

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3511**



Introduced by ANG NARS Party - List Representative Leah S. Paquiz

EXPLANATORY NOTE

A healthy environment is a healthy nation. Thus, the following state declarations under Article II of the Philippine Constitution:

The State the protection and promotion of the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. (Section 16)

The State shall protect and promote the right of the people to health and instilling health consciousness among them. (Section 15)

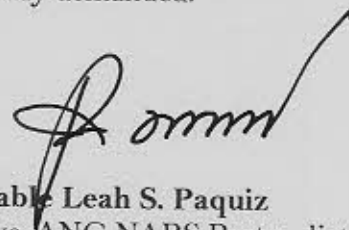
Plastic bags, wrappers, and other similar forms of packaging are part of the daily lives of people in our consumer-driven society. Billions of plastics bags are used and consumed worldwide through the day-to-day commercial and market exchanges we make. The billions of plastic bags used means that millions, if not billions, are also improperly thrown away as litter or are not properly disposed of in sanitary landfills. These not only end up polluting our streets and clogging our drains causing floods, but also eventually become "part" of the ecosystem as waste in the forests or floating trash in our waters. Harmful chemicals thus seep into the soil affecting vegetation and plant growth, and worst of all animals end up eating these or are killed by the plastic wastes. Thus, it is within the context of the above-cited State policies the need to regulate the manufacture, use, recycling, and disposition of plastic bags.

Globally, the international community has long known the harmful effects and impacts of the improper and unregulated use of plastic bags, despite the absence of a global legal treaty or framework on the matter. Despite this, numerous States and even local governments have tackled the problem of plastic bags by imposing measures concerning its manufacture, consumption, disposal, and even measures completely banning its use. Environmental non-government organizations have taken the lead in educating the public on the harmful effects of the irresponsible and improper use and disposal of plastic bags.

Here in the Philippines, several local government units (LGUs), both cities/municipalities and provinces, have imposed local ordinances concerning plastic bags, some of which even totally ban all forms of plastics within their territorial jurisdiction.

It is therefore an undeniable fact that, environment and health co-exist with each other. The condition of the environment reflects the state of health of the people. Sadly, the Philippine environment is at the brink of destruction; consequently, the health of our people is compromised. Our action today to prevent further damage to our environment will be a valuable step in alleviating the health of the environment and of the nation.

Thus, the immediate enactment of this bill is urgently demanded.

A handwritten signature in black ink, appearing to read 'Leah S. Paquiz', with a long, sweeping flourish extending upwards and to the right.

Honorable Leah S. Paquiz
Representative, ANG NARS Party - list

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**AN ACT TO REGULATE THE PRODUCTION, IMPORTATION, SALE,
USE, RECYCLING, AND DISPOSITION OF PLASTIC BAGS,
PROMOTING THE USE OF NATIVE REUSABLE BAGS, PROVIDING A
MECHANISM FOR THE RECOVERY AND COLLECTION OF PLASTIC BAGS,
AND APPROPRIATING FUNDS THEREFOR**

*Be it enacted by the Senate and the House of Representative of the Republic of the Philippines in
Congress assembled:*

1 SECTION 1. **Short Title.** – This Act shall be known as the “*PLASTIC BAGS*
2 *REGULATION ACT OF 2013*”
3

4 SECTION 2. **Declaration of Policy.** – It is hereby declared the policy of the state to
5 protect and promote the right of the people to a balanced and healthful ecology, the right to
6 health, and to protect consumers from substandard or hazardous products. It is also hereby
7 declared the policy of the State to protect the physical, moral and social well-being of its
8 citizen by ensuring the use of non-toxic and non-hazardous materials in commerce and
9 trade. Towards this end, the State shall regulate the manufacture, use, recycling, and
10 disposition of plastic bags.
11

12 SECTION 3. **Definition of Terms.** – For the purpose of this Act, the following terms shall
13 be defined as follows:

- 14 a) *Biodegradable plastic bag* refers to a plastic bag that is made of compostable material
15 and biodegrades through the action of naturally occurring microorganisms such as
16 bacteria, fungi, and algae. Such plastic bags shall, have a ninety percent (90%)
17 biodegradation in less than 6 months where organic carbon is converted to carbon
18 dioxide without leaving significant harmful residue.

