

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

House Bill No. 4922



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Introduced by Representative RAMON V. A. "RAV" ROCAMORA

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**EXPLANATORY NOTE**

According to the 2015 annual report of the International Coastal Cleanup of Ocean Conservancy, a total of 18,062,911 pounds of trash was collected from beaches and waterways around the world. 665,294 pounds of this trash came from the Philippines alone (a significant increase from 2014 when the volunteers in the Philippines were able to recover 416,340 pounds of trash). According to the same 2015 report, waste related to beverage containers (bottles and caps) amounted to 60,584 individual pieces that were recovered around the country.

These numbers alone show the need to provide for a mechanism to reduce the waste that finds its way to our oceans, waters, landfills, and dumpsites. Fortunately, a vast majority of beverage containers are made of materials that are easily reusable and recyclable, especially by the manufacturers themselves. Thus, this bill seeks to mandate the creation and implementation of management plans for brand owners to recover their used beverage containers for reuse or recycling. At the same time, consumers are also required to pay a deposit when purchasing a beverage in order to have them return the containers; if they are unable to return them, they will be able to recover the amount of this deposit by surrendering the containers to a return site that will pay the refund value stated on the containers.

Caring for the environment is especially vital to countries such as ours that feel the destructive effects of climate change. The Philippines should therefore likewise do its part to find ways to involve everyone in this effort.

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

A handwritten signature in black ink, appearing to read "R. Rocamora".

**RAMON V.A. "RAV" ROCAMORA**  
Representative  
Lone District, Siquijor

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1           **AN ACT REQUIRING THE IMPLEMENTATION BY BRAND OWNERS OF**  
2           **MANAGEMENT PLANS THAT PROVIDE REFUND VALUES FOR CERTAIN BEVERAGE**  
3           **CONTAINERS**

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

6           **SECTION 1. Short Title.** This Act shall be known as the "Beverage Container Disposal  
7           Act."

8           **SECTION 2. Definition of Terms.** For purposes of this Act, the following terms are  
9           hereby defined:

- 10           a. Beverage – alcoholic or non-alcoholic, carbonated or non-carbonated liquid  
11           that is intended for human consumption;
- 12           b. Beverage container – containers primarily made of metal, glass, plastic, or  
13           paper (or a combination of these materials) and has a capacity of not more  
14           than 1 gallon of liquid;
- 15           c. Beverage container agency – either the brand owner or an entity appointed  
16           by the brand owner to act as an agent on behalf of the brand owner;
- 17           d. Brand owner – a person that owns the trademark for, manufactures,  
18           distributes, or imports for resale, a beverage sold in a beverage container;
- 19           e. Department – the Department of Environment and Natural Resources;
- 20           f. Management plan – the document submitted in accordance with Sections 5  
21           and 6 of this Act;
- 22           g. Recovery rate – the percentage obtained by dividing the number of beverage  
23           containers of a brand owner returned for a refund in a calendar year by the  
24           number of beverage containers of the brand owner for which a deposit was  
25           collected in the calendar year;
- 26           h. Refund value – the value of a beverage container determined in accordance

with Section 12 of this Act;

- i. Return site – an operation, facility, retail store, or an association of operations, facilities, or retail stores identified in an approved management plan operating under contract entered into by the return site and a beverage container agency to collect and redeem empty beverage containers of one or more brand owners;
- j. Seller – a person that sells a beverage in a beverage container and shall include all members of the supply chain;
- k. Unbroken beverage container – includes a beverage container that has been opened in a manner in which the beverage container was designed to be opened.

**SECTION 3. *Responsibilities of the Brand Owner.*** Each brand owner shall implement an effective redemption, transportation, processing, marketing, and reporting system for the reuse and recycling of used beverage containers of the brand owner. *Provided*, that no brand owner or beverage container agency shall dispose of any beverage container labeled in accordance with Section 4 in any landfill or other solid waste disposal facility.

