

**REPUBLIKA NG PILIPINAS  
TANGGAPAN NG SANGGUNIANG PANLUNGSOD  
LUNGSOD NG BAKOLOD  
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**CITY ORDINANCE NO. 959  
September 15, 2021**

**CLEAR LIGHT ORDINANCE**

**WHEREAS**, by installing Clear Light (LED- Light Emitting Diode) billboards in Bacolod City Government (BCG), Bacolod Public Plaza, and other strategic areas owned by the City Government, we can save the environment from countless tarpaulins;

**WHEREAS**, the joint Public-Private Partnership between the city government and the numerous private properties falling under the scope of this ordinance will significantly impact the ecological health of the city for the better;

**WHEREAS**, plastic tarpaulins may contain cadmium, a heavy metal with high toxicity that is used as a plastic colorant and/or stabilizer;

**WHEREAS**, Cadmium is listed by the World Health Organization (WHO) among the ten chemicals of major public health concern along with arsenic, asbestos, dioxins, lead, mercury and other highly hazardous substances;

**WHEREAS**, Cadmium and its compounds are also included in the expanding list of priority chemicals that the Department of Environment and Natural Resources (DENR) has determined to potentially pose an unreasonable risk to public health, workplace, and the environment;

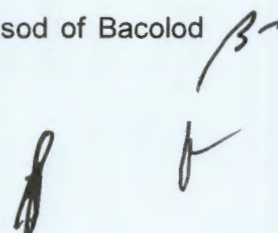
**WHEREAS**, billboards can easily show wanted individuals, suspension of classes, typhoon warnings, earthquake advisories, messages from the mayor to the people can also be flashed to include live coverage of certain events like the State of the City Address and etc.;

**WHEREAS**, it will be open to a joint venture through a Public—Private Partnership (PPP) with the billboard manufactures, since this technology can go obsolete in a very short time;

**WHEREAS**, Section 20, Article II of the 1987 Philippine Constitution provides that the State recognizes the indispensable role of the private sector and encourages enterprise with private entities;

**WHEREAS**, the enactment of RA 6957 allowed Local Government Units (LGUs) to enter into contractual arrangements with the private sector to implement infrastructure projects through two variants – Build- Operate-and-Transfer (BOT) and Build-Transfer-and-Operate (BTO);

**NOW THEREFORE, BE IT ORDAINED** by the Sangguniang Panlungsod of Bacolod City, in regular session assembled that:



**Section 1. Title.** This Ordinance shall be known as the "Clear Light Ordinance".

**Section 2. Definition of Terms.** For purposes of this ordinance, the following terms are defined as follows:

- (a) **Light Emitting Diode (LED)** - is a semiconductor light source that emits light when current flows through it. For the purpose of this Ordinance, the "LED" will be used as the source of light in a digital billboard.
- (b) **Electronic Billboard (EB)** - is an exceptionally large board or LED screen or monitor, on which advertisements are shown, especially at the side of a road.
- (c) **Joint Venture** - is a business arrangement in which two or more parties agree to pool their resources to accomplish a specific task.
- (d) **Public-Private Partnership (PPP)** - can be broadly defined as a contractual agreement between the Government and a private firm targeted towards financing, designing, implementing, and operating infrastructure facilities and services that were traditionally provided alone by the public sector.

**Section 3. Scope.** This ordinance shall provide the grounds for the scope of the electronic billboards, the contents to be displayed therein, the location of the electronic billboard, the source of funding from the private sector, and the profit-sharing agreement,

**Section 4. Funding Source.** An initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance in the amount of P30,000,000.00 shall be sourced from the PPP according to Section 5, d, as provided hereunder, for the implementation and enforcement of this Ordinance and its Programs.

**Section 5. Declaration of Policy.**

- a. **Policy on the Use of Clear LED Billboards.** The City of Bacolod shall adopt a reduced tarpaulin program by utilizing EBs in commercial advertisements and public and official announcements.
- b. **Contents.** the EBs shall only contain commercials, religious, public, and official announcements subject to limitations by law. Advertisement of tobacco products and e-cigarettes shall be prohibited.

The EBs shall not display any materials in violation of existing laws on privacy such as the Data Privacy Act of 2012.

- c. **Location.** The City Public Information Office (PIO), in coordination with all the government offices, shall identify and set-up specific locations and areas for the construction and installation of the Clear Light Billboards which shall exclude its construction and installation along sidewalks and should not cause any obstructions.