19 This definition shall not include degradable bags (such as oxo -bio) which, only
20 breakdown into smaller pieces of plastic. Such degradable bags shall be considered as
21 plastic bags as defined under this Act.

- 1 b) *Consumer* refers to any person or group of persons who makes a purchase or
2 completes a transaction in any point-of-sale store or establishment.
- 3 c) *Department* refers to the Department of Environment and Natural Resources
4 (DENR), unless specified otherwise.
- 5 d) *Manufacturer* refers to a duly accredited person, company, or association of
6 companies in control of, or habitually engaged in the business or related business of
7 manufacturing, producing, distributing, or redistribution of plastic bags, as defined
8 in the Act. In case of imported plastic bags, the manufacturer's representative or, in
9 his absence, the importer shall be deemed the manufacturer for purposes of
10 implementing this Act.
- 11 e) *Operator* refers to a person or group of persons in control of, or having daily
12 responsibility for the operations of the point-of-sale store.
- 13 f) *Philippine National Standards (PNS)*, refers to the national standard approved by the
14 Technical Committee under the Bureau of Products Standard of the Department of
15 Trade and Industry (DTI).
- 16 g) *Plastic bag* refers to a polymer bag or a bag made in whole or in part of polyethylene,
17 polypropylene, and polycarbon, among others, and designed to be provided or
18 utilized at the point of sale store for carrying or transporting goods or items. This
19 definition includes single-use carry-out bags.
- 20 h) *Point-of-sale store* refers to any store, retail/wholesale establishment, kiosk, market
21 stall, supermarket, side-walk or ambulant vendor stalls, and other similar and
22 analogous businesses that trade or sell goods, items, and merchandise, whether
23 consumable or non-consumable.
- 24 i) *Recyclable paper carry-out bag* refers to a paper bag that meets all of the following
25 requirements:
- 26 i. Contains no old growth fiber;
27 ii. One hundred percent (100%) recyclable overall and contains a minimum
28 of forty percent (40%) postconsumer recycled material without
29 lamination or wax;
30 iii. Capable of composting and is biodegradable;
31 iv. Accepted for recycling;
32 v. Has printed on the bag the name of the manufacturer, the location where
33 the bag was manufactured, and the percentage of postconsumer recycled
34 material used; and,
35 vi. Displays the words "Please Recycle" in a highly visible manner on the
36 outside of the bag.

j) *Reusable bag* refers to any shopping bag used for carrying or transporting goods or items, which can be used several times. This shall include those made of materials such as *cloth, cotton, pandan, cheese cloth, coco cloth, abaca, buri*, water lily, and the like, and those made with recycled materials.

Such reusable bag shall also be specifically designed and manufactured for multiple re-use and meets all of the following requirements:

- i. Has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 10 kilograms 125 times over a distance of at least 50 meters;
- ii. Has a minimum volume of 15 liters;
- iii. Machine washable or capable of being cleaned and disinfected; and,
- iv. Does not contain any toxic or harmful substance or chemical such as but not limited to lead, cadmium, or any other heavy metal as provided for by existing rules and regulations by the Department.

SECTION 4. Scope. – This Act shall apply to the manufacture, use, recycling, and disposition of all plastic bags used in trade or commerce, in all establishments, stores, outlets, point-of-sale areas, as well as cafeterias, canteens, and other food establishments wherever located in the Philippines.

SECTION 5. Prohibition on the Use of Plastic Bags. – A point-of-sale store shall be prohibited from providing the consumer with plastic bags for the purpose of carrying or transporting items or products purchased by the said consumer.

SECTION 6. Exceptions. – Plastic bags solely used to contain the following are exempted from the above - prohibition: i) fresh fish and fresh fish products; ii) fresh meat or fresh meat products; and, iii) fresh poultry and fresh poultry products.

Provided, that each plastic bag shall be subject to the levy as prescribed by Section 8.

Provided further, that the products above are not otherwise contained in primary plastic packaging and where such plastic bags, with a minimum thickness of 100 microns, is capable of being re-used for other useful purposes.

