

SENATE

S. No. 880



19 AUG -7 P1 57

Introduced by Senator Manuel "Lito" M. Lapid

RECEIVED

[Signature]

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

EXPLANATORY NOTE

Plastic touches all of our lives, but many of the plastics we touch in our daily lives are used once and thrown away. Production of plastic in 1950 is only 2 million metric tons per year. Since then, the annual production has increased rapidly reaching 350 million metric tons which is nearly equivalent to the weight of the entire human population. ¹

Filipinos heavily rely on plastic bags for the convenience they bring to our lives. However, the economic, environmental and health costs they incur must be taken into account. Philippines has become the world's third largest source of plastic leaking into the ocean and has among the highest trash collection rates in Southeast Asia. Seventy-nine percent (79%) of branded plastic residual wastes come from food packaging, followed by household and personal care products. ²Filipinos use more than 163 million plastic sachet packets, 48 million shopping bags, and 45 million thin film bags daily. ³

¹ <https://ourworldindata.org/plastic-pollution>

² <https://www.philstar.com/headlines/2018/06/15/1824813/philippines-3rd-largest-contributor-ocean-plastic>

³ <https://www.esquiremag.ph/life/health-and-fitness/philippines-plastic-pollution-statistics-a00288-20190308>

This proposed measure seeks to curtail the usage of non-biodegradable, non-reusable, and non-recyclable plastic products which has adverse effects not only to our environment but also our health and economic conditions. Further, it aims to promote a shift toward the biodegradable plastic bags, especially the locally-made ones such as bayong, buli, and other reusable bags made of abaca and other organic materials.

In view of the foregoing, the passage of this measure is earnestly sought.


MANUEL "LITO" M. LAPID
Senator 



SENATE

S. No. 880

'19 AUG -7 P1 57

Introduced by SENATOR MANUEL LITO M. LAPID

RECEIVED

AN ACT
REGULATING THE PRODUCTION, IMPORTATION, SALE, PROVISION, USE,
RECOVERY, COLLECTION, RECYCLING AND DISPOSAL OF 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 “Plastic Products
2 Regulation Act”.

3 SECTION 2. *Definition of Terms.*– For the purpose of this Act:

4 (a) *Biodegradable plastic product* refers to a plastic product that degrades
5 and attain molecular structure suited for biodegradation that results from the action
6 of naturally occurring microorganisms within the parameters established pursuant to
7 this Act: *Provided*, That the materials therefor shall not significantly affect food
8 security programs of the government. (Note: refer to PNS definition)

9 (b) *Commercial establishment* refers to an establishment or cluster of
10 establishments engaged in commerce or sales of goods or services including, but
11 not limited to, market stores, shopping mall outlets, supermarkets, department
12 stores, groceries, convenience stores, food chains, restaurants, cafes, bars, sari-
13 sari stores, vendors and the like.

14 (c) *Operator* refers to a person or group of persons in control of, or having
15 daily responsibility for, the daily operation of a commercial establishment which may
16 include, but not limited to, the owner of the store.

1 (d) *Plastic bag* refers to a polymer bag designed to be provided or utilized at
2 the point of sale for carrying and transporting goods.

3 (e) *Plastic products* refers to disposable plastic plates, cups, utensils, cutlery
4 and food containers, including plastic bags used by commercial establishments.

5 (f) *Reusable bag* refers to a washable bag, a *bayong* or any shopping bag
6 used for carrying and transporting goods, which bags are made of organic or non-
7 organic materials and can be used several times.

8 SECTION 3. *Biodegradable Plastic Products for Basic Services*.— Six (6) months
9 after the effectivity of this Act, commercial establishments shall provide
10 biodegradable plastic products to their consumers: *Provided*, That they shall
11 promote and/or make available for sale locally-made *bayong*, *buli* and other
12 reusable bags that are made of *abaca*, water lily and other organic or compostable
13 materials: *Provided, further*, That establishments may still provide other plastic bags
14 as sanctioned under Section 5 of this Act.

15 A biodegradable plastic product shall have indicated or displayed on it in a
16 manner visible to the consumer, a logo showing that it is a biodegradable plastic
17 product as well as the manufacturing date and name of manufacturer and
18 distributor, and words “RETURN FOR RECYCLING” and other markings in conformity
19 to existing Philippine National Standards.

