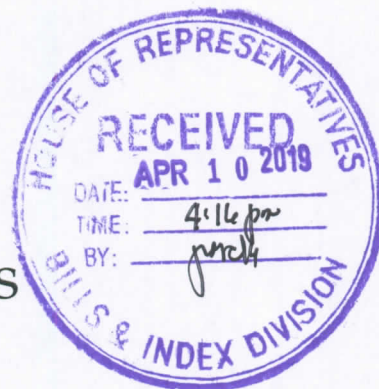




Republic of the Philippines
House of Representatives
Quezon City



SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 9178

Introduced by Representative Ronald S. Ang (AKO BICOL Party-List)

EXPLANATORY NOTE

The 1987 Constitution, Article 2, Section 16 provides:

SEC. 16. The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Pursuant to the policy of the State to protect its people, the environment and the future generations, measures to address the alarming amount of plastic waste being generated and the lack of proper disposal and recycling mechanisms in our country must be immediately made.

In 2018, data from the United Nations Environment showed that one million plastic drinking bottles are purchased every minute around the world.¹ More than 480 billion plastic drinking bottles were sold worldwide in 2016 and the number is estimated to increase to 583.3 billion by 2021.²

While the use of plastic drinking bottles provides convenience and appears to be cheaper to consumers because of its small quantity, in reality, it is more expensive when accumulated over time; worse, it generates more waste which raise several environmental considerations.

¹ United Nations Environment, available at <https://www.unenvironment.org/interactive/beat-plastic-pollution/>.

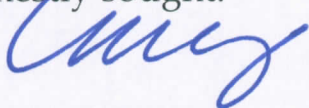
² Sandra Laville and Matthew Taylor, "A million bottles a minute: world's plastic binge 'as dangerous as climate change,'" *The Guardian*, 28 June 2017, available at <https://www.theguardian.com/environment/2017/jun/28/a-million-a-minute-worlds-plastic-bottle-binge-as-dangerous-as-climate-change>.

The Philippines was ranked as the third largest contributor to plastic pollution in the oceans in 2015.³ Reports showed that 74% of plastic leakage comes from waste that has been collected, mainly as a result of improper disposal and poorly located dump sites near waterways.⁴ The haphazard dumping of personal waste from communities living near bodies of water also contribute to plastic pollution.

In the recently concluded Earth Hour, the World Wide Fund for Nature (WWF) Philippines urged Filipinos to be more engaged in the effort to create significant environmental action against climate change by raising awareness on the dangers of single-use plastics, changing the habits of consumers, urging businesses to operate more sustainably and mobilizing public support for legislations on plastic waste management.⁵

The passage of this bill seeks to provide an immediate solution in response to climate change and the alarming environmental threats we face today. The Honorable Supreme Court in the landmark case *Oposa v. Factoran*⁶ held that every generation has a responsibility to the next to preserve the rhythm and harmony of nature for the full enjoyment of a balanced and healthful ecology. Now, more than ever, we are being called to be stewards of the environment. The success of this bill depends on the active participation and collaborative efforts of the government, the business enterprises and the consumers.

In view of the foregoing reasons, immediate approval of this measure is earnestly sought.



Hon. Ronald S. Ang
(AKO BICOL Party-List)

³ "Saving the Ocean from Plastic Waste," McKinsey & Company, November 2015, available at <https://www.mckinsey.com/business-functions/sustainability/our-insights/saving-the-ocean-from-plastic-waste>.

⁴ "The Scourge of Single-Use Plastic in the Philippines," World Wide Fund for Nature, 22 June 2018, available at https://wwf.panda.org/knowledge_hub/where_we_work/coraltriangle/?329831/The-scourge-of-single-use-plastic-in-the-Philippines.

⁵ World Wide Fund for Nature (WWF), "Earth Hour PH 2019 shines a light on plastic pollution," Philippine Information Agency, 26 March 2019, available at <https://pia.gov.ph/features/articles/1020217>.

⁶ G.R. No. 101083, 30 July 1993.



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SEVENTEENTH CONGRESS
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House Bill No. 9178

Introduced by Representative Ronald S. Ang (AKO BICOL Party-List)

**"AN ACT REGULATING THE MANUFACTURE, IMPORTATION,
SALE, AND USE OF PLASTIC DRINKING BOTTLES, PROVIDING
PENALTIES AND INCENTIVES THEREFOR AND FOR OTHER
PURPOSES"**

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

SECTION 1. *Short Title.* - This Act shall be known as the "**Plastic Drinking Bottles Regulation Act.**"

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to optimize the solutions in response to climate change and the alarming environmental threats by regulating the use of plastic drinking bottles and encouraging consumers to use alternative materials in order to reduce plastic wastes. Furthermore, it is also the policy of the state to ensure the sustainable use, development, management, renewal, and conservation of our natural resources, including the protection and enhancement of the quality of the environment, not only for the present generation but for future generations as well.

