



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

MEMORANDUM

FOR : THE DEPUTY SECRETARY-GENERAL FOR OPERATIONS

ATTENTION : THE EXECUTIVE DIRECTOR
Plenary Affairs Bureau

THE SERVICE DIRECTOR
Bills and Index service

FROM : THE DEPUTY SECRETARY-GENERAL FOR COMMITTEE AFFAIRS

RE : COMMITTEE REPORT ON THE SUBSTITUTE BILL TO H.B. NOS.
4055, 783, 2109, 4140, 127, 496, 501, 2862, 3516, 3939 AND 4462

DATE : 08 JUNE 2011

1216

We are transmitting herewith six (6) copies of the Committee Report submitted by the Committee on Ecology on House Bill No. 4840, in substitution of House Bill Nos. 4055, 783, 2109, 4140, 127, 496, 501, 2862, 3516, 3939 and 4462, entitled:

**"AN ACT REGULATING THE PRODUCTION, IMPORTATION, SALE,
PROVISION, USE, RECOVERY, COLLECTION, RECYCLING AND DISPOSAL
OF PLASTIC BAGS"**

For your appropriate action.


ATTY. ARLENE DADA-ARNALDO 
 

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
15th Congress
1st Regular Session

COMMITTEE REPORT NO. 1216

Submitted by the Committee on Ecology on 08 JUN 2011

Re: House Bill No. 4840

Recommending its approval/ in substitution of House Bill Nos. 4055, 783, 2109, 4140, 127, 496, 501, 2862, 3516, 3939 and 4462

Sponsors: Representatives Dan S. Fernandez, Oscar G. Malapitan, Rufus B. Rodriguez, Marc Douglas C. Cagas IV, Al Francis C. Bichara and Raymond DC Mendoza

Mr. Speaker:

The Committee on Ecology to which were referred House Bill No.4055 introduced by Rep. Oscar G. Malapitan, entitled:

"AN ACT REQUIRING MALLS, SUPERMARKETS, GROCERY STORES, CONVENIENCE STORES, WET AND PUBLIC MARKET TO USE OXO-BIODEGRADABLE PLASTIC SHOPPPIG BAGS";

House Bill No.783 introduced by Rep. Aurelio D. Gonzales, Jr., entitled:

"AN ACT PROVIDING FOR THE PHASE-OUT OF PLASTIC BAGS AS PACKING MATERIALS OF GOODS SOLD OR DISPOSED BY SARI-SARI STORES, MARKET VENDORS, STORES AND SIMILAR ESTABLISHMENTS, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES";

House Bill No.2109 introduced by Reps. Rufus, Maximo B. Rodriguez, Jr., Mel Senen S. Sarmiento, Florencio T. Miraflores, Jane T. Castro and Cesar V. Sarmiento, entitled:

"AN ACT BANNING THE USE OF PLASTIC BAGS IN GROCERIES, RESTAURANTS AND OTHER ESTABLISHMENTS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF";

House Bill No. 4140 introduced by Reps. Marc Douglas C. Cagas IV, Christopher S. Co, Rodel M. Batocabe and Alfredo A. Garbin, Jr., entitled:

"AN ACT PROHIBITING THE USE OF PLASTIC BAGS, AND FOR OTHER PURPOSES";

House Bill No. 127 introduced by Reps. Al Francis C. Bichara, Christopher S. Co, Rodel M. Batocabe and Alfredo A. Garbin, Jr., Ma. Amelita A. Calimbas-Villarosa, Linabelle Ruth R. Villarica and Bernadette R. Herrera-Dy, entitled:

"AN ACT IMPOSING AN EXCISE TAX, TO BE KNOWN AS "ENVIRONMENTAL LEVY" ON THE USE OF PLASTIC BAGS IN SHOPS, SUPERMARKETS, SERVICE STATIONS, STORES AND/OR SALES OUTLETS, CREATING THE ENVIRONMENTAL PROTECTION SUPPORT FUND, AND FOR OTHER PURPOSES";

