

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City



SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7902

Introduced by Hon. HARLIN NEIL J. ABAYON, III

EXPLANATORY NOTE

In a joint report entitled *Stemming the tide: Land-based strategies for a plastic-free ocean*, the Ocean Conservancy and the McKinsey Center for Business and Environment, the Philippines, together with China, Indonesia, Thailand, and Vietnam, has been tagged as a major plastic waste polluter. Our country ranks third in the world on this list of infamy.

Critically, our research found that more than half of the plastic leaking into the ocean comes from just five countries: China, Indonesia, the Philippines, Thailand, and Vietnam. As an immediate priority, we believe there is an opportunity to reduce plastic-waste leakage by 65 percent in these five countries—resulting in a 45 percent reduction globally—through measures including closing leakage points within the collection system, increasing waste-collection rates, using a variety of technologies to treat waste, and manually sorting high-value plastic waste. (<https://www.mckinsey.com/business-functions/sustainability-and-resource-productivity/our-insights/saving-the-ocean-from-plastic-waste>)

To address the plastic waste plague that has spread to our forests, mountains, farmlands, urban communities and to many of our country's rivers, lakes, and seas it has become urgently necessary for the enactment of a law designed to create, instill, and sustain the habit of caring for the environment and keeping it free from plastic wastes.

This bill identifies and prohibits the following acts:

1. the release of unrecoverable plastic and rubber balloons into the air;
2. the sale and distribution of single-use plastic at retail and wholesale business establishments;

3. the throwing or disposal of cigarette butts, any form of plastic waste or matter, and non-biodegradable substances into the sea and other bodies of water, whether natural or man-made, including sewerage canals of any form; and
4. sale of personal care products, cosmetics, detergents, oil-based products, and other products containing microbeads.

This bill imposes a **Plastic Bags Deterrence Fee** of at least twenty pesos (P20.00) per reusable plastic bag for **deterrence and discouragement purposes** at point-of-sale transactions at all retail purchase outlets nationwide. Such fees charged and collected shall be remitted to the National Treasury and allocated as a special purpose fund for the implementation of plastic waste management programs by the Department of Environment and Natural Resources and local government units. The fee shall be adjusted for inflation by the Department of Trade and Industry and rounded off to the nearest peso.

This bill penalizes serious and gross negligence by local government units on the proper collection of disposed plastic wastes and garbage on public and private roads within their respective jurisdictions.

This bill requires prominently and strategically-displayed warning signs on proper plastics disposal on public utility motor vehicles, and ships and water vessels of any kind, and along riverbanks and coastal areas.

The Department of Environment and Natural Resources, Department of Trade and Industry, and Department of Interior and Local Government are mandated to jointly formulate, approve, and implement a national policy and implementing rules on redemption, recovery and recycling of reusable plastic products and packaging that includes non-tax incentives, tradeable credits, and other mechanisms to foster effective compliance.

This bill provides for the phaseout of single-use plastic and phase-in of non-toxic and food-safe reusable plastic for the packaging, presentation, and storage of food and beverages.

Manufacturers and importers of personal care products, cosmetics, detergents, and oil products that have micro beads as ingredients or as part of their packaging shall have five (5) years to phase-out all such products from the Philippine market and from their respective inventories. Other countries have banned these plastic micro beads because they are harmful to marine life.

Stiff penalties are embedded in this bill. Any person, whether natural or juridical, who commits any of the prohibited acts provided in the immediately preceding section

or violates any of the provision of this Act or its implementing rules and regulations, shall be fined by the Department of Environment and Natural Resources or by any law enforcement officer, and local government official, in the amount of not less than Ten thousand pesos (P10,000.00) nor more than five hundred thousand pesos (P500,000.00) for every day of violation. The fines herein prescribed shall be increased by ten percent (10%) every two (2) years to adjust for inflation and to maintain the deterrent function of such fines.

Serious negligence of officials at the barangay, municipal, city, provincial, and national levels of the responsibility to properly collect and dispose of garbage, especially those along or in waterways and in coastal areas, shall constitute probable cause for the Office of the Ombudsman to motu proprio immediately suspend such officials for three (3) months without pay, allowances, and any other kind of remuneration from public funds. This three-month suspension by the Ombudsman cannot be appealed.

Gross negligence of officials at the barangay, municipal, city, provincial, and national levels of the responsibility to properly collect and dispose of garbage, especially those along or in waterways and in coastal areas, shall constitute probable cause for the Office of the Ombudsman to motu proprio:

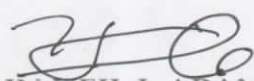
- 1 . immediately suspend such officials for six (6) months without pay, allowances, and any other kind of remuneration from public funds; and
- 2 . file criminal and administrative charges to remove and ban from the same officials from holding any public office for ten (10) years.

The Ombudsman order of preventive suspension shall be immediately enforceable and be subject to review and/or the issuance of any temporary restraining order only by the Sandiganbayan and the Supreme Court.

Any Filipino citizen of voting age convicted of any of the prohibited acts shall lose the right to vote and to be a candidate in the two national and local elections to be held after the date of his or her conviction.

The Implementing Guidelines, Rules and Regulations of this Act shall be formulated and promulgated by the National Solid Waste Management Commission within sixty (60) days from the effectivity.

Considering all the foregoing, swift passage of this bill is sought.


