



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH (19th) CONGRESS
First Regular Session

HOUSE BILL NO. 2988



Introduced by REP. JOSEPH STEPHEN S. PADUANO

EXPLANATORY NOTE

Single-use plastic (SUP) is among the products or materials included in the list of non-environmentally acceptable products and packaging (NEAPP) as indicated in Republic Act (RA) No. 9003 or the Ecological Solid Waste Management Act of 2000.

In June 2021, wastes from food packaging were identified as primary source of aquatic, and included in the 44% of these group of wastes are made of plastic according to an article¹ published in Nature Sustainability.

Even without stating any analysis from academic literatures and further citing rich statistics, we can observe in our surroundings that waste materials are often composed of plastic in all sorts of forms.

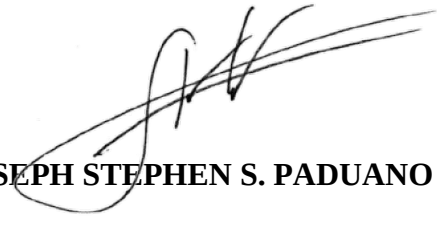
These concerns with regards to the aggravating problem of waste management due to single-use plastic have been a subject of campaigns by environmental groups, and numerous proposed bills were also forwarded by the members of both Houses of the Philippine Congress in response to this ecological concern, and were substantially discussed in different venues.

On this note, this Representation intends to forward the similar measure and wishes to continue the pursuit for a more ecology-friendly waste management system in our country.

¹ "An inshore-offshore sorting system revealed from global classification of ocean litter", Nature Sustainability, 2021, accessed thru: <https://www.nature.com/articles/s41893-021-00720-8>

The bill entitled “*An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single Use Plastic Products*” or House Bill No. 9147, with this Representation included as principal author of the Third Reading Copy, with the main proponents of similar bills that was substituted by the aforementioned measure. It was approved on third and final reading by the members of the 18th Congress after it was deliberated and submitted to the Plenary by the Committee on Ecology. Afterwards it was transmitted to the Senate, however, due to various factors; it was not enacted into law.

Hence, the immediate passage of this bill is earnestly sought.



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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 House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “Single-Use Plastic
2 Products 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, shopping
8 mall outlets, supermarkets, department stores, online stores, grocery stores, drug
9 stores, convenience stores, food chains, restaurants, cafes, bars, sari-sari stores,
10 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 composting to
14 yield carbon dioxide, water, inorganic compounds, and biomass, at a rate consistent
15 with other known compostable materials, and leaves no visible, distinguishable, or
16 environmentally harmful residue;

17

- 1 (c) *High in replaceability* refers to a condition wherein a plastic product is deemed non-
2 acceptable, unnecessary, or can be replaced by a more efficient and eco-friendly
3 alternatives;
4
- 5 (d) *Importer* refers to any entity that imports or distributes single-use plastic products, or
6 goods utilizing single-use plastic products, to any commercial establishment in the
7 Philippines;
8
- 9 (e) *Low in recyclability* refers to a condition wherein the value for recovery and
10 reprocessing of a plastic product is low, or nonexistent, due to its design, composition,
11 content, and density, among other things;
12
- 13 (f) *Low in retrievability* refers to a situation wherein after use of the plastic products, a
14 significant volume cannot be recovered, properly recycled, processed or disposed of,
15 on account of inefficient recovery schemes, or low value for recovery, recycling or
16 reprocessing;
17
- 18 (g) *Plastic footprint* refers to the total amount of plastic or composite materials used in the
19 production, distribution, promotion, and sale of single-use plastic products or services;
20
- 21 (h) *Plastic products* refer to bags, containers, food service necessities, packaging, and
22 promotional materials, or any other non-healthcare products using synthetic polymers
23 as a major component, or as one of the layers thereof, designed to be utilized, to carry
24 or protect goods for transportation, distribution, and sale, or to promote these products
25 or services;
26
- 27 (i) *Producer* refers to any entity that manufactures or distributes single-use plastic
28 products or goods utilizing single-use plastic products, to any commercial
29 establishment in the Philippines; and
30
- 31 (j) *Single-use plastic products* refer to kinetic products designed to be disposed,
32 destroyed, or recycled, after only one use.
33

34 **SEC. 3. Phase Out of Single-Use Plastic Products.** — The following non-
35 compostable single-use plastic products shall be phased out within a period of four (4) years
36 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.

