

SENATE

'19 JUL 16 P2:47

S.B. No. 557

RECEIVED BY:

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

AN ACT
PROHIBITING THE USE OF SINGLE-USE PLASTIC PRODUCTS IN ALL RETAIL
ESTABLISHMENTS, AND PROVIDING PENALTIES FOR VIOLATIONS
THEREOF

EXPLANATORY NOTE

Article 2, Section 16 of the 1987 Constitution provides that “The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.”


In a report by Ocean Conservancy and McKinsey Center for Business and Environment, the Philippines was ranked as the third largest producer of plastic wastes leaking into the ocean and has the highest trash collection rates in Southeast Asia. In a similar report by the Global Alliance for Incinerator Alternatives (GAIA), an inquiry showed that the country uses an alarming amount of single-use plastic which includes, but not limited to, around 60 billion sachets a year, and a daily use of 48 million shopping bags or 17 billion a year. In addition, the country consumes 16.5 billion “labo” bags annually.

It is common knowledge that the use of plastics threatens the environment. Its culpability ranges from clogging waterways that lead to flooding up to perpetrating diseases and death of marine animals. Undeniably, plastic wastes have continually threatened the entire ecosystem and consequently affect food sources, livelihoods, human health, and furthered economic burdens in general.

A continued apathy and unresponsiveness to these distressing consequences will in no way reduce the wastes we continue to produce every day but only double the same as the time goes by. There is an urgent need not only to reduce but to prohibit the use of these single-use plastic products.

In this regard, this bill seeks to prohibit the use of single-use plastic products in all retail establishments and promote the use and manufacture of alternatives to said products to prevent further damage to the environment and ensure a livable and healthful community.

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

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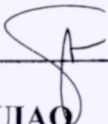
EMMANUEL D. PACQUIAO

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

Section 1. Short Title. – This Act shall be known as the “Single-Use Plastics Ban Act
of 2018”

Section 2. Declaration of Policies. – It is the policy of the State to afford full protection
and the advancement of the right of the people to a healthful ecology in accord with the rhythm
and harmony of nature.

Section 3. Definition of Terms

Business enterprises refers to establishments engaged in the production, manufacturing,
processing, repacking, assembly, or sale of goods and/or services, including service-oriented
enterprises. It shall include retailers, self-employed or own-account workers, micro, small, and
medium enterprises (MSMEs) and community-based business enterprises;

Consumer refers to a person who is a purchaser, lessee, recipient or prospective
purchases, lessor or recipient of consumer products, services or credit

Disposal refers to the discharge, deposit, dumping, spilling, leaking or placing of any
waste;

Plastic refers to a lightweight, hygienic and resistant material which can be molded in
a variety of ways and utilized in a wide range of applications;

Recyclable material refers to any waste material retrieved from the waste stream and
free from contamination that can still be converted into suitable beneficial use or for other
purposes, including, but not limited to, newspaper, ferrous scrap metal, non-ferrous scrap
metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans and other
materials as may be determined by the National Solid Waste Management Commission
(NSWMC);

1 *Recycled material* refers to post-consumer material that has been recycled and returned
2 to the economy;

3
4 *Recycling* shall refer to the treating of used or waste materials through a process of
5 making them suitable for beneficial use and for other purposes, and includes any process by
6 which solid waste materials are transformed into new products in such a manner that the
7 original product may lose their identity, and which may be used as raw materials for the
8 production of other goods or services;

9
10 *Retailer* refers to a person engaged in the business of selling consumer products directly
11 to consumers;

12
13 *Re-use* refers to the process of recovering materials intended for the same or different
14 purpose without the alteration of physical and chemical characteristics;

15
16 *Reusable material/plastics/packaging* shall refer to any material specifically designed
17 and manufactured for multiple re-use and extended life. It must be capable of composting and
18 is biodegradable, it must be accepted for recycling and must not contain any toxic or harmful
19 substance or chemical, including lead, cadmium, or any other heavy metal as provided for by
20 existing rules and

21
22 *Single-use plastics* – refers to disposable plastics which are commonly used for plastic
23 packaging and include items intended to be used only once before they are disposed or recycled.
24 These include, but are not limited to, items such as grocery or ‘sando’ bags, food packaging
25 films and bags, manufacturing water bottles, straws, stirrers, containers, expandable
26 polystyrene (EPS) foams or styrofoams, cups, sachets, and plastic cutlery;

27
28 **Section 4. Scope** – This Act shall apply to the manufacture, importation, use, recycling
29 and disposal of all single-use plastics used in trade or commerce in all business enterprises, as
30 well as by retailers and consumers across the country, as defined under Section 3 of this Act.

