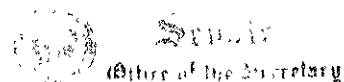


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



15 FEB -2 P5 36

SENATE
S.B. No. 2613

RECEIVED BY: *J.*

Introduced by Senator Ramon Bong Revilla, Jr.

**AN ACT REGULATING THE PRODUCTION, IMPORTATION,
SALE, PROVISION, USE, RECOVERY, COLLECTION, RECYCLING AND DISPOSAL
OF PLASTIC BAGS**

EXPLANATORY NOTE

Plastic bags, plates, utensils, cups and styrofoam containers have been used widely nowadays because it makes our lives more convenient and easier. However, because of the perceived convenience with the use of these materials, our ecology is being sacrificed. These materials are made of petroleum and are hard to dispose causing pollution and degradation of the environment. Often these materials clog drainage pipes and block sewage systems which contribute to massive flooding during typhoons.

In recognition of the adverse effects of using plastic bags, there has been a universal clamour in cutting down the use of plastic products and Styrofoam containers. This bill seeks to do just that. The proposed measure wishes to regulate the use of plastic bags and promote recycling if its use will be inevitable.

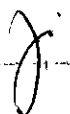
It is high time that we participate in the global movement of minimizing if not totally banning the use of plastic products so that we can contribute in the preservation of the ecological balance and give our share to attaining sustainable development. In this regard, passage of this bill is earnestly sought.


RAMON BONG REVILLA, JR.

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OF PLASTIC BAGS**

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

1 **SECTION 1.** Short Title. – This Act shall be known as the "Plastic Bag Regulation Act of
2 2015".

3

4 **SEC. 2.** Definition of Terms. – For the purpose of this Act:

5

6 (a) Biodegradable plastic bag refers to a plastic bag that degrades into fine
7 wettable fragments through oxidation processes and thereafter attain molecular
8 structure suited for biodegradation that results from the action of naturally occurring
9 microorganisms such as bacteria, fungi and algae. Such plastic bags shall, within
10 twenty-four (24) months after its use, have a sixty percent (60%) biodegradation where
11 organic carbon is converted to carbon dioxide without leaving significant harmful
12 residues.

13

14 (b) Commercial establishment refers to an establishment or cluster of
15 establishments engaged in commerce or sales of goods or services including, but not
16 limited to, market stores, shopping mall outlets, supermarkets, department stores,
17 groceries, convenience stores, food chains, restaurants, cafes, bars, sari-sari stores
18 and the like.

19

20 (c) Department refers to the Department of Environment and Natural Resources
21 (DENR).

22

1 (d) Operator refers to a person or group of persons in control of, or having daily
2 responsibility for, the daily operation of a store which may include, but not limited to, the
3 owner of the store.

4
5 (e) Plastic bag refers to a polymer bag designed to be provided or utilized at the
6 point of sale for carrying and transporting goods.

7
8 (f) Reusable bag refers to a washable canvass bag, a bayong or any shopping
9 bag used for carrying and transporting goods, which bags are made of organic or
10 nonorganic materials and can be used several times.

11
12 **SEC. 3. Biodegradable Plastic Bags.** – Six (6) months after the effectivity of this Act,
13 commercial establishments shall provide biodegradable plastic bags to their consumers:
14 *Provided,* That they shall promote and make available for sale locally-made *bayong, buli*
15 and other reusable bags that are made of *abaca*, water lily and other organic or
16 compostable materials: *Provided, further,* That establishments may still provide other
17 plastic bags as
18 sanctioned under Section 5 of this Act.

19
20 For this purpose, the Department of Trade and Industry (DTI), in coordination
21 with the Department, leagues of local government units (LGUs), National Solid Waste
22 Management Commission (NSWMC), and other government and private agencies and
23 organizations concerned shall, within six (6) months from the effectivity of this Act,
24 promulgate the appropriate Philippine National Standard (PNS) for biodegradable
25 plastic bags: *Provided,* That the DTI shall consider in the PNS the recyclability of
26 biodegradable plastic bags.

27
28 **SEC. 4. In-Store Recovery Program.** – Within sixty (60) days after the effectivity of this
29 Act, the operator or cluster of operators of commercial establishments that provide
30 plastic bags to consumers as part of a purchase at retail, shall establish an in-store
31 recovery program that will give their customers an opportunity to return their used
32 plastic bags to the commercial establishments from which the plastic bags originated.

33
34 An in-store recovery program provided by the operator of said commercial
35 establishment shall include the following:

36 (a) A plastic bag shall have printed or displayed on it in a manner visible to the
37 consumer, a logo and/or words showing that it is a biodegradable plastic bag;

38

1 (b) A plastic bag printed with the name or logo of the establishment shall have
2 printed or displayed on it the words "PLEASE RETURN TO ANY STORE FOR
3 RECYCLING", in addition to the requirement of the immediately preceding paragraph;
4

5 (c) A plastic bag recovery bin shall be placed at each store or cluster of stores
6 and shall be visible, easily accessible to the customer, and clearly marked that the
7 recovery bin is available for the purpose of collecting, recycling and disposal of plastic
8 bags;
9

10 (d) All plastic bags recovered by the store shall be collected, transported, and,
11 whenever practicable, recycled and disposed by the LGUs pursuant to Section 8 of this
12 Act.
13

