

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3153**



Introduced by Representative **RAYMOND DEMOCRITO C. MENDOZA**

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.


RAYMOND DEMOCRITO C. MENDOZA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

Sixteenth Congress
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HOUSE BILL NO. 3153

Introduced by REP. RAYMOND DEMOCRITO C. MENDOZA

**“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:*

1 Section 1. *Short Title.* This Act shall be known as the “**Plastic**
2 **Bag Regulation Act.**”

3 Section 2. *State Policy.* The Constitution provides that “The State
4 shall protect and advance the right of the people to a balanced and
5 healthful ecology in accord with the rhythm and harmony of nature.”

6 Together with a more conscious effort on the part of the
7 government and the people to help our nation’s ecological balance by
8 recycling and segregating garbage, there is also a need to reduce the use
9 of plastic bags in the country.

10

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

2
3 (a) “*Commercial Establishment*” means establishments engaged
4 in commerce or sales of goods or services and include, but is not limited
5 to, market stores, shopping mall outlets, supermarkets, department stores,
6 groceries, convenience stores, food chains, restaurants, cafes, bars, sari-
7 sari stores and the like;

8 (b) “*LGU*” means the local government units;

9 (c) “*Operator*” means a person in control of, or having daily
10 responsibility for, the daily operation of a store, which may include, but is
11 not limited to, the owner of the store.

12 (d) “*Plastic Bags*” means polymer carrybag provided or utilized
13 at the retail point of sale for carrying and transporting retail goods;

14 (e) “*Store*” means a retail establishment that has gross sales of
15 over One Hundred Thousand Pesos (P100,000.00) each month, and that
16 provides plastic bags to its consumers as a result of a sale of a product or
17 merchandise.

18
19 Section 4. *Prohibited Acts.* The following acts are hereby
20 prohibited:

21 (a) For commercial establishments to produce, import, sell or
22 use plastic bags thinner than fifteen (15) microns;

23 (b) For stores not to establish an in-store recycling program that
24 will provide an opportunity for their customers to return to
25 the establishment plastic bags thicker than fifteen (15)
26 microns which originated from the store or from any store
27 of a chain of five or more retail establishments;

1 (c) For commercial establishments not to require deposit from
2 their customers for the use of any plastic bag;

3 (d) For commercial establishments not to put the cost of the
4 deposit in the official receipt they provide the customers, should
5 customers avail of one;
6

7 SECTION 5. *Phase-out period.* - a gradual phase-out period of
8 five (5) years from the passage of this Act shall be provided prior to the
9 implementation of the law to enable commercial establishments to
10 deplete their inventory of plastic bags thinner than fifteen (15) microns.
11

12 Section 6. *Lead Agencies.* - The Department of Trade and
13 Industry (DTI), unless otherwise provided herein, shall be the primary
14 government agency responsible for the implementation and enforcement
15 of this Act.
16

17 Section 7. *Linkage Mechanism.* - The DTI, in coordination with
18 the NSWC, shall consult, and enter into agreement with other
19 government agencies, or with affected non-governmental organizations
20 (NGOs) or people's organization (POs), or private enterprises in the
21 furtherance of the objectives of this Act.
22

23 Section 8. *Role of Local Government Units* - Local government
24 units (LGUs) shall have the primary responsibility in the effort to
25 decrease the percentage of plastic waste produced within their respective
26 territorial jurisdictions.

27 The DOST, in coordination with the National Ecology Center,
28 shall provide the LGUs with technical assistance, trainings and

1 continuing capability-building programs to attain the objectives of this
2 Act.

3
4 Section 9. *In-Store Recycling Program.* – Within 60 days after the
5 effectivity of this Act, the operator of a store that provides plastic bags to
6 consumers as part of a purchase at retail shall establish an in-store
7 recycling program that will give their customers an opportunity to return
8 to the store the plastic bags they used. An in-store recycling program
9 provided by the operator of a commercial establishment shall include the
10 following:

11 (a) A plastic bag provided by a commercial establishment shall
12 have printed or displayed in the bag, in a manner visible to the
13 consumer, the words “PLEASE RETURN TO A
14 PARTICIPATING STORE FOR RECYCLING;”

15 (b) A plastic bag collection bin shall be placed at each store and
16 shall be visible, easily accessible to the costumer, and clearly
17 marked that the collection bin is available for the purpose of
18 collecting and recycling plastic bags;

19 (c) All plastic bags collected by the store shall be collected,
20 transported, and recycled.