Properly labeled 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.

1
2 Products are low in recyclability or retrievability when these are not properly
3 recovered or offset, in compliance with the provisions or standards established pursuant to
4 Section 7 of this Act.

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

11
12 (a) Consumption, Reduction, and Recovery Program. — The DTI, in cooperation with the
13 DENR, the DOST, and the Food and Drug Administration (FDA) of the Department
14 of Health (DOH), and in consultation with stakeholders, shall formulate a
15 Consumption, Reduction, and Recovery Program, to achieve a significant reduction in
16 consumption and increased recovery for recycling and treatment, or proper disposal of
17 single-use plastic products, within the phase out period prescribed by this Act. Such
18 measures shall include national consumption reduction, waste recovery targets, and
19 other measures ensuring that reusable and compostable alternatives to single-use
20 plastic products are made available, and that the said products are not free of charge at
21 the point-of-sale to the final consumer;

22
23 (b) Producer Responsibility Schemes. — Producer responsibility schemes shall be
24 formulated to carry out the objectives of Section 7 of this Act, and as part of interim
25 measures, to cushion the impact of single-use plastic products on the environment
26 within the phase out periods;

27
28 (c) Reusable and Compostable Alternatives to Single-Use Plastic Products. —
29 Appropriate strategies to implement the requirements provided under Sections 6 and
30 14 of this Act shall be formulated to assist local manufacturers in developing or
31 acquiring the appropriate technology and sustainable materials for the production of
32 reusable or compostable alternatives to single-use plastic products, which shall also be
33 highly recoverable and highly recyclable;

34
35 (d) Awareness-Raising Measures. — As part of the Information and Education Campaign
36 (IEC) under Section 11 of this Act, the DENR shall, together with the Department of

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

7 (e) Fiscal and Non-Fiscal Rewards and Incentives. — The Department of Finance (DOF),
8 the DILG, and the DTI shall establish mechanisms that will provide fiscal or non-
9 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
14 establishments may provide compostable plastic products to their consumers. The plastic
15 product shall have a visible logo identifying that it is compostable. The manufacturing date
16 and name of manufacturer, importer, and distributor shall be labeled 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 concerned
20 shall promulgate the appropriate Philippine National Standard (PNS) for compostable plastic
21 products within six (6) months from the effectivity of this Act. Recoverability, recycling, or
22 reprocessing value of these products into other useful materials or commodities shall likewise
23 be explored by the DTI.
24

25 **SEC. 7. *Responsibility of Producers and Importers.*** — Within two (2) years
26 following the effectivity of this Act, producers and importers of single-use plastic products,
27 regardless of whether compostable or recyclable, shall establish and start phasing in the
28 extended producers' responsibility programs, aimed at effectively preventing plastic wastes
29 from 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, otherwise
31 known as the "Revised Corporation Code of the Philippines," to implement the extended
32 producers' responsibility programs that may include the following activities:
33

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

- 1 (b) Transportation of recovered plastic wastes to the appropriate composting, recycling,
2 and other diversion or disposal sites in the country;
3
4 (c) Cleanup of plastic wastes leaked to coastal areas, public roads, and other sites; and
5
6 (d) Establishment of recycling, composting, thermal treatment, and other wastes diversion
7 or disposal facilities of commercial or industrial scale for plastic products, when
8 investment therein is viable.
9

10 For this purpose, each producer or importer shall recover or offset and divert into
11 value chains and value-adding useful products, whenever possible, at least fifty percent {50%}
12 of their single-use plastic product footprint, three (3) years after the effectivity of this Act:
13 Provided, That the DENR, upon the review and recommendation of the NSWMC, shall
14 gradually increase the percentage until a one hundred percent (100%) recovery or offsetting of
15 their single-use plastic product footprint is achieved five (5) years following the effectivity of
16 this Act. The producer or importer shall submit to the DENR a verifiable notarized
17 documentation of its single-use plastic product footprint. An independent third party auditor
18 shall be engaged by both the DENR and the producer or importer to verify the authenticity of
19 the plastic product footprint report and its recovery or offsetting report.
20

