



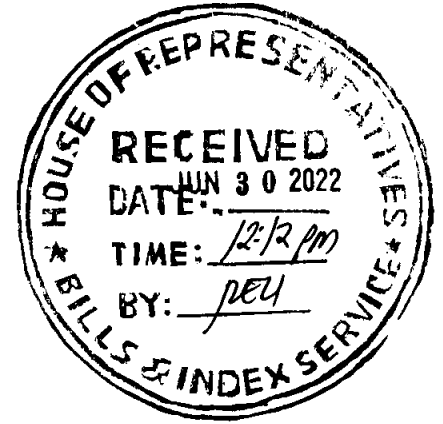
Republic of the Philippines

House of Representatives

Quezon City, Metro Manila

Nineteenth Congress
First Regular Session

HOUSE BILL NO. **26**



Introduced by Representative Lord Allan Jay Q. Velasco

EXPLANATORY NOTE

This proposed measure seeks to impose a ban on the production, importation, sale, provision and use of single-use plastics in order to curb the growing problem of plastic pollution in the country.

Under Article II, Section 16 of the 1987 Philippine Constitution, “[t]he 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 this constitutional right, one of the declared policies under Republic Act No. 9003 or the “Ecological Solid Waste Management Act of 2000” is that the State shall adopt a systematic, comprehensive, and ecological solid waste management program which will “[u]tilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resource conservation and recovery.”

Today, one of the critical environmental issues hounding the world is the plastic waste problem. It coincides with the evolving spotlight on the fight against climate change, which is changing the landscape in many countries because of the never-before-seen weather disturbances and conditions that trigger unprecedented disasters and migrations across borders.

According to the nonprofit research organization Our World in Data, the Asia-Pacific region accounts for 60% of improperly disposed plastic wastes, or mismanaged wastes. This type of waste has a high possibility of entering the ocean through rivers or other waterways.¹ In a report of the Ellen MacArthur Foundation in partnership with the World Economic Forum, it was predicted that, by 2050, the plastics in the ocean could weigh more than fish. This is aggravated by the fact that single-use plastics are often used for a matter of minutes, sometimes seconds, and yet they could take hundreds of years to decompose.

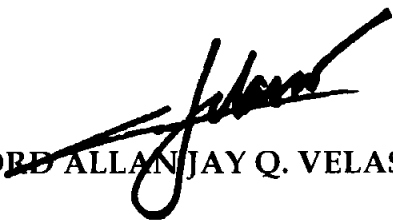
¹ Jun Suzuki and Marimi Kishimoto, *Southeast Asia starts to dump single-use plastics*, 01 July 2019 at <https://asia.nikkei.com/Spotlight/Environment/Southeast-Asia-starts-to-dump-single-use-Plastics> (last accessed 08 July 2019).

The Philippines is one of the world's top five countries that contribute to plastic wastes leaking out to the oceans and seas, which aggravate marine pollution.² The information and statistics available is clear on the responsibility that falls on the shoulder of the Filipino nation and the government. If we want to see our seven-year old Juans and Juanas to enjoy a future setting where the environment remains resilient and abundant; a setting where the country is free from all forms of pollution; a setting that allows our youth to grow and reach their fullest potential, we need to act now.

When we pass by the streets and highways in our daily commute and travel to schools, offices, groceries and other establishments, we see people living by the scraps of wastes and remains from the tables of our households, restaurants, and other food establishments. We meet a certain Pedro or a certain Mona, who have to fend off poverty and worsening living conditions, by carrying plastic bags that are full of plastic bottles, trash, and other materials that can be sold for a small amount of fee.

These are the realities that we face as a country. These are the problems that we need to address, not later, not tomorrow, but starting TODAY! Any parent in the world today would not want to see their children grow in a world, which is filled with pollution and having an environment that can no longer produce that fresh breeze of air long enjoyed by the present and past generations. Phasing out single-use plastic products is the key, as we endure a long battle against climate change and its variants.

In view of the foregoing, the urgent passage of this measure is sought.



