

17 October 2019

REPRESENTATIVE WESLIE GATCHALIAN

Chairperson
Committee on Trade and Industry
House of Representatives
Batasan Complex, Batasan Hills
Quezon City

Dear **Representative Gatchalian**:

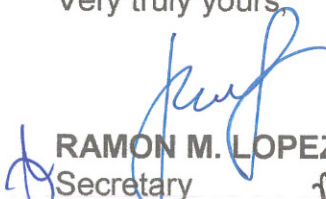
We are pleased to submit the Department's position on House Bill No. 2918, entitled:

“An Act Mandating All Shopping Mall Owners to Provide Road Setbacks on Their Establishments and Providing Penalties For Violations Thereof and For Other Purposes”

This is without prejudice to the Department's submission of additional inputs.

With my best regards.

Very truly yours,


RAMON M. LOPEZ
Secretary



OFFICE OF THE SECRETARY

DTI Position on

House Bill No. 2918

“An Act Mandating All Shopping Mall Owners to Provide Road Setbacks on Their Establishments and Providing Penalties For Violations Thereof and For Other Purposes”

The Department supports the objective of the bill in addressing traffic congestion in metropolitan cities by mandating shopping mall owners to provide a road setback on their establishments for the purpose of providing an extra lane for traffic ease and movement. The noble intention is deemed to mitigate vehicular traffic conditions, particularly in urban areas, and incur positive effects for the welfare of both commuters and private car owners.

From 2009 to 2018, data from the Department of Public Works and Highways (DPWH) shows that the road density¹ in the National Capital Region (NCR) grew by 7.1 percent. However, it is somehow offset by the average daily traffic for Metro Manila, which recorded 2,811,455 vehicles in 2018, according to the Metro Manila Development Authority (MMDA). EDSA, in particular, had an average daily traffic of 383,828 vehicles. It is worth noting that as of 2018, there are 17 shopping malls located along EDSA, which runs from Caloocan City to Pasay City, and entry points for these malls have been a common source of gridlocks.

We also note that the Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 6541 or the National Building Code of the Philippines already requires setbacks for commercial, industrial, institutional and recreational buildings. These requirements, however, are for newly-developed thoroughfares only and may not be imposed on highly built-up urban areas with duly established lines and grades.

Table 1. Setbacks for Commercial, Industrial, Institutional and Recreational Buildings

Road Right-of-Way (RROW) Width (meters)	Front (meters)	Side (meters)	Rear (meters)
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

In this regard, the Department views that there may be no need for a new law as amendments to specific sections of the IRR of the National Building Code of the Philippines may suffice, with consideration of the following factors, to wit:

- Measures should be in place on how to resolve implementation of the road setbacks when a certain establishment already exists; and
- Stricter implementation of the traffic visibility triangle must be considered, wherein there shall be no structures, parking and other elements that may create obstruction and danger to the public at every intersection of two public roads.

¹ The ratio of the length of the country's total road network to the country's land area (km of road per 100 sq. km of land area).

Finally, the Department defers to the technical knowledge of DPWH with regard to the applicability of the proposed bill to the National Building Code of the Philippines, the Department of Interior and Local Government (DILG) for zoning requirements of local government units (LGUs), and the MMDA for traffic management.

Kayapinchan

Bureau of Trade and Industrial Policy Research

17 October 2019

Ref: BTIPR-092019-200

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