

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2862

Introduced by Representative **HON. RAYMOND DEMOCRITO C. MENDOZA**
TUCP PARTY-LIST

EXPLANATORY NOTE

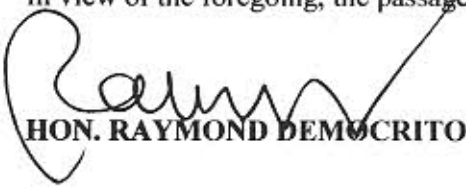
In 2002, around 4 to 5 trillion plastic bags were produced globally. Out of these production, it is estimated that 500 billion plastic bags are thrown worldwide every year. Rustan's Supermarkets, for example, distributed 5.5 million plastic bags every month before it launched its Reusable Bag Program in July 2007 (*Sunday Inquirer Magazine*, October 19, 2008). Most of these bags end up in landfills or dumpsite, if not in the waterways or *esteros*. Metro Manila generates around 5,637 tons of garbage that end up in dumpsites. Also, plastic wastes in the sea was proven to harm about 267 species when they accidentally ingest them or get entangled with the debris. It has even caused the death of two giraffes in Manila Zoo when they accidentally ate these bags hanging on trees.

However, a plastic bag requires more than a thousand years to fully dissolve. Before it disintegrates, a plastic bag may contaminate the soil, clog drainages and waterways or pose a threat to wildlife. In the aftermath of Super typhoon Ondoy which devastated the country last year and caused massive floodings in Metro Manila, the presence of ubiquitous plastic bags clinging to tree branches or hanging by electric wires was a common sight which proved the unchecked proliferation of this non-biodegradable packaging.

In 2001, Republic Act 9003, otherwise known as the "Ecological Solid Waste Management Act," was passed to deal with the country's problem on garbage. Section 29 of the law provides that the National Solid Waste Management Commission (NSWMC) shall, within a year, prepare a list of non-environmentally acceptable product or packaging (NEAP) to be prohibited based on a schedule prepared by the Commission. Nine years from the enactment of the law, however, the Commission has yet to come up with such a list.

Due to their deleterious effect to the environment, there is a need to regulate the use of plastic bags to prevent their unnecessary proliferation especially in the most unlikely places. There is also a need to influence the behaviour of consumers towards the prudent use of non-environmentally acceptable packaging or products. Finally, there is a need to ensure that business and industry will also be responsible for the retrieval of products or packaging that they produce.

In view of the foregoing, the passage of this bill is earnestly sought.



HON. RAYMOND DEMOCRITO C. MENDOZA

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**“AN ACT
REGULATING THE PRODUCTION, IMPORTATION, SALE, USE, AND
RECYCLING OF PLASTIC BAGS IN ALL ESTABLISHMENTS IN THE
COUNTRY”**

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

Section 1. *Short Title.* This Act shall be known as the “Plastic Bag Regulation and Recycling Act of 2010.”

Section 2. *Definition of Terms.* For the purpose of this Act:

- (a) “*Commercial Establishment*” means establishments engaged in commerce or sales of goods or services, including, but 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;
- (b) “*Operator*” means a person or group of persons in control of, or having daily responsibility for, the daily operation of a store, which may include, but not limited to, the owner of the store; and
- (c) “*Plastic Bag*” means a polymer bag provided or utilized at the point of sale for carrying and transporting goods.

Section 3. *Phasing Out of Plastic Bags Thinner than 15 Microns.* – No commercial establishment shall produce, import, sell or use plastic

bags thinner than fifteen (15) microns: *Provided,* That a gradual phase-out period of five (5) years from the passage of this Act shall be provided prior to the implementation of the law to enable commercial establishments to deplete their inventory of plastic bags thinner than fifteen (15) microns. Plastic bags thinner than fifteen (15) microns shall be surrendered to appropriate office in the city or municipal government concerned.

Section 4. *In-Store Recovery Program.* – Within 60 days after the effectivity of this

Act, the operator of commercial establishments that have monthly gross sales of over One Hundred Thousand Pesos (P100,000.00) that provide plastic bags to consumers as part of a purchase at retail shall establish an in-store recovery program that will give their customers an opportunity to return the plastic bag they used to the store or any store of a chain of five or more retail establishments from which the plastic bags originated.