20 The Department of Trade and Industry (DTI), in coordination with the
21 Department of Environment and Natural Resources (DENR), Department of Science
22 and Technology (DOST), leagues of local government units (LGUs), National Solid
23 Waste Management Commission (NSWMC), and other government and private
24 agencies and organizations concerned shall, within six (6) months from the
25 effectivity of this Act, promulgate the appropriate Philippine National Standard (PNS)
26 for biodegradable plastic products: *Provided*, That the DTI shall consider in the PNS
27 the effective reusability and recyclability of these products.

28 In any case, products using materials other than plastic which are practically
29 not reusable, recyclable or safe to be in contact with food shall not be allowed one
30 (1) year following the effectivity of this Act.

31 SECTION 4. *In-Store Recovery Program*.— Within sixty (60) days after the
32 effectivity of this Act, the operator or cluster of operators of commercial

1 establishments that provide plastic products to consumers as part of a purchase at
2 retail, shall establish an in-store recovery program that will give their customers an
3 opportunity to return their used plastic products to the commercial establishments
4 from which the plastic products originated.

5 An in-store recovery program provided by the operator of said commercial
6 establishment shall include the following:

7 (a) A plastic products recovery bin shall be placed at each commercial
8 establishment or cluster of establishments and shall be visible, easily accessible to
9 the customer, and clearly marked that the recovery bin is available for the purpose
10 of collecting recyclable plastic products or disposed through industrial treatment
11 facilities;

12 (b) All plastic products recovered by the commercial establishment shall be
13 collected by the barangays, transported, and, whenever practicable, recycled or
14 disposed through industrial treatment facilities by the cities and municipalities
15 pursuant to Section 8 of this Act.

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

24 (d) The commercial establishment shall require their customers to surrender
25 an equivalent or practically equivalent plastic bag for the provision of a new plastic
26 bag. Otherwise, the customer or consumer will be charged a fixed fee of Php 5.00
27 per plastic bag, which fee shall be reflected in their receipts, and shall go to a
28 special environmental fund. Manufacturers, distributors and exporters of the
29 biodegradable plastic bags shall participate in this program as part of their extended
30 producers responsibility initiatives.

31 SECTION 5. *Exemptions.* – Primary plastic packaging such as those used to
32 pre-pack food items and primary packaging used in the manufacturing of finished

1 products for sale in the general market, including those used to pack or contain
2 items to be distributed in relief operations in times of calamities, shall be excluded
3 from the prohibitions under this Act.

4 SECTION 6. *Phaseout of Plastic Products.*– Notwithstanding the provision of
5 Section 4 of this Act, non-biodegradable, non-reusable and non-recyclable plastic
6 products shall be gradually phased out within a period of one year from the
7 effectivity of this Act. Thereafter, production, importation, sale, distribution, provision
8 or use of said plastic products shall be prohibited.

9 SECTION 7. *Program for Affected Employees and Workers of the Plastic*
10 *Industry.* – The Department of Labor and Employment (DOLE), in coordination with
11 DTI, shall conduct studies to determine the impact of this Act on affected plastic
12 industry employees and workers.

13 They shall develop a program for alternative livelihood opportunities, in
14 coordination with Technology Education and Skills Department Authority (TESDA),
15 plastic manufacturers, non-government and civil society organizations and
16 institutions, for employees and workers in areas such as recycling or used plastic
17 products and cottage industries for the manufacture of reusable bags among others.

18 SECTION 8. *Support for Affected Plastic Manufacturers.* – DTI, through the
19 Board of Investments, shall develop benefits and programs to assist affected plastic
20 manufacturers to buffer the impact of this Act on their industry, by creating
21 incentives to facilitate their transition into the provision of goods and services that
22 will support the implementation of this Act,

23 SECTION 9. *Monitoring and Market Inspections.* – The DENR and DTI, in
24 coordination with the LGUs and local law enforcement agencies, shall cause the
25 regular and routine inspection and monitoring of point-of-sale stores and facilities of
26 plastic manufacturers to determine compliance with this Act. Inspection and
27 monitoring shall include the following:

28 (a) Entry or access to the premises of operation and business, including
29 storage rooms and stockrooms;

30 (b) Inspect off-site storage facilities, distribution centers, and transshipment
31 points; and

1 (c) Inspect sanitary landfills to determine if only residual plastic products are
2 being disposed of.

3 SECTION 10. *Role of the National Solid Waste Management Commission.* –
4 The National Solid Waste Management Commission (NSWMC), created pursuant to
5 section 4 of Republic Act No. 9003 shall, in addition to its functions under the said
6 law, aid and assist in the implementation and enforcement of its Act.