This exemption shall apply only for a period of (1) year from the effectivity of this Act.

For the purposes of implementation of this Act, primary plastic packaging such as those used to pre-pack food items above, and primary packaging used in the manufacturing of finished products for sale in the general market shall be excluded from the prohibitions of this Act.

SECTION 7. Phase-out of Plastic Bags. – The prohibition in Section 5 on the use of plastic bags shall be in full force and effect within one (1) year from the effectivity of the Act.

1 **SECTION 8. Levy for the Use in the Interim Period.** – In the interim period, the
2 following shall be implemented and enforced:

- 3 a) Within six (6) months from the effectivity of this Act, only reusable bags,
4 recyclable paper carry-out bags, and/or biodegradable plastic bags shall be given
5 by point-of-sale stores for purchases made by consumers. The use of plastic bags
6 as defined in this Act shall be strictly prohibited.
- 7 b) Biodegradable plastic bags allowed under this Act shall have printed on the bag
8 the name of the manufacturer, the location where the bag was manufactured, and
9 shall have the following clearly and legibly printed: "PLEASE RETURN TO
10 ANY DISTRIBUTING STORE AND RECYCLING CENTERS", or translated
11 in the applicable regional language, as the case may be.
- 12 c) Plastic bags already manufactured and in circulation in the general market shall
13 be collected, recycled, and properly disposed of by the manufacturers pursuant to
14 the provisions of this Act.
- 15 d) For each piece of biodegradable plastic bag or recyclable paper carry-out bag
16 used and given in (a) above, the point-of-sale store shall charge to the consumer
17 a minimum levy of five pesos (Php.5.00).
- 18 e) The amount collected in (d) above by the point-of-sale store shall be reflected in
19 the official receipt of the consumer. 50% of the amount shall be kept by the point-
20 of-sale store to cover the cost of the reusable bags, while 50% shall be remitted to
21 the LGU with jurisdiction over the store to be used as a Special Environment
22 Fund created under this Act.

23 At the end of the six (6) month period in (a) above and upon full effectivity of this Act, the
24 further and continued use of biodegradable plastic bags shall be strictly prohibited, and only
25 reusable bags and/or recyclable paper carry-out bags shall be used at all point-of-sale stores
26 and other covered establishments. Point-of-sale stores and plastic manufacturers shall
27 ensure that biodegradable plastic bags in the general market are properly collected and
28 disposed of.

29
30 **SECTION 9. Recycling of Used Plastic Bags.** – Used plastic bags, when allowed by this
31 Act or those manufactured or used before the Act's effectivity, shall be recycled. It shall be
32 the duty of the plastic manufacturers to recycle the said plastic bags in a manner consistent
33 with existing laws, rules, and regulations, and ensuring that no harmful chemicals or
34 substances are released to the environment.

35 Point-of-sale stores shall serve as the collection points for used plastic bags. LGUs and
36 plastic manufacturers shall put systems and procedures in place for the proper collection of
37 the used plastic bags and its delivery to the recycling centers.

38 It shall be the responsibility of the manufacturers that plastic bags which they manufactured
39 are properly collected, recycled, and disposed of as the case may be.

1 Manufacturers shall also maintain records describing the recovery, collection, transport,
2 recycling of plastic bags collected annually and shall make the records available to the
3 Department and/or the local government unit concerned, upon request, to demonstrate
4 compliance with this Act.

5 **SECTION 10. Proper Disposal and Management of Plastic Wastes.** – The disposal and
6 management of plastic wastes shall be done in accordance and pursuant to the provisions of
7 RA 9003.

8 The Department, in coordination with the Department of Science and Technology (DOST),
9 shall develop the appropriate standards for the disposal of plastic wastes, ensuring that zero
10 emissions are achieved and no harmful chemicals are released to the environment in the
11 process.

12
13 **SECTION 11. Promoting the Use of Native Reusable Bags and Those Made with**
14 **Recycled Materials.** – The use of native reusable bags made of organic materials such as
15 *cloth, cotton, pandan, cheese cloth, coco cloth, abaca, buri*, water lily, and the like, those made with
16 recycled materials, and reusable containers made of glass or non-toxic and hazardous
17 materials, shall be promoted and encouraged.