LORR ALLAN JAY Q. VELASCO

² Aya Tantiangco/LA, *PHL 1 of 5 countries that produce half of world's plastic waste* – UN report, 05 June 2018 at <https://www.gmanetwork.com/news/lifestyle/healthandwellness/655744/phl-1-of-5-countries-that-produce-half-of-world-s-plastic-waste-un-report/story> (last accessed 17 July 2019).



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Nineteenth Congress
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HOUSE BILL NO. 26

Introduced by Representative Lord Allan Jay Q. Velasco

AN ACT REGULATING THE PRODUCTION, IMPORTATION, SALE, DISTRIBUTION, PROVISION, USE, RECOVERY, COLLECTION, RECYCLING, AND DISPOSAL OF SINGLE-USE PLASTIC PRODUCTS

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 “*Single-Use Plastic Products*
2 *Regulation Act.*”

3
4 **SEC. 2. *Definition of terms.*** – As used in this Act:

5
6 (a) *Commercial establishment* refers to an establishment or cluster of establishments
7 engaged in commerce or sales of goods or services including market stores,
8 shopping mall outlets, supermarkets, department stores, online stores, grocery
9 stores, drug stores, convenience stores, food chains, restaurants, cafes, bars, sari-
10 sari stores, ambulant vendors, with or without stalls, and the like;

11
12 (b) *Compostable plastic product* refers to a plastic product that is suitable for home
13 composting that undergoes degradation by biological processes during
14 composting to yield carbon dioxide, water, inorganic compounds, and biomass,
15 at a rate consistent with other known compostable materials, and leaves no
16 visible, distinguishable, or environmentally harmful residue;

17
18 (c) *High in replaceability* refers to a condition wherein a plastic product is deemed
19 non-acceptable, unnecessary, or can be replaced by a more efficient and eco-
20 friendly alternatives;

21
22 (d) *Importer* refers to any entity that imports or distributes single-use plastic
23 products, or goods utilizing single-use plastic products, to any commercial
24 establishment in the Philippines;

- (e) *Low in recyclability* refers to a condition wherein the value for recovery and reprocessing of a plastic product is low, or nonexistent, due to its design, composition, content, and density, among other things;
- (f) *Low in retrievability* refers to a situation wherein after use of the plastic products, a significant volume cannot be recovered, properly recycled, processed or disposed of, on account of inefficient recovery schemes, or low value for recovery, recycling or reprocessing;
- (g) *Plastic footprint* refers to the total amount of plastic or composite materials used in the production, distribution, promotion, and sale of single-use plastic products or services;
- (h) *Plastic products* refer to bags, containers, food service necessities, packaging, and promotional materials, or any other non-healthcare products using synthetic polymers as a major component, or as one of the layers thereof, designed to be utilized, to carry or protect goods for transportation, distribution, and sale, or to promote these products or services;
- (i) *Producer* refers to any entity that manufactures or distributes single-use plastic products or goods utilizing single-use plastic products, to any commercial establishment in the Philippines; and
- (j) *Single-Use Plastic Products* refer to plastic products designed to be disposed, destroyed, or recycled, after only one use.

SEC. 3. Phase Out of Single-Use Plastic Products. - The following non-compostable single-use plastic products shall be phased out within a period of four (4) years from the effectivity of this Act:

- (a) Plates and saucers;
- (b) Cups, bowls, and lids;
- (c) Cutlery like spoons, forks, knives, and chopsticks;
- (d) Food and beverage containers made of expanded polystyrene;
- (e) Oxo-degradable plastics;
- (f) Film wrap, packaging, or bags of less than 50 microns in thickness; and
- (g) Sachets and pouches that are multilayered with other materials.

The following products shall be phased out within a period of one (1) year from the effectivity of this Act:

- (a) Drinking straws;
- (b) Stirrers;
- (c) Sticks for candy, balloon, and cotton bud;
- (d) Buntings;
- (e) Confetti; and
- (f) Packaging or bags of less than 10 microns in thickness.

