

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS

Second Regular Session

HOUSE BILL NO. 11337



Introduced by the Honorable ANIELA BIANCA D. TOLENTINO

EXPLANATORY NOTE

The exponential rise of the digital economy has transformed retail and consumer behavior across the Philippines. While e-commerce platforms and digital marketplaces have provided unparalleled convenience and expanded market access for thousands of businesses, this shift has also resulted in a dramatic surge in single-use plastic waste. Daily parcel deliveries generate vast amounts of secondary and tertiary packaging materials such as bubble wrap, plastic mailers, courier pouches, and adhesive tape. The use of such secondary and tertiary packaging materials created a severe burden on local solid waste management systems and marine ecosystems.

In 2022, Republic Act No. 11898 amended Republic Act No. 9003 (the "Ecological Solid Waste Management Act of 2000") by institutionalizing Extended Producer Responsibility (EPR). This framework mandates large product producers to recover and manage their post-consumer plastic footprint. However, a critical regulatory gap persists regarding online retail logistics: the majority of e-commerce parcel packaging bypasses the EPR regime because individual micro, small, and medium enterprise (MSME) sellers do not qualify as "obliged enterprises," leaving the platform-facilitated plastic footprint largely unaccounted for.

This bill seeks to address that loophole by extending EPR obligations to large-scale operators of e-commerce platforms and digital marketplaces. Specifically, this measure proposes to: a) explicitly define platform operators as product producers responsible for the aggregate plastic packaging generated through their networks; b) establish criteria for "obliged enterprises" in the e-commerce sector based on total assets, revenue, and logistics infrastructure (e.g., fulfillment centers, sorting hubs, and warehouses; and c) mandate a centralized digital tracking mechanism requiring platforms to monitor, account

for, and compute the total platform-facilitated plastic footprint generated by transactions and third-party merchant deliveries.

By requiring digital marketplace giants to take full institutional responsibility for the plastic waste generated through their ecosystems, this bill ensures a level playing field, supports circular economy initiatives, and protects our environment from mounting packaging waste. Further, the mechanisms that will be created in this proposed legislation will ensure that the endeavours to minimize plastic waste will come from all fronts, making a more wholistic effort to protect the environment.

For the Filipino people, the immediate passage of this bill is earnestly sought.

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a series of loops and a final vertical stroke.

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Be it enacted by the Senate and House of Representatives of the Philippine Congress Assembled:

**AN ACT FURTHER AMENDING REPUBLIC ACT NO. 9003, OTHERWISE
KNOWN AS THE "ECOLOGICAL SOLID WASTE MANAGEMENT ACT
OF 2000," AS AMENDED BY REPUBLIC ACT NO. 11898, BY MANDATING
E-COMMERCE PLATFORMS AND DIGITAL MARKETPLACES TO COMPLY
WITH EXTENDED PRODUCER RESPONSIBILITY FOR PLASTIC PACKAGING
WASTE, AND FOR OTHER PURPOSES**

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

Section 1. Section 3 of Republic Act No. 9003, as amended, is hereby further amended by inserting additional definitions to read as follows:

"SEC. 3. *Definition of Terms.* — For the purposes of this Act:

x x x

(w-2) Product producer shall refer to any of the following persons:

x x x

(3) OPERATORS OF E-COMMERCE PLATFORMS OR DIGITAL MARKETPLACES THAT PROVIDE A PLATFORM FOR MERCHANTS AND THIRD-PARTY VENDORS TO SELL OR DISTRIBUTE GOODS TO CONSUMERS WITHIN THE PHILIPPINES.

x x x

(M-2) E-COMMERCE PLATFORM OR DIGITAL MARKETPLACE SHALL REFER TO A DIGITAL SERVICE, WEBSITE, ELECTRONIC PORTAL, OR APPLICATION OPERATED BY A THIRD PARTY THAT FACILITATES COMMERCIAL TRANSACTIONS BY ALLOWING MERCHANTS AND THIRD-PARTY VENDORS TO ADVERTISE, DISPLAY, SELL, OR DISTRIBUTE GOODS, INCLUDING CONSUMER PRODUCTS PACKAGED IN PLASTICS, DIRECTLY TO END-USERS WITHIN THE PHILIPPINES.

