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**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

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RECEIVED BY:



SENATE

S.B. No. 1146


Introduced by SEN. WIN GATCHALIAN

**AN ACT
REGULATING THE PLACEMENT AND CONTENT OF BILLBOARDS
INCLUDING THEIR SUPPORT STRUCTURES**

EXPLANATORY NOTE

Section 9, Article II of the 1987 Constitution provides that, "the State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide xxx an improved quality of life for all." The growing number and sizes of the billboards in EDSA and practically along every major metropolitan thoroughfare with high vehicular and pedestrian traffic has become a serious concern – for the life and limb of commuters and pedestrians and the dizzying contents of some billboards that distract commuters.

Apparently, the advertisers believe that the larger and more overwhelming the size of the billboard, the better it would be for promoting their products. While that may benefit the advertisers, the billboards foisted on the hapless commuters actually degrade the quality of the streetscape experience. The road-right-of-way (RROW, or in ordinary usage, the 'streets') is classified as public domain - for the general public to use, enjoy and experience. However, due to overwhelming presence of billboards and their steel

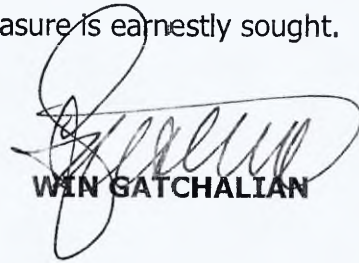


support structures, parts of the RROW or streets have become claustrophobic, unsafe and unkempt. The streetscape has become one large, convoluted and cluttered canvass of oftentimes unwanted visual information. Non-mobile billboards now contribute to a new kind of pollution – one that is visual, which clouds the clarity of sight of the people due to the visually overburdening cascade of billboard advertisements.

Clearly, there is a definite need to restore order in our streets and in our properties and we can start by correcting mistakes spawned by the liberal interpretations on the intent of laws on buildings and structures as these apply to billboards.

Thus, this measure provides specific standards in putting up billboard structures. It also directs uniformity and consistency in installing traffic signs in all cities and municipalities. It mandates adherence to a code of ethics for advertisements and promotions, the content and messages being conveyed, among others. Lastly, it imposes a billboard clearance requirement prior to issuance of locational and structural clearances and permits.

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



WIN SATCHALIAN


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

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

3
4 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
5 ensure an improved quality of life for all through continuing efforts to improve the
6 natural and physical environments and to preserve public spaces as public domain and
7 to regulate the use of such spaces for private enjoyment or benefit. Towards this end,
8 the State shall:

- 9 1) promulgate measures to institutionalize the mechanism for the regulation
10 of billboards;
11 2) provide clear guidelines in the size and spacing of proper billboard
12 installation;
13 3) achieve visual order to enhance the scenic view of the environment; and
14 4) promote public peace, health, welfare and safety of the people.

1 SEC. 3. *Coverage.* - This Act shall apply to all existing and proposed advertising
2 signs, billboards, display signs, electrical signs, light emitting diode (LED) signs and
3 billboards, ground signs, roof signs, and sign structures, hereinafter referred to as the
4 "regulated signs," along major thoroughfares, public roads, secondary roads, avenues,
5 streets, roads, parks and open spaces within Metro Manila and other cities and
6 municipalities.

7
8 SEC. 4. *Definition of Terms.* – As used in this Act:

- 9 a) *Advertisement* refers to a notice or announcement calling the attention of
10 the public through the use of posters, banners, billboards or any advertising
11 signs;
- 12 b) *Advertising sign* refers to a notice or announcement that directs attention
13 to a business, profession, commodity, service or entertainment conducted,
14 sold or offered at a place other than where the business, profession,
15 commodity, or service is located. It is also known as an off-premise sign;
- 16 c) *Ad Standards Council* refers to a non-stock, non-profit organization which
17 aims to promote truth in advertising through self-regulation of advertising
18 content which is recognized by the Philippine Association of National
19 Advertisers (PANA), Association of Accredited Advertising Agencies-
20 Philippines (4As) and other parties who own or exhibit advertising content;
- 21 d) *Billboard* refers to all types of identification, description, illustration, images,
22 pictures, display or device which is affixed to or represented directly or
23 indirectly upon a portion of a building or structure, support structure or land
24 and which directs attention to a product, place, activity, person, institution,
25 business, idea or belief. The term shall be generic and shall collectively
26 include multi-media or tri-vision billboards, neon or other illuminated signs,
27 painted signs and the like. It consists of a support structure, a display or
28 message area, a lighting system and its related components.
- 29 e) *Building* refers to a three-dimensional physical development erected within
30 a lot or property or any combination of or all of its three different levels (at
31 grade, below grade, above grade). The term buildings or structures as used

