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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Constitution, Article 2, Section 16 provides:

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.

Every year, shoppers use 500 billion to one trillion plastic bags,<sup>1</sup> which translate to 150 bags a year for every person on earth. The use of plastic items is environmentally unsafe and also costly. It is considered one of the most common forms of litter, pollution, and waste.<sup>2</sup> Plastic bags do not just create visual pollution problems, they are also the cause of major flooding in urban areas since they clog canals, drainages, and waterways. As a common form of pollution, they have harmful effects on aquatic and terrestrial animals as they cannot be digested by such animals easily.

Plastic bags are made from polyethylene, which comes from petroleum, a nonrenewable source. Presently, a distinction has been made between biodegradable plastics, recyclable plastics, and non-biodegradable plastics.<sup>3</sup> Compared to the former, biodegradable and recyclable plastics are considered more environment-friendly. It has been claimed that when one ton of plastic bags are reused or recycled, the energy saved is equal to 11 barrels of oil.<sup>4</sup>

The United Kingdom's Department of Environment has revealed, however, that these so-called "biodegradable" bags are really just regular plastic bags that allegedly break down faster than other plastic bags. Recyclable plastics, meanwhile, need a longer time to degrade. Their

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<sup>1</sup> Greenwire, Environment and Energy Publishing LLC. 22 July 2004.

<sup>2</sup> Green Sangha Organization, "Don't think of a Plastic Bag!"

<sup>3</sup> [http://randd.defra.gov.uk/Document.aspx?Document=EV0422\\_8859\\_OTH.pdf](http://randd.defra.gov.uk/Document.aspx?Document=EV0422_8859_OTH.pdf)

<sup>4</sup> *Id.*

degradability is inversely proportional with their recyclability. Hence, the more recyclable they are, the less degradable they will be.<sup>5</sup>

The use of recyclable and biodegradable plastic bags perpetuates a “throw-away mentality” because plastic bags give a false impression that their continued use does not hurt the environment.<sup>6</sup> However, whether plastic is biodegradable or recyclable, they do not cease to be plastic, meaning, they are still made of petroleum and continue to be hazardous to the environment.<sup>7</sup> In addition, even if they do break down faster, they require ideal conditions, such as exposure to sun and air, in order for them to degrade. These conditions are not available in our landfills.<sup>8</sup> Also, these biodegradable plastic bags cannot be recycled with other types of plastics.<sup>9</sup>

The best way to eradicate plastic bag waste is to completely ban its usage by establishments. To help save the environment, it is imperative upon the State to promote the use of reusable bags as an alternative to plastic bags. Some countries have already realized the detrimental effect of plastic bags on their environment, and have enacted laws that completely ban the use of plastic bags. In 2002, Bangladesh was the first country to impose a nationwide ban of plastic bags.<sup>10</sup> China followed by imposing a nationwide ban on plastic bags in February 2008,<sup>11</sup> while different states in the United States, such as San Francisco and Los Angeles, have already banned plastic bags.<sup>12</sup> In the Philippines, several local government units have enacted ordinances banning the use of plastic bags. These include Antipolo City; Lucban, Quezon; Los Banos, Laguna; Batangas City; Muntinlupa City; Burgos, Pangasinan; Infanta, Quezon; Binan, Laguna; Pasig City; Nueva Ecija; and Calamba, Laguna, among many others.

One of the notoriously flood-prone areas in Metro Manila, Muntinlupa City, has benefited from a city ordinance prohibiting the use of plastic bags on dry goods, and regulating its use for wet goods. The same ordinance also banned the use of Styrofoam, which was usually

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<sup>5</sup> Loughborough University, *Assessing the Environmental Impacts of Oxo-degradable Plastics Across their Life Cycle*. January 2010.

<sup>6</sup> *Id.*

<sup>7</sup> <http://www.algalita.org/pdf/plastic%20are%forever%20english.pdf>

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> <http://www.asiacalling.org/en/news/bangladesh/1952-bangladesh-the-first-country-in-the-world-to-ban-plastic-bags>

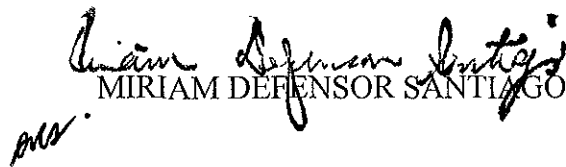
<sup>11</sup> <http://plasticbags.planetark.org/about/othercountries.cfm>

<sup>12</sup> <http://www.npr.org/templates/story/story.php?storyId=89135360> and <http://ecolocalizer.com/2008/07/24/los-angeles-bans-plastic-bags-limits-styrofoam/>

used by fast-food chains. Due to the ordinance, rainwater freely flowed through canals and waterways and into the Laguna de Bay, and expected flooding in several parts of Muntinlupa did not happen.<sup>13</sup>

According to the Department of Environment and Natural Resources (DENR), more than 80 percent of the waste collected from our shorelines are made from non-biodegradable materials, such as plastic and rubber, while about half of plastic items collected from our oceans were plastic bags.<sup>14</sup> In their 2006 waste audit results, the Global Alliance for Incinerator Alternatives (GAIA) reported that plastic discards still topped, at 76 percent, the various categories of solid waste polluting the Manila Bay.<sup>15</sup> The same group also reported that in their clean-up of Laguna Bay, plastic discards accounted for the highest percentage of the 1,755 liters of waste collected.<sup>16</sup>

This Bill seeks to completely ban plastic bags, and create incentives for the promotion and use of reusable bags.

