

SENATE

Senate Bill No. 40

'19 JUL -1 A11 :13

Introduced by Senator FRANCIS N. PANGILINAN

AN ACT
REGULATING THE MANUFACTURING, IMPORTATION AND USE OF SINGLE-
USE PLASTIC PRODUCTS, AND PROVIDING PENALTIES, LEVIES AND AN
INCENTIVES SYSTEM FOR INDUSTRIES, BUSINESS ENTERPRISES AND
CONSUMERS THEREOF

EXPLANATORY NOTE

Republic Act No. 9003 or the Ecological Solid Waste Management Act of 2000 declares the policy of the State in adopting a systematic, comprehensive and ecological solid waste management program that ensures the protection of public health and the environment and the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of best environmental practices. However, even with the enactment of the law, according to the United Nations Environment Programme (UNEP), about half of all the plastic waste that ends up in the oceans come from five countries including the Philippines. The other countries are China, Indonesia, Thailand and Vietnam. The study by UNEP (2015) entitled, "Plastic Waste Inputs From Land Into the Ocean" showed that 81% of the 6,237,653 kg (6,875.84 tons) of plastic waste per day in the Philippines is mismanaged while other countries that generate significant amounts of plastic waste like Japan and the United States have 0% mismanagement rating.

The mismanaged plastic waste per day in the Philippines is due to the sachet economy of the country and its problematic waste disposal. The sachet economy occurs because people buy many products in small amounts since they are cheaper. During coastal clean-ups conducted by the World Wildlife Fund (WWF), they noted that most of the debris gathered are plastic, including single-use sachets of shampoo, toothpaste, creams, laundry soap, and even food. Also, mismanagement is due to the problematic waste disposal. According to WWF-PH, the National Solid Waste Management Commission, and the World Bank, 74% of plastic leakage comes from waste that has actually been collected. They noted that hauler companies unload their trucks into bodies of water on the way to proper disposal sites in order to cut costs, and because of poorly located dumps situated near waterways. The WWF observed that uncollected garbage in informal settlements is haphazardly dumped, while small communities living near rivers and water bodies dispose of personal waste directly into waterways.

Hence, this proposed legislation seeks to put in place measures to regulate the manufacturing, importation and use of single-use plastics, and promote sustainable

consumption and production. A version of this measure was filed by Senator Legarda in the 17th Congress.

In view of this major environmental concern and the Philippines' inability to manage plastic waste efficiently, even with the enactment of Republic Act No. 9003, the approval of this bill is earnestly sought.

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Francis N. Pangilinan.

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

1 **SECTION 1. Title.** – This Act shall be known as the “Single-Use Plastics Regulation
2 and Management Act of 2019.”

3 **SEC. 2. Declaration of Policy.** – It is the policy of the State to protect and advance
4 the right of the people to a balanced and healthful ecology in accord with the rhythm and
5 harmony of nature.

6 In this light, the State recognizes the importance of achieving the United Nations
7 (UN) Sustainable Development Goal (SDG) 3 to ensure healthy lives and promote well-
8 being for all at all ages, SDG 9 to build resilient infrastructure, promote inclusive and
9 sustainable industrialization and foster innovation, SDG 11 to build sustainable cities and
10 communities, SDG 12 to promote responsible consumption and production, and SDG 14
11 to reduce marine pollution of all kinds. The State, being a party to the Paris Agreement
12 which was adopted in 2015, recognizes the importance of adopting sustainable lifestyles
13 and patterns of consumption and production in addressing climate change.

14 The Philippine Development Plan 2017-2022 further outlines policies and programs
15 to achieve the SDGs, which is embodied under Chapter 20 – Ensuring Ecological Integrity
16 Clean and Healthy Environment, that aims to promote sustainable consumption and

1 production (SCP) through the development and implementation of appropriate policies
2 such as the formulation of a polluter pays policy, establishment of an accessible market
3 for recyclable and recycled products, strengthening of the certification and establishment
4 of information systems for green products and services, and strengthening promotion,
5 development, transfer, and adoption of eco-friendly technologies, systems, and practices
6 in the public and private sectors by increasing access to incentives and facilitating ease of
7 doing business and other related transactions.

