ADDITIONAL 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 METROPO...

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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 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, juries 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 Opened several years ago;

WHEREAS, unregulated and non-complying billboards and advertising signs which are extraordinarily huge or massive 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, 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, 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 MMDAonAugust31, 2010;

WHEREAS, the MMDA draws its resolve to regulate outdoor advertising from the landmark case of Churchill vs. Rafferty (1915), wherein the Philippine Supreme Court stated, "Outdoor life must lose much of its charm and pleasure if this form of (outdoor) advertising is permitted to continue unhampered until it converts the streets and

highways into veritable canyons through which the world must travel on going to work or in search of outdoor pleasure."

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 as regards the limitation on size, height and location are hereby issued:

Section 1. Regulated Signs and Sign Structures, including LED and other electronic signs and billboards, shall not exceed eighty (80) square meters and shall be subject to the locational requirements, the stability of the upright supports, and the compliance of the setback requirements, height limits and local zoning classification of the site.

Section 2. Ground Signs and Sign Structures along EDSA C-5 and Commonwealth Avenue shall not exceed nine (9) meters in height above the street crown. Billboard and billboard structures shall not be allowed along Roxas Boulevard and D. Macapagal Avenue. On all other areas in Metropolitan Manila, the height limits for billboard and billboard structures shall be determined by the local government units in their respective ordinances.

Section 3. Billboards, signs, banners, streamers, and billboards and sign structures shall not be allowed on flyovers, elevated roads, bridges and on lamp posts and postsof said elevated roads, bridges and flyovers

Section 4. 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 apply for building permits, sign permits, and other required permits and clearances immediately.

Section 5. 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 6. Repealing Clause. All previous memorandum circulars inconsistent with the foregoing are hereby modified, amended, or repealed accordingly.

Section 7. Effectivity. These Implementing Guidelines 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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