

SIXTEENTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

House Bill No. 394



Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

"The State must ensure that contaminants to the environment, such as plastic and plastic bags, be prevented from being introduced into the ecosystem."

By requiring the phase out of non-biodegradable plastic bags within three years from its effectivity, this bill seeks to contribute to the collective efforts of solving the country's environmental problems.

The bill mandates the placement of a plastic bag recovery bin at each store or cluster of stores. Recovery bins must be visible and accessible to the customers. The in-store recovery program will give customers the opportunity to return used plastic bags to establishments where the plastic bags originated. Such recovery system will lead citizens to exert effort and give their due share in protecting the environment by bringing used plastic bags to stores and commercial establishments which in turn shall provide the logistics for recovery of these plastic shopping bags. The recovery system is designed to reduce the volume of plastic bags in the environment, landfills, and waterways.

The Local Government Units (LGUs) are given the primary responsibility to decrease the percentage of plastic bag wastes produced within their respective territorial jurisdictions. They shall be tasked to collect, recycle, and dispose of all plastic bags recovered by the stores.

Through this bill, consumers are encouraged to reduce, and eventually eliminate, the use of plastic bags, thereby saving our fragile environment.


SUSAN A. YAP
Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. 394

Introduced by Representative Susan A. Yap

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".

SECTION 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.

SECTION 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.

SECTION 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

1 their customers an opportunity to return their used plastic bags to the commercial establishments from
2 which the plastic bags originated. An in-store recovery program provided by the operator of said
3 commercial establishment shall include the following:

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

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

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

12 (d) Any plastic bags recovered by the store shall be collected, transported, and,
13 whenever practicable, recycled and disposed by the LGUs pursuant to Section 8 of this Act.

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

20 (f) The commercial establishment shall require their customers to surrender an
21 equivalent or practically equivalent plastic bag for the provision of a new plastic bag. Otherwise, the
22 customer or consumer will be charged a fixed fee of P 1.00 per plastic bag, which fee shall be
23 reflected in their receipts; and

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

27
28 SECTION 5. *Phaseout of Nonbiodegradable Plastic Bags.* - Notwithstanding the
29 provision of Section 4 of this Act, nonbiodegradable plastic bags shall be gradually phased out
30 within a period of three (3) years from the effectivity of this Act. Thereafter, production,
31 importation, sale, distribution, provision or use of said bags shall be prohibited.

32
33 SECTION 6. *Lead Agency.* - The Department, unless otherwise provided herein, shall be
34 the primary government agency responsible for the implementation and enforcement of this
35 Act.

36
37 SECTION 7. *Linkage Mechanism.* - The Department, in coordination with the DTI and the
38 NSWMC, shall consult, and enter into an agreement with other government agencies or LGUs, or
39 with concerned nongovernmental organizations (NGOs) or people's organizations (POs), or
40 private enterprises in the furtherance of the objectives of this Act.

41
42 SECTION 8. *Role of Local Government Units (LGUs).* - The LGUs shall have the primary
43 responsibility in the effort to decrease the percentage of plastic bag waste produced within their
44 respective territorial jurisdictions.

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

48 The Department of Science and Technology (DOST), in coordination with the National
49 Ecology Center, shall provide the LGUs with technical assistance, trainings and continuing
50 capability-building programs to attain the objectives of this Act.

51
52 SECTION 9. *Fines and Penalties.* - Violations of Sections 3, 4 and 5 of this Act shall be
53 penalized in the following manner:

54 (a) A fine of not exceeding One hundred thousand pesos (P 100,000.00) for the first offense;

55 (b) A fine of not exceeding Two hundred fifty thousand pesos (P250,000.00) for the
56 second offense;

57 (c) A fine of not exceeding Five hundred thousand pesos (P500,000.00) for the
58 third offense; and

1 (d) A fine of not exceeding Seven hundred fifty thousand pesos (P750,000.00) and
2 automatic revocation of its business permit for the fourth *offense*.

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

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

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

9
10 SECTION 10. *Administrative Action*. - Without prejudice to the right of any person to file
11 an administrative action, the Department shall, on its own instance or upon verified complaint by
12 any person, institute administrative proceedings in the proper forum against any natural or juridical
13 person who violates any of the provisions of this Act with respect to:

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

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

17
18 SECTION 11. *Independence of Action*. - The filing of an administrative suit against such
19 person or entity does not preclude the right of any other person to file any criminal or civil action.

20
21 SECTION 12. *Enforcement*. - The enforcement of the penal provision of this Act shall be
22 made through the Department, in coordination with the Office of the Mayor of the LGU concerned.

23
24 SECTION 13. *Joint Congressional Oversight Committee*. - The Joint Congressional Oversight
25 Committee created under Section 60 of Republic Act No. 9003, otherwise known as the "Ecological
26 Solid Waste Management Act of 2000", shall likewise monitor the implementation of this Act and
27 review the implementing rules and regulations promulgated by the Department.

28
29 SECTION 14. *Implementing Rules and Regulations*. - The Department, in coordination with the
30 DTI, the NSWIVIC and other relevant government agencies and organizations shall, within six (6)
31 months from the effectivity of this Act, promulgate the implementing rules and regulations (IRR)
32 governing this Act.

33
34 SECTION 15. *Appropriations*. - The amount necessary to carry out the provisions of this
35 Act shall be charged against the current year's appropriations of the concerned agencies. Thereafter,
36 such sums as may be necessary for the operation and maintenance of this Act shall be included
37 in the General Appropriations Act.

38
39 SECTION 16. *Separability Clause*. - If, for any reason, any provision of this Act or part
40 thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the other
41 provisions or parts hereof not affected shall remain in full force and effect.

42
43 SECTION 17. *Repealing Clause*. - All laws, decrees, orders, issuances, ordinances, rules
44 and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed
45 or modified accordingly.

46
47 SECTION 18. *Effectivity Clause*. - This Act shall take effect fifteen (15) days after its
48 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,