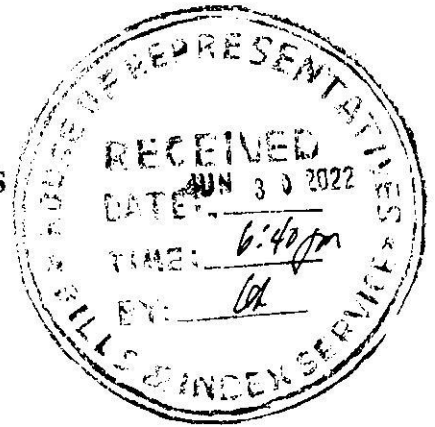




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 533



Introduced by Representative **GERALDINE B. ROMAN**

EXPLANATORY NOTE

The State aims to “protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature,” and to “protect and promote the right of the people to health and instill health consciousness among them.”¹ The United Nations aims to eliminate plastic pollution to keep the oceans safe and clean.² What has the Philippines done to promote these policies? Sadly, very little. According to reports, the Philippines is the world’s third largest source of plastic pollution.³ Thus, we see plastic waste, consisting of single-use plastic products (e.g., plastic bags, bottles, straws, cutlery, coffee stirrers, and sachets, to name just a few) littering our esteros, landfills, sewage systems, riverbanks, sea coast, and waterways. Plastic waste clog our drainage systems and waterways, contributing to flooding, and poison the environment. And because it does not degrade easily, plastic waste can remain in the environment for thousands of years. Studies further show that, given the ubiquitous nature of plastics, we unknowingly eat and inhale microplastics, and that the “most effective way to reduce human consumption of microplastics will likely be to reduce the production and use of plastics.”⁴

This bill seeks to phase out and eventually prohibit single-use plastic products and to promote the recycling and proper disposal of plastic products.

¹ PHILIPPINE CONSTITUTION, Article II, Sections 15-16.

² United Nations Sustainable Development Goal No. 14.

³ 2015 Report Ocean Conservancy and McKinsey Center for Business and Environment.

⁴ “People eat, inhale plastics but don’t know it,” PHILIPPINE DAILY INQUIRER (June 7, 2019), <https://newsinfo.inquirer.net/1127706/people-eat-inhale-plastics-but-dont-know-it>.

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


GERALDINE B. ROMAN



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House Bill No. 533

Introduced by Representative **GERALDINE B. ROMAN**

“AN ACT
PHASING OUT AND PROHIBITING THE MANUFACTURE, IMPORTATION,
SALE, AND USE OF SINGLE-USE PLASTIC PRODUCTS, PROMOTING
RECYCLING, AND PROVIDING FUNDS THEREFOR”

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

SECTION. 1. *Short Title.* – This Act shall be known as the “Single-Use Plastics Phaseout and Recycling Law.”

SEC. 2. *Declaration of Policy.* – It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Furthermore, it is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them.

In this light, the State recognizes the need to institute mechanisms to prevent pollution and promote a healthier environment through appropriate policies, such as waste management, reduction of waste materials at source, and encouraging use of sustainable products that will help curb plastic pollution.

SEC. 3. *Scope.* – This Act applies to the manufacture, importation, sale, and use of all single-use plastics in trade or commerce in business enterprises, as well as by retailers in the Philippines.

SEC. 4. *Single-use Plastics.* – “Single-use plastics” refers to disposable plastic products which are commonly used for packaging and includes items intended to be used only once before they are thrown away or recycled. These include, but are not limited to, items such as grocery bags, food packaging containers, and bags, water bottles, straws, stirrers, styrofoam/styros, cups, sachets, and plastic cutlery.

SEC. 5. *Phase-out and Prohibition of Single-Use Plastic Products.* – The manufacture, sale, importation, and use of single-use plastic products shall be prohibited within two (2) years after the effectivity of this Act.

SEC. 6. *Phase-out Plan for Single-Use Plastic Products.* – A plan to phase out single-use plastic products shall be formulated within three (3) months upon the effectivity of this Act by the Department of Environment and Natural Resources (DENR) with cooperation of the Department of Trade and Industry (DTI), Department of Interior and Local Government (DILG), Department of Finance (DOF), Department of Science and Technology (DOST), and other concerned agencies of the government.

