

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
Second Regular Session

House Bill No. 5310



Introduced by Hon. Gilbert C. Remulla

EXPLANATORY NOTE

The use of plastic bags, styrofoam containers, disposable plastic utensils such as spoons, forks and plastic cups has been part of the Filipino people's daily routine. It has become part and parcel of our daily life that it has been generally accepted as the norm by which we go about our everyday lives. This seems to be a trivial matter which we have not really given much concern, but is gradually becoming an ecological nightmare.

These seemingly harmless products are non – biodegradable materials whose disposal causes a major headache to the government agencies tasked to dispose of our garbage. These plastic bags, styrofoam containers and other used plastic utensils usually find their way into our esteros, riverbanks, sea coasts and other bodies of water, blocking the sewage systems and clogging the drainage pipes which cause the massive flooding we experience during heavy downpours.

The global community has been, for the past few years, trying to cut down on the use of such plastic products that they have devised an environmental scheme to cut the use of plastic bags by imposing a tax on them or charging them a fee to obtain a plastic bag. What they want everyone to do is to refuse, reduce, reuse and recycle plastic bags.

It is high time that we join the global community in trying to minimize, if not to totally ban the use of plastic bags in order to maintain the ecological balance by doing our part in trying to prevent the destruction of our ecosystem.

In this light, the approval of this bill is earnestly requested.


Gilbert C. Remulla

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**“AN ACT REDUCING THE USE OF PLASTIC BAGS, STYROFOAM
CONTAINERS, DISPOSABLE PLASTIC UTENSILS, AND SIMILAR
ITEMS IN ALL ESTABLISHMENTS IN THE COUNTRY”**

*Be it enacted by the Senate and the House of Representatives of the
Philippines in Congress assembled:*

I. GENERAL PROVISIONS

Section 1. *Short Title.* This Act shall be known as the “**Plastic Bag
Reduction Act**”.

Section 2. *State Policy.* The Constitution provides that “The State
shall protect and advance the right of the people to a balanced and
healthful ecology in accord with the rhythm and harmony of nature.”

(Sec. 16 Art. II, 1987 Constitution)

Together with a more conscious effort on the part of the government and the people to help our nation's ecological balance by recycling and segregating garbage, there is also a need to reduce the utilization among establishments in the country of plastic bags, styrofoam containers, plastic utensils, and similar items made of materials that do not normally disintegrate over time.

Used plastic bags, disposed styrofoam containers, and used plastic utensils that are not disposed of properly usually accumulate in esteros, along riversides, sea coasts, mangroves and in coral reefs, blocking sewage that cause floods that endanger human lives and property, and ultimately, leading to the destruction of our ecosystem.

Section 3. *Definition of Terms.* For the purpose of this Act, the following terms shall mean:

(a) "*Plastic Bags*" refer to polymer carrybag provided or utilized at the retail point of sale for carrying and transporting retail goods;

(b) "*Styrofoam Containers*" refer containers made of styrofoam used by establishments to contain food they offer or serve;

(c) "*Disposable Plastic Utensils*" refer to spoons, forks, knives, chopsticks, toothpicks, and other table wares made of plastic which are normally disposed of after being used;

(d) “*Commercial Establishments*” refer to establishments engaged in commerce or sales of goods or services and include, but is not limited to, market stores, shopping mall outlets, supermarkets, department stores, groceries, convenience stores, food chains, restaurants, cafes, bars, sari-sari stores and the like;

(e) “Non Bio-degradable Materials” refer to materials not capable of being readily decomposed by microbial action, as some detergents;

(f) “Recyclable Plastic Bags” refer those plastic bags whose thickness makes it possible for such bags to be used and re-used as containers;

(g) “LGU” means the Local Government Unit;

Section 4. *Prohibition.* Subject to the exemption provided hereafter, any of the following acts shall be deemed as a violation of the Plastic Reduction Act.

(a) It shall be illegal for commercial establishments in the country to provide their customers any plastic bag free of charge.

(b) It shall be illegal for commercial establishments not to put the cost of the plastic bag in the official receipt they provide the customers, should customers avail of one.

(c) It shall be illegal for commercial establishments to use plastic bags thinner than twenty (20) microns.

(d) It shall be illegal for commercial establishments to use styrofoam containers and plastic utensils.

Section 5. *Exempt Usage.* The following transactions or usage which involves the giving for free, dispensing, and similar usage of plastic bags and similar non-biodegradable containers are exempt from the operation of this Act.