1 in this Act shall invariably refer to both proposed and existing physical
2 developments within a lot;

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

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

12 h) *Ground sign* refers to a sign with support resting on the ground, the base
13 of which range from a single pole to double-pole, and does not exceed ten
14 (10.0) square meters as one (1) unit.

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

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

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

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

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

- 1 n) *Road-Right-Of-Way or street* refers to a parcel of land unobstructed from
2 the ground to the sky, more than three (3.0) meters in width, appropriated
3 to the free passage of the general public;
- 4 o) *Roof sign* refers to a sign installed on roofs, roof decks, and the horizontal
5 least cross-sectional area in case of supporting frame does not exceed ten
6 (10.0) sq. m. for such framed structure resting entirely on the roof.
- 7 p) *Setback* refers to the horizontal distance measured ninety (90) degrees from
8 the outermost face of the building or structure to the property lines;
- 9 q) *Sign structure* refers to means employed to support the installation of signs
10 and this includes the structural frame, anchorages and fasteners to support
11 and suspend such signs. A building where a roof sign is installed entirely on
12 its roof is not part of the sign structure;
- 13 r) *Temporary sign* refers to a notice or announcement using cloth or other
14 light or combustible material, with or without a frame such as streamer,
15 bills, posters and the like installed for a limited period of time;
- 16 s) *Wall sign* refers to a notice or announcement painted on, attached to or
17 fastened to the surface of the wall or any part of a building or structure the
18 display surface of which is parallel to the wall surface.

19
20 SEC. 5. *Guidelines for the Application of Billboard Clearance.* – Any billboard
21 erected, modified, retrofitted, rehabilitated or otherwise altered and thereafter
22 exhibited after the effectivity of this Act shall comply with the following requirements
23 and conditions:

- 24 a) *Setback Requirements* - For new regulated signs, it shall have an eight (8)
25 meters setback from the property line to the edge of the billboard. The
26 existing regulated signs must have a setback of not less than five (5.0)
27 meters.
- 28 b) *Size of Display Surface* - Regulated signs and sign structures, including LED
29 and other electronic signs and billboards, shall not exceed forty inches (40')
30 x sixty inches (60') which is equivalent to two thousand four hundred
31 (2,400) square feet or equivalent to two hundred sixteen (216) square
32 meters inclusive of the space required for the landscape or vertical gardens.

- 1 c) *Height of Billboard Structures* - Ground signs and sign structures along
2 Epifanio delos Santos Avenue (EDSA), Circumferential Road (C-5) and
3 Commonwealth Avenue shall have a maximum thirty-six (36.0) meters
4 height and minimum twenty-four (24.0) in height from the ground. In all
5 the other areas, the height limits for billboard and billboard structures shall
6 be determined by the local government units in their respective local zoning
7 ordinances.
- 8 d) *Minimum Distance Between Signs* - No new billboard or billboard structure
9 shall be located within the distance of one hundred (100) meters from
10 existing billboards. In some areas where more than one billboard structure
11 can be constructed side-by-side, the distance should be three (3) meters
12 apart.
- 13 e) *Non-obstruction of Traffic Signs* - No regulated sign shall be installed in such
14 a manner as to confuse or obstruct the view or interpretation of any official
15 traffic sign, signal or device.
- 16 f) *Non-obstruction of Landscape* - No regulated sign shall be constructed as
17 to unduly obstruct the natural view of the landscape, distract or obstruct
18 the view of the public as to constitute a traffic hazard, or otherwise defile,
19 debase or offend aesthetic and cultural values and traditions.
- 20 g) *Billboards-free Zones* - No billboard or billboard structures shall be
21 constructed in areas of historical sites, tourist destinations and parks.
22 Neither shall they be installed near power stations and institutional
23 establishments like hospitals, schools and other academic or learning
24 facilities.
- 25 h) *Restrictions on Combustible Materials* - All regulated signs installed in highly
26 restrictive Fire Zones as defined in Presidential Decree No. 1096, otherwise
27 known as the "*National Building Code of the Philippines*" and its
28 Implementing Rules and Regulations (IRR) shall have structural members
29 of incombustible materials. Ground signs may be constructed of any
30 material meeting the requirements of the National Building Code.
31 Combination signs, roof signs, wall signs, projecting signs and signs on
32 marquees shall be constructed of incombustible materials. No combustible