The phase out plan shall cover the following:

1. Prohibition of single-use plastics by food establishments, retail stores, markets, supermarkets, and groceries during the interim period;
2. Awareness-raising to encourage consumers to use reusable materials instead of single-use plastics, and to encourage proper recycling of plastic products;
3. Collection, recycling, and proper disposal by the manufacturers of single-use plastic products already in circulation prior to the effectivity of the ban; and
4. Establishment of recycling centers in local government units (LGU).

SEC. 7. *Prohibition on Importation of Single-use Plastics.* – Within two (2) years from the effectivity of this Act, the DOF, through the Bureau of Customs (BOC) in coordination with relevant agencies, shall ensure that no single-use plastics will be imported into the country.

SEC. 8. *Recycling of Used Single-use Plastics.* - It shall be the duty of the plastic manufacturers to properly recycle the single-use plastics they produced that are already in circulation prior to the effectivity of the ban, in a manner consistent with existing laws, rules, and regulations and using mechanism to ensure that no harmful chemicals or substances are released to the environment.

The establishment of Materials Recovery Facility (MRFs), which shall be obligatory upon the business enterprises, shall serve as the collection points for used single-use plastics. LGUs, plastic manufacturers, and business enterprises shall adopt systems and procedures for the proper collection of the used single-use plastics and its delivery to the recycling centers.

It shall be the responsibility of the manufacturers that these plastics are properly collected, recycled, and disposed of, in accordance with this Act.

Manufacturers shall also maintain records describing the recovery, collection, transport, recycling of plastic bags collected annually and shall make the records available to the National Solid Waste Management Commission (NSWMC) and/or the LGU concerned, upon request, to demonstrate compliance with this Act.

SEC. 9. *Proper Disposal and Management of Plastic Wastes.* – The disposal and management of plastic waste shall be done in accordance with the provisions of Republic Act No. 9003.

The DENR, in coordination with the DOST, shall develop the appropriate standards for the disposal of plastic wastes, ensuring that zero emissions are achieved and no harmful chemicals are released to the environment in the process.

SEC. 10. *Compliance Monitoring.* – The DENR and DTI, in coordination with the LGUs, shall conduct regular inspections and monitoring of business enterprises and facilities of manufacturers to ensure they comply with the provisions of this Act.

The LGUs shall issue certification to manufacturers and business establishments who have complied with the provisions of this Act. The certification of compliance shall be necessary for the renewal of local business permits of manufacturers and business establishments.

SEC. 11. *Effect of LGU Ordinances Effective Before or After Effectivity of Act.* – LGU ordinances imposing bans and prohibitions on the use of plastic bags, promulgated and enforced prior to the effectivity of this Act, shall be considered as automatically amended in line with the provisions and mandates of this Act.

LGUs that do not have ordinances enacted upon the effectivity of this Act are also encouraged to enact their respective ordinances in line with the provisions and mandates of this Act.

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

SEC. 12. *Penalties.* – The following penalties shall be imposed for violations of the provisions of Sections 5, 7, and 8.

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 the suspension of business permit for one year.

Third offense - A fine of two hundred thousand pesos (Php 200,000.00) and the cancellation of its business permit. Thereafter, the business establishment, manufacturer, or business enterprise shall not be eligible to apply for business permit for a period of five (5) years and approval of business permit is contingent upon proof of measures undertaken to comply with this Act and other relevant laws, rules and regulations.

The penalty herein provided shall be imposed: upon the owner, manager, administrator, or proprietor, for individual proprietorships; upon all partners for general partnerships and the general partner/s for limited partnerships; upon the branch manager of a particular offending business establishment; and solidarily upon the president, vice-president, corporate officers as well as the chief operating officer for incorporated businesses; and all such persons, not falling within any of the descriptions/ titles abovementioned, being in charge of the particular offending business establishment, and failing to follow the prohibitions herein defined. This is without prejudice to the right of the person paying the appropriate fine to seek reimbursement of the amount paid from the owner of the enterprise or establishment.