21 Expenses relevant to the abovementioned activities, and the recovery and diversion of
22 their plastic product footprint, are considered part of necessary expense, and shall be allowed
23 as deduction from the taxable income of the producers and importers, under Section 34(A) of
24 the National Internal Revenue Code, as amended, for a period of five (5) years from the
25 effectivity of this Act.
26

27 If a producer or importer fails to meet the recovery or offsetting of plastic product
28 footprint target set pursuant to the preceding paragraph, the producer or importer shall
29 be required to pay the equivalent amount of five percent (5%) of the cost of the single-use
30 product set in the market to the producers and importers' responsibility corporation created
31 pursuant to Section 7 hereof, net of whatever amount already spent for recovery for the
32 period. The producers' and importers' responsibility corporation may increase the rate or
33 amount three (3) years after the effectivity of this Act.
34

35 Producers and importers shall provide appropriate labeling for their packaging and
36 products, providing information on specific plastic types and packaging structure, and other

1 information important in the proper recovery and diversion of their wastes after use. For this
2 purpose, the DTI in coordination with the recycling and waste processing industry is
3 mandated to formulate the guidelines for proper labeling of packaging and plastic products.
4

5 Implementing rules and regulations (IRR) for this section shall include, but not be
6 limited to, multi-sectoral compliance monitoring schemes, accountability mechanism,
7 transparency, and data reporting on recovery plan.
8

9 **SEC. 8 Responsibility of Commercial Establishments.** — Sixty (60) days after the
10 effectivity of this Act, commercial establishments shall undertake the following activities:
11

12 (a) Promote the use of highly reusable, recyclable, and retrievable products in their
13 establishments, or make available for sale locally made products such as bayong, buli,
14 and other reusable containers and bags that are made of abaca, water lily, and other
15 organic or compostable materials or reusable or recyclable containers that promote
16 circular economy;
17

18 (b) Charge their customers a minimum fee of Five pesos (P5.00) for every single-use
19 plastic bag: *Provided*, That the imposition of the minimum fee shall not preclude the
20 LGUs from imposing other fees and charges on the use of plastic bags;
21

22 (c) Charge take-out food or delivery services a minimum fee of Five pesos (P5.00) for
23 every single-use plastic product provided, regardless of whether it is a disposable or
24 compostable alternative; and
25

26 (d) Establish an effective in-store recovery program that will facilitate and encourage
27 customer return of their used plastic products to the commercial establishment, and
28 implement the recovery scheme established pursuant to Section 7 of this Act.
29

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

1
2 **SEC. 9. *Lead Agency.*** — The DENR, in coordination with the NSWMC, unless
3 otherwise **provided herein**, shall be the primary government agency responsible for the
4 implementation and enforcement of this Act.

5
6 **SEC. 10. *Monitoring and Market Inspections.*** — The DENR and the DTI shall, in
7 coordination with the LGUs and local law enforcement agencies, instigate the regular and
8 routine inspection and monitoring of the point-of-sale stores and the facilities of commercial
9 establishments, producers, and importers, to determine compliance with this Act. Inspection
10 and monitoring shall include the following:

11
12 (a) Entry or access to the premises of operation and business, including storage rooms and
13 stockrooms;

14
15 (b) Inspection of off-site storage facilities, distribution centers, and trans-shipment points;
16 and

17
18 (c) Inspection of the recovery, recycling, treatment, and disposal facilities, to determine if
19 residual plastic products are being properly diverted and disposed of.

20
21 **SEC. 11. *Public Access to Information.*** — The public shall have access to records,
22 reports, or information concerning the implementation and mandates of this Act.