*[Handwritten signatures and initials]*

- d. **Source of Funding from the Private Sector.** The City of Bacolod shall adopt the following rules and guidelines for the funding through PPP:
1. DILG-Public-Private Partnership Center Joint Memorandum Circular No. 2019-01 or the Supplemental Guidelines for the Implementation of Public-Private Partnership for the People initiative for Local Governments (LGU P4), which provides for the following guidance:
    - i. For modalities identified in the Build-Operate-and-Transfer Law (BOT Law), the LGU shall follow the project approval and bidding procedures provided in the BOT Law and its implementing rules and regulations (IRR). For Joint Venture (JV) agreements, the LGU shall follow the JV Code enacted by its local Sangunian. For the other contractual arrangements, if these contracts do not demonstrate the necessary characteristics or elements of any of the BOT Law variants or JVs, the LGU shall implement the same in accordance with the provisions of the Civil Code
  2. Integration of applicable policies issued by the PPP Governing Board (PPPGB), such as the following:
    - i. Guidelines on Setting Bid Parameters;
    - ii. Guidelines on Termination Payment;
    - iii. Guidelines on Public Consultation and Engagement for PPP Projects;
    - iv. Guidelines on Best Practices in PPP;
    - v. Guidelines on Appointment of Probity Advisors for PPP Procurement;
    - vi. Guidelines on Monitoring Framework and Monitoring Protocols;
    - vii. Guidelines on Managing Government Employees Affected by PPP Project;
    - viii. Guidelines on Assessing Value for Money in PPP Projects;
    - ix. Guidelines on Identification, Selection, and Prioritization of PPP Project;
    - x. Guidelines on Viability Gap Funding for PPP Projects;
    - xi. Safeguards in PPP: Mainstreaming Environmental, Displacement, Social and Gender Concerns; and
    - xii. Suggested Guide on Managing Greenfield Solicited Hybrid PPP Projects.
    - xiii. Guidelines on Managing Unsolicited Proposals under Republic Act No. 6957 as Amended by Republic Act No. 7718
- e. **Profit Sharing Agreement.** The City of Bacolod shall receive no less than 30% from the private proponent, as may be agreed upon the profit-sharing agreement accordingly.

**Section 6. Setting up and Scheduling of Airtime and Duration for Streaming of Public Announcements and Advertisement.** The City PIO shall develop the implementing rules and regulations for this ordinance to administer effectively and efficiently the setting up and management of the schedules of airtime and durations. Furthermore, to give way for official announcements and advertisements from the LGU, an equitable and alternating share of airtime shall be implemented, provided that the LGU or the National Government be allowed to interrupt for important and urgent announcements.

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**Section 7. Memorandum of Agreement.** The scope and guidelines enumerated above shall be affected through a memorandum of agreement. The terms and conditions of which shall be stipulated and agreed by the LGU and the private proponent.

**Section 8. Encouragement to Reduce the Use of Tarpaulins by Government and Private Entities.** National Government Agencies (NGAs), Government-Owned and Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), and other government instrumentalities. The city Local Government Unit (LGU) of Bacolod City, as well as the private entities, are highly encouraged to adopt a reduced tarpaulin program by effectively using the EBs for their advertisements and announcements.

**Section 9. Separability Clause.** If any part of this Ordinance is declared as unconstitutional or unlawful, such declaration shall not affect the other parts or Sections hereof that are not declared unlawful or unconstitutional.

**Section 10. Repealing Clause.** All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

**Section 11. Effectivity.** This Ordinance shall take effect immediately upon approval.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : Cindy T. Rojas, Renecito S. Novero, Simplicia Z. Distrito, Carlos Jose V. Lopez, Al Victor A. Espino, Archie S. Baribar, Israel P. Salanga, Bartolome N. Orola, Sr., Ana Marie V. Palermo, Lady Gles Gonzales-Pallen.

Negative : N o n e .

Absent : N o n e .

Author : Councilor Carlos Jose V. Lopez.

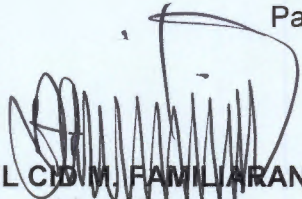
Passed : September 15, 2021 (115<sup>th</sup> Regular Session of the 10<sup>th</sup> Council via Zoom Teleconference).

Comments : P a s s e d .  
Councilors Wilson C. Gamboa, Jr., Ayesha Joy Y. Villaflor and Dindo C. Ramos were not around when this ordinance was passed.

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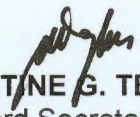


EL CID M. FAMILIARAN  
Vice Mayor  
Presiding Officer

ATTESTED:

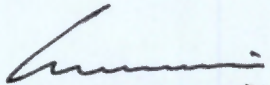
**ATTY. VICENTE C. PETIERRE III**  
Secretary to the Sanggunian

By:



**CHRISTINE G. TEMPLA**  
Board Secretary IV

APPROVED: September 21, 2021.



**EVELIO R. LEONARDIA**  
City Mayor

CGT/OEM/jbz

SP L...  
SERVICES SECTION  
DATE: 9/22/2021 TIME: 11:35 AM  
BY: [Signature]



**CERTIFICATION**

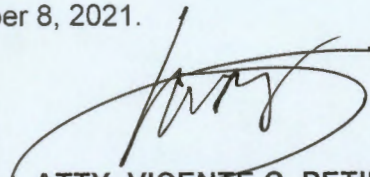
This is to certify that **CITY ORDINANCE NO. 959, Series of 2021** passed by the Sangguniang Panlungsod of the City of Bacolod on September 15, 2021 entitled:

**CLEAR LIGHT ORDINANCE**

was published in Journal Visayas on October 25-31, 2021 and posted on September 22, 2021, in the following conspicuous places in the City of Bacolod, to wit:

1. Bulletin Board of the Sangguniang Panlungsod  
2<sup>nd</sup> Floor Bacolod City Government Center
2. Old City Hall (Araneta-Luzuriaga Streets)
3. Bacolod Public Plaza
4. City Health Office
5. Hall of Justice
6. North (Burgos) Public Market
7. South (Libertad) Public Market
8. Central Market

Bacolod City, Philippines, November 8, 2021.

  
**ATTY. VICENTE C. PETIERRE III**  
Secretary to the Sanggunian 