HARLIN NEIL J. ABAYON, III
Representative, AANGAT TAYO Party-list

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7902

Introduced by: Hon. HARLIN NEIL J. ABAYON, III

AN ACT
MANDATING PLASTIC WASTE MANAGEMENT PROGRAMS AND
MEASURES, PROHIBITING THE RELEASE OF PLASTIC WASTE
INTO THE NATURAL ENVIRONMENT, EMPOWERING THE
OMBUDSMAN TO IMPLEMENT WASTE MANAGEMENT LAWS,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

Section 1. **Short Title.** - This Act shall be known as the *"Plastic Waste Management and Prohibition Act of 2018"*.

Section 2. **Declaration of Policy.** - It is the declared policy of the State to protect the nation's natural resources and to ensure that use of property bears a social function, and that all economic agents shall contribute to the common good.

Section 3. **Prohibited Acts.** To prevent damage to or death and destruction of animal and plant life and habitats, the following acts are hereby prohibited:

1. the release of unrecoverable plastic and rubber balloons into the air;
2. the sale and distribution of single-use plastic at retail and wholesale business establishments;
3. the throwing or disposal of cigarette butts, any form of plastic waste or matter, and non-biodegradable substances into the sea and other bodies of water, whether natural or man-made, including sewerage canals of any form; and
4. the sale of personal care products, cosmetics, detergents, oil-based products, and other products containing microbeads.

Section 4. Phaseout of Single-Use Plastic and Phase-in of Reusable Plastic. The National Solid Waste Management Commission is hereby mandated to formulate, approve, and implement a nationwide, five-year program on the phaseout of single-use plastic and microbeads and the phase-in of non-toxic and food-safe reusable plastic for the packaging, presentation, and storage of food and beverages. The program shall be evidence-based, objective, verifiable, and use consistent, time-bound standards.

Section 5. Plastic Bags Deterrence Fee. A Plastic Bags Deterrence Fee of at least twenty pesos (P20.00) per reusable plastic bag is hereby imposed for plastics use deterrence and discouragement purposes at point-of-sale transactions at all retail purchase outlets nationwide. Such fees charged and collected shall be remitted to the National Treasury and allocated as a special purpose fund for the implementation of plastic waste management programs by the Department of Environment and Natural Resources and local government units. The fee shall be adjusted for inflation by the Department of Trade and Industry and rounded off to the nearest peso to maintain the deterrent function of the fee.

Section 6. Redemption, Recovery, and Recycling of Reusable Plastic Products and Packaging. The National Solid Waste Management Commission shall formulate, approve, and implement a national policy and implementing rules on redemption, recovery, and recycling of reusable

plastic products and packaging that includes non-tax incentives, tradeable credits, and other mechanisms to foster effective compliance.

Section 7. **Signages.** The placement of prominently and strategically-displayed warning signs on proper plastics disposal is hereby mandatory on public utility motor vehicles, and ships and water vessels of any kind, and along riverbanks and coastal areas.

Section 8. **Penalties.** Any person, whether natural or juridical, who commits any of the prohibited acts provided in the immediately preceding section or violates any of the provision of this Act or its implementing rules and regulations, shall be fined by the Department of Environment and Natural Resources or by any law enforcement officer, and local government official, in the amount of not less than Ten thousand pesos (P10,000.00) nor more than Two hundred thousand pesos (P200,000.00) for every day of violation. The fines herein prescribed shall be increased by ten percent (10%) every two (2) years to compensate for inflation and to maintain the deterrent function of such fines.

Serious negligence of officials at the barangay, municipal, city, provincial, and national levels of the responsibility to properly collect and dispose of garbage, especially those along or in waterways and in coastal areas, shall constitute probable cause for the Office of the Ombudsman to motu proprio immediately suspend such officials for three (3) months without pay, allowances, and any other kind of remuneration from public funds.

Gross negligence of officials at the barangay, municipal, city, provincial, and national levels of the responsibility to properly collect and dispose of garbage, especially those along or in waterways and in coastal areas, shall constitute probable cause for the Office of the Ombudsman to motu proprio:

1. immediately suspend such officials for six (6) months without pay, allowances, and any other kind of remuneration from public funds; and

2. file criminal and administrative charges to remove and ban from the same officials from holding any public office for ten (10) years.

The Ombudsman order of preventive suspension shall be immediately enforceable and be subject to review and/or the issuance of any temporary restraining order only by the Sandiganbayan and the Supreme Court.

Any Filipino citizen of voting age convicted of any of the prohibited acts in this Act shall lose the right to vote and to be a candidate in the two national and local elections to be held after the date of his or her conviction.

Section 9. Transitory Provisions. Manufacturers and importers of personal care products, cosmetics, detergents, and oil products that have microbeads as ingredients or as part of their packaging shall have five (5) years from the date of the effectivity of this Act to phaseout all such products from the Philippine market and from their respective inventories.

Section 10. Implementing Guidelines, Rules and Regulations. The Implementing Guidelines, Rules and Regulations of this Act shall be formulated and promulgated jointly by the National Solid Waste Management Commission within sixty (60) days from the effectivity of this Act.

Section 11. Appropriations. The amount of one hundred million pesos (P100,000,000.00) is hereby appropriated as initial funding to implement this Act. In succeeding years, funding shall be included in the General Appropriations Act.

Section 12. Separability. - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall continue to be in full force and effect.

Section 13. Repealing Clause. - All laws, executive orders, and administrative orders or parts thereof inconsistent with any provision of this Act are hereby repealed or amended accordingly.

Section 14. **Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in the online version of the *Official Gazette* or in two (2) newspapers of general circulation or with established internet website presence.

Approved.