SEC. 3. *Scope.* - This Act applies to the manufacture, importation, sale and use of plastic drinking bottles which hold 750 milliliters (ml) and below. It excludes plastic containers used for the packaging of medical syrups, solutions, mixtures and drops.

SEC. 4. Definition of Terms. - As used in this Act:

- a. **Barangay Micro Business Enterprises (BMBEs)**, as defined under Republic Act No. 9178, refer to any business enterprise engaged in production, processing, or manufacturing of products, including agro-processing, as well as trading and services, with total assets of not more than three million pesos (Php 3,000,000.00). Such assets shall include those arising from loans but not the land on which the plant and equipment are located;
- b. **Business enterprises** refers to establishment engaged in the production, manufacture, processing, repacking, assembly or sale of consumer products contained in plastic bottles, including service-oriented enterprises, retailers, self-employed or own-account workers, micro, small and medium enterprises (MSMEs), Barangay Micro Business Enterprises (BMBEs) and community-based business enterprises;
- c. **Consumer** refers to a natural person who is a purchaser, lessee, recipient or prospective purchaser, lessor or recipient of consumer products contained in plastic bottles;
- d. **Importation** refers to the act of bringing in of goods contained in plastic bottles from a foreign territory into Philippine territory for sale or consumption;
- e. **Manufacture** refers to any and all operations involved in the production, including preparation, propagation, processing, formulating, filling, packing, repacking, altering, ornamenting, finishing or otherwise changing the container, wrapper or labeling of a consumer product in the furtherance of the distribution of the same from the original place of manufacture to the person who makes the final delivery or sale to the ultimate consumer;
- f. **Manufacturer** refers to any person who manufactures, assembles or processes consumer products, except that if the goods are manufactured, assembled or processed for another person who attaches his own brand name to the consumer products, the latter shall be deemed the manufacturer. In case of imported products, the manufacturer's representative or, in his absence, the importer, shall be deemed the manufacturer.
- g. **Micro, small and medium enterprises (MSMEs)**, as defined under Republic Act No. 9501, refer to any business activity or enterprise

engaged in industry, agribusiness and/or services, whether single proprietorship, cooperative, partnership or corporation;

h. **Plastic drinking bottle** refers to disposable plastic containers that are commonly used for packaging of liquids for consumption which include, but are not limited to, water, juice, carbonated, sports and energy drinks. It excludes plastic containers used for the packaging of medical syrups, solutions, mixtures and drops.

i. **Sale** refers to any act made by the manufacturer or seller, or their respective representative or agent, to make available consumer products to the end consumers under a consumer sale transaction;

j. **Recycling**, as defined under Republic Act No. 9003, refers to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original product may lose their identity, and which maybe used as raw materials for the production of other goods or services; and

k. **Retailer** refers to a person engaged in the business of selling consumer products directly to consumers.

SEC. 5. Prohibition of Plastic Drinking Bottles. - The prohibition on the manufacture, importation, sale and use of plastic drinking bottles which hold 750 ml and below shall be in full force and effect one (1) year from the effectivity of this Act.

The Department of Environment and Natural Resources (DENR), with the cooperation of the Department of Trade and Industry (DTI), the Department of Interior and Local Government (DILG), the Department of Finance (DOF), the Department of Science and Technology (DOST), and other concerned agencies of the government shall ensure that no plastic drinking bottle which hold 750 ml and below will be manufactured, imported, sold and used in the country.

During the interim period (within 1 year), the following shall be enforced:

1. The government shall undertake an extensive public information campaign to notify and educate the public on the provisions of this Act;
2. Business enterprises, markets, supermarkets and food establishments shall prohibit the manufacture, importation,

sale and use of plastic drinking bottles which hold 750 ml and below;

3. Consumers shall be encouraged to use alternative materials in substitution for buying/using plastic drinking bottles such as tumblers and other reusable containers;
4. Used plastic drinking bottles already in circulation prior to the effectivity of the ban shall be collected, recycled and properly disposed of by the manufacturers; and
5. Local government units (LGUs) shall establish a materials recovery facility pursuant to Republic Act No. 9003;
6. In the absence of a materials recovery facility, LGUs shall establish recycling centers and a monitoring system to ensure compliance with this Act.

