

IMPLEMENTING GUIDELINES OF MMDA REGULATION NO. 04-004, SERIES OF 2004, THE MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS AND THE METROPOLITAN MANIL...

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WHEREAS, it has been noted that some billboards and advertising signs are indiscriminately posted along major and secondary thoroughfares, streets, roads, avenues, Parks and open spaces within Metro Manila which distract the attention of motorists and cause road accidents and traffic congestion, and even resulting in the visual pollution of the urban landscape;

WHEREAS, with the onset of strong tropical storms, there is an imminent danger that some billboards and advertising signs might thereby topple resulting in tragic deaths, injuries and damage to property and causing road blockages which could hinder efficient and immediate evacuation and transport of relief goods and other materials, such as what happened several years ago;

WHEREAS, unregulated and non-complying billboards and advertising signs are traffic distractions, traffic hazards, threats to public safety and contribute to environmental degradation and urban blight;

WHEREAS, PD 1096 vests upon the Secretary of Department of Public Works and Highways (DPWH) the power to administer and enforce the provisions of the National Building Code (NBC) governing the design, content, construction, location, installation and maintenance of outdoor billboards, advertising and display signs, streamers, posters and the like;

WHEREAS, the Local Government Code of 1991 empowers the local government units to prescribe reasonable limits and restraints on the use of property and to regulate the putting up of signs, signposts and awnings within the territorial jurisdiction of the city/ municipality;

WHEREAS, the Local Government Code of 1991 further empowers local chief executives to require owners of illegally constructed houses, buildings or other structures to obtain the necessary permit, subject to such fines and penalties as may be imposed by law or ordinance, or to make necessary changes in the construction of the same when said construction violates any law or ordinance, or to order the demolition or removal of said house, building or structure within the period prescribed by law or ordinance;

WHEREAS, Republic Act No. 7924 empowers the Metropolitan Manila Development Authority (MMDA) to do the following: (A) formulate, coordinate and monitor policies, standards, programs and projects to rationalize the existing infrastructure requirements, the use of thoroughfares and promotions of safe and convenient movement of persons and goods in Metro Manila; (B) formulate and implement policies, rules and regulations, standards, programs and projects for the promotion and safeguarding of the health of the region and for the enhancement of ecological balance; and (C) formulate and implement programs, policies and procedures to achieve public safety, especially preparedness for preventive or rescue operations during times of calamities and disasters such as earthquake, flood and tidal waves;

WHEREAS, on September 2, 2004, recognizing the urgent need to prescribe guidelines on the installation/display of billboards and advertising signs, the Metropolitan Manila Council (MMC) composed of all City and Municipal Mayors of Metropolitan Manila, adopted and approved MMDA Regulation No. 04-004, Series of 2004 entitled "PRESCRIBING GUIDELINES ON THE INSTALLATION AND DISPLAY OF BILLBOARDS AND ADVERTISING SIGNS ALONG MAJOR AND SECONDARY THOROUGHFARES, AVENUES, STREETS, ROADS, PARKS AND OPEN SPACES WITHIN METRO MANILA AND PROVIDING PENALTIES FOR VIOLATION THEREOF" (the "Metro Manila Billboard Regulation");

WHEREAS, Section 19 of the aforementioned MMDA Regulation No. 04-004 provides that "The MMDA Chairman shall issue the necessary implementing guidelines relative to the issuance of MMDA Clearance for all signages (private and government signs) that would be installed and displayed along major thoroughfares in Metropolitan Manila";

WHEREAS, the Department of Public Works and Highways has "deputized the MMDA, its officers, employees, and agents to implement Chapters 8 and 20 of the NBC and Rule VIII and XX of the IRR of the NBC within Metro Manila" in a Memorandum of Agreement signed by Hon. Rogelio L. Singson of the DPWH and Chairman Francis N. Tolentino of the MMDA on August 31, 2010;

WHEREAS, Section 2001 (b) of the National Building Code states that "No sign or signboard 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 aesthetic and cultural values and traditions;"

NOW, THEREFORE, pursuant to the Memorandum of Agreement dated August 31, 2010, MMDA Regulation No. 04-004, and the National Building Code and its implementing rules and regulations, the following implementing guidelines for the issuance of an MMDA and LGU clearances and permits are hereby issued:

Section 1. DEFINITION OF TERMS. When used in these Implementing Guidelines, the following terms shall have the following meanings:

1.1

Advertisement shall mean an act of advertising, giving notice or calling the attention of the public thru the use of posters, banners, billboards or any advertising signs.

