

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3516

Introduced by **HONORABLE LANI MERCADO-REVILLA**

EXPLANATORY NOTE

The Constitution, Article II, Section 16 provides:

“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.”

The widespread use of plastic bags, plates, utensils and cups and styrofoam containers has made our everyday lives easier and more convenient. However, these ostensibly harmless products has gradually become an ecological nightmare for these non-biodegradable objects are difficult to dispose. Further, these materials usually turn up in our *esteros*, riverbanks, sea coast, and other bodies of water, blocking our sewage systems and clogging the drainage pipes which eventually cause the massive flooding we experience every time there is a heavy down pour.

For the past decade or so, the international community has been trying to cut down on the use of plastic products and styrofoam containers. It is about time that we contribute our share by minimizing, if not to totally banning the use of plastic products in order to preserve the ecological balance and help prevent the destruction of our ecosystem.

Hence, the approval of this bill is earnestly requested.


REP. LANI MERCADO- REVILLA
2nd District, Cavite

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HOUSE BILL NO. **3516**

Introduced by **HONORABLE LANI MERCADO-REVILLA**

**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 House of Representative of the Philippines in Congress assembled:

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

SECTION 2. State Policy – The Constitution provides: “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.” (Constitution, Art. II, Sec. 16).

The State must minimize if not totally ban the use of plastic bags, plates, utensils and cups and styrofoam containers to preserve the ecological balance and help prevent the destruction of the ecosystem.

SECTION 3. Definition of terms – For the purpose of this Act, the following terms shall mean:

- (a) **“Plastic Bags”** refers to polymer carry bag provided or utilized at the retail point of sale for carrying and transporting retail goods;
- (b) **“Styrofoam Containers”** refers to containers made of Styrofoam used by establishments to contain food they offer or serve;
- (c) **“Disposable Plastic Utensils”** refers to spoons, forks, knives, chopsticks, toothpicks, and other wares made of plastic which are normally disposed of after being used;
- (d) **“Commercial Establishment”** refers to establishments engaged in commerce or sales of goods or services and include but us not limited to market stores, shopping mall outlets, supermarkets, department stores, groceries, convenience stores, food chains, restaurants, cafe, bars, sari-sari stores and the like;
- (e) **“Non Bio-degradable Materials”** refers to materials no capable of being readily decomposed by microbial action as some detergents;
- (f) **“Recyclable Plastic Bags”** refers to those plastic bags whose thickness makes it possible for such bags to be used and re-used as containers; and

- (g) "LGU" refers to local government units.

SECTION 4. Prohibition- Subject to the exemption provided hereafter, any of the following acts shall be deemed as a violation of the Plastic Bag 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 transaction 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 retails outlets such as sari-sari stores, cooperative stores and neighbourhood stores shall be exempt from said prohibition.
- (b) Bakeries and other bread shops, confectionary, dairy products, hot or cold food and ice are likewise exempted from this Act.
- (c) Thos small mobile stores such as pushcarts, pedicab driven stores selling goods and ambulant vendors shall be exempt.
- (d) Meat, fish, poultry, fruits and 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.

SECTION 6. Lead Agencies – The Department of Trade and Industry (DTI) and the Department of Environment and Natural Resources (DENR) shall be the primary government agencies responsible for the implementation and enforcement of this Act.

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

SECTION 8. Role of Local Government Units – Local Government Units (LGUs) shall help in the reduction of the non-biodegradable products 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.

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 non-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.

SECTION 11. Offense and Penalties – Any violation of this Act shall be punished as follows: A fine not exceeding One Hundred Thousand Pesos (P100,000.00) for the first offense; a fine of not exceeding Two Hundred Fifty Thousand Pesos (P250,000.00) for the second offense; and Five Hundred Thousand Pesos (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.

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 – There shall be established a Congressional Oversight Committee on the Plastic Bag Reduction Act which 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) House Members shall be nominated by the respective Minority Leaders of the Senate and the House of Representatives.

SECTION 15. Implementing Rules and Regulations – The Congressional Oversight Committee on the Plastic Bag Reduction Act in coordination with the Department of Environment and Natural Resources (DENR), the Department of Trade and Industry (DTI) 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 Bag Reduction Act shall approve the IRR within thirty (30) days upon receipt thereof.

SECTION 16. Separability Clause. – If any provision of this Act is held to be unconstitutional or invalid, the same shall not affect the remainder thereof.

SECTION 17. Repealing Clause. – All laws, presidential decrees, executive orders, rules and regulations, and part thereof, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SECTION 18. Effectivity. – This Act shall take effect fifteen (15) days after publication in the Official Gazette or two (2) newspapers of general circulation.

Approved,