1 materials other than approved plastics shall be used in the construction of
2 electric signs.

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

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

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

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

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

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

31 The owner or operator shall be required to submit a certification prepared,
32 signed and sealed by a civil or structural engineer confirming the structural

1 stability and worthiness of the existing building that it is still safe to carry
2 the proposed wall sign. The consent of the neighbor should be submitted
3 as a requirement for clearance.

4 m) *Material Requirement* - Sign structures carrying signs and signboards made
5 of banners, pennants, tarpaulins and other similar non-rigid materials shall
6 not be installed near power lines and shall maintain a horizontal clearance
7 from such power lines in accordance with Rule XIII, Table XIII.1 of the
8 National Building Code IRR.

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

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

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

27 p) *Prohibited Signages* - All regulated signs, temporary signs and LED signs
28 installed over or across or straddling along public thoroughfares, center
29 islands and RROW, whether it be a national road or secondary road are
30 strictly prohibited except those approved by the Metropolitan Manila
31 Development Authority (MMDA) in Metropolitan Manila, pursuant to its
32 programs and policies, or the respective local government unit (LGU) in

1 other areas, whose main messages and majority of the LED area space shall
2 be for traffic, public emergency and government announcement purposes
3 or contributes in the enhancement and improvement of applicable road
4 infrastructure and furniture consistent with the programs of the MMDA and
5 the Department of Public Works and Highways (DPWH).

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

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

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

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

26 r) *Ad Standard Council Screening* - To conform with the standards for
27 advertising content, all out-of-home (OOH) billboard advertising materials
28 shall be screened by the Ad Standard Council (ASC) and assigned an ASC
29 screening reference number that shall be prominently displayed with the
30 displayed or exhibited advertising material. Non-compliant billboards
31 referred to the ASC which do not comply within five (5) days shall be rolled-

1 down by the MMDA in Metropolitan Manila and the concerned LGU in other
2 areas.

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

6
7 *SEC. 6. Uniformity and Consistency of All Traffic Signs.* – All traffic signs to be
8 installed in all streets of Metro Manila and in other cities or municipalities, whether
9 local or national roads, shall conform to the international standards as to design and
10 installation specifications embodied in the “Philippine Road Signs Manual” or
11 subsequent revisions thereof. Structural specifications shall be in accordance with
12 DPWH standards.

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

17
18 *SEC. 7. Adherence to Code of Ethics.* – All advertisers, owners and operators
19 of billboards shall adhere to the ASC’s Code of Ethics for advertising and promotions
20 that regulate the content of the advertising signs and the meaning of the message,
21 including its words and visuals, being conveyed by the sign, which must not be
22 offensive and should conform to accepted moral standards.

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

27
28 *SEC. 8. Review of Advertising Content.* – The review of the contents of
29 regulated signs including digital or electronic billboards, moving or static LED signs,
30 and liquid crystal display (LCD) advertisements shall be administered and regulated
31 by the Movie and Television Ratings and Classification Board (MTRCB). The billboard
32 owner or operator shall forthwith be notified if the content of the advertisement

1 defiles, debases or offends aesthetic and cultural values and traditions and shall
2 require them to modify the content of the billboard accordingly. The findings of the
3 MTRCB shall not be subject to appeal.