7 The NSWMC is hereby mandated to conduct studies to ensure the
8 harmonious implementation of this Act with the Republic Act No. 9003.

9 DENR is hereby mandated and directed to provide the necessary financial
10 and manpower resources to enable the NSWMC to perform its additional functions
11 this Act.

12 SECTION 11. *Effect on LGU Ordinances Effective Before or After the Effectivity*
13 *of this Act.*– LGU ordinances in relation to this Act, such as bans and prohibitions on
14 the use of plastic products, promulgated and enforced prior to the effectivity of this
15 Act shall remain valid and subsisting. *Provided, That,* within one (1) year following
16 the promulgation of this Act, LGUs shall issue or amend their respective ordinances
17 in line with the provisions of this Act.

18 The provisions, mandates, and directives of this Act shall serve as minimum
19 standards and stipulations for LGU ordinances.

20 SECTION 12. *Information and Education Campaign.* – The DENR, in
21 coordination with the LGUs, Department of Interior and Local Government,
22 Department of Education, Commission on Higher Education, and Public Information
23 Agency, shall conduct a continuing information and education campaign on the
24 proper regulation of plastic products in the country.

25 Such campaign shall be incorporated in and shall be in addition to the public
26 information and education campaign under section 55 of Republic Act No. 9003.

27 SECTION 13. *LGU Special Environmental Fund for Plastic Product Regulation.*
28 – There is hereby created a Special Environmental Trust Fund for Plastic Product
29 Regulation to be managed by the National Solid Waste Management Commission,
30 hereinafter referred to as the Fund, to be composed of levies, fees, and fines
31 collected pursuant to the implementation and enforcement of this Act.

32 The Fund shall be exclusively used for the following:

1 (a) Improve the capacity of LGUs, and local law enforcement agencies for
2 the implementation of this Act;

3 (b) Conduct of information and education campaigns on plastics product
4 regulation and related environmental awareness measures;

5 (c) Assist and provide incentives for manufactures and community-based
6 initiatives for the product of native reusable bags, as well as for non-government
7 and civil society organizations promoting proper solid waste management; and

8 (d) Additional provisions for the Solid Waste Management Fund under
9 Republic Act No. 9003.

10 SECTION 14. *Access to Information.* – The public shall have access to records,
11 reports, or information concerning the implementation and mandates of this Act.

12 Such documents shall be available for inspection or reproduction during
13 normal business hours; provided that the DENR or concerned LGU may consider a
14 record, report or information or particular portions thereof confidential and may not
15 be made public when such would divulge trade secrets, production or sales figures
16 or methods, production or processes unique to such manufacturer, seller, or
17 distributor, or would otherwise tend to affect adversely the competitive position of
18 such manufacturer.

19 SECTION 15. *Citizens Suit.* – For the purposes of enforcing the provisions of
20 this Act or its implementing rules and regulations, any citizen may file an
21 appropriate civil, criminal, or administrative action in the proper courts/bodies
22 against:

23 (a) Any person who violates or fails to comply with the provisions of this Act
24 and its implementing rules and regulations; or

25 (b) The department or other implementing agencies with respect to orders,
26 rules and regulations issued inconsistent with this Act; and/or

27 (c) Any public officer who wilfully or grossly neglects the performance of an
28 Act specifically enjoined as a duty by this Act or its implementing rules and
29 regulations; or abuses his authority in the performance of his duty; or, in any
30 manner improperly performs his duties under this act or its implementing rules and
31 regulations; Provided, however, that no suit can be filed until after a thirty-day (30)

1 notice has been given to the public officer and the alleged violator concerned and
2 no appropriate action has been taken thereon.

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

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

9 SECTION 16. *Suits and Strategic Legal Action Against Public Participation.* –

10 Where a suit is brought against a person who filed an action as provided in Section
11 17 of this Act, or against any person, institution or government agency that
12 implements this Act or any other consumer related laws, rules, and regulations, it
13 shall be the duty of the investigating prosecutor or the court, as the case may be, to
14 immediately make a determination within not exceeding thirty (30) days whether
15 said legal action has been filed to harass, vex, exert undue pressure or stifle such
16 legal resources of the person complaining or enforcing the provisions of this Act.
17 Upon determination thereof, evidence warranting the same, the investigating
18 prosecutor or the court shall dismiss the case and award the attorney's fees and
19 double damages.