8 The State, in the enforcement of Republic Act No. 9003 or the Ecological Solid Waste
9 Management Act, further acknowledges the need to advance policies that will not only
10 address waste treatment and disposal, but also source reduction.

11 The State likewise recognizes the indispensable role of the private sector,
12 encourages private enterprise and provides incentives to needed investments, while at
13 the same time, acknowledging the need to develop a self-reliant and independent
14 national economy effectively controlled by Filipinos.

15 **SEC. 3. *Definition of Terms.*** – As used in this Act:

- 16 a) *Business enterprises* refer to establishments engaged in the production,
17 manufacturing, processing, repacking, assembly, or sale of goods and/or services,
18 including service-oriented enterprises. It shall include retailers, self- employed or
19 own-account workers, micro, small, and medium enterprises (MSMEs) and
20 community based business enterprises;
- 21 b) *Climate change* refers to a change in climate that can be identified by changes in the
22 mean or variability of its properties and that persists for an extended period
23 typically decades or longer, whether due to natural variability or as a result of
24 human activity;
- 25 c) *Consumer* refers to a person who is a purchaser, lessee, recipient or prospective
26 purchaser, lessor or recipient of consumer products, services or credit;

- 1 d) *Disposal* refers to the discharge, deposit, dumping, spilling, leaking or placing of
2 any waste into or on land;
- 3 e) *Incentives* refers to incentives provided for under RA No. 9520 otherwise known
4 as the Philippine Cooperative Code of 2008, RA No. 9178 otherwise known as the
5 Barangay Micro-Business Enterprise Act of 2002, RA No. 9501 otherwise known
6 as the Magna Carta for Micro, Small, and Medium Enterprises, Executive Order
7 No. 226 otherwise known as the Omnibus Investment Code of 1987, RA No. 10771
8 otherwise known as the Green Jobs Act of 2016 or incentives as defined by the local
9 government unit through an ordinance specifically for this purpose, where
10 applicable;
- 11 f) *Life Cycle Assessment* refers to the process of evaluating the effects that a product
12 has on the environment over the entire period of its life cycle, which covers all the
13 processes required: extraction and processing; manufacture, transport and
14 distribution; use, reuse and maintenance; recycling; and final disposal;
- 15 g) *Microplastics* refer to small pieces of plastic found in the ocean, commonly defined
16 as < 5mm in diameter, including particles as small as 10 nanometers;
- 17 h) *Plastic* refers to lightweight, hygienic and resistant material which can be molded
18 in a variety of ways and utilized in a wide range of applications;
- 19 i) *Recyclable material* refers to any waste material retrieved from the waste stream and
20 free from contamination that can still be converted into suitable beneficial use or
21 for other purposes, including, but not limited to, newspaper, ferrous scrap metal,
22 non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office
23 paper, tin cans and other materials as may be determined by the National Solid
24 Waste Management Commission (NSWMC);
- 25 j) *Recycled material* refers to post-consumer material that has been recycled and
26 returned to the economy;

- 1 k) *Recycling* shall refer to the treating of used or waste materials through a process of
2 making them suitable for beneficial use and for other purposes, and includes any
3 process by which solid waste materials are transformed into new products in such
4 a manner that the original product may lose their identity, and which may be used
5 as raw materials for the production of other goods or services;
- 6 l) *Retailer* refers to a person engaged in the business of selling consumer products
7 directly to consumers;
- 8 m) *Re-use* refers to the process of recovering materials intended for the same or
9 different purposes without the alteration of physical and chemical characteristics;
- 10 n) *Reusable material/plastics/packaging* shall refer to any material specifically designed
11 and manufactured for multiple re-use and extended life. These shall meet the
12 following requirements/considerations:
- 13 i. May be capable of composting and is biodegradable;
 - 14 ii. Is accepted for recycling;
 - 15 iii. Does not contain any toxic or harmful substance or chemical such as but not
16 limited to lead, cadmium, or any other heavy metal as provided for by
17 existing rules and regulations of the Department of Environment and
18 Natural Resources (DENR).
- 19 o) *Single-use plastics*, for the purpose of this Act, refer to disposable plastics which are
20 commonly used for plastic packaging and include items intended to be used only
21 once before they are thrown away or recycled. These include, but are not limited
22 to, items such as grocery bags, food packaging films and bags, manufacturing
23 water bottles, straws, stirrers, containers, styrofoam/styros, cups, sachets and
24 plastic cutlery; and
- 25 p) *Source reduction* refers to the reduction of solid waste before it enters the solid
26 waste stream by methods such as product design, materials substitution, materials
27 re-use and packaging restrictions.