SEC. 13. *Responsibilities of the Local Government Units.* – To promote the implementation of this Act, the LGUs shall be responsible for the following:

1. Improve the capacity of LGUs and local law enforcement agencies for the implementation of this Act;
2. Establish recycling centers and encourage the establishment of business enterprises that promote zero-waste; and
3. Conduct information and awareness-raising campaigns on single-use plastic regulation.

SEC. 14. *Implementing Rules and Regulations.* – The Department of Environment and Natural Resources, in coordination with the Department of Trade and Industry, Department of Interior and Local Government, and other concerned government agencies shall issue the implementing rules and regulations within sixty (60) days from the effectivity of this Act.

SEC. 15. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the budget of concerned government agencies in the General Appropriations Act of the year following its enactment into law and thereafter.

The LGU shall allocate necessary funding from their Internal Revenue Allotment (IRA) to cover the program under this Act.

SEC. 16. *Research and Development (R&D) for Single-use Plastic Packaging Alternatives.* – The Department of Science and Technology and NSWMC shall include in their respective programs and R&D Agenda, and consequently, fund research on single-use plastic packaging alternatives, such as but not limited to recyclable paper bags, biodegradable and/or reusable plastic containers.

THE MSWMC and DOST shall also provide assistance to the DENR and the manufacturers for the implementation of this Act, particularly as regards the proper recycling and disposal of used single-use plastics, and developing more environmentally-friendly types of plastics used as primary packaging materials, among others.

The DTI, Technical Education and Skills Development Authority (TESDA), Department of Labor and Employment (DOLE) and the Presidential Communications Operations Office (PCOO), in coordination with plastic manufacturers/industries, non-government and civil society organizations, and other concerned stakeholders, shall conduct studies within six (6) months upon the effectivity of this Act to determine the impact of this Act on affected plastic industry employees and workers. They shall likewise, together with the DOST and the National Ecology Center (NEC), develop a capacity-building program for alternative livelihood opportunities for the affected employees and workers in areas such as recycling of used plastic products and cottage industries, among others.

SEC. 17. *Program for Affected Employees and Workers of the Plastic Industry.* – Within six (6) months from the effectivity of this Act, massive research and technology development initiatives, pilot-testing of innovations and technologies resulting from these studies, and capacity-building activities shall be undertaken with plastic-manufacturing industries and business enterprises for them to adopt these technologies.

The DOST, NEC, DTI, DOLE, and TESDA shall implement the capacity-building program to relevant stakeholders. DOST, in coordination with the NEC, shall provide the

LGUs with technical assistance, trainings, and continuing capacity building programs to attain the objectives of this Act.

SEC. 18. *Incentives for Plastic Industries Shifting to Alternatives.* – The manufacture of alternatives to single-use plastics shall be supported and encouraged.

Business enterprises, individuals, cooperatives, partnerships, and corporations which engage in the manufacture of identified alternatives to single-use plastics shall be given incentives provided for under the Philippine Cooperative Code of 2008, the Barangay Micro-Business Enterprise 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. The DENR and DTI, in coordination with the Department of Finance (DOF), shall provide technical and financial assistance to these manufacturers.

LGUs are encouraged and shall be allowed to provide additional benefits and incentives to these manufacturers within their jurisdiction, consistent with 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 manufacturers to be entitled to additional benefits and incentives which may be given by new laws, rules, and regulations in the future.

SEC. 19. *Access to Information/Public Disclosure Requirements, Public Access to Records, Reports or Notification.* – The public shall have access to records, reports, or information concerning the implementation and mandates of this Act.

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

SEC. 20. *Separability Clause.* – If any part or section of this Act is held invalid or unconstitutional, the other provisions and sections not affected thereby shall remain in full force and effect.

SEC. 21. *Repealing Clause.* – All laws, presidential decrees, executive orders, or issuances, or any part thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 22. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or two (2) newspapers of general circulation.