Thereafter, the production, importation, sale, distribution, provision or use of the said plastic products shall be prohibited.

Property labelled flexible disposable plastic drinking straws for persons with special medical conditions shall be allowed, when no suitable reusable or compostable alternatives are available.

SEC. 4. *Phase Out of Other Single-Use Plastic Products.* Two (2) years after the effectivity of this Act, and every two (2) years thereafter, the Department of Environment and Natural Resources (DENR), in coordination with the Department of Trade and Industry (DTI), the Department of Science and Technology (DOST), and the National Solid Waste Management Commission (NSWMC), shall regularly determine whether plastic bottles, packaging, or products that are multilayered with other materials, multilayered tetra packs, election or advertising paraphernalia, streamers, and other non-compostable single-use plastic products not listed under Section 3 of this Act are deemed either high in replaceability, low in recyclability, or low in retrievability. Upon determination by the DENR, these products shall be phased out within a period of two (2) years.

Products are low in recyclability or retrievability when these are not properly recovered or offset, in compliance with the provisions or standards established pursuant to Section 7 of this Act.

SEC. 5. *Phase Out Plan for Single-Use Plastic Products.* - A Phase Out Plan, hereinafter referred to as the Plan, shall be formulated by the DENR, in coordination with the NSWMC, and in consultation with relevant departments or agencies of the government and stakeholders, within six (6) months upon the effectivity of this Act. The Plan shall include the following components:

(a) Consumption, Reduction, and Recovery Program. - The DTI, in cooperation with the DENR, the DOST, and the Food and Drug Administration (FDA) of the Department of Health (DOH), and in consultation with stakeholders, shall formulate a Consumption, Reduction, and Recovery Program, to achieve a significant reduction in consumption and increased recovery for recycling and treatment, or proper disposal of single-use plastic products, within the phase out period prescribed by this Act. Such measures shall include national consumption reduction, waste recovery targets, and other measures ensuring that reusable and compostable alternatives to single-use plastic products are made available, and that the said products are not free of charge at the point-of-sale to the final consumer;

(b) Producer Responsibility Schemes. - Producer responsibility schemes shall be formulated to carry out the objectives of Section 7 of this Act, and as part of interim measures, to cushion the impact of single-use plastic products on the environment within the phase out periods;

(c) Reusable and Compostable Alternatives to Single-Use Plastic Products - Appropriate strategies to implement the requirements provided under Sections 6 and 14 of this Act shall be formulated to assist local manufacturers in developing or acquiring the appropriate technology and sustainable materials for the production of reusable or compostable alternatives to single-use plastic products, which shall also be highly recoverable and highly recyclable;

(d) Awareness-Raising Measures. - As part of the Information and Education Campaign (IEC) under Section 11 of this Act, the DENR shall, together with the

1 Department of Education (DepEd) and Department of the Interior and Local
2 Government (DILG), formulate an information dissemination plan to inform
3 consumers of: (i) the impact of use and improper disposal of single-use plastic
4 products on the environment; (ii) waste reduction, reuse, recycling, and recovery
5 systems; and (iii) other best practices in waste management; and
6

7 (e) Fiscal and Non-Fiscal Rewards and Incentives. – The Department of
8 Finance (DOF), the DILG, and the DTI shall establish mechanisms that will provide
9 fiscal or non-fiscal rewards and incentives allowed under existing laws, to encourage
10 manufacturers, importers, sellers, and end-users to participate in the programs geared
11 towards achieving the objectives of the Plan.
12

13 **SEC. 6. *Compostable Plastic.*** – Producers, importers, and commercial establishments
14 may provide compostable plastic products to their consumers. The plastic product shall
15 have a visible logo identifying that it is compostable. The manufacturing date and name
16 of manufacturer, importer, and distributor shall be labelled as well.
17