(a) Small retail outlets such as sari-sari stores, cooperative stores and neighborhood stores shall be exempt from said prohibition.

(b) Bakeries and other bread shops, confectionary, dairy products, hot or cold cooked food and ice are likewise exempt from this Act.

(c) Those small mobile stores such as pushcarts, pedicab driven stores selling goods and ambulant vendors shall be exempt.

(d) Meat, fish, poultry, fruits, vegetable vendors are likewise exempt from this Act.

(e) Plastic bags provided for goods sold to passengers in areas restricted to passengers in ports or airports and on commercial ships and aircraft.

INSTITUTIONAL MECHANISM

Section 6. *Lead Agencies.* -The Department of Environment and Natural Resources (DENR) and the Department of Trade and Industry

(DTI), unless otherwise provided herein, shall be the primary government agencies responsible for the implementation and enforcement of this Act.

Section 7. *Linkage Mechanism.* – The DENR and the DTI shall consult, participate, cooperate and enter into agreement with other government agencies, or with affected non-governmental organizations (NGOs) or people's organizations (POs), or private enterprises in the furtherance of the objectives of this Act.

Section 8. *Role of Local Government Units.* – Local government units (LGUs) shall share the responsibility in the management to decrease the percentage of plastic waste churned out within their respective territorial jurisdictions.

The DENR and the DTI shall provide the LGUs with technical assistance, trainings and continuing capability-building programs to undertake the purpose of this Act.

ACTIONS

Section 9. *Administrative Action.* – Without prejudice to the right of any person to file an administrative action, the DENR and the DTI shall, on its own instance or upon verified complaint by any person, institute

administrative proceedings against any natural or juridical person who violates any of the provisions of this Act with respect to:

- a) Giving the consumer the option to purchase recyclable plastic bags, as defined in this Act, within the store premises;
- b) Non-inclusion of the cost of the plastic bag whether recyclable or not recyclable in the invoice issued by the commercial establishment;
- c) The use of styrofoam containers, plastic utensils, and plastic bags thinner than twenty (20) microns.

Section 10. *Independence of Action.* – The filing of an administrative suit against such person or entity does not preclude the right of any other person to file any criminal or civil action. Such action shall proceed independently.

PENAL PROVISIONS

Section 11. *Offenses and Penalties.* Violations of this Act shall be penalized in the following manner: fine of not exceeding One Hundred Thousand Pesos (P100,000.00) for the first offense; fine of not exceeding Two Hundred Fifty Thousand Pesos (P250,000.00) for the second offense; and fine of not exceeding Five Hundred Thousand (P500,000.00) for the third offense. Should the violator be caught a

fourth time, the business permit shall be automatically revoked by the LGU concerned.

Section 12. *Enforcement.* – The enforcement of the penal provision of this Act shall be made through the local DENR and or DTI office, in coordination with the Office of the Mayor of the LGU concerned.

MISCELLANEOUS PROVISIONS

Section 13. *Appropriations.* – An appropriation of Ten Million Pesos (P10,000,000.00) shall be used to carry out the initial implementation of this Act. Thereafter, such sums as may be necessary for its implementation shall be included in the annual General Appropriations Act.

Section 14. *Congressional Oversight Committee on the Plastic Bag Reduction Act.* - The Congressional Oversight Committee on the Plastic Bag Reduction Act shall be composed of the Chairman and Vice-Chairman of the Senate Committee on Ecology and the Chairman and Vice-Chairman of the House of Representatives Committee on Ecology, and two (2) members each from the Senate and House of Representatives who shall be designated by the Senate President and the Speaker of the House of Representatives: Provided that one (1) of the two (2) Senators and one (1) of the two (2) House

Members shall be nominated by the respective Minority Leaders of the Senate and House of Representatives.

Section 15. *Implementing Rules and Regulations.* – The Congressional Oversight Committee on the Plastic Reduction Act in coordination with the Department of Environment and Natural Resources, Department of Trade and Industry, and other relevant government agencies shall, within sixty (60) days from the effectivity of this Act, submit the Implementing Rules and Regulations (IRR) governing this Act. The Congressional Oversight Committee on the Plastic Reduction Act shall approve the IRR within thirty (30) days.

Section 16. *Separability Clause.* – If, for any reason, any provision of this Act or part thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the other provisions or parts thereof not affected shall remain in full force and effect.

Section 17. *Repealing Clause.* All laws, decrees, orders, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 18. *Effectivity Clause.* This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,