18 Point-of-sale stores shall be required to promote the use of reusable bags. Advertisements
19 and signages regarding the said promotion shall be placed in conspicuous places within the
20 premises of their store.

21 Point-of-sale stores shall also be mandated to provide for free and/or to offer for sale at a
22 reasonable price reusable bags as defined in this Act.

23
24 **SECTION 12. Incentives for the Manufacture of Reusable Bags.** – The manufacture of
25 reusable bags shall be supported and encouraged.

26 Individuals, cooperatives, partnerships, and corporations which engage in the manufacture
27 of reusable bags shall be given incentives provided for under the Philippine Cooperative
28 Code of 2008, The Barangay Micro-Business Enterprise Act of 2002, The Magna Carta for
29 Micro, Small, and Medium Enterprises, or the Omnibus Investment Code of 1987, where
30 applicable. The DENR and DTI, in coordination with the Department of Finance, shall
31 provide technical and financial assistance to these manufacturers.

32 LGUs are encouraged and shall be allowed to provide additional benefits and incentives to
33 manufacturer of reusable bags within their jurisdiction, which shall be in addition to the
34 benefits and incentives provided for in the previous paragraph.

35 Nothing in this Act shall prohibit or limit the right of the said manufacturers to be entitled
36 to additional benefits and incentives which may be given by new laws, rules, and regulations
37 in the future.

1 **SECTION 13. Program for Affected Employees and Workers of the Plastic Industry.** –

2 The DTI, the Technical Education and Skills Development Authority (TESDA), and the
3 Department of Labor and Employment (DOLE), in coordination with plastics
4 manufacturers, non-government and civil society organizations, and other concerned
5 stakeholders, shall conduct studies to determine the impact of this Act on affected plastic
6 industry employees and workers.

7 They shall develop a program for alternative livelihood opportunities for the affected
8 employees and workers, in areas such as recycling of used plastic products and cottage
9 industries for the manufacture of reusable bags, among others.

10
11 **SECTION 14. Use of Reusable Bags and Paper Bags in lieu of Plastic Bags.** Upon the
12 full implementation of this Act, point-of-sale stores shall be allowed to provide consumers
13 and customers with reusable bags as provided for in Section 11 of this Act, and paper bags
14 for purchased goods and items, provided that the paper bag is a recyclable paper carry-out
15 bag as defined in this Act.

16 A minimum levy of four pesos (Php. 4.00) per paper bag used shall be charged to the
17 consumer by the point-of-sale store.

18
19 **SECTION 15. Lead Implementing Agency.** – The Department shall be the lead
20 implementing agency for this Act. The Department shall closely coordinate with other
21 government agencies such as but not limited to the DTI, the Department of Health (DOH),
22 the Department of the Interior and Local Government (DILG), the Department of Public
23 Works and Highways (DPWH), the Department of Education (DepEd), DOLE, and
24 TESDA, among others.

25
26 **SECTION 16. Role of the National Solid Waste Management Commission (NSWMC).**
27 – The NSWMC created pursuant to Section 4 of RA 9003 shall, in addition to its functions
28 under the said law, aid and assist in the implementation and enforcement of its Act.

29 The NSWMC is hereby mandated to conduct studies to ensure the harmonious
30 implementation of this Act with RA 9003.

31 The concerned departments and agencies are hereby mandated and directed to provide the
32 necessary financial and manpower resources to enable the NSWMC to perform its
33 additional functions under this Act.

34
35 **SECTION 17. Role of the Department of Science and Technology (DOST).** – The
36 DOST shall conduct studies to determine the proper and environmentally acceptable kinds
37 of biodegradable plastic and paper bags. It shall include in the PNS the specifications of the
38 said products, taking into consideration existing and available best technologies and
39 internationally mandated and accepted standards, and in accordance with the provisions,
40 mandates, and standards of this Act.

