fails or neglect to enforce the provisions of this act shall be liable administratively and in addition, shall be fined with no less than twenty thousand pesos (P 50,000.00) and not more than one hundred thousand pesos (P 100,000.00). The filing of criminal charges against the erring officer is not barred by this provision.

SEC. 9. Assisting Entities. - In compiling this inventory mentioned in Section 6, the DPWH shall cooperate with billboard permit holders, local governments, the MMDA, non-governmental organizations and citizens groups concerned with scenic conservation and transportation.

SEC. 10. Development of Business Directional Signs. - The DOT is directed to develop, construct and contract with public and private entities for the construction and maintenance of official business directional 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. Detailed Tasks of the DPWH. The DPWH is hereby tasked to:

1. Conduct field inspection and determine (a) billboards posing imminent danger or threat to the life, health, safety and property of the public; (b) billboards violating applicable laws, rules and regulations; (c) billboards constructed within the easement of road right-of-way; and (d) billboards constructed without the necessary permits. Priority shall be given to billboards located along major roads in Metro Manila and other cities and other national highways and major thoroughfares as determined by the DPWH;
2. Upon evaluation and assessment, issue a certification as to those billboards found to be hazardous and violative of existing standards prescribed by the National Building Code, Structural Code of the Philippines and other related legal issuances furnishing copy of the certification to the LGUs concerned which have jurisdiction over the location of the billboards;
3. Abate and dismantle those billboards, commercial or non-commercial, constructed on private or public properties found to be falling under any and all grounds enumerated in paragraph as above;
4. Submit a detailed written report to the Department of Justice (DOJ) to serve as basis for the possible filing of appropriate administrative, civil or criminal cases;
5. Call upon the Philippine National Police (PNP) to provide assistance in the dismantling of billboards and other off-site signs declared as covered under the preceding paragraph.

SEC. 12. Assistance by MMDA and LGUs.—The Metropolitan Manila Development Authority (MMDA) and/or the concerned LGUs are hereby directed to give full support and assistance to the DPWH for the immediate inspection, assessment and abatement of billboards found to be hazardous and violative of the National Building Code, the Structural Code of the Philippines and related issuances.

The MMDA and the concerned LGUs are directed to submit to DPWH within five (5) days from effectivity hereof an inventory of all billboards existing in their respective territorial jurisdiction, whether or not a permit was duly granted for the construction of the same, that have been the subject of inspection and evaluations.

SEC. 13. Abatement of Nuisance or Hazardous Billboards.—Upon determination by the DPWH that a particular billboard found within national highways and major thoroughfares in Metro Manila and key cities as determined by DPWH is a nuisance or hazardous, it shall abate and dismantle the same in accordance with the law.

LGUs are directed to strictly enforce the laws and regulations on the construction and maintenance of billboards, and pursuant to the Local Government Code, declare, prevent or abate nuisance billboards found within the local roads in their territorial jurisdiction unless the DPWH has already initiated abatement proceedings against the owner of, or any party having interest in, the billboard in accordance with the immediately preceding paragraph.

The abatement and dismantling of nuisance billboards shall be at the expense of the owners or any party having interest thereof.

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 two (2) years to novate said contracts to conform with the provisions herein.

SEC. 15 Separability Clause. - If any provisions or part hereof, is 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 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.

Approved,