House Bill No. 496 introduced by Reps. Juan Edgardo M. Angara and Maria Carmen Zamora-Apsay, entitled:

"AN ACT INSTITUTIONALIZING THE CREATION OF "THE PLASTIC BAG RECYCLING ACT OF 2010" AND FOR OTHER PURPOSES";

House Bill No. 501 introduced by Reps. Juan Edgardo M. Angara and Maria Carmen Zamora-Apsay, entitled:

"AN ACT PROVIDING FOR A PROACTIVE APPROACH IN RECYCLING USED PLASTIC BAGS BY STORES AND OTHER RETAIL OUTLETS";

House Bill No. 2862 introduced by Reps. Raymond DC Mendoza and Anthony Rolando T. Golez, Jr., entitled:

"AN ACT REGULATING THE PRODUCTION, IMPORTATION, SALE, USE, AND RECYCLING OF PLASTIC BAGS IN ALL ESTABLISHMENTS IN THE COUNTRY";

House Bill No. 3516 introduced by Reps. Lani Mercado-Revilla, Ma. Amelita A. Calimbas-Villarosa, Winston "Winnie" Castelo and Marcelino R. Teodoro, entitled:

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

House Bill No. 3939 introduced by Rep. Carmelo F. Lazatin, entitled:

"AN ACT BANNING THE MANUFACTURER, DISTRIBUTION, AND SALE OF ULTRA-THIN POLYPROPYLENE PLASTIC BAGGING MATERIALS"; and

House Bill No. 4462 introduced by Reps. Mark Aeron H. Sambar, Anthony Rolando T. Golez, Jr. and Bernadette R. Herrera-Dy, entitled:

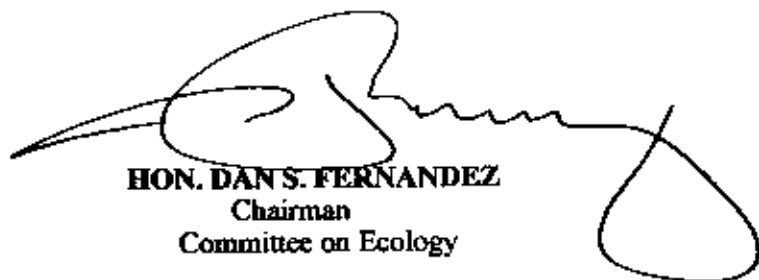
"AN ACT TO REDUCE THE NUMBER OF PLASTIC BAGS USED IN SUPERMARKES AND CREATING THE PLASTIC BAG POLLUTION FUND";

have considered the same and recommend that the attached House Bill No. 4840, entitled :

"AN ACT REGULATING THE PRODUCTION, IMPORTATION, SALE, PROVISION, USE, RECOVERY, COLLECTION, RECYCLING AND DISPOSAL OF PLASTIC BAGS";

be approved in substitution of House Bill Nos. 4055, 783, 2109, 4140, 127, 496, 501, 2862, 3516, 3939 and 4462 with Reps. Oscar G. Malapitan, Aurelio D. Gonzales, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Marc Douglas C. Cagas IV, Christopher S. Co, Al Francis C. Bichara, Juan Edgardo M. Angara, Maria Carmen Zamora-Apsay, Raymond DC Mendoza, Anthony Rolando T. Golez, Jr., Lani Mercado-Revilla, Ma. Amelita A. Calimbas-Villarosa, Carmelo F. Lazatin, Mark Aeron H. Sambar, Mel Senen S. Sarmiento, Rodol M. Batocabe, Winston "Winnie" Castelo, Bernadette R. Herrera-Dy, Florencio T. Miraflores, Alfredo A. Garbin, Jr., Marcelino R. Teodoro, Jane T. Castro, Cesar V. Sarmiento, Linabelle Ruth R. Villarica, Dan S. Fernandez, Mary Mitzi L. Cajayon, Irvin M. Alcala, Ma. Evita R. Arago, Antonio F. Lagdameo Jr., Bernardo M. Vergara, Arturo B. Robes, Danilo E. Suarez, Rafael V. Mariano, Amado S. Bagatsing and Joselito R. Mendoza, as authors thereof.