18 The DTI, in coordination with the DENR, DOST, leagues of local government units
19 (LGUs), NSWMC, and other government and private agencies and organizations
20 concerned shall promulgate the appropriate Philippine National Standard (PNS) for
21 compostable plastic products within six (6) months from the effectivity of this Act.
22 Recoverability, recycling, or reprocessing value of these products into other useful
23 materials or commodities shall likewise be explored by the DTI.
24

25 **SEC. 7. *Responsibility of Producers and Importers.*** – Within two (2) years following the
26 effectivity of this Act, producers and importers of single-use plastic products, regardless
27 of whether compostable or recyclable, shall establish and start phasing in the extended
28 producers' responsibility programs, aimed at effectively preventing plastic wastes from
29 leaking to the environment. To achieve the purposes of this section, the producers and
30 importers shall incorporate themselves in accordance with Republic Act No. 11232,
31 otherwise known as the "Revised Corporation Code of the Philippines," to implement
32 the extended producers' responsibility programs that may include the following
33 activities:
34

35 (a) Recovery schemes for plastic wastes through redemption, buy-back, offsetting,
36 or any model or strategies that will efficiently effect high retrievability and
37 recyclability;
38

39 (b) Transportation of recovered plastic wastes to the appropriate composting,
40 recycling, and other diversion or disposal sites in the country;
41

42 (c) Cleanup of plastic wastes leaked to coastal areas, public roads, and other sites;
43 and
44

45 (d) Establishment of recycling, composting, thermal treatment, and other wastes
46 diversion or disposal facilities of commercial or industrial scale for plastic
47 products, when investment therein is viable.
48

49 For this purpose, each producer or importer shall recover or offset and divert into value
50 chains and value-adding useful products, whenever possible, at least fifty percent (50%)
51 of their single-use plastic product footprint, three (3) years after the effectivity of this Act:

1 *Provided*, That the DENR, upon the review and recommendation of the NSWMC, shall
2 gradually increase the percentage until a one hundred percent (100%) recovery or
3 offsetting of their single-use plastic product footprint is achieved five (5) years following
4 the effectivity of this Act.

5 **SEC. 8. Responsibility of Commercial Establishments.** - Sixty (60) days after the
6 effectivity of this Act, commercial establishments shall undertake the following activities:
7

8 (a) Promote the use of highly reusable, recyclable, and retrievable products in their
9 establishments, or make available for sale locally-made products, such as
10 bayong, buli, and other reusable containers and bags that are made of abaca,
11 water lily, and other organic or compostable materials or reusable or recyclable
12 containers that promote their circular economy;
13

14 (b) Charge their customers a minimum fee of Five pesos (P5.00) for every single-
15 use plastic bag: *Provided*, That the imposition of the minimum fee shall not
16 preclude the LGUs from imposing other fees and charges on the use of plastic
17 bags;
18

19 (c) Charge take-out food or delivery services a minimum fee of Five pesos (P5.00)
20 for every single-use plastic product provided, regardless of whether it is a
21 disposable or compostable alternative; and
22

23 (d) Establish an effective in-store recovery program that will facilitate and
24 encourage customer return of their used plastic products to the commercial
25 establishment, and implement the recovery scheme established pursuant to
26 Section 7 of this Act.
27

28 The fees collected pursuant to paragraphs (b) and (c) shall be reflected in the receipts. The
29 DOF shall prescribe the rules and regulations to be issued to implement this section with
30 respect to the collection, recording, and remittance of fees: *Provided*, That fifty percent
31 (50%) of the said fees shall be remitted to the National Government and deposited to the
32 National Solid Waste Management Fund pursuant to Section 46 of Republic Act No. 9003,
33 while the other fifty percent (50%) shall be remitted to the barangay where the fee was
34 collected, to finance exclusively their solid waste management programs.
35

36 **SEC. 9. Lead Agency.** - The DENR, in coordination with the NSWMC, unless otherwise
37 provided herein, shall be the primary government agency responsible for the
38 implementation of this Act.
39

40 **SEC. 10. Monitoring and Market Inspections.** - The DENR and the DTI shall, in
41 coordination with the LGUs and local law enforcement agencies, instigate the regular and
42 routine inspection and monitoring of the point-of-sale stores and the facilities of
43 commercial establishments, producers, and importers, to determine compliance with this
44 Act. Inspection and monitoring shall include the following:
45