4
5 **SEC. 9. *Billboard Clearance.*** – All owners and operators of existing regulated
6 signs, billboards and structures along major thoroughfares shall be required to secure
7 a clearance from the MMDA for the Metropolitan Manila or the LGU Building Official
8 with regard to other areas. The clearance shall be made a requirement prior to the
9 issuance of locational and structural clearances and permits. A clearance granted prior
10 to the effectivity of this Act shall be suspended pending compliance of the
11 requirements.

12 The clearance shall ensure compliance with the requirements on setback, size
13 of display surface, height, minimum distance between signs, as well as clearance from
14 power lines, location, structural stability and zoning.

15 All applications for billboard clearance shall be required to pay the following to
16 the MMDA or to the concerned LGU:

- 17 a) P1,000.00 upon filing of the application;
- 18 b) P5,000.00 annual inspection fee;
- 19 c) P2,000.00 clearance fee.

20 The clearance shall be valid for one (1) year, unless sooner revoked for violation
21 of this Act and other applicable laws or ordinances concerning billboards. An
22 application for renewal shall be made not later than thirty (30) days after the
23 expiration of the clearance: *Provided,* That the billboard has not been altered or
24 modified. Failure to comply within the said period, shall cause the MMDA or LGU to
25 remove or roll down the advertising material installed after due notice, and the cost
26 or expenses incurred shall be chargeable to the owner or operator of the regulated
27 sign, business sign or wall sign.

28
29 **SEC. 10. *Billboard Permit Required.*** – No billboard shall hereinafter be erected,
30 constructed, maintained or altered until a billboard permit has been issued by the
31 Building Official of the LGU concerned after payment of the required fees. An
32 application for a billboard shall be made in writing by a duly licensed outdoor

1 advertising company or by legitimate entities with in-house outdoor advertising
2 services on the permit forms furnished by the authorities concerned and shall include
3 such information as maybe required for a complete understanding of the proposed
4 work.

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

- 8 a) In violation of any provision of the National Building Code or its Implementing
9 Rules and Regulations or poses a clear threat to public welfare, safety and
10 health; or
- 11 b) In violation of any provision of this Act or its Implementing Rules and
12 Regulations or of any provision of subsequent derivative rules and regulations
13 as subsequently promulgated by the DPWH.

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

17

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

- 22 a) The fine shall be computed at P100.00 per square foot of the surface space
23 of the advertising material.
- 24 b) Government offices or agencies with non-compliant government signs shall
25 be charged P25.00 per square foot.
- 26 c) A surcharge of Twenty Five Percent (25%) of the penalty shall be added for
27 failure to pay the fine within seven (7) days upon receipt of notice thereof.
- 28 d) Operators shall be given ninety (90) days from receipt of notice of violation
29 to comply or retrofit the non-compliant billboard structure based on the
30 rules and regulations hereof. Failure to retrofit within the said period from
31 receipt of notice, shall cause the dismantling/removal of the billboard and
32 the cost for such shall be for the account of the billboard owner.

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

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

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

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

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

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

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

28
29 SEC. 13. *Implementing Rules and Regulations.* – Within sixty (60) days from
30 the approval of this Act, the Secretary of Public Works and Highways shall, in
31 consultation with the MMDA and the various stakeholders from the advertising

1 industry, promulgate the necessary rules and regulations for the effective
2 implementation of this Act.

3

4 SEC. 14. *Separability Clause.* – If any provisions or part hereof, is held invalid
5 or unconstitutional, the remaining parts or the provisions not otherwise affected shall
6 remain valid and subsisting.

7

8 SEC. 15. *Repealing Clause.* – Any law, presidential decree or issuance,
9 executive order, letter of instruction, administrative order, rule or regulation, contrary
10 to or inconsistent with the provisions of this Act is hereby repealed, amended or
11 modified accordingly.

12

13 SEC. 16. *Effectivity.* – This Act shall take effect fifteen (15) days after its
14 publication in the *Official Gazette* or in at least two (2) newspapers of general
15 circulation in the Philippines.

Approved,