Respectfully submitted,



HON. DAN S. FERNANDEZ
Chairman
Committee on Ecology

**THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY**

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 4840

Introduced by Representatives Oscar G. Malapitan, Aurelio D. Gonzales, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Marc Douglas C. Cagas IV, Christopher S. Co, Al Francis C. Bichara, Juan Edgardo M. Angar a, Maria Carmen Zamora-Apsay, Raymond DC Mendoza, Anthony Rolando T. Golez, Jr., Lani Mercado-Revilla, Ma. Amelita A. Calimbas-Villarosa, Carmelo F. Lazatin, Mark Aeron H. Sambar, Mel Senen S. Sarmiento, Rodel M. Batocabe, Winston "Winnie" Castelo, Bernadette R. Herrera-Dy, Florencio T. Miraflores, Alfredo A. Garbin, Jr., Marcelino R. Teodoro, Jane T. Castro, Cesar V. Sarmiento, Linabelle Ruth R. Villarica, Dan S. Fernandez, Mary Mitzi L. Cajayon, Irvin M. Alcala, Ma. Evita R. Arago, Antonio F. Lagdameo Jr., Bernardo M. Vergara, Arturo B. Robes, Danilo E. Suarez, Rafael V. Mariano, Amado S. Bagatsing and Joselito R. Mendoza

**"AN ACT
REGULATING THE PRODUCTION, IMPORTATION, SALE, PROVISION, USE,
RECOVERY, COLLECTION RECYCLING AND DISPOSAL OF PLASTIC BAGS"**

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

1 Section 1. *Short Title.* - This Act shall be known as the "Plastic Bag Regulation
2 Act of 2011".

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

4 a) *Biodegradable Plastic Bag* refers to a plastic bag that degrades into fine
5 wetttable fragments through oxidation processes and thereafter attain molecular structure
6 suited for biodegradation that results from the action of naturally-occurring micro-organisms
7 such as bacteria, fungi, and algae. Such plastic bags shall, within twenty-four (24) months
8 after its use, have a sixty (60) percent biodegradation where organic carbon is converted to
9 carbon dioxide without leaving significant harmful residues;

10 b) *Commercial Establishment* refers to an establishment or cluster of
11 establishments engaged in commerce or sales of goods or services, including, but not limited
12 to, market stores, shopping mall outlets, supermarkets, department stores, groceries,
13 convenience stores, food chains, restaurants, cafes, bars, sari-sari stores and the like;

14 c) *Department* refers to the Department of Environment and Natural Resources;

1 d) *Operator* refers to a person or group of persons in control of, or having daily
2 responsibility for, the daily operation of a store, which may include, but not limited to, the
3 owner of the store;

4 e) *Plastic Bag* refers to a polymer bag designed to be provided or utilized at the
5 point of sale for carrying and transporting goods; and

6 f) *Reusable Bag* refers to a washable canvass bag, a *bayong* or any shopping bag
7 used for carrying and transporting goods, which bags are made of organic or non-organic
8 materials and can be used several times.

9 Section 3. *Biodegradable Plastic Bags*. – Six (6) months after the effectivity of the
10 Act, commercial establishments shall provide biodegradable plastic bags to their consumers:
11 *Provided*, That they shall promote and make available for sale locally-made *bayong*, *buli* and
12 other re-usable bags that are made of *abaca*, water lily, and other organic or compostable
13 materials: *Provided, further* That establishments may still provide other plastic bags as
14 sanctioned under Section 5.

15 For this purpose, the Department of Trade and Industry (DTI), in coordination with
16 the Department, leagues of local government units (LGUs), National Solid Waste
17 Management Commission (NSWMC), and other government and private agencies and
18 organizations concerned shall, within six (6) months from the effectivity of this Act,
19 promulgate the appropriate Philippine National Standard (PNS) for biodegradable plastic
20 bags: *Provided*, That the DTI shall consider in the PNS the recyclability of biodegradable
21 plastic bags.