31
32 **Section 5. Phase-out of Single-Use Plastics; Interim Period** – The phase-out of single-
33 use plastics by all to consumers shall be in full force and effect one (1) year from the effectivity
34 of the Act.

35
36 In the interim period of 1 year, the following shall be enforced:

- 37
38 1. The use of single-use plastics by food establishments, stores, markets and retailers
39 shall be strictly prohibited;
40 2. Single-use plastics already manufactured, used, and in circulation in the general
41 market shall be collected, recycled, and properly disposed of by the plastic
42 manufacturers in a manner consistent with the existing laws, rules, and regulations;
43 3. The use of re-usable materials by consumers in substitution for single-use plastics
44 shall be fostered;
45 4. For single-use plastic materials which cannot be avoided, business enterprises must
46 ensure that these are recycled in accordance with Section 6 of this Act;
47 5. For every piece of single-use plastics already manufactured and in circulation at the
48 time, the retailers shall charge the consumer a minimum levy of five pesos
49 (Php5.00).
50

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

4
5 **Section 6. *Recycling of Used Single-Use Plastics.*** – It shall be the responsibility of the
6 plastic manufacturers that the used single-use plastics be collected, recycled, and properly
7 disposed in a manner consistent with this Act and pertinent existing laws, rules, and regulations.
8 No harmful chemicals or substances must be released to the environment in the course of the
9 procedure.

10
11 Manufacturers shall also maintain records describing the recovery, collection, transport,
12 recycling of plastic bags collected annually and shall make the records available to the National
13 Solid Waste Management Commission (NSWMC) and the local government unit concerned to
14 demonstrate compliance with this Act.

15
16 The establishment of Materials Recovery Facility (MRFs), which shall be obligatory
17 upon the business enterprises, shall serve as the collection points for used single-use plastics.
18 LGUs, plastic manufacturers and business enterprises shall put systems and procedures in place
19 for the proper collection of the used single-use plastics and its delivery to the recycling centers.

20
21 **Section 7. *Proper Disposal and Management of Plastic Wastes*** – The disposal and
22 management of plastic waste shall be done in accordance with the provisions of Republic Act
23 No. 9003, or the “Ecological Solid Waste Management Act of 2000.”

24
25 The DENR, in coordination with the DOST, shall develop the appropriate standards for
26 the disposal of plastic wastes, ensuring that zero emissions are achieved and no harmful
27 chemicals are released to the environment in the process.

28
29 **Section 8. *Research and Development (R&D) for Single-Use Plastic Packaging***
30 ***Alternatives*** – The DOST and NSWMC shall include in their respective programs and R&D
31 Agenda, and consequently fund research on single-use plastic packaging alternatives.

32
33 **Section 9. *Certification.*** – The LGUs concerned, after the conduct of a thorough
34 examination and inspection, shall issue the necessary certificate to show whether or not
35 business enterprises or manufacturers in their jurisdiction are compliant with the mandates and
36 directives of this Act.

37
38 The LGU certification shall be a requirement for the renewal of any local permits, in
39 addition to the DILG-DTI-DICT Joint Memorandum Circular No. 1, s. 2016, after the
40 effectivity of this Act.

41
42 **Section 10. *NSWMC as the Lead Implementing Agency and Other Functions.*** – The
43 NSWMC created pursuant to Section 4 of R.A. 9003 shall be the lead implementing agency
44 for this Act. It shall aid and assist other agencies involved in the implementation and
45 enforcement of this Act.

46
47 **Section 11. *Role of Local Government Units, and Other Stakeholders.*** – LGUs shall
48 have the primary responsibility in the effort to decrease the percentage of plastic bag waste
49 produced within their respective jurisdictions. They shall also be primarily responsible for the
50 enforcement of the prohibitions of this Act and the monitoring of the collection of recyclable
51 used plastic bags by manufacturers.