1 **SEC. 4. Scope.** – This Act shall apply to the manufacture, importation, use, recycling
2 and disposal of all single-use plastics used in trade or commerce in business enterprises,
3 as well as by retailers and consumers, wherever located in the Philippines, as defined
4 under Section 3 of this Act.

5 **SEC. 5. Prohibition and Phase-out of Single-use Plastics; Levy for the Use in the**
6 **Interim Period and Discounts for Consumers.** – The phase-out of single-use plastics by
7 all business enterprises to consumers shall be in full force and effect one (1) year from the
8 effectivity of this Act.

9 In the interim period (within 1 year), the following shall be enforced:

- 10 a) The provision of single-use plastics by food establishments, stores, markets and
11 retailers shall be strictly prohibited;
- 12 b) Consumers shall be encouraged/diverted to use re-usable materials in
13 substitution for single-use plastics;
- 14 c) Single-use plastics already manufactured and in circulation in the general market
15 shall be collected, recycled, and properly disposed of by the manufacturers
16 pursuant to the provisions of this Act;
- 17 d) For single-use plastic materials which cannot be avoided, business enterprises
18 must ensure that these are recycled in accordance with Section 7 of this Act;
- 19 e) For each piece of single-use plastics already manufactured and in circulation at the
20 time, the retailers shall charge the consumer a minimum levy of five pesos (Php
21 5.00);
- 22 f) The amount collected in subparagraph (e) of this Section by the retailers shall be
23 reflected in the official receipt. Twenty (20%) of the said amount shall be kept by
24 the business enterprise to cover the cost of the said bags, while (80%) shall be
25 remitted monthly, quarterly, or semi-annually to the Special Plastic Fund created
26 under this Act.

At the end of one (1) year period, and upon full effectivity of this Act, the further and continued provision by all business enterprises and use by consumers of single use plastics shall be strictly prohibited.

For take-outs and selling of food and beverages, a discount of five pesos (Php 5.00) shall be given to the consumer for bringing their own re-usable/recyclable containers.

SEC. 6. *Prohibition on the Importation of Single-use Plastics.* – One (1) year from the effectivity of this Act, the Department of Finance, through the Bureau of Customs (BOC), in coordination with relevant agencies such as DENR, Department of Trade and Industry (DTI), Department of Health (DOH) and the Climate Change Commission (CCC), shall ensure that no single-use plastics, including waste products from the same, will be imported to the country. Tariffs shall be correspondingly imposed by the Tariff Commission and collected by the BOC, which shall be further specified in the Implementing Rules and Regulations of this Act.

SEC. 7. *Recycling of Used Single-use Plastics.* – Used single-use plastics, when allowed by this Act or those manufactured or used before Act's effectivity, shall be recycled. It shall be the duty of the plastic manufacturers to recycle the said single-use plastics in a manner consistent with existing laws, rules and regulations, and ensuring 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 put systems and procedures in place 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

1 available to the National Solid Waste Management Commission (NSWMC) and/or the
2 local government unit concerned, upon request, to demonstrate compliance with this Act.

3 **SEC. 8. *Proper Disposal and Management of Plastic Wastes.*** – The disposal and
4 management of plastic waste shall be done in accordance with the provisions of Republic
5 Act No. 9003.