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

23 SECTION 17. *Lead Agency.* – The DENR in coordination with the DTI, unless
24 otherwise provided herein, shall be the primary government agency responsible for
25 the implementation and enforcement of this Act.

26 SECTION 18. *Linkage Mechanism.* – The DTI, in coordination with the DENR
27 and the NSWMC, shall consult, and enter into an agreement with other government
28 agencies or LGUs, or with concerned non-governmental organizations (NGOs) or
29 people's organizations (POs), or private enterprises in the furtherance of the
30 objectives of this Act.

1 SECTION 19. *Role of Local Government Units (LGUs).*— The LGUs shall have
2 the primary responsibility in the effort to decrease the percentage of plastic product
3 wastes produced within their respective territorial jurisdictions.

4 For this purpose, they shall be primarily responsible for the collection,
5 transportation, recycling and disposal of plastic products recovered to industrial
6 composting facilities pursuant to this Act. The LGUs may enjoin the participation of
7 other concerned government agencies, private entities and industries.

8 The DOST, in coordination with the National Ecology Center, shall provide the
9 LGUs with technical assistance, trainings and continuing capability-building
10 programs to attain the objectives of this Act.

11 SECTION 20. *Fines and Penalties.*— Violations of Sections 3,4 and 6 of this Act,
12 and the deliberate misrepresentation of the vendor, distributor or manufacturer shall
13 be penalized in the following manner:

14 (a) A fine of not less than Two hundred fifty thousand pesos (P250,000.00) but
15 not exceeding Five hundred thousand pesos (P500,000.00) for the first offense; and

16 (b) A fine of not less than Five hundred thousand pesos (P500,000.00) but not
17 exceeding Seven hundred fifty thousand pesos (P750,000.00) for the second
18 offense; and

19 (c) Automatic revocation of its business permit for the third offense.

20 For purposes of the imposition of appropriate fines hereof, the DTI shall
21 establish classification of commercial establishments based on their capitalization.

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

25 SECTION 21. *Administrative Action.* – Without prejudice to the right of any
26 person to file an administrative action, the DTI shall, on its own instance or upon
27 verified complaint by any person, institute administrative proceedings in the proper
28 forum against any natural or juridical person who violates any of the provisions of
29 this Act with respect to:

30 (a) Standards and limitations provided by this Act; or

31 (b) Such order, rule or regulation issued by the DTI with respect to such
32 standard or limitation.

1 SECTION 22. *Independence of Action.*—The filing of an administrative suit
2 against such person or entity does not preclude the right of any other person to file
3 any criminal or civil action.

4 SECTION 23. *Enforcement.* – The enforcement of the penal provision of this Act
5 shall be made through the DTI, in coordination with the Office of the Mayor of the
6 LGU concerned.

7 SECTION 24. *Joint Congressional Oversight Committee.* – The Joint
8 Congressional Oversight Committee created under Section 60 of Republic Act No.
9 9003, otherwise known as the “Ecological Solid Waste Management Act of 2000”,
10 shall likewise monitor the implementation of this Act and review the implementing
11 rules and regulations promulgated by the DTI. The Joint Committee shall be co-
12 chaired by the Chairpersons of the House Committee on Ecology and Senate
13 Committee on Environment.

14 SECTION 25. *Implementing Rules and Regulations.* – The DENR, in
15 coordination with the DTI, the NSWMC and other relevant government agencies and
16 organizations shall, within six (6) months from the effectivity of this Act, promulgate
17 the implementing rules and regulations (IRR) governing this Act.

18 SECTION 26. *Appropriations.* – The amount necessary to carry out the
19 provisions of this Act shall be charged against the current year’s appropriations of
20 the concerned agencies. Thereafter, such sums as may be necessary for the
21 operation and maintenance of this Act shall be included in the General
22 Appropriations Act.

23 SECTION 27. *Separability Clause.* – If, for any reason, any provision of this Act
24 or part thereof is declared unconstitutional or invalid by a court of competent
25 jurisdiction, the other provisions or parts hereof not affected shall remain in full force
26 and effect.

27 SECTION 28. *Repealing Clause.* – All laws, decrees, orders, issuances,
28 ordinances, rules and regulations or parts thereof inconsistent with the provisions of
29 this Act are hereby repealed or modified accordingly.

30 SECTION 29. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
31 after its publication in the *Official Gazette* or in two (2) newspapers of general
32 circulation.

1

Approved,