An in-store recycling program provided by the operator of said commercial establishment shall include the following:

- (a) A plastic bag printed with the name or logo of the establishment provided for customers shall have printed or displayed in the bag, in a manner visible to the consumer, the words "PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING;" The same shall not be required of stores or establishments which use plain bags.
- (b) A plastic bag recovery bin shall be placed at each store and shall be visible, easily accessible to the customer, and clearly marked that the recovery bin is available for the purpose of collecting and recycling plastic bags;
- (c) All plastic bags recovered by the store shall be collected, transported, and recycled by the local government units pursuant to Section 7 of this Act. The commercial establishment shall maintain records describing the recovery, collection, transport, and recycling of plastic bags collected for a minimum of three (3) years and shall make the records available to the Department of Environment and Natural Resources and/or the local government unit concerned, upon request, to demonstrate compliance with this Act;
- (d) The commercial establishment shall require their customers the surrender of an equivalent plastic bag for the provision of a new plastic bag. Otherwise, the customer or consumer will be charged a minimum fee of P1.00 per plastic bag with a minimum size to be determined by the DTI depending on the industry or sector. A commercial establishment may charge a higher amount for bigger plastic bags; and
- (e) The commercial establishment may make reusable bags available to consumers within the establishment, which may be purchased in lieu of surrendering an old plastic bag or purchasing a new plastic bag;
- (f) This Section shall not apply to establishments that provide paper bags or other environmentally acceptable packaging.

Section 5. *Lead Agency* - The Department of Trade and Industry (DTI), unless otherwise provided herein, shall be the primary government agency responsible for the implementation and enforcement of this Act.

Section 6. *Linkage Mechanism*. - The DENR, in coordination with the NSWMC, shall consult, and enter into agreement with other government agencies or local government units, or with affected non-governmental organizations (NGOs) or people's organization (POs), or private enterprises in the furtherance of the objectives of this Act.

Section 7. *Role of Local Government Units* - Local government units (LGUs) shall have the primary responsibility in the effort to decrease the percentage of plastic bag waste produced within their respective territorial jurisdictions. They shall also be primarily responsible for the collection, transportation and recycling of plastic bags recovered pursuant to this Act.

The DOST, in coordination with the National Ecology Center, shall provide the LGUs with technical assistance, trainings and continuing capability-building programs to attain the objectives of this Act.

Section 8. *Fines and Penalties*. - Violations of Sections 3, 4 and second paragraph of Section 7 of this Act shall be penalized in the following manner:

- (a) a fine of not exceeding One Hundred Thousand Pesos (P100,000.00) for the first offense;
- (b) a fine of not exceeding Two Hundred Fifty Thousand Pesos (P250,000.00) for the second offense; and
- (c) a fine of not exceeding Five Hundred Thousand Pesos (P500,000.00) for the third offense.
- (d) a fine of not exceeding Seven Hundred Fifty Thousand Pesos (P750,000.00) and automatic revocation of its business permit for the fourth offense.

Any civil penalty collected pursuant to paragraph (a) of this Section shall be paid to the local government of the local government unit where the store is located. The penalties collected pursuant to this Section shall go to the Environment Protection Fund to be used by the local government for the enforcement of this Act.

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

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

- (a) Standards and limitations provided by this Act; or
- (b) Such order, rule or regulation issued by the DTI with respect to such standard or limitation.

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.

Section 11. *Enforcement.* – The enforcement of the penal provision of this Act shall be made through the local DTI office, in coordination with the Office of the Mayor of the LGU concerned.

Section 12. *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 13. *Joint Congressional Oversight Committee.* – The Joint Congressional Oversight Committee created under Section 60 of Republic Act No. 9003, otherwise known as the Ecological Solid Waste Management Act of 2000, shall likewise monitor the implementation of this Act and review the implementing rules and regulations promulgated by the Department.

Section 14. *Implementing Rules and Regulations* – The DENR, in coordination with the Department of Trade and Industry, the Senate Committee on Environment and Natural Resources, the House Committee on Ecology, NSWC, and other relevant government agencies and organizations shall, within sixty (60) days from the effectivity of this Act, submit the Implementing Rules and Regulations (IRR) governing this Act.

Section 15. *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 16. *Repealing Clause.* – All laws, decrees, orders, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 17. *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,