1.2 Advertising Sign shall mean a sign that directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered at a place other than where the business, profession, etc. is located; an off-premise sign.

1.3 Billboard shall mean a panel for posting bills or posters.

1.4 Building shall mean a three-dimensional physical development erected within a lot or property or any combination of or all of its three different levels (at grade, below grade, above grade). The term buildings/structures as used in these implementing Guidelines shall invariably refer to both proposed and existing physical developments within a lot.

1.5 Business Sign shall mean an accessory sign that directs attention to a profession, business, commodity, service or entertainment. Business Sign may be On-Premise, when the Sign is placed on the location where the profession, business, commodity, service or entertainment is conducted, sold or offered or Off-Premise, when the Sign is placed in a location other than where the profession, business, commodity, service or entertainment is conducted, sold or offered.

1.6 Carnageway shall mean that part of the road-right-of-way, railroad-right-of-way, and water-right of-way reserved for the passage of motorized traffic and other transportation conveyances.

1.7 Covered Area shall have the meaning ascribed thereto in Section 2 of these Implementing Guidelines.

1.8 Display Sign shall mean any material, device or structure that is arranged, intended, designed, or used as an advertisement, announcement or directory that includes a sign, sign screen, billboard or advertising device of any kind.

1.9 Display Surface shall mean the entire area enclosed by the extreme limits or perimeter of a Sign.

1.10 Electrical Sign shall mean any sign which has characters, letters, figures, designs, faces, backgrounds or outline illuminated by incandescent or fluorescent lamps or luminous tubes as part of the sign proper. These light sources are external or internal It shall static (non-moving) light emitting diode (LED) signs.

1.11 Ground Sign shall mean a sign with support resting on the ground, the base of which ranges from a single pole (pylon) and does not exceed ten (10.00 sq. m.) as one (1) unit.

1.12 IRR shall mean the Revised Implementing Rules and Regulations of Presidential Decree No. 1096 issued on October 29, 2004.

1.13 The Metro Manila Billboard Regulation shall have the meaning ascribed thereto in the eighth (8th) Whereas Clause of this Memorandum Circular.

1.14 Major Thoroughfares shall mean a public street or highway which is a major artery leading to other parts of Metro Manila and nearby provinces with a minimum width of 10.00 meters, mostly maintained by the national government.

1.15 NBC shall mean Presidential Decree No. 1096 entitled "Adopting a National Building Code of the Philippines Thereby Revising Republic Act Numbered Sixty-Five Hundred Forty One."

1.16

Projecting Signs shall mean a sign fastened to, suspended from or supported on a building or structure the Display Surface of which is perpendicular from the wall surface or is at an angle therefrom.

1.17

Public Advisory Messages shall mean any form of Signages that bears information, building, messages to the general public in pursuance of any government projector

1.18 Public Thoroughfares or Roads shall mean any parcel of land appropriated for the free passage of the general public owned and maintained by the government whether national or local.

1.19 Regulated Signs shall have the meaning ascribed thereto in Section 2 of these Implementing Guidelines.

1.20 Road-Right-of-Way (RROW) Shall mean a Parcel of land unobstructed from the ground to the sky, more than 3.00 meters in width, appropriated to the free passage of general public.

1.21 Roof Sign shall mean a sign installed on roofs, and roof decks.

1.22 Secondary Roads shall mean a public street maintained by the National or Local Government used as secondary passageway within a certain City/Municipality.

1.23 Setback shall mean the horizontal distance measured 90 degrees from the outermost face of the building/structure to the property lines.

1.24 Sign or Signage shall mean any letter, word, numeral, pictorial presentation, illustration, decoration, emblem, device, symbol or trademark, flag, banner, or pennant, or any other figure of similar character that is attached to, painted on or in any manner represented on a building or structure; used to announce, direct attention to or advertise, and visible to the public.