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

9 **SEC. 9. *Research and Development (R&D) for Single-use Plastic Packaging***
10 ***Alternatives.*** – The Department of Science and Technology (DOST) and NSWMC shall
11 include in their respective programs and R&D Agenda, and consequently, fund research
12 on single-use plastic packaging alternatives. Alternatives may include, but shall not be
13 limited to the following:

- 14 a) Natural polymers
- 15 b) Biomass-based compostable bio-polymers (i.e. starch, non-starch thermoplastic
16 bio-composite, synthetic biomass-based polymers)
- 17 c) Upcycling
- 18 d) Fiber production
- 19 e) Life cycle assessment
- 20 f) Feasibility studies (i.e. willingness to pay, levies, tax, discount,
21 disincentives/incentives, recommended rates)

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

26 The DTI, Technical Education and Skills Development Authority (TESDA),
27 Department of Labor and Employment (DOLE) and the Presidential Communications

1 Operations Office (PCOO), in coordination with plastic manufacturers/industries, non-
2 government and civil society organizations, and other concerned stakeholders, shall
3 conduct studies within six (6) months upon the effectivity of this Act to determine the
4 impact of this Act on affected plastic industry employees and workers. They shall
5 likewise, together with DOST and the National Ecology Center (NEC), develop a
6 capacity-building program for alternative livelihood opportunities for the affected
7 employees and workers in areas such as recycling of used plastic products and cottage
8 industries, among others.

9 **SEC. 10. *Program for Affected Employees and Workers of the Plastic Industry.*** –

10 Within six (6) months from the effectivity of this Act, massive research and technology
11 development initiatives, pilot-testing of innovations and technologies resulting from
12 these studies, and capacity-building activities shall be undertaken with plastic-
13 manufacturing industries and business enterprises for them to adopt these technologies.
14 DOST, NEC, DTI, DOLE and TESDA shall implement the capacity-building program to
15 relevant stakeholders. DOST, in coordination with the NEC, shall provide the LGUs with
16 technical assistance, trainings, and continuing capacity-building programs to attain the
17 objectives of this Act.

18 **SEC. 11. *Inclusion in the Philippine National Standards (PNS).*** – The NSWMC,
19 DOST, and DTI through the Bureau of Product Standards (BPS), shall develop the
20 standards and include in the Philippine National Standards (PNS) the products, items or
21 technologies resulting from studies which were pilot-tested. It shall include the
22 specifications of the said products, taking into consideration existing and available best
23 technologies and internationally mandated and accepted standards, and in accordance
24 with the provisions, mandates and standards of this Act.

25 **SEC. 12. *Incentives for the Plastic Industries Shifting to Alternatives.*** – The
26 manufacture of alternatives to single-use plastics under Section 9 of this Act shall be
27 supported and encouraged.

1 Business enterprises, individuals, cooperatives, partnerships, and corporations
2 which engage in the manufacture of identified alternatives to single-use plastics shall be
3 given incentives provided for under the Philippine Cooperative Code of 2008, the
4 Barangay Micro-Business Enterprise Act of 2002, the Magna Carta for Micro, Small, and
5 Medium Enterprises, the Omnibus Investment Code of 1987 or the Green Jobs Act of 2016,
6 where applicable. The DENR and DTI, in coordination with the Department of Finance
7 (DOF), shall provide technical and financial assistance to these manufacturers.

8 LGUs are encouraged and shall be allowed to provide additional benefits and
9 incentives to these manufacturers within their jurisdiction, consistent with existing laws,
10 rules and regulations, which shall be in addition to the benefits and incentives provided
11 for in the previous paragraph.

12 Nothing in this Act shall prohibit or limit the right of the said manufacturers to be
13 entitled to additional benefits and incentives which may be given by new laws, rules, and
14 regulations in the future.