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

4 The DOST shall also provide assistance to the Department and the manufacturers for the
5 implementation of this Act, particularly as regards the proper recycling and disposition of
6 used plastic bags, and developing more environmentally friendly types of plastic used as
7 primary packaging materials, among others .

8 **SECTION 18. Role of LGUs and Other Stakeholders.** – LGUs shall have the primary
9 responsibility in the effort to decrease the percentage of plastic bag waste produced within
10 their respective jurisdictions. They shall also be primarily responsible for the enforcement
11 of the prohibitions of this Act and the monitoring of the collection of recyclable used plastic
12 bags by manufacturers.

13 Other stakeholders, such as but not limited to business groups, consumers groups, and non-
14 government organizations are encouraged to support the implementation of this Act.

15 The composition of the NSWMC under RA 9003 is hereby expanded to include, as a
16 member from the private sector, a representative from the cottage industry and
17 manufacturers of reusable and recyclable bags.

18
19 **SECTION 19. Effect on LGU Ordinances Effective Before or After Effectivity of this**
20 **Act.** – LGU ordinances in relation to this Act, such as bans and prohibitions on the use of
21 plastic bags, promulgated and enforced prior to the effectivity of this Act shall remain valid
22 and subsisting. The said LGUs are encouraged to amend their respective ordinances to be in
23 line with the provisions and mandates of this Act.

24 LGUs that do not have ordinances enacted upon the effectivity of this Act are also
25 encouraged to enact their respective ordinances to complement and implement the
26 provisions and implementation of this Act.

27 The provisions, mandates, and directives of this Act shall serve as minimum standards and
28 stipulations for LGU ordinances. Nothing in this Act shall be construed as limiting the
29 authority of LGUs to enact ordinances which provide for stricter measures and standards
30 than those provided for in this Act.

31
32 **SECTION 20. Compliance with Philippine National Standards (PNS).** – Products and
33 items referred to in this act, such as plastic bags, reusable bags, and paper bags, shall
34 comply with the rules and processes of the Bureau of Product Standards of the DTI in
35 collaboration with the other relevant government agencies such as the DOH and DENR to
36 harmonize/upgrade with existing standards, where applicable.

37 **SECTION 21. Labeling Requirements.** – Plastic and paper products as defined and used
38 under this Act shall be appropriately and properly labeled to be biodegradable, non-
39 biodegradable, or recyclable, as the case may be. Labels shall also include the name of the
40 manufacturer, the location where the bag was manufactured, the percentage of

1 postconsumer recycled material used, and an indication of the materials, chemicals, and
2 substances used to manufacture the said product. Said products shall also comply with any
3 rules or regulations on product labeling as required by RA 7394, or the Consumer Act of
4 the Philippines.

5 The Department, in coordination with the DTI, shall determine the proper manner of
6 labeling, and shall periodically review the same. In addition, the DTI shall certify as true
7 and correct the labels used by manufacturers, and only those products with the proper
8 certification shall be allowed into the market.

9 Violators of this section shall be meted the same penalties as those provided for mislabeled
10 or improperly labeled products in RA 7394, and as the case may be, under RA 3740, or An
11 Act to Penalize Fraudulent Advertising, Mislabeling, or Misbranding of Any Products,
12 Bonds, Stocks, etc.. In addition, products not properly labeled shall not be allowed into the
13 market and shall be confiscated by the authorities concerned.

14
15 **SECTION 22. Monitoring and Market Inspection.** The Department and DTI, in
16 coordination with the LGUs and local law enforcement agencies, shall cause the regular and
17 routine inspection and monitoring of point-of-sale stores and facilities of plastic
18 manufacturers to determine compliance with this Act. Inspection and monitoring shall
19 include the following:

- 20 a) Enter or access to the premises of operation and business, including storage
21 rooms and stockrooms;
- 22 b) Inspect off-site storage facilities, distribution centers, and transshipment points;
23 and,
- 24 c) Inspect sanitary landfills to determine if only residual plastic products are being
25 disposed of.

26
27 **SECTION 23. Certification.** – The LGUs concerned, after the conduct of a thorough
28 examination and inspection, shall issue the necessary certificate to show whether or not the
29 point-of-sale store and the plastic manufacturer are compliant with the mandates and
30 directives of this Act.