23
24 The said documents shall be made available for inspection or reproduction during
25 normal business hours: Provided, That the DENR, the DTI or concerned LGU may consider
26 confidential a record, report, or information, or particular portions thereof, and shall therefore
27 not be made public when such would divulge trade secrets, production or sales figures, or
28 methods, production, or processes unique to the manufacturer, seller, or distributor, or would
29 otherwise tend to adversely affect the competitive position of such manufacturer.

30
31 **SEC. 12. *Information and Education Campaign.*** — The DENR, in coordination with
32 the LGUs, the DILG, the DTI, the DepEd, the Commission on Higher Education (CHED), the
33 Philippine Information Agency (PIA), and other private or nongovernment organizations and
34 concerned agencies, shall conduct a continuing IEC on the proper implementation of this Act,
35 including the necessity to regulate plastic products in the country, in relation to our
36 environment.

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

3
4 **SEC. 13. *Linkage Mechanism.*** — The DENR and the NSWMC, in coordination with
5 the DTI, may consult, and enter into an agreement with other government agencies, LGUs, or
6 with concerned nongovernmental organizations (NGOs) or people’s organizations (POs), or
7 private enterprises in the furtherance of the objectives of this Act.

8
9 **SEC. 14. *Shift to Alternatives.*** — The DOST, in cooperation with the Department of
10 Agriculture (DA), the DTI, the DENR, and the NSWMC, shall develop and implement a
11 program that will assist local manufacturers in developing or acquiring sustainable sources of
12 raw materials, appropriate technology for the production of highly reusable, recoverable,
13 recyclable, or compostable materials, as an alternative to plastic products and provide
14 applicable incentives therefor. Consistent with the program, the DTI, through the Bureau of
15 Philippine Standards (BPS), shall take the lead in developing the appropriate standards for
16 alternatives.

17
18 **SEC. 15. *Production and Importation Control.*** — The DTI shall, in cooperation with
19 the DA, DOST, DENR, and NSWMC, develop a framework plan that will ensure that the
20 single-use plastic products being produced or imported in the country will maximize its
21 purpose, minimize its waste footprint, and increase its recoverability and recyclability. For
22 this purpose, standards shall be established for the dimensions, thickness, labeling, structures,
23 capacity, color-coding, materials and other relevant parameters of a particular single-use
24 plastic product.

25
26 **SEC. 16. *Role of the National Solid Waste Management Commission.*** — The
27 NSWMC, created pursuant to Section 4 of Republic Act No. 9003 shall, in addition to its
28 functions under the said law, aid and assist in the implementation and enforcement of this Act.

29
30 The NSWMC shall, in partnership with research institutions and academic
31 communities, conduct relevant studies to realize the harmonious implementation of this Act
32 with Republic Act No. 9003. It shall also ensure that the provisions of this Act are made part
33 of the programs being implemented under Republic Act No. 9512, otherwise known as the
34 “National Environmental Awareness and Education Act of 2008”.

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

3
4 **SEC. 17. Role of LGUs.** — The LGUs shall be primarily responsible for the
5 implementation and/or monitoring of compliance with wastes segregation, collection,
6 recovery, transport, recycling, and disposal of plastic products. The LGUs may enjoin the
7 participation of other concerned government agencies, private entities, and industries for this
8 purpose.

9
10 The DENR shall, in coordination with the NSWMC and the DOST, provide the LGUs
11 with technical assistance, trainings, and continuing capability-building programs to attain the
12 objectives of this Act.

13
14 **SEC. 18. Fines and Penalties.** — Deliberate violations of Sections 3, 4, 6, 7, 8, 14 and
15 15 of this Act, and the falsification of documents required pursuant to this Act, or
16 misrepresentation of persons producing, importing, or distributing single-use plastic products,
17 and commercial establishments shall be penalized in the following manner:

18
19 (a) Large, Medium and Small Enterprises:

20
21 (1) A fine of not less than Two hundred fifty thousand pesos (P250,000.00) but not
22 exceeding Five hundred thousand pesos (P500,000.00) for the first offense;

23
24 (2) A fine of not less than Five hundred thousand pesos (P500,000.00) but not
25 exceeding Seven hundred fifty thousand pesos (P750,000.00) for the second
26 offense; and

27
28 (3) A fine of not less than Seven hundred fifty thousand pesos (P750, 000.00) but
29 not exceeding One million pesos (P1,000,000.00) and automatic revocation of
30 its business permit for the third offense.