15 **SEC. 13. *Monitoring and Market Inspection.*** - The NSWMC and DTI, in
16 coordination with the LGUs, and local law enforcement agencies, shall conduct regular
17 inspection and monitoring of business enterprises and facilities of manufacturers to
18 determine compliance with this Act. Inspection and monitoring shall include the
19 following:

- 20 a) Enter of access to the premises of operation and business, including storage
21 rooms and stockrooms;
22 b) Inspect off-site storage facilities, distribution centers and transshipment
23 points.

24 **SEC. 14. *Certification.*** - The LGUs concerned, after the conduct of a thorough
25 examination and inspection, shall issue the necessary certificate to show whether or not
26 business enterprises or manufacturers in their jurisdiction are compliant with the
27 mandates and directives of this Act.

1 The LGU certification shall be a requirement for the renewal of any local permits, in
2 addition to the DILG-DTI-DICT Joint Memorandum Circular No. 1, s. 2016, after the
3 effectivity of this Act.

4 **SEC. 15. NSWMC as the Lead Implementing Agency and Other Functions.** – The
5 NSWMC created pursuant to Section 4 of RA 9003 shall be the lead implementing agency
6 for this Act. It shall aid and assist other agencies involved in the implementation and
7 enforcement of this Act. It shall perform the following functions:

- 8 a) Prepare the national strategic single-use plastic roadmap;
- 9 b) Lead the R&D agenda preparation, conduct of researches and pilot-testing of
10 identified alternatives, with DOST;
- 11 c) Lead in the development of standards for inclusion in the Philippine
12 National Standards (PNS) of the products, items or technologies resulting
13 from studies which were pilot-tested, in coordination with DTI and DOST;
- 14 d) Review and monitor the implementation of the Act; which includes
 - 15 i. Monitoring local-level enforcement through the compilation of
16 local-level ordinances on single-use plastics;
 - 17 ii. Conducting regular and routine inspections and monitoring of
18 business enterprises and facilities of manufacturers as prescribed
19 under Section 12 of this Act;
- 20 e) Adopt a program to provide technical and other capability building
21 assistance and support to local government units, business enterprises,
22 concerned citizen groups and other relevant stakeholders in the
23 implementation and enforcement of this Act;
- 24 f) Manage the Special Plastics Fund established under Section 21 of this Act;
- 25 g) Develop safety nets and alternative livelihood programs for business
26 enterprises, plastic manufacturers, small recyclers and other sectors that will
27 be affected as a result of the single-use phase out.

1 **SEC. 16. *Role of Local Government Units, and Other Stakeholders.*** – LGUs shall
2 have the primary responsibility in the effort to decrease the percentage of plastic bag
3 waste produced within their respective jurisdiction. They shall also be primarily
4 responsible for the enforcement of the prohibitions of this Act and the monitoring of the
5 collection of recyclable used plastic bags by manufacturers.

6 Other stakeholders such as business groups, consumer groups and civil society
7 organizations are encouraged to support the implementation of this Act.

8 **SEC. 17. *Effect of LGU Ordinances Effective Before or After Effectivity of this Act.***

9 – LGU ordinances imposing bans and prohibitions on the use of plastic bags,
10 promulgated and enforced prior to the effectivity of this Act, shall be considered as
11 automatically amended in line with the provisions and mandates of this Act.

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

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

19 **SEC. 18. *Public Information and Education Campaign.*** – The DENR, in
20 coordination with the LGUs, DILG, DepEd, Commission on Higher Education (CHED),
21 PCOO, and Philippine Information Agency (PIA), shall conduct a continuing information
22 and education campaign on the proper regulation of single-use plastics in the country.

23 Such campaign shall be incorporated in and shall be in addition to the public information
24 and education campaign under Section 55 of RA No. 9003.