14 (e) The commercial establishment shall maintain records describing the recovery,
15 collection, transport, and whenever applicable, recycling and disposal of plastic bags
16 collected for a minimum of three (3) years, and every year thereafter. It shall make the
17 records available to the Department and/or LGU, upon request, to demonstrate
18 compliance with this Act. The LGU concerned shall likewise maintain records it has
19 recovered, collected and transported for recycling or disposal, and shall make the
20 records available to the Department;
21

22 (f) The commercial establishment shall require their customers to surrender an
23 equivalent or practically equivalent plastic bag for the provision of a new plastic bag.
24 Otherwise, the customer or consumer will be charged a fixed fee of P1.00 per plastic
25 bag, which fee shall be reflected in their receipts; and
26

27 (g) The commercial establishment shall make local reusable bags available to
28 consumers within the establishment, which shall be purchased in lieu of surrendering an
29 old plastic bag or purchasing a new plastic bag.
30

31 **SEC. 5. Phaseout of Nonbiodegradable Plastic Bags.** – Notwithstanding the provision of
32 Section 4 of this Act, nonbiodegradable plastic bags shall be gradually phased out
33 within a period of three (3) years from the effectivity of this Act. Thereafter, production,
34 importation, sale, distribution, provision or use of said bags shall be prohibited.
35

36 **SEC. 6. Lead Agency.** – The Department, unless otherwise provided herein, shall be
37 the primary government agency responsible for the implementation and enforcement of
38 this Act.

1
2 **SEC. 7. Linkage Mechanism.** – The Department, in coordination with the DTI and the
3 NSWMC, shall consult, and enter into an agreement with other government agencies or
4 LGUs, or with concerned nongovernmental organizations (NGOs) or people’s
5 organizations (POs), or private enterprises in the furtherance of the objectives of this
6 Act.

7
8 **SEC. 8. Role of Local Government Units (LGUs).** – The LGUs shall have the primary
9 responsibility in the effort to decrease the percentage of plastic bag waste produced
10 within their respective territorial jurisdictions.

11
12 For this purpose, they shall be primarily responsible for the collection,
13 transportation, recycling and disposal of plastic bags recovered pursuant to this Act.
14 The LGUs may enjoin the participation of other concerned government agencies,
15 private entities and industries.

16
17 The Department of Science and Technology (DOST), in coordination with the
18 National Ecology Center, shall provide the LGUs with technical assistance, trainings
19 and continuing capability-building programs to attain the objectives of this Act.

20
21 **SEC. 9. Fines and Penalties.** – Violations of Sections 3, 4 and 5 of this Act shall be
22 penalized in the following manner:

- 23 (a) A fine of not exceeding One hundred thousand pesos (P100,000.00) for the
24 first offense;
25 (b) A fine of not exceeding Two hundred fifty thousand pesos (P250,000.00) for
26 the second offense;
27 (c) A fine of not exceeding Five hundred thousand pesos (P500,000.00) for the
28 third offense; and
29 (d) A fine of not exceeding Seven hundred fifty thousand pesos (P750,000.00)
30 and automatic revocation of its business permit for the fourth offense.

31
32 Fines shall be imposed based on the capitalization of commercial
33 establishments. For this purpose, the Department shall establish such classification of
34 commercial establishments.

35
36 For purposes of the imposition of appropriate fines hereof, the Department shall
37 establish classification of commercial establishments based on their capitalization.

1 Any fine collected pursuant to this section shall be retained by the barangay unit
2 where the store is located in order to augment its waste management capability.

3
4 **SEC. 10. Administrative Action.** – Without prejudice to the right of any person to file an
5 administrative action, the Department shall, on its own instance or upon verified
6 complaint by any person, institute administrative proceedings in the proper forum
7 against any natural or juridical person who violates any of the provisions of this Act with
8 respect to:

- 9
10 (a) Standards and limitations provided by this Act; or
11 (b) Such order, rule or regulation issued by the DTI with respect to such standard
12 or limitation.

13
14 **SEC. 11. Independence of Action.** – The filing of an administrative suit against such
15 person or entity does not preclude the right of any other person to file any criminal or
16 civil action.

17
18 **SEC. 12. Enforcement.** – The enforcement of the penal provision of this Act shall be
19 made through the Department, in coordination with the Office of the Mayor of the LGU
20 concerned.

21
22 **SEC. 13. Joint Congressional Oversight Committee.** – The Joint Congressional
23 Oversight Committee created under Section 60 of Republic Act No. 9003, otherwise
24 known as the “Ecological Solid Waste Management Act of 2000”, shall likewise monitor
25 the implementation of this Act and review the implementing rules and regulations
26 promulgated by the Department.

27
28 **SEC. 14. Implementing Rules and Regulations.** – The Department, in coordination with
29 the DTI, the NSWMC and other relevant government agencies and organizations shall,
30 within six (6) months from the effectivity of this Act, promulgate the implementing rules
31 and regulations (IRR) governing this Act.

32
33 **SEC. 15. Appropriations.** – The amount necessary to carry out the provisions of this Act
34 shall be charged against the current year’s appropriations of the concerned agencies.
35 Thereafter, such sums as may be necessary for the operation and maintenance of this
36 Act shall be included in the General Appropriations Act.

37

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

4
5 **SEC. 17.** Repealing Clause. – All laws, decrees, orders, issuances, ordinances, rules
6 and regulations or parts thereof inconsistent with the provisions of this Act are hereby
7 repealed or modified accordingly.

8
9 **SEC. 18.** Effectivity Clause. – This Act shall take effect fifteen (15) days after its
10 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,