1.25 Sign Structure shall mean any means employed to support the installation of signs and this includes the structural frame, anchorages and fasteners to support and suspend such signs. A building where a Roof Sign is installed entirely on its roof is not part of the sign structure.

1.26

Streamer shall mean a narrow free floating strip of cloth or crepe papers of a synthetic fiber or material usually used as decorative material in commemoration and celebration of festivities including anniversary promotions

in pursuance to commercial and industrial activities.

1.27 Structure shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

1.28 Temporary Sign shall mean a sign of cloth or other light and/or combustible material, with or without frame such as streamer, bills, posters and the like installed for a limited period of time.

1.29 Traffic Sign shall mean a device mounted on a fixed or portable support whereby a specific message is conveyed by means of word or symbols for the purpose of regulating, warning or guiding traffic.

1.30 Wall Sign shall mean a sign painted on, attached to or fastened to the surface of the wall or any part of a building or structure the display surface of which is parallel to the wall surface.

Section 2. COVERAGE. These Implementing Guidelines shall cover existing and Proposed Advertising Signs, Billboards, Business Signs, Display Signs, Electrical Signs, wound Signs, Roof Signs, Signs, Sign Structures and Wall Signs (hereinafter collectively referred to as the "Regulated Signs") along Major Thoroughfares, Public Roads, Secondary Roads, avenues, streets, roads, parks and open spaces within Metro Manila (hereinafter, collectively referred to as the "Covered Areas"). Provided; That unless otherwise herein provided: (a) Wall Signs painted on the surface of the wall or any part of a building structure the display surface of which is parallel to the wall surface; (b) Moving or mated and non-moving or static LED Signs primarily devoted to the display of Public Advisory Messages; and (c) Streamers and Temporary Signs shall not be covered by these Implementing Guidelines.

Section 3. LOCAL GOVERNMENT UNITS TO ISSUE LOCATIONAL AND STRUCTURAL CLEARANCES. The local chief executive of each local government unit within Metropolitan Manila shall issue locational and structural clearances/permits for Regulated Signs within their respective jurisdictions in accordance with the guidelines set out in this Memorandum Circular. The said officials shall require all owners of Regulated Signs within their respective jurisdictions to: (a) obtain necessary permits, subject to such fines and penalties as maybe imposed by law or ordinance; or (b) make necessary changes in the construction of the same when said construction violates any law or ordinance; or (c) order the demolition or removal of the same within the period prescribed by law or ordinance. Any Metropolitan Manila local chief executive may enlist the assistance of the MMDA to . demolish, dismantle or remove a Regulated Sign in accordance with this Section.

Provided: That the foregoing is without prejudice to the exercise by the MMDA of its mandate to enforce and implement the National Building Code provisions on Regulated Signs along major and secondary thoroughfares falling under its jurisdiction.

In this regard, the owners and operators of existing and proposed Regulated Signs along major and national thoroughfares falling under MMDA jurisdiction shall, as a pre-requisite to obtaining relevant permits from a Metropolitan Manila local government unit, shall obtain an MMDA Billboard Clearance to ensure compliance with MMDA Regulation No. 04-004, this implementing guidelines and related issuances.

Section 4. GUIDELINES FOR THE EVALUATION OF APPLICATIONS FOR LOCATIONAL CLEARANCE.

4.1 Setback Requirements. Regulated Signs shall be subject to the following front, side and rear Setback Requirements:

Setback Requirements:

Road Right-of-Way width (m)

Front (m)

Side(m)

Rear(m)

30.00 & above

8.00

5.00

5.00

25.00 to 29.00

6.00

3.00

3.00

20.00 to 24.00

5.00

3.00

3.00

10.00 to 19.00

5.00

2.00

2.00

Below 10.00

5.00

2.00

2.00

Provided: That owners and operators of Regulated Signs shall procure that two (2) full-grown, sustainable trees shall be planted and maintained within the Setback areas or, in case the Setback area could not accommodate the same, in any other area within Metropolitan Manila.

4.2 Minimum Distance Between signs. No billboard or billboard structure shall be located within the distance of

one hundred (100.00) meter radius from another, Provided: That in determining compliance with this Section 4.2 Regulated Signs that were earlier granted a permit by the relevant local government unit shall enjoy preference over Regulated Signs whose local government unit permits were issued thereafter.