**SECTION 4. *Beverage Container Labelling.*** No brand owner may sell or offer for sale a beverage in a beverage container unless a statement of the refund value of the beverage container, as defined by the implementing rules and regulation, is clearly, prominently, and securely affixed to, printed on, or embossed on the beverage container.

**SECTION 5. *Submission of Management Plan.*** Not later than 180 days after the date of enactment of this Act, or within 60 days after the due incorporation of the beverage container agency, each beverage container agency shall submit to the Department:

- a. a management plan, in such form as the Department may prescribe, for the collection, transport, reuse, and recycling of beverage containers that the beverage container agency, or that each brand owner, represented by the beverage container agency, sells into the domestic market; and
- b. a fee, in such amount as the Department may establish by regulation, to cover administrative costs relating to the administration of the management plan.

**SECTION 6. *Content of Management Plan.*** The management plan submitted under Section 5 of this Act shall contain the following information:

- a. the name and address of the beverage container agency submitting the management plan;
- b. the name and title of a contact person at the beverage container agency;
- c. the name and corporate address of each brand owner covered by the management plan;

- d. a proposed implementation date for the management plan; and
- e. appropriate documentation of agreements entered into by the beverage container agency and return site operators as will take effect as of the date of implementation of the management plan.

The beverage container agency shall also provide in the management plan the description of the following:

- a. ways in which the beverage container agency intends to make the use of return sites convenient for consumers of beverages covered by the management plan;
- b. ways in which the beverage container agency intends to achieve, not later than two (2) years after the date of implementation of the management plan, a recovery rate of at least eighty (80) percent; and
- c. ways in which the beverage container agency will manage beverage containers returned under the management plan in an environmentally responsible manner.

Each beverage container agency that submits a management plan under this section shall promptly notify the Department, in writing, of any change in the information provided above.

**SECTION 7. *Approval of Management Plan.*** The Department shall approve or disapprove each management plan submitted under this section not later than sixty (60) days from such submission. In determining whether to approve or disapprove a management plan, the Department may return the management plan to the beverage container agency with a request for additional information or with amendments proposed by the Department.

If the Department disapproves a management plan, the Department shall, not later than sixty (60) days after the date of disapproval, provide the beverage container agency that submitted the management plan a written explanation of the reasons for disapproval.

**SECTION 8. *Implementation of Management Plan.*** A brand owner that, on or before the date of enactment of this Act, is selling a beverage in a beverage container, shall:

- a. not later than 180 days after the date of enactment of this Act, have in effect a management plan that has been approved by the Department; and
- b. implement the management plan in accordance with the implementation date proposed in the management plan.

A brand owner that proposes, after the date of enactment of this Act, to sell a beverage in a beverage container shall:

- a. have, as of the date on which the brand owner commences the selling of the beverage, a management plan that has been approved by the Department;

1 and

- 2 b. implement the management plan in accordance with the implementation  
3 date proposed in the management plan.

4 No brand owner shall sell any beverage in a beverage container until the management  
5 plan has been approved by the Department. Should the Department not act on the  
6 submitted management plan within sixty (60) days from submission, the brand owner  
7 may sell its beverage on or after the implementation date proposed in its management  
8 plan.

9 **SECTION 9. Reporting.** Each beverage container agency, the management plan of which  
10 is approved and implemented in accordance with this Act, shall, not later than March 31  
11 of each year after the implementation date of the management plan, submit to the  
12 Department a report that describes the effectiveness of the management plan during the  
13 preceding calendar year.

14 The report to be submitted by the beverage container agency shall contain the following  
15 information:

- 16 a. for each type of beverage container returned, the recovery rate, expressed as  
17 a percentage, audited by an entity independent of the beverage container  
18 agency; and  
19 b. annual financial statements, prepared by an entity independent of the  
20 beverage container agency, of all deposits received and refunds paid by each  
21 brand owner subject to the management plan.