1 **Section 12. *Effect on LGU ordinances effective before or after effectivity of this Act.*** –
2 LGU ordinances imposing bans and prohibitions on the use of plastic bags, promulgated and
3 enforced prior to the effectivity of this Act, shall be considered as automatically amended in
4 line with the provisions and mandates of this Act.

5
6 LGUs that do not have ordinances enacted upon the effectivity of this Act are also
7 encouraged to enact their respective ordinances in line with the provisions and mandates of this
8 Act.

9
10 Nothing in this Act shall be construed as limiting the authority of LGUs to enact
11 ordinances which provide for stricter measures and standards than those provided for in this
12 Act.

13
14 **Section 13. *Public Information and Education Campaign.*** – The DENR, in
15 coordination with the LGUs, DILG, DepEd, Commission on Higher Education (CHED),
16 PCOO, and Philippine Information Agency (PIA), shall conduct a continuing information and
17 education campaign on the proper regulation of single-use plastics in the country.

18
19 Such campaign shall be incorporated in and shall be in addition to the public
20 information and education campaign under Section 55 of R.A. No. 9003.

21
22 **Section 14. *Penalties and Sanctions.*** – Violations of this Act, starting the first year from
23 the effectivity shall be imposed.

- 24
25 a. For Business Enterprises, Micro, Small and Medium Enterprises as defined in R.A.
26 6977, as amended, Barangay Micro Business Enterprises under R.A. 9178, and all
27 other enterprises and establishments not otherwise value-added tax (VAT)
28 registered, the following penalties shall be imposed:

29
30 FIRST OFFENSE – A fine of FIVE THOUSAND PESOS (P5,000.00)

31
32 SECOND OFFENSE – A fine of TWENTY-FIVE THOUSAND PESOS
33 (25,000.00) and suspension of their business permit for six months.

34
35 THIRD OFFENSE – A fine of FIFTY THOUSAND PESOS (P50,000.00),
36 suspension of their business permit for a period of one year and the operator
37 of the store will be required to attend a two-day forum on environment
38 protection to be conducted by the DENR in cooperation with an accredited
39 pro-environment non government organization.

- 40
41 b. For VAT registered stores, establishments, and enterprises, and for all plastic
42 manufacturers found violating this Act, the following penalties shall be imposed:

43
44 FIRST OFFENSE – A fine of FIFTY THOUSAND PESOS
45 (P50,000.00);

46
47 SECOND OFFENSE – A fine of ONE HUNDRED THOUSAND
48 PESOS (P100,000.00) and suspension of its business permit for three
49 (3) months;

50
51 THIRD OFFENSE – A fine of TWO HUNDRED FIFTY THOUSAND
52 (P250,000.00) and suspension of its business permit for one (1) year.

1
2
3 Continuous offense after the third offense by parties under (a) or (b) shall cause the revocation
4 of the store's business license.
5

6 **Section 15. *Administrative Sanctions.*** – Local government officials and officials of
7 government agencies who fail to comply with and enforce this Act shall be administratively
8 charged in accordance with R.A. 7160 and other existing laws, rules, and regulations.
9

10 **Section 16. *Appropriations.*** – Such amount as may be necessary to implement the
11 provisions of this Act is hereby included in the annual appropriations of the DENR and other
12 implementing agencies under the General Appropriations Act (GAA).
13

14
15 **Section 17. *Implementing Rules and Regulations*** – The NSWMC, DENR, in
16 coordination with the DTI, DILG, CCC and the concerned government agencies and
17 representatives of LGU organizations shall issue Implementing Rules and Regulations within
18 one hundred (100) days after the effectivity of this Act. The said IRR shall specify and provide
19 detailed provisions of this Act that needs further clarity in terms of scope, coverage and
20 definitions.
21

22 **Section 18. *Construction.*** – The best interests of the consumer and the right to a
23 healthful and balanced ecology shall be considered in the construction and interpretation of this
24 Act and its IR.
25

26 **Section 19. *Separability Clause.*** – If any provision of this Act shall be declared invalid
27 or unconstitutional, the remaining part of provisions not otherwise affected shall remain in
28 force.
29

30 **Section. 20. *Repealing Clause.*** – All existing laws or parts thereof inconsistent with
31 the provisions of this Act are hereby repealed or modified accordingly.
32

33 **Section. 21. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
34 publication in the Official Gazette or in at least two (2) national newspapers of general
35 circulation.

Approved,