46 (a) Entry or access to the premises of operation and business, including storage
47 rooms and stockrooms;
48

49 (b) Inspection of off-site storage facilities, distribution centers, and trans-shipment
50 points; and
51

1 (c) Inspection of the recovery, recycling, treatment, and disposal facilities, to
2 determine if residual plastic products are being properly diverted and
3 disposed of.
4

5 **SEC. 11. *Public Access to Information.*** – The public shall have access to records, reports,
6 or information concerning the implementation and mandates of this Act.
7

8 The said documents shall be made available for inspection or reproduction during
9 normal business hours: *Provided,* That the DENR, the DTI or concerned LGU may
10 consider confidential a record, report, or information, or particular portions thereof, and
11 shall therefore not be made public when such would divulge trade secrets, production,
12 or sales figures, or methods, production, or processes unique to the manufacturer, seller,
13 or distributor, or would otherwise tend to adversely affect the competitive position of
14 such manufacturer.
15

16 **SEC. 12. *Information and Education Campaign.*** – The DENR, in coordination with the
17 LGUs, the DILG, the DTI, the DepEd, the Commission on Higher Education (CHED), the
18 Philippine Information Agency (PIA), and other private or nongovernment organizations
19 and concerned agencies, shall conduct a continuing IEC on the proper implementation of
20 this Act, including the necessity to regulate plastic products in the country, in relation to
21 our environment.
22

23 The said IEC shall be incorporated in the public IEC under Section 55 of Republic Act No.
24 9003, otherwise known as the “Ecological Solid Waste Management Act fo 2000.”
25

26 **SEC. 13. *Linkage Mechanisms.*** – The DENR and the NSWMC, in coordination with the
27 DTI, may consult, and enter into an agreement with other government agencies, LGUs,
28 or with concerned non-governmental organizations (NGOs) or people’s organizations
29 (Pos), or private enterprises in the furtherance of the objectives of this Act.
30

31 **SEC. 14. *Role of the National Solid Waste Management Commission.*** – The NSWMC,
32 created pursuant to Section 4 of Republic Act No. 9003 shall, in addition to its functions
33 under the said law, aid and assist in the implementation of this Act.
34

35 The NSWMC shall, in partnership with research institutions and academic communities,
36 conduct relevant studies to realize the harmonious implementation of this Act with
37 Republic Act No. 9003. It shall also ensure that the provisions of this Act are made part
38 of the programs being implemented under Republic Act No. 9512, otherwise known as
39 the “National Environmental Awareness and Education Act of 2008.”
40

41 The DENR shall provide the necessary financial and manpower resources to enable the
42 NSWMC to perform its additional functions under this Act.
43

44 **SEC. 15. *Role of LGUs.*** – The LGUs shall be primarily responsible for the implementation
45 and/or monitoring of compliance with wastes segregation, collection, recovery,
46 transport, recycling, and disposal of plastic products. The LGUs may enjoin the
47 participation of other concerned government agencies, private entities, and industries for
48 this purpose.
49

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

4
5 **SEC. 16. *Fines and Penalties.*** – Deliberate violations of Sections 3, 4, 6, 7, 8, 14, and 15 of
6 this Act, and the falsification of documents required pursuant to this Act, or
7 misrepresentation of persons producing, importing, or distributing single-use plastic
8 products, and commercial establishments shall be penalized in the following manner:

9
10 (a) Large, Medium, and Small Enterprises:

11
12 (1) A fine of not less than Two hundred fifty thousand pesos (P250,000.00) but not
13 exceeding Five hundred thousand pesos (P500,000.00) for the first offense;

14
15 (2) A fine of not less than Five hundred thousand pesos (P500,000.00) but not
16 exceeding Seven hundred fifty thousand pesos (P750,000.00) for the second
17 offense; and

18
19 (3) A fine of not less than Seven hundred fifty thousand pesos (P750,000.00) but
20 not exceeding One million pesos (P1,000,000.00) and automatic revocation of
21 its business permit for the third offense.

