

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 359



REPRESENTATIVE LAWRENCE LEMUEL H. FORTUN

EXPLANATORY NOTE

The use by every retailer and consumer of plastic bags is a fact of life in our daily existence. Millions of plastic bags have been used and continue to be used each year. Studies have shown that 500 billion to 1 trillion of plastic bags are used every year around the world, or an average of 150 plastic bags per person every year. In the data provided by the United State Environmental Protection, in 2011 the United States generated close to 32 million tons of plastics waste and only 8% of the total plastic waste was recovered for recycling¹. It is anticipated that the situation in the Philippines is far worse.

The unrelenting use of plastic bags has been a major cause not only of litter, waste and pollution, but also of floods, especially in the urban areas, that have claimed countless lives, injured many and destroyed properties. Plastic bags clog our canals, drainages and other waterways. The waste and pollution they bring about have caused destruction to marine life and disruption of our eco-system.

A significant number of local government units have already passed and implemented ordinances banning the use of plastic bags. It is high time that the rest of the country follow their example. Towards that direction, this proposed bill seeks to regulate the production, use, recycling and disposal of plastic bags. It provides for the transition in the usage of ordinary polymer plastic bag to biodegradable plastic bags in every commercial establishment, encouragement of the use of reusable bags and the provision of recovery programs in returning used plastic bags. A version of this measure had had its success in the legislative mill of the last Congress short of passage into a law. It is prayed that in the 16th Congress, this measure is finally passed and approved into a law.

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

REP. LAWRENCE LEMUEL H. FORTUN
1st District, Agusan del Norte

¹ U.S. Environmental Protection. (2013). Retrieved from <http://www.epa.gov/osw/conserve/materials/plastics.htm>

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H.B. No. 359

Representative Lawrence Lemuel H. Fortun

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

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

SECTION 1. *Short Title.* – This Act shall be known as the “Plastic Bag Regulation Act of 2013”.

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

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

(b) *Commercial establishment* refers to an establishment or cluster of 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.

(c) *Department* refers to the Department of Environment and Natural Resources (DENR).

(d) *Operator* refers to 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.

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

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

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

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

SEC. 4. *In-Store Recovery Program.* – Within sixty (60) days after the effectivity of this Act, the operator or cluster of operators of commercial establishments 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 their used plastic bags to the commercial establishments from which the plastic bags originated.

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

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

(b) A plastic bag printed with the name or logo of the establishment shall have printed or displayed on it the words “PLEASE RETURN TO ANY STORE FOR 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 costumer, 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 LGUs 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.

SEC. 5. *Phaseout of Nonbiodegradable Plastic Bags.* – Notwithstanding the provision of Section 4 of this Act, nonbiodegradable 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.

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

SEC. 7. *Linkage Mechanism.* – The Department, in coordination with the DTI and the NSWMC, shall consult, and enter into an agreement with other government agencies or LGUs, or with concerned nongovernmental organizations (NGOs) or people’s organizations (POs), or private enterprises in the furtherance of the objectives of this Act.

SEC. 8. *Role of Local Government Units (LGUs).* – The LGUs shall have the primary responsibility in the effort to decrease the percentage of plastic bag waste produced within their respective territorial jurisdictions.

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

The Department of Science and Technology (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.

SEC. 9. *Fines and Penalties.* – Violations of Sections 3, 4 and 5 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;
- (c) A fine of not exceeding Five hundred thousand pesos (P500,000.00) for the third offense; and
- (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.

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

For purposes of the imposition of appropriate fines hereof, the Department shall establish classification of commercial establishments based on their capitalization.

Any fine collected pursuant to this section shall be retained by the barangay unit where the store is located in order to augment its waste management capability.

SEC. 10. *Administrative Action.* – Without prejudice to the right of any person to file an administrative action, the Department 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.

SEC. 11. *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.

SEC. 12. *Enforcement.* – The enforcement of the penal provision of this Act shall be made through the Department, in coordination with the Office of the Mayor of the LGU concerned.

SEC. 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.

SEC. 14. *Implementing Rules and Regulations.* – The Department, in coordination with the DTI, the NSWMC and other relevant government agencies and organizations shall, within six (6) months from the effectivity of this Act, promulgate the implementing rules and regulations (IRR) governing this Act.

SEC. 15. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be charged against the current year’s appropriations of the concerned agencies. Thereafter, such sums as may be necessary for the operation and maintenance of this Act shall be included in the General Appropriations Act.

SEC. 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 hereof not affected shall remain in full force and effect.

SEC. 17. *Repealing Clause.* – All laws, decrees, orders, issuances, ordinances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,