25 **SEC. 19. *Penalties and Sanctions.*** – Violations of this Act, starting the first year from
26 the effectivity and as fully provided for under Section 3 of this Act, shall be imposed the
27 following penalties:

1 a) For Business Enterprises, Micro, Small and Medium Enterprises as defined
2 in RA 6977, as amended, Barangay Micro Business Enterprises under RA
3 9178, and all other enterprises and establishments not otherwise value-added
4 tax (VAT) registered, the following penalties shall be imposed:

- 5 i. First offense – A fine of five thousand pesos (Php 5,000.00);
- 6 ii. Second offense – A fine of fifty thousand pesos (Php 25,000.00) and
7 suspension of its business permit for three (3) months;
- 8 iii. Third offense – A fine of fifty thousand pesos (Php 50,000.00) and
9 suspension of its business permit for one (1) year; and
- 10 iv. Fourth offense – A fine of one hundred thousand pesos (Php
11 100,000.00) and permanent suspension of its business permit. The
12 said business permit shall not be eligible for renewed application for
13 a period of 5 years. Thereafter, the LGU concerned may grant the
14 said store with a business permit, provided its operator can show
15 steps and measures will be put in place to comply with this Act. A
16 further violation after the issuance of a new business permit shall
17 perpetually bar the said operator from conducting its business in the
18 LGU concerned.

19 b) For VAT registered stores, establishments, and enterprises, and for all plastic
20 manufacturers found violating this Act the following penalties shall be
21 imposed:

- 22 i. First offense – A fine of fifty thousand pesos (Php 50,000.00);
- 23 ii. Second offense – A fine of one hundred thousand pesos (Php
24 100,000.00) and suspension of its business permit for three (3)
25 months;

- 1 iii. Third offense - A fine of two hundred fifty thousand pesos (Php
2 250,000.00) and suspension of its business permit for one (1) year;
3 and
4 iv. Fourth offense - A fine of five hundred thousand pesos (Php
5 500,000.00) and permanent suspension for its business permit. The
6 said business permit shall not be eligible for renewed application for
7 a period of 5 years. Thereafter, the LGU concerned may grant the said
8 store with a business permit, provided its operator can show steps
9 and measures will be put in place to comply with this Act. A further
10 violation after the issuance of a new business permit shall
11 perpetually bar the said operator from conducting its business in the
12 LGUs concerned.

13 If the offenders in (a) or (b) above is a corporation, trust or firm, partnership,
14 association or any other entity, the penalty shall be imposed on the entity's responsible
15 officers including, but not limited to, the president, chief executive officer, general
16 manager, managing director or partner directly responsible thereof.

17 **SEC. 20. *Administrative Sanctions.*** - Local government officials of government
18 agencies who fail to comply with and enforce this Act shall be administratively charged
19 in accordance with RA 7160 and other existing laws, rules and regulations.

20 **SEC. 21. *Special Fund for Single-use Plastics Regulation.*** - A Special Fund for
21 Single-use Plastics Regulation (herein referred to as the Fund), to be administered by the
22 NSWMC, is hereby created, to be composed of tariffs, levies, fees, and fines collected
23 pursuant to the implementation and enforcement of this Act.

24 The Fund shall be used to support the strict implementation and enforcement of this
25 Act as, but not limited to, the following:

- 26 a) Strengthen the operations of the NSWMC relative to the implementation and
27 enforcement of this Act;

- 1 b) Improve the capacity of LGUs, and local law enforcement agencies for the
2 implementation of this Act;
- 3 c) Establish recycling centers or re-modelled business enterprise that exhibits
4 best practices (as no single-use zones) in each region or province;
- 5 d) Conduct an impact evaluation studies relevant to the implementation of the
6 Act, especially on areas of economic contributions, environmental and public
7 health (through the Department of Health);
- 8 e) Conduct of information and education campaigns on single-use plastics
9 regulation and related environmental awareness measures;
- 10 f) Assistance and provision of incentives for manufacturers and community-
11 based initiatives for the production of single-use plastics, as well as for
12 nongovernment and civil society organizations promoting proper solid
13 waste management; and
- 14 g) Additional provisions for the Solid Waste Management Fund under RA 9003.

15 The Fund may be augmented by donations, endowments, grants and contributions,
16 which shall be exempt from donor's tax and be considered as allowable deductions from
17 the gross income of the donor, in accordance with the provisions of the National Internal
18 Revenue Code of 1997, as amended.