(V-4) PLATFORM-FACILITATED PLASTIC FOOTPRINT SHALL REFER TO THE TOTAL AGGREGATE WEIGHT OF PLASTIC PACKAGING MATERIALS—INCLUDING SECONDARY AND TERTIARY PACKAGING SUCH AS PLASTIC MAILERS, BUBBLE WRAPS, COURIER POUCHES, AND ADHESIVE TAPES—UTILIZED BY THIRD-PARTY MERCHANTS OR THE PLATFORM’S OWN LOGISTICS AND FULFILLMENT NETWORKS TO PACK AND DELIVER GOODS SOLD THROUGH THE E-COMMERCE PLATFORM.”

Sec. 2. Section 44-B of Republic Act No. 9003, as added by Section 4 of Republic Act No. 11898, is hereby further amended to read as follows:

'Sec. 44-B. Obligated Enterprises Under This Article. — Product producers obliged to implement EPR under this Article shall refer to large enterprises, INCLUDING THOSE OPERATING AS E-COMMERCE PLATFORMS OR DIGITAL MARKETPLACES, that generate or are responsible for plastic packaging waste introduced into the Philippine market: *Provided, however,* That micro, small and medium enterprises defined under Republic Act No. 9501 shall not be covered: *Provided, further,* That in case the total value of assets of all enterprises carrying the same brand, label or trademark exceeds that of medium enterprises stated under Republic Act No. 9501, these enterprises shall be deemed obliged enterprises: *PROVIDED, FURTHERMORE,* THAT FOR PURPOSES OF DETERMINING WHETHER AN E-COMMERCE PLATFORM OR DIGITAL MARKETPLACE OPERATOR QUALIFIES AS A LARGE ENTERPRISE, ITS TOTAL ASSETS, CAPITAL INVESTMENTS, ANNUAL REVENUE, AND THE SCALE OF ITS OPERATIONAL INFRASTRUCTURE, INCLUDING WAREHOUSES, SORTING HUBS, FULFILLMENT CENTERS, AND LOGISTICS NETWORKS, SHALL BE TAKEN INTO ACCOUNT, AS REFLECTED IN ITS LATEST AVAILABLE AUDITED FINANCIAL STATEMENTS AND OTHER RELEVANT BUSINESS RECORDS.

x x x

Sec. 3. A new section on e-commerce platform obligations under Chapter III of RA 9003, as amended is hereby added

'SEC. 44-C-1. *PLASTIC PACKAGING OF E-COMMERCE PLATFORMS AND DIGITAL MARKETPLACES.* — THE PLASTIC PACKAGING COVERED UNDER SECTION 44-C AND ASSOCIATED WITH TRANSACTIONS FACILITATED THROUGH E-COMMERCE PLATFORMS OR DIGITAL MARKETPLACES SHALL BE ACCOUNTED FOR BASED ON THE AGGREGATE WEIGHT OF THE PLATFORM-FACILITATED PLASTIC FOOTPRINTS DERIVED FROM THE PLATFORM AND MERCHANT TRANSACTION DATA AND FULFILLMENT LOGS. IT SHALL BE THE RESPONSIBILITY OF THE PLATFORM OPERATORS TO ESTABLISH AND MAINTAIN A CENTRALIZED DIGITAL TRACKING MECHANISM TO MONITOR AND COMPUTE THE AGGREGATE WEIGHT OF SUCH PLATFORM-FACILITATED PLASTIC FOOTPRINT, AND TO REQUIRE MERCHANTS AND THIRD-PARTY VENDORS USING THEIR PLATFORMS TO PROVIDE COMPLETE, ACCURATE, AND VERIFIABLE DATA ON THE PLASTIC PACKAGING USED IN CONNECTION WITH THEIR TRANSACTIONS.

Sec. 4. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall continue to be in full force and effect.

Sec. 5. *Repealing Clause* - All laws, decrees, executive orders, rules, and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 6. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,