22 Section 4. *In-Store Recovery Program*. – Within sixty (60) days after the effectivity
23 of this Act, the operator or cluster of operators of commercial establishments that provide
24 plastic bags to consumers as part of a purchase at retail, shall establish an in-store recovery
25 program that will give their customers an opportunity to return their used plastic bags to the
26 commercial establishments from which the plastic bags originated.

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

29 (a) A plastic bag shall have printed or displayed on it in a manner visible to the
30 consumer, a logo and/or words showing that it is a biodegradable plastic bag;

31 (b) A plastic bag printed with the name or logo of the establishment shall have
32 printed or displayed on it the words "PLEASE RETURN TO ANY STORE FOR
33 RECYCLING", in addition to the requirement of the immediately preceding paragraph,;

(c) A plastic bag recovery bin shall be placed at each store or cluster of stores and shall be visible, easily accessible to the customer, and clearly marked that the recovery bin is available for the purpose of collecting, recycling and disposal of plastic bags;

(d) All plastic bags recovered by the store shall be collected, transported, and, whenever practicable, recycled and disposed by the local government units pursuant to Section 8 of this Act.

(e) The commercial establishment shall maintain records describing the recovery, collection, transport, and whenever applicable, recycling and disposal of plastic bags collected for a minimum of three (3) years, and every year thereafter. It shall make the records available to the Department and/or LGU, upon request, to demonstrate compliance with this Act. The LGU concerned shall likewise maintain records it has recovered, collected and transported for recycling or disposal, and shall make the records available to the Department;

(f) The commercial establishment shall require their customers to surrender an equivalent or practically equivalent plastic bag for the provision of a new plastic bag. Otherwise, the customer or consumer will be charged a fixed fee of P1.00 per plastic bag, which fee shall be reflected in their receipts; and

(g) The commercial establishment shall make local reusable bags available to consumers within the establishment, which shall be purchased in lieu of surrendering an old plastic bag or purchasing a new plastic bag;

Section 5. *Phase-out of Non-Biodegradable Plastic Bags* - Notwithstanding the provision of Section 4 of this Act, non-biodegradable plastic bags shall be gradually phased out within a period of three (3) years from the effectivity of this Act. Thereafter, production, importation, sale, distribution, provision or use of said bags shall be prohibited.

Section 6. *Lead Agency*. - The Department, unless otherwise provided herein, shall be the primary government agency responsible for the implementation and enforcement of this Act.

Section 7. *Linkage Mechanism*. - The Department, in coordination with the DTI and NSWMC, shall consult, and enter into an agreement with other government agencies or LGUs, or with concerned non-governmental organizations (NGOs) or people's organization (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 have the primary responsibility in the effort to decrease the percentage of plastic bag waste produced within their respective territorial jurisdictions.

1 For this purpose, they shall be primarily responsible for the collection, transportation,
2 recycling and disposal of plastic bags recovered pursuant to this Act. LGUs may enjoin the
3 participation of other concerned government agencies, private entities and industries.

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

7 Section 9. *Fines and Penalties.* - Violations of Sections 3, 4 and 5 of this Act shall
8 be penalized in the following manner:

9 a) A fine of not exceeding One Hundred Thousand Pesos (P100,000.00) for the
10 first offense;

11 b) A fine of not exceeding Two Hundred Fifty Thousand Pesos (P250,000.00) for
12 the second offense; and

13 c) A fine of not exceeding Five Hundred Thousand Pesos (P500,000.00) for the
14 third offense.

15 d) A fine of not exceeding Seven Hundred Fifty Thousand Pesos (P750,000.00)
16 and automatic revocation of its business permit for the fourth offense.

17 Fines shall be imposed based on the capitalization of commercial establishments. For
18 this purpose, the Department shall establish such classification of commercial establishments.