21 (d) The store shall maintain records describing the collection,
22 transport, and recycling of plastic bags collected for a minimum
23 of three (3) years and shall make the records available to the
24 DTI or the local government unit concerned, upon request, to
25 demonstrate compliance with this Act;

26 (e) The operator of the commercial establishment shall make
27 reusable bags available to consumers within the establishment,

1 which may be purchased in lieu of paying a deposit for the use
2 of plastic bags.

3
4 Section 10. *Administrative Action.* - Without prejudice to the
5 right of any person to file an administrative action, the DTI shall, on its
6 own instance or upon verified complaint by any person, institute
7 administrative proceedings in the proper forum against any natural or
8 juridical person who violates any of the provisions of this Act with
9 respect to:

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

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

13
14 Section 11. *Independence of Action.* - The filing of an
15 administrative suit against such person or entity does not preclude the
16 right of any other person to file any criminal or civil action.

17
18 Section 12. *Fines and Penalties.* -

19 (a) Violations of this Act shall be penalized in the following
20 manner: a fine of not exceeding One Hundred Thousand
21 Pesos (P100,000.00) for the first offense; a fine of not
22 exceeding Two Hundred Fifty Thousand Pesos
23 (P250,000.00) for the second offense; and a fine of not
24 exceeding Five Hundred Thousand Pesos (P500,000.00) for
25 the third offense. Should the violator be caught a fourth
26 time, the business permit shall be automatically revoked by
27 the LGU concerned.

1 (b) Any civil penalty collected pursuant to paragraph (a) of this
2 Section shall be paid to the local government of the local
3 government unit where the store is located. The penalties
4 collected pursuant to this Section shall go to the
5 Environment Protection Fund to be used by the local
6 government for the enforcement of this Act.
7

8 Section 13. *Enforcement.* - The enforcement of the penal
9 provision of this Act shall be made through the local DTI office, in
10 coordination with the Office of the Mayor of the LGU concerned.
11

12 Section 14. *Appropriations.* - An appropriation of Ten Million
13 Pesos (P10,000,000.00) shall be used to carry out the initial
14 implementation of this Act. Thereafter, such sums as may be necessary
15 for its implementation shall be included in the annual General
16 Appropriations Act.
17

18 Section 15. *Congressional Oversight Committee on the Plastic*
19 *Bag Regulation Act.* - There is hereby created a Joint Congressional
20 Oversight Committee on Plastic Bag Regulation to oversee the
21 implementation of the Act and to review the implementing rules and
22 regulations promulgated by the DTI. The Oversight Committee shall be
23 composed of five (5) members each from the Senate and House of
24 Representatives to be designated by the Senate President and the Speaker
25 of the House of Representatives, respectively. The Oversight Committee -
26 shall be co-chaired by the Chairpersons of the Committee on the
27 Environment of the Senate and the Committee on Ecology of the House
28 of Representatives.

1

2 Section 16. *Implementing Rules and Regulations* - The DTI, in
3 coordination with the Senate Committee on Environment and Natural
4 Resources, the House Committee on Ecology, NSWC, and other relevant
5 government agencies and organizations shall, within sixty (60) days from
6 the effectivity of this Act, submit the Implementing Rules and
7 Regulations (IRR) governing this Act.

8

9 Section 17. *Separability Clause.* - If, for any reason, any
10 provision of this Act or part thereof is declared unconstitutional or invalid
11 by a court of competent jurisdiction, the other provisions or parts thereof
12 not affected shall remain in full force and effect.

13

14 Section 18. *Repealing Clause.* - All laws, decrees, orders, rules
15 and regulations inconsistent with the provisions of this Act are hereby
16 repealed or modified accordingly.

17

18 Section 19. *Effectivity Clause,* - This Act shall take effect after
19 fifteen (15) days following its publication in the Official Gazette or in
20 two (2) newspapers of general circulation.

21

22 Approved,

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