31 The said LGU Certification shall be a requirement for the renewal of any local permits after
32 the effectivity of this Act.

33
34 **SECTION 24. Information and Education Campaign.** The Department, in coordination
35 with the LGUs, the DILG, the DepEd, the Commission on Higher Education (CHED), and
36 the Public Information Agency (PIA), shall conduct a continuing information and education
37 campaign on the proper regulation of plastic bags in the country.

38 Such campaign shall be incorporated in and shall be in addition to the public information
39 and education campaign under Section 55 of RA No. 9003.

SECTION 25. **Penalties and Sanctions.** – Violations of this Act shall be imposed the following penalties:

a) For Micro, Small and Medium Enterprises as defined in RA 6977, as amended, Barangay Micro Business Enterprises under RA 9178, and all other enterprises and establishments not otherwise value-added tax (VAT) registered, the following penalties shall be imposed:

- i. *First Offense* – A fine of five thousand pesos (Php. 5,000.00);
- ii. *Second Offense* – A fine of twenty five thousand pesos (Php. 25,000.00) and suspension of its business permit for three (3) months;
- iii. *Third Offense* – A fine of fifty thousand pesos (Php. 50,000.00) and suspension of its business permit for one (1) year; and,
- iv. *Fourth Offense* – A fine of one hundred thousand pesos (Php. 100,000.00) and permanent suspension of its business permit. The said business permit shall not be eligible for renewed application for a period of 5 years. Thereafter, the LGU concerned may grant the said store with a business permit, provided its operator can show steps and measures will be put in place to comply with this Act. A further violation after the issuance of a new business permit shall perpetually bar the said operator from conducting its business in the LGU concerned.

b) For VAT registered stores, establishments, and enterprises, and for all plastic manufacturers found violating this Act the following penalties shall be imposed:

- i. *First Offense* – A fine of fifty thousand pesos (Php. 50,000.00);
- ii. *Second Offense* – A fine of one hundred thousand pesos (Php. 100,000.00) and suspension of its business permit for three (3) months;
- iii. *Third Offense* – A fine of two hundred fifty thousand pesos (Php. 250,000.00) and suspension of its business permit for one (1) year; and,
- iv. *Fourth Offense* – A fine of five hundred thousand pesos (Php. 500,000.00) and permanent suspension of its business permit. The said business permit shall not be eligible for renewed application for a period of 5 years. Thereafter, the LGU concerned may grant the said store with a business permit, provided its operator can show steps and measures will be put in place to comply with this Act. A further violation after the issuance of a new business permit shall perpetually bar the said operator from conducting its business in the LGU concerned.

If the offender in (a) or (b) above is a corporation, trust or firm, partnership, association or any other entity, the penalty shall be imposed on the entity's responsible officers including, but not limited to, the president, chief executive officer, general manager, managing director or partner directly responsible thereof.

In addition, if the offender in (a) or (b) above is a foreigner or a foreign juridical entity, he/she shall, after payment of the fine, be summarily deported and forever banned from entering the country.

1 **SECTION 26. Administrative Sanctions.** – Local government officials and officials of
2 government agencies concerned who fail to comply with and enforce this Act shall be
3 administratively charged in accordance with RA 7160 and other existing laws, rules, and
4 regulations.

5 **SECTION 27. LGU Special Environmental Fund for Plastic Bag Regulation.** – A
6 Special Environmental Fund for Plastic Bag Regulation (hereinafter referred to as the
7 Fund) is hereby created, to be composed of levies, fees, and fines collected pursuant to the
8 implementation and enforcement of this Act.

9 The Fund shall be exclusively used for the following:

- 10 a) Improve the capacity of LGUs, and local law enforcement agencies for the
11 implementation of this Act;
- 12 b) Conduct of information and education campaigns on plastic bags regulation and
13 related environmental awareness measures;
- 14 c) Assistance and provision of incentives for manufacturers and community-based
15 initiatives for the production of native reusable bags, as well as for non-
16 government and civil society organizations promoting proper solid waste
17 management; and,
- 18 d) Additional provisions for the Solid Waste Management Fund under RA 9003.