4.3 Non-obstruction of Traffic Signs. No Regulated Sign shall be erected in such a manner as to confuse or obstruct the view or interpretation of any official Traffic Sign, signal, or device.

4.4 Non obstruction of Landscape. No Regulated Sign 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 aesthetic and cultural values and traditions.

4.5 Restrictions on Combustible Materials. All Regulated Signs erected in highly restrictive Fire Zones as defined in the NBC and its IRRs 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, Wall Signs, Projecting Signs, and Signs on marquees shall be constructed of incombustible materials. No combustible material other than approved plastics shall be used in the construction of electric signs.

4.6 Display Surfaces. Display surfaces in Regulated Signs may be made of metal, glass or approved plastics.

4.7 Clearances from Fire Escapes, Exits or Standpipes. No Regulated Sign 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.

4.8 Obstruction of Openings. No Regulated Sign shall obstruct any opening to such an extent that light or ventilation is reduced to a point below that required by the NBC. Regulated Signs erected within 1.50 meters of an exterior wall in which there are openings within the area of the Regulated Sign shall be constructed of incombustible material or approved plastics.

4.9 Roof Signs. Roof Signs shall not be allowed.

4.10 Material Requirements. Sign Structures carrying Signs and signboards made of banners, pennants, tarpaulins and other similar nonrigid materials shall not be installed near power lines, and shall maintain a horizontal clearance from such power lines in accordance with Rule XIII, Table XIII. 1 of the NBC IRRs.

4.11 Clearances from High Voltage Power Lines. Clearances of Regulated Signs from high voltage power lines shall be in accordance with the Philippine Electrical Code. In areas near electric distribution facilities including that of any power substations, the minimum horizontal distance measured from the property line abutting the RROW and all the adjoining properties to the nearest base of the sign structure shall be the height of the structure plus one (1.00) meter.

4.12 AM Regulated Signs, Temporary Signs and LED Signs, installed over or across and along Public Thoroughfares, center islands and Road Rights-Of-Way, whether it be National Road or Secondary Road are strictly prohibited.

4.13 MMDA Regulation No. 96-009 (Anti-Littering Regulation) must be strictly observed specifically, Sec. h, which states that: "It is unlawful for any person/s private and public corporations, advertising and promotion companies, movie producers, professionals and service contractors to post, install display any kind or form of Billboards, Signs, posters and other visual clutters in any part of the roads, sidewalk, center island, posts, trees and open spaces."

4.14 Regulated Signs shall not be allowed within sidewalks, flyovers, interchanges, traffic signages,

communications posts, LRT, and MRT structures (such as terminal stations, carriageways, columns and beams), Road Rights-of-Way, posts, waiting sheds, or any part thereof.

4.15 Markers of historical sites and tourist destinations including directional signs shall not be combined with Advertisement signs even if these Signs are sponsored by private businesses. Sponsors may put their Advertisement in the periphery of the historical sites upon acceptance and permission of the sites' administrators and upon signing of a Memorandum of Understanding or Agreement (MOU/MOA) witnessed by the LGU concerned and the MMDA. No signs shall be installed in trees, electric or lighting posts, center islands, side strips and fences that will destroy, alter or deface the natural landscape or seascape of historical sites and tourist destinations.

4.16 No Sign shall be allowed to cross or straddle along Carriageways.

4.17 All Regulated Signs, Temporary Signs and LED Signs along Covered Areas shall automatically be put down or turned off by the owners and advertisers upon the announcement by the Philippine Atmospheric, Geophysical and Astronomical Service Administration (PAGASA) that there would be a low pressure area or other weather disturbance in Metropolitan Manila. In case of failure of the owners and advertisers to comply with this Section, the MMDA shall put down the aforesaid at the expense of the owners.

4.18 Notwithstanding the foregoing provisions, any Local Government Unit in Metropolitan Manila may provide for stricter billboard regulations and may prohibit certain kinds of billboard sign and structures as may be provided in their respective local ordinances.

Section 5. To achieve consistency, all local government units of Metropolitan Manila are encouraged to enact their respective billboard ordinances based on the foregoing guidelines and the LGUs with existing billboard ordinances are likewise encouraged to amend the same to conform with these guidelines.