22
23 (b) Micro Enterprises, and Other Smaller Businesses:

24
25 (1) A fine of not less than Fifty thousand pesos (P50,000.00) but not exceeding One
26 hundred thousand pesos (P100,000.00) for the first offense;

27
28 (2) A fine of not less than One hundred thousand pesos (P100,000.00) but not
29 exceeding Three hundred thousand pesos (P300,000.00) for the second offense;
30 and

31
32 (3) A fine of not less than Three hundred thousand pesos (P300,000.00) but not
33 exceeding Five hundred thousand pesos (P500,000.00) and automatic
34 revocation of its business permit for the third offense.

35
36 The Pollution Adjudication Board of the DENR shall hear and adjudicate cases of
37 violations or offenses in this section, and impose appropriate fines therefor. For purposes
38 of the imposition of appropriate fines hereof, the DTI shall establish the classification of
39 commercial establishments based on their capitalization.

40
41 Forty percent (40%) of the fines collected under this Act shall be allocated to or retained
42 by the barangay where the fined prohibited acts are committed in order to finance the
43 solid waste management of said unit

44
45 **SEC. 17. *Administrative Action.*** – Without prejudice to the right of any person to file an
46 administrative action, the DENR shall, on its own instance or upon verified complaint by
47 any person, institute administrative proceedings in the proper forum against any natural
48 or juridical person who violates any of the provisions of this Act with respect to standards
49 and limitations provided by this Act, or such order, rule, or regulation issued by the
50 DENR pursuant thereto.

1 **SEC. 18. *Independence of Action.*** – The filing of an administrative suit against any person
2 or entity does not preclude the right of any other person to file any criminal or civil action.
3

4 **SEC. 19. *Joint Congressional Oversight Committee.*** – The Joint Congressional Oversight
5 Committee, created under Section 60 of Republic Act No. 9003, shall likewise monitor the
6 implementation of this Act and review the rules and regulations promulgated by the
7 DENR to implement this Act. The Joint Committee shall be cochaired by the Chairpersons
8 of the House Committee on Ecology and the Senate Committee on Environment.
9

10 **SEC. 20. *Citizen's Suit.*** – Any citizen can file an appropriate civil, criminal, or
11 administrative action in the proper courts or bodies against: any person who violates or
12 fails to comply with the provisions of this Act and its IRR; the department or other
13 implementing agencies with respect to orders, regulations, and issuances inconsistent
14 with this Act; and any public officer who willfully or grossly neglects the performance of
15 an act specifically enjoined as a duty by this Act or its IRR, or abuses the authority vested
16 upon him in the performance of duty, or in any manner improperly performs the duties
17 assigned under this Act or its IRR: *Provided, however,* That no suit can be filed until after
18 a thirty (30)-day notice has been given to the public officer and the alleged violator
19 concerned and no appropriate action has been taken thereon. With this, free and
20 accessible legal help should be given to individual persons who shall file a lawsuit under
21 this Act.
22

23 **SEC. 21. *Implementing Rules and Regulations.*** – The DENR, in coordination with the
24 NSWMC, DTI, DOST, and other relevant government agencies and organizations, shall
25 promulgate the IRR governing this Act within six (6) months from its effectivity.
26

27 **SEC. 22. *Separability Clause.*** – If, for any reason, any provision of this Act or part thereof
28 is declared unconstitutional or invalid by a court of competent jurisdiction, the other
29 provisions or parts hereof not affected shall remain in full force and effect.
30

31 **SEC. 23. *Repealing Clause.*** – All laws, decrees, orders, issuances, ordinances, rules and
32 regulations or parts thereof inconsistent with the provisions of this Act are hereby
33 repealed or modified accordingly.
34

35 **SEC. 24. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
36 the *Official Gazette* or in two (2) newspapers of general circulation.
37

38 *Approved,*