31
32 (b) Micro Enterprises, and Other Smaller Businesses:

33
34 (1) A fine of not less than Fifty thousand pesos (P50,000.00) but not exceeding
35 One hundred thousand pesos (P100,000.00) for the first offense;

1 (2) A fine of not less than One hundred thousand pesos (P100,000.00) but not
2 exceeding Three hundred thousand pesos (P300,000.00) for the second
3 offense; and
4

5 (3) A fine of not less than Three hundred thousand pesos (P300, 000.40) but not
6 exceeding Five hundred thousand pesos (P500,000.00) and automatic
7 revocation of its business permit for the third offense.
8

9 The Pollution Adjudication Board of the DENR shall hear and adjudicate cases of
10 violations or offenses in this section, and impose appropriate fines therefor. For purposes of
11 the imposition of appropriate fines hereof, the DTI shall establish the classification of
12 commercial establishments based on their capitalization.
13

14 Forty percent (40%) of the fines collected under this Act shall be allocated to or
15 retained by the barangay where the fined prohibited acts are committed in order to finance the
16 solid waste management of said unit.
17

18 **SEC. 19. Administrative Action.** — Without prejudice to the right of any person to file
19 an administrative action, the DENR shall, on its own instance or upon a verified complaint
20 by any person, institute administrative proceedings in the proper forum against any natural or
21 juridical person who violates any of the provisions of this Act with respect to standards and
22 limitations provided by this Act, or such order, rule, or regulation issued by the DENR
23 pursuant thereto.
24

25 **SEC. 20. Independence of Action.** — The filing of an administrative suit against any
26 person or entity does not preclude the right of any other person to file any criminal or civil
27 action.
28

29 **SEC. 21. Joint Congressional Oversight Committee.** — The Joint Congressional
30 Oversight Committee, created under Section 60 of Republic Act No. 9003, shall likewise
31 monitor the implementation of this Act and review the rules and regulations promulgated by
32 the DENR to implement this Act. The Joint Committee shall be co-chaired by the
33 Chairpersons of the House Committee on Ecology and the Senate Committee on
34 Environment.
35

36 **SEC. 22. Citizen's Suit.** - Any citizen can file an appropriate civil, criminal, or
37 administrative action in the proper courts or bodies against: any person who violates or fails to
38 comply with the provisions of this Act and its IRR; the department or other implementing

1 agencies with respect to orders, regulations, and issuances inconsistent with this Act; and any
2 public officer who willfully or grossly neglects the performance of an act specifically
3 enjoined as a duty by this Act or its IRR, or abuses the authority vested upon him in the
4 performance of duty, or in any manner improperly performs the duties assigned under this Act
5 or its IRR: Provided, however, That no suit can be filed until after a third (30)-day notice has
6 been given to the public officer and the alleged violator concerned and no appropriate action
7 has been taken thereon. With this, free and accessible legal help should be given to individual
8 persons who shall file a lawsuit under this Act.

9
10 **SEC. 23. *Implementing Rules and Regulation.*** — The DENR, in coordination with
11 the NSWMC, DTI, DOST, and other relevant government agencies and organizations, shall
12 promulgate the IRR governing this Act within six (6) months from its effectivity.

13
14 **SEC. 24. *Separability Clause.*** — If, for any reason, any provision of this Act or part
15 thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the other
16 provisions or parts hereof not affected shall remain in full force and effect.

17
18 **SEC. 25. *Repealing Clause.*** — All laws, decrees, orders, issuances, ordinances, rules
19 and regulations or parts thereof inconsistent with the provisions of this Act are hereby
20 repealed or modified accordingly.

21
22 **SEC. 26. *Effectivity.*** — This Act shall take effect fifteen (15) days after its publication
23 in the *Official Gazette* or in two (2) newspapers of general circulation.

24
25 *Approved,*