19 **SEC. 22. Access to Information/Public Disclosure Requirements, Public Access to**
20 **Records, Reports or Notification.** – The public shall have access to records, reports, or
21 information concerning the implementation and mandates of this Act.

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

1 **SECTION 23. *Citizens Suit.*** – For the purposes of enforcing the provisions of this
2 Act or its implementing rules and regulations, any citizen may file an appropriate civil,
3 criminal, or administrative action in the proper courts/bodies against:

- 4 a) Any person who violates or fails to comply with the provisions of this Act
5 and its implementing rules and regulations; or
6 b) The department or other implementing agencies with respect to orders, rules
7 and regulations issued inconsistent with this Act; and/or
8 c) Any public officer who willfully or grossly neglects the performance of an
9 act specifically enjoined as a duty by this Act or its implementing rules and
10 regulations; or abuses his authority in the performance of his duty; or, in any
11 manner improperly performs his duties under this act or its implementing
12 rules and regulations; Provided, however, that no suit can be filed until after
13 a thirty (30) day notice has been given to the public officer and the alleged
14 violation concerned and no appropriate action has been taken thereon.

15 The court shall exempt such action from the payment of filing fees and statements
16 likewise, upon prima facie showing of the non-enforcement or violation complained of,
17 exempt the plaintiff from the filing of an injunction bond for the issuance of preliminary
18 injunction.

19 In the event that the citizen should prevail, the court shall award reasonable
20 attorney's fees, moral damages and litigation costs as appropriate.

21 **SEC. 24. *Suits and Strategic Legal Action against Public Participation (SLAPP).*** –

22 Where a suit is brought against a person who filed an action as provided in Section 22 of
23 this Act, or against any person, institution or government agency that implements this
24 Act or any other consumer related laws, rules, and regulations, it shall be the duty of the
25 investigating prosecutor or the court, as the case may be, to immediately make a
26 determination within not exceeding thirty (30) days whether said legal action has been
27 filed to harass, vex, exert undue pressure or stifle such legal recourses of the person

1 complaining or enforce the provisions of this Act. Upon determination thereof, evidence
2 warranting the same, the court shall dismiss the case and award the attorney's fees and
3 double damages.

4 This provision shall also apply and benefit public officers who are sued for acts
5 committed in their official capacity, there being no grave abuse of authority, and done in
6 the course of enforcing this Act, its rules, regulations and guidelines.

7 **SEC. 25. Appropriations.** – Such amount as may be necessary to implement the
8 provisions of this Act is hereby included in the annual appropriations of the DENR and
9 other implementing agencies under the General Appropriations Act (GAA).

10 **SEC. 26. Congressional Oversight Committee.** – The Joint Congressional Oversight
11 Committee created under Section 60 of RA No. 9003 shall also have the power to monitor
12 and evaluate the implementation of this Act.

13 **SEC. 27. Implementing Rules and Regulations.** – The NSWMC, DENR, in
14 coordination with the DTI, DILG, CCC and concerned government agencies and
15 representatives of LGU organizations shall issue Implementing Rules and Regulations
16 within one hundred (100) days after the effectivity of this Act. The said IRR shall specify
17 and provide detailed provisions of this Act that needs further clarity in terms of scope,
18 coverage and definitions.

19 **SEC. 28. Construction.** – The best interests of the consumer and the right to a
20 healthful and balanced ecology shall be considered in the construction and interpretation
21 of this Act and its IRR.

22 **SEC. 29. Separability Clause.** – If any provision of this Act is declared invalid or
23 unconstitutional, the other provisions not affected by such declaration shall remain in full
24 force and effect.

25 **SEC. 30. Repealing Clause.** – All laws, executive orders, administrative orders, and
26 rules and regulations inconsistent with this Act are hereby repealed or amended
27 accordingly.

1 **SEC. 31. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
2 complete publication in the Official Gazette or in two (2) newspapers of general
3 circulation.

Approved,