19
20 **SECTION 28. Appropriations.** – Such amount as may be necessary to implement the
21 provisions of this Act is hereby included in the annual appropriations of the DENR and
22 other implementing agencies under the General Appropriations Act (GAA).
23

24 **SECTION 29. Access to Information/Public Disclosure Requirements.** – The public
25 shall have access to records, reports, or information concerning the implementation and
26 mandates of this Act.

27 Such documents shall be available for inspection or reproduction during normal business
28 hours; *Provided*, that the DENR or the concerned LGU may consider a record, report or
29 information or particular portions thereof confidential and may not be made public when
30 such would divulge trade secrets, production or sales figures or methods, production or
31 processes unique to such manufacturer, seller, or distributor, or would otherwise tend to
32 affect adversely the competitive position of such manufacturer, seller or distributor.
33

34 **SECTION 30. Citizens Suit.** – For the purposes of enforcing the provisions of this Act or
35 its implementing rules and regulations, any citizen may file an appropriate civil, criminal, or
36 administrative action in the proper courts/bodies against:

- 37 a) Any person who violates or fails to comply with the provisions of this act and its
38 implementing rules and regulations;
- 39 b) The department or other implementing agencies with respect to orders, rules
40 and regulations issued inconsistent with this act;

1 c) Any public officer who willfully or grossly neglects the performance of an act
2 specifically enjoined as a duty by this act or its implementing rules and
3 regulations; or abuses his authority in the performance of his duty; or, in any
4 manner improperly performs his duties under this act or its implementing rules
5 and regulations; *Provided, however*, that no suit can be filed until after a thirty-
6 day (30) notice has been given to the public officer and the alleged violator
7 concerned and no appropriate action has been taken thereon.

8 The court shall exempt such action from the payment of filing fees and statements likewise,
9 upon *prima facie* showing of the non-enforcement or violation complained of, exempt the
10 plaintiff from the filing of an injunction bond for the issuance of preliminary injunction.

11 In the event that the citizen should prevail, the court shall award reasonable attorney's fees,
12 moral damages and litigation costs as appropriate.

13
14 **SECTION 31. Suits and Strategic Legal Action against Public Participation (SLAPP).**

15 – Where a suit is brought against a person who filed an action as provided in Section 28 of
16 this Act, or against any person, institution or government agency that implements this act
17 or any other consumer related laws, rules, and regulations, it shall be the duty of the
18 investigating prosecutor or the court, as the case may be, to immediately make a
19 determination within not exceeding thirty (30) days whether said legal action has been filed
20 to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining
21 or enforcing the provisions of this act. Upon determination thereof, evidence warranting the
22 same, the court shall dismiss the case and award the attorney's fees and double damages.

23 This provision shall also apply and benefit public officers who are sued for acts committed
24 in their official capacity, there being no grave abuse of authority, and done in the course of
25 enforcing this Act, its rules, regulations, and guidelines.

26
27 **SECTION 32. Congressional Oversight Committee.** – The Joint Congressional
28 Oversight Committee created under Section 60 of RA No. 9003 shall also have the power to
29 monitor and evaluate the implementation of this Act.

30
31 **SECTION 33. Implementing Rules.** – The Department, in coordination with the DTI,
32 DILG, and the concerned government agencies and representatives of LGU organizations
33 shall issue the Implementing Rules and Regulations within sixty (60) days after the
34 effectivity of this Act.

35
36 **SECTION 34. Construction.** – The best interests of the consumer and the right to a
37 healthful and balanced ecology shall be considered in the construction and interpretation of
38 this act and it's implementing rules and regulations (IRR).

39
40 **SECTION 35. Separability Clause.** – If, for any reason, a provision or part hereof is
41 declared invalid or unconstitutional, the other provisions not affected thereby shall remain
42 in full force and effect.

1 **SECTION 36. Repealing Clause.** – All laws, decrees, executive issuances, rules and
2 regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed,
3 amended, or modified accordingly.

4
5 **SECTION 37. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
6 publication in any newspaper of general circulation.

7
8 Approved,