19 For purposes of the imposition of appropriate fine hereof, the Department shall
20 establish classification of commercial establishments based on their capitalization

21 Section 10. *Administrative Action.* - Without prejudice to the right of any person
22 to file an administrative action, the Department shall, on its own instance or upon verified
23 complaint by any person, institute administrative proceedings in the proper forum against any
24 natural or juridical person who violates any of the provisions of this Act with respect to:

25 (a) Standards and limitations provided by this Act; or

26 (b) Such order, rule or regulation issued by the DTI with respect to such standard or
27 limitation.

28 Section 11. *Independence of Action.* - The filing of an administrative suit against
29 such person or entity does not preclude the right of any other person to file any criminal or
30 civil action.

31 Section 12. *Enforcement.* - The enforcement of the penal provision of this Act
32 shall be made through the Department, in coordination with the Office of the Mayor of the
33 LGU concerned.

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

6 Section 14. *Implementing Rules and Regulations* – The Department , in
7 coordination with DTI, NSWC, and other relevant government agencies and organizations
8 shall, within six (6) months from the effectivity of this Act, promulgate the Implementing
9 Rules and Regulations (IRR) governing this Act.

10 Section 15. *Separability Clause.* - If, for any reason, any provision of this Act or
11 part thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the
12 other provisions or parts thereof not affected shall remain in full force and effect.

13 Section 16. *Repealing Clause.* - All laws, decrees, orders, issuances, ordinances,
14 rules and regulations, or parts thereof and ordinances inconsistent with the provisions of this
15 Act are hereby repealed or modified accordingly.

16 Section 17. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
17 publication in the Official Gazette or in two (2) newspapers of general circulation.

18 Approved,

FACT SHEET

House Bill Nos. 4055, 783, 2109, 4140, 127, 496, 501, 2862, 3516, 3939 and 4462

AN ACT REGULATING THE PRODUCTION, IMPORTATION, SALE, PROVISION, USE, RECOVERY, COLLECTION, RECYCLING AND DISPOSAL OF PLASTIC BAGS

***Introduced by:* REPS. MALAPITAN, GONZALES JR. (A), RODRIGUEZ (R), RODRIGUEZ JR. (M), CAGAS IV, BICHARA, ANGARA, MENDOZA (R), MERCADO-REVILLA, LAZATIN, SAMBAR**

***Committee Referral:* COMMITTEE ON ECOLOGY
Committee Chairperson: HON. DAN S. FERNANDEZ**

OBJECTIVES:

- **To reduce the volume of plastic bags found in the environment, landfills and waterways.**
- **To introduce biodegradable plastic bags that leave no harmful residue behind.**
- **To provide a phase-out period for the non-biodegradable plastic bags.**
- **To provide a recovery system for recycling of plastic bags.**
- **To strengthen enforcement capacity of Baranggay units by providing incentives via retention of fines collected.**

KEY PROVISIONS:

- **Gives specific definition to biodegradable plastic bags.**
- **Provides in-store recovery program that allows customers to return their used plastic bags and/or swap used plastic bags with a new one.**
- **Allows charging of a minimum fee of Php1.00 per new plastic bag.**
- **Requires commercial establishments to make available to customers locally-made bags and reusable organic, compostable bags.**
- **Provides a 3-year phase-out period for non-biodegradable plastic bags.**
- **Requires labeling of printed plastic bags with a logo or text showing that it is BIODEGRADABLE and the words "PLEASE RETURN TO STORE FOR RECYCLING."**
- **Requires LGUs to collect, transport and recycle all plastic bags recovered by the stores.**
- **Requires the Department of Environment and Natural Resources (DENR) to establish a system of classifying commercial establishments based on capitalization.**
- **Requires commercial establishments to keep records for three years that shall be made available to the DENR and LGUs.**

RELATED LAWS:

- **R.A. 9003 – Ecological Solid Waste Management Act**
- **R.A. 7160 – Local Government Code**