

# MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 160-A

## SPECIFYING THE LEGAL GROUNDS AND PROCEDURES FOR THE PROHIBITION AND ABATEMENT OF BILLBOARDS AND SIGNBOARDS CONSTITUTING PUBLIC NUISANCE OR OTHER VIOLATIONS OF LAW

**WHEREAS**, Administrative Order (AO) No. 160 dated October 4, 2006 directed the Department of Public Works and Highways (DPWH) to conduct field inspections, evaluations and assessments of all billboards and determine those that are hazardous and pose imminent danger to life, health, safety and property of the general public and to abate and dismantle the same;

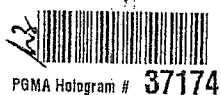
**WHEREAS**, the sovereign has the right to exercise its police power, as its essential attribute, to promote order, safety, security, health, morals, and general welfare within constitutional limits;

**WHEREAS**, under the police power of the state, billboards are a form of commercial speech which can be prohibited;

**WHEREAS**, in a long line of jurisprudence, the cognate United States Supreme Court has held, e. g., that insofar as an ordinance regulates commercial speech, it may forbid commercial advertising, without running afoul of the Free Speech Clause of the Constitution, where it directly advances governmental interests in traffic safety and aesthetics (*Metromedia, Inc. v. San Diego*, 453 US 490);

**WHEREAS**, the exercise of police power over billboards are covered by various enactments, generally in the Civil Code, and particularly in the National Building Code, Structural Code, and related laws, such as the Local Government Code.

**NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby reiterate my directive to the Secretary of Public Works and Highways, with the assistance of the officials mentioned in Administrative Order (AO) No. 160 dated October 4, 2006 to follow the procedure prescribed by law for the abatement of billboards and signboards as a public nuisance, and to avail of remedies provided by existing laws.



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**SECTION 1. Public Nuisance.** The Civil Code defines nuisance, in Article 694, Title VIII, Book II, as any act, omission, establishment, condition of property, or anything else which:

- (a) Injures or endangers the health or safety of others; or
- (b) Annoys or offends the senses; or
- (c) Shocks, defies or disregards decency or morality; or
- (d) Obstructs or interferes with the free passage of any public highway or street, or any body of water; or
- (e) Hinders or impairs the use of property.

Article 695 of the Civil Code provides that a public nuisance affects a community or neighborhood or any considerable number of persons, although the extent of the annoyance, danger or damage upon individuals may be unequal.

**SEC. 2. Prohibited Billboards and Signboards.** Pursuant to the National Building Code, Chapter 20, Section 2001, the following billboards and signboards are prohibited:

- (a) Those erected in such a manner as to confuse or obstruct the view or interpretation of any official traffic sign, signal, or device; or
- (b) Those that 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 the aesthetic and cultural values and traditions of the Filipino people.

**SEC. 3. Remedies Against Building Code Violations.** Pursuant to Section 206 of the National Building Code, the Building Official shall immediately issue notice of non-issuance, suspension, or revocation of building permits for non-compliance with the provisions of the National Building Code, or of any rule or regulation.

Pursuant to Section 215 of the National Building Code, when any billboard or signboard is found or declared to be dangerous or ruinous, the Building Official shall order its repair, vacation, or demolition depending upon the degree of danger to life, health, or safety. This is without prejudice to further action that may be taken pursuant to the Civil Code provisions in Articles 482 and 694 to 707.

**SEC. 4. Remedies Against Public Nuisance.** Pursuant to Article 699 of the Civil Code, in relation to AO No. 160, dated October 4, 2006, the Department of Public Works and Highways (DPWH), through its Secretary, with the help of the Metropolitan Manila Development Authority (MMDA), and the



various local government units (LGUs), through the local Building Officials, shall take care that one or all of the following remedies against public nuisances are availed of:

- (a) A prosecution under the Revised Penal Code or any local ordinance; or
- (b) A civil action; or
- (c) Abatement, without judicial proceedings; if the local Building Official determines that this is the best remedy under the circumstances.

**SEC. 5. Remedy of Civil Action.** Pursuant to Article 701 of the Civil Code, the city or municipal mayors shall commence the civil action brought by reason of the maintenance of a public nuisance.

**SEC. 6. Actual or Compensatory Damages.** Pursuant to Article 2176 of the Civil Code, whoever by act or omission relating to billboards and signboards causes damage to another, there being fault or negligence, is liable for a quasi-delict and is obliged to pay for the damage done.

Pursuant to Article 2202 of the Civil Code, in quasi-delicts, the owners of billboards and signboards and their advertising agencies as defendants shall be liable for all damages which are the natural and probable consequences of the billboard event complained of. It is not necessary that such damages have been foreseen or could reasonably have been foreseen by the defendant.

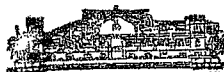
**SEC. 7. Effectivity.** This Administrative Order shall take effect immediately after its publication in a national newspaper of general circulation.

**DONE** in the City of Manila, this 10<sup>th</sup> day of October in the year of Our Lord, Two Thousand Six.

*Flora M. Arroyo*

By the President:

  
**EDUARDO R. ERMITA**  
Executive Secretary



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