22 The Department may make available to the public the information described in this  
23 section.

24 **SECTION 11. Deposit and Refund.** Upon the implementation date of any approved  
25 management plan to which a seller is subject, the seller shall collect from each  
26 purchaser of a beverage in a beverage container, at the time of sale, a deposit in an  
27 amount that is not more than the refund value of the beverage container. *Provided*, that  
28 no deposit shall be collected if the beverage in a beverage container is sold for  
29 consumption, and is consumed, on the premises of the seller.

30 Any deposit collected shall be indicated on the receipt of the purchaser, if a receipt is  
31 given for the purchase.

32 Upon the implementation date of an approved management plan, a beverage container  
33 return site covered by the management plan shall:

- 34 a. accept unbroken beverage containers for return; and  
35 b. pay to a person returning beverage containers an amount in cash that is  
36 equal to the total of the refund values affixed to, printed on, or embossed on,  
37 each container returned by the person.

1 A return site shall not be required to accept or pay a refund for a beverage container  
2 under this section if, as determined by the return site, the beverage container:

- 3 a. is contaminated or, for hygienic reasons, is unsuitable for recycling;
- 4 b. can be reasonably identified as a container that was purchased outside the  
5 Philippines; or
- 6 c. cannot be reasonably identified as a container to which this Act applies.

7 **SECTION 12. Refund Value.** Effective January 1, 2019, the refund value of a beverage  
8 container shall be equal to Php 10.00.

9 The refund value shall be reviewed and amended five (5) years after the date of  
10 enactment of this Act and every five (5) years thereafter. *Provided*, that such adjustment  
11 shall be based on the changes in the Consumer Price Index published by the Philippine  
12 Statistics Authority. *Provided further*, that the adjustment shall be rounded-down to the  
13 nearest 50-cent increment.

14 **SECTION 13. Recovery Rates.** In the event that a brand owner that complies with each  
15 provision of this Act fails to achieve a recovery rate of at least 80 percent during a  
16 calendar year, the Department may require that the beverage container agency of the  
17 concerned brand owner pay an amount equal to the difference between the amount of  
18 deposits collected on beverage containers of the brand owner that were sold and the  
19 amount of refunds paid on those beverage containers.

20 **SECTION 14. Penalties.** A beverage container agency that fails to submit a management  
21 plan within the time prescribed under this Act shall be subject to a fine ranging from  
22 Php 100,000 to Php 10,000,000. A corresponding increase in the amount of the  
23 imposable fine shall be imposed for each day of violation. The Department may, in  
24 proper proceedings and upon compliance with due process of law, suspend or revoke  
25 the appropriate environmental licenses of the concerned beverage container agency.

26 **SECTION 15. Report by the Department.** Not later than May 31 of each year, the  
27 Department shall submit to the Congress a report that describes:

- 28 a. the recovery rate for beverage containers during the year covered by the  
29 report; and
- 30 b. the extent to which beverage container collection is proceeding in  
31 accordance with this Act.

32 **SECTION 16. Transitory Provision.** A special financial support for displaced workers in  
33 the solid waste disposal industry shall be allocated and included in the appropriations  
34 under the of Technical Education and Skills Development Authority (TESDA) for Fiscal  
35 Year 2019 to finance the training programs of displaced workers.

36 **SECTION 17. Implementing Rules and Regulations.** The Department, in consultation  
37 with relevant stakeholders, shall issue within sixty (60) days after the effectivity of this  
38 Act the rules and regulations for the effective implementation of this Act.

1 **SECTION 18. *Separability Clause.*** If any provision of this Act or any part thereof shall  
2 be declared unconstitutional or invalid, the other provisions, as far as they are  
3 separable, shall remain in force and effect.

4 **SECTION 19. *Repealing Clause.*** All laws, decrees, orders, rules and regulations or  
5 parts thereof which are inconsistent with the provisions of this Act are hereby repealed,  
6 amended or modified accordingly.

7 **SECTION 20. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication  
8 in the Official Gazette or in at least two (2) newspapers of general Circulation.

9 Approved.