Section 6. TRAFFIC SIGNS:

Section 6.1. All Traffic Signs to be installed in all streets of Metro Manila whether local or national roads, shall conform to the international standards as to design and installation specifications embodied in the "Philippine Road Signs Manual" or subsequent revisions thereof. Structural specification shall be determined by MMDA in accordance with DPWH standards.

Section 6.2. Road Signs for Traffic Improvement Projects.

- In case of road signs for traffic improvement projects such as one-way system, alternate/detour routes, u-turn slots and the like, appropriate design plan shall be coordinated with the MMDA prior to installation/implementation.
- Traffic improvement projects shall be subject to the approval of the MMDA in accordance with MMDA standards.

Section 7. The time and period of installation/display shall be determined and be strictly observed and complied with.

Section 8. The following must be indicated at the bottom right corner of the Regulated Sign, written in bold letters not less than one-half (1/2) m. high, readable at ground level:

- Name of advertiser or agent of the advertiser
- Inclusive dates of permit/clearance
- Date of installation/display

- Who granted the permit/clearance and what office
- Address and telephone number of the advertiser/contact person

Immediately after the lapse or expiration of the permit to install/display, the owner or operator of a Regulated Sign shall undertake the appropriate removal, disposition and dismantling of the same; otherwise the MMDA shall undertake the removal of the same, charging the cost/expenses incurred therefore to the Regulated Sign owner/operator.

Section 9. ADMINISTRATIVE FINES. The following fines shall be imposed on any person, corporation or partnership found violating any of the provision of MMDA Regulation 04-004.

1. First Offense

The fine shall be computed at P100.00 per square foot of surface space of the advertisement. Posters with less than a square foot shall be charged a minimum of P100.00

Government signs shall be charged P25.00 per square foot.

A surcharge of Twenty Five Percent (25%) of the penalty shall be added for failure to pay the fine within seven (7) days upon receipt of notice thereof.

2. Second and Final Offense

For the second and final offense, the violator shall be meted out a fine in the amount of P20,000.00

Section 10. DISPOSITION OF FINES. Proceeds from the penalties and fees collected from the preceding provisions shall accrue to the MMDA General Fund.

Section 11. ENFORCEMENT OF RESTRICTIONS AND PROHIBITIONS. Pursuant to the deputation of the MMDA, its officials, and employees under the Memorandum of Agreement dated August 31, 2010, the MMDA shall consult the DPWH on all questions, legal or factual, whenever the necessity arises before taking any specific action on the matter.

The MMDA shall likewise coordinate with the concerned local government unit before any action is taken.

Section 12. TRANSITORY PROVISION. Effective January 1, 2012, all existing billboard building permits, business permits, and clearances shall be disregarded and/or cancelled, and all owners and operators of existing Regulated Signs and sign structures shall be required to apply for Clearances/Permits from their respective local government units. For owners and operators of existing Regulated Signs and sign structures along Metro Manila major thoroughfare, they shall also be required to secure the MMDA Billboard clearance to ensure compliance with the existing laws, MMDA regulations, and these Implementing Guidelines.

Before January 1, 2012, all owners and operators of existing Regulated Signs and sign structures with existing and valid building permits, business permits, and other clearances along major thoroughfares shall submit the same to the MMDA and the respective local government units for verification and validation purposes.

Without prejudice to whatever legal action the MMDA and/or the local government units may take, all owners and operators of existing Regulated Signs and sign structures without valid permits and clearances are required to apply for building permits, sign permits, and other required permits and clearances immediately.

Section 13. SEPARABILITY CLAUSE. If any part or provision of these Implementing Guidelines is held unconstitutional or invalid, other parts or provisions thereof which are not affected shall continue to remain in full force and effect.

Section 14. REPEALING CLAUSE. All previous memorandum circulars inconsistent with the foregoing are hereby modified, amended, or repealed accordingly.

Section 15. EFFECTIVITY. These Implementing Guideline shall take effect fifteen (15) days after publication in two newspapers of general circulation.

Adopted: 05 August 2011

(SGD.)ATTY. FRANCIS N.TOLENTINO
Chairman

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