SEC. 6. *Incentives to Business Enterprises.* - Business enterprises, markets, supermarkets and food establishments that ban the manufacture, importation, sale and use of plastic drinking bottles in accordance with this Act shall be given incentives provided for under the Philippine Cooperative Code of 2008, the Barangay Micro-Business Enterprises Act of 2002, the Magna Carta for Micro, Small, and Medium Enterprises, the Omnibus Investment Code of 1987 or the Green Jobs Act of 2016, where applicable.

LGUs are encouraged and shall be allowed to provide additional benefits and incentives to those within their jurisdiction, consistent with the existing laws, rules and regulations, which shall be in addition to the benefits and incentives provided for in the previous paragraph.

Nothing in this Act shall prohibit or limit the right of the said business enterprises, markets, supermarkets and food establishments to be entitled to additional benefits and incentives which may be given by new laws, rules and regulations in the future.

SEC. 7. *Monitoring System.* - The LGUs, in coordination with the DENR, the DTI, the DILG, the DOF, through the Bureau of Customs (BOC) and other concerned agencies of the government, shall conduct regular inspections and monitoring of business enterprises, markets, supermarkets and food establishments to ensure compliance with this Act.

The local government units shall issue a certification to the business enterprises, markets, supermarkets and food establishments who are compliant with this Act and such shall be required for the renewal of local business permits.

SEC. 8. Penalties. - The following penalties shall be imposed for violations of the provisions of Section 5:

a. For business enterprises, MSMEs and BMBEs and all other enterprises not value-added tax (VAT) registered, the following penalties shall be imposed:

- First offense - A fine of five thousand pesos (Php 5,000.00);
- Second offense - A fine of twenty-five thousand pesos (Php 25,000.00) and suspension of its business permit for six (6) months;
- Third offense - A fine of fifty thousand pesos (Php 50,000.00) and suspension of its business permit for one (1) year
- Fourth offense - A fine of one hundred thousand pesos (Php 100,000.00) and cancellation of its business permit. The said business permit shall not be eligible for renewed application for a period of five (5) years. The LGU concerned may grant the renewal of business permit: *provided* that the owner of the business enterprise, MSME or BMBE can show that measures will be undertaken to comply with this Act. A further violation incurred after the grant of renewal of business permit shall perpetually bar the said owner from conducting its business in the LGU concerned.

b. For VAT registered business enterprises, the following penalties shall be imposed:

- First offense - A fine of fifty thousand pesos (Php 50,000.00);
- Second offense - A fine of one hundred thousand pesos (Php 100,000.00) and suspension of its business permit for six (6) months;
- Third offense - A fine of two hundred fifty thousand pesos (Php 250,000.00) and suspension of its business permit for one (1) year
- Fourth offense - A fine of five hundred thousand pesos (Php 500,000.00) and cancellation of its business permit. The said business permit shall not be eligible for renewed application for a period of five (5) years. The LGU concerned

may grant the renewal of business permit: *provided* that the owner of the business enterprise, MSME or BMBE can show that measures will be undertaken to comply with this Act. A further violation incurred after the grant of renewal of business permit shall perpetually bar the said owner from conducting its business in the LGU concerned.

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

SEC. 9. *Administrative Sanctions.* - Local government officials who fail to comply with and enforce this Act shall be administratively charged in accordance with Republic Act No. 7160 and other existing laws, rules and regulations.

SEC. 10. *Citizens Suit.* - For the purposes of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against:

- a) Any person who violates or fails to comply with the provisions of this Act its implementing rules and regulations; or
- b) The Department or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act; and/or
- c) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuses his authority in the performance of his duty; or, in any many improperly performs his duties under this Act or its implementing rules and regulations; *Provided, however,* That no suit can be filed until after thirty-day (30) notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.

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

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

SEC. 11. *Suits and Strategic Legal Action Against Public Participation (SLAPP) and the Enforcement of this Act.* - Where a suit is brought against a person who filed an action as provided in Sec. 11 of this Act, or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the Court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the Court shall dismiss the complaint and award the attorney's fees and double damages.

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

SEC. 12. *Implementing Rules.* - The DENR, in coordination with the DTI, the DILG, the DOF and other concerned government agencies shall have the authority to promulgate the necessary rules and regulations for the purpose of carrying into effect the provisions of this Act.

SEC. 13. *Appropriations.* - Such amount as may be necessary to implement the provisions of this Act is hereby included in the annual appropriations of the DENR, the LGUs and other concerned government agencies under the General Appropriations Act.

SEC. 14. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.

SEC. 15. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations, and other issuances or part thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 16. *Effectivity.* - This act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,