  
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<sup>13</sup> <http://www.thepoc.net/breaking-news/environment/12587-falcon-leaves-muntinlupa-flood-free-because-of-plastics-ban.html>

<sup>14</sup> <http://www.gmanews.tv/story/201791/malls-to-charge-fee-for-plastic-bags-once-a-week>

<sup>15</sup> <http://www.usnews.com/usnews/news/2006/08/22/plastic-trash-stays-as-top-polluter-of-manila-bay-waste-audit-reveals/>

<sup>16</sup> <http://www.no-burn.org/plastic-waste-tops-laguna-de-bay-debris>



1 (c) "Operator" means a person in control of, or having daily responsibility for, the  
2 daily operation of a store, which may include, but is not limited to, the owner of the store or its  
3 manager.

4 (d) "Paper carryout bag" means a paper carryout bag provided by a store to a  
5 customer at the point of sale that is not a reusable bag as defined in subdivision (f).

6 (e) "Plastic carryout bag" means a plastic carryout bag provided by a store to a  
7 customer at the point of sale that is not a reusable bag as defined in subdivision (f).

8 (f) "Reusable bag" means either a bag made of cloth or other machine washable  
9 fabric that has handles or a durable plastic bag with handles that is at least 2.25 millimeters thick  
10 and is specifically designed and manufactured for multiple reuse. Such bag must not be  
11 composed of any toxic material, such as lead, cadmium, or any other heavy metal, as determined  
12 by the Department of Environment and Natural Resources.

13 (g) "Single-use carryout bag" means a carryout bag provided by the store to a  
14 customer at the point of sale that is not a reusable bag as defined in subdivision (f), and includes  
15 biodegradable or compostable bags.

16 (h) "Native reusable bag" means a carryout bag made of at least 80 percent native  
17 materials, such as abaca, burlap, buri, or the like.

18 (i) "Paper carryout bag" means any paper bag made of at least 60% recycled paper  
19 provided by a store to a customer at the point of sale.

20 (j) "Store" means a retail establishment that provides single-use carryout bags to its  
21 customers as a result of the sale of a product and that meets any of the following requirements:

22 (i) Is a "supermarket" or a large self-service retail market that sells food and  
23 household goods that has over 1,000 square meters of retail space or

24 (ii) Is a chain of convenience food stores primarily engaged in retailing a  
25 limited line of goods that includes milk, bread, soda, and snacks, with a  
26 total combined square footage of 1,000 square meters or more in any part  
27 of the country.

28 (k) "Department" shall refer to the Department of Environment and Natural  
29 Resources.

1 (l) "Secretary" shall refer to the Secretary of Environment and Natural Resources.

2 SECTION 4. *Prohibitions.* – A store shall be prohibited from providing plastic carryout  
3 bags, including single-use carryout bags and green carryout bags, to its customers. Instead, it  
4 may provide the customer with a paper carryout bag if shown by the customer that he or she has  
5 not brought any reusable bag. However, all stores shall charge for each paper carryout bag a fee  
6 of no more than EIGHT PESOS (P8.00), regardless of size.

7 SECTION 5. *Penalties for noncompliance.* – Stores caught using single-use plastic bags,  
8 even if such are green carry-out bags, shall be fined the following:

9 First offense – A fine of TWENTY THOUSAND PESOS (P20,000.00);

10 Second offense – A fine of FIFTY THOUSAND PESOS (P50,000.00) and suspension of  
11 their business permit for six months;

12 Third offense – A fine of ONE HUNDRED THOUSAND PESOS (P100,000.00),  
13 suspension of their business permit for a period of one year, and the operator of the store shall be  
14 required to attend a two-day forum on environment protection to be conducted by the  
15 Department of Environment and Natural Resources, in cooperation with an accredited pro-  
16 environment non-government organization.

17 Continuous offense after the third offense shall cause the revocation of the store's  
18 business license.

19 SECTION 6. *Mandatory promotion of reusable bags.* – All stores shall be required to  
20 promote to its customers the use of reusable bags. Noncompliance will merit a penalty of FIVE  
21 THOUSAND PESOS (P5,000.00) for the first six months, and another FIVE THOUSAND  
22 PESOS (P5,000.00) for each and every succeeding six months of noncompliance with this  
23 section.

24 SECTION 7. *Incentives for promoting and providing native reusable bags.* – A store that  
25 shall promote and provide the use of native reusable bags shall be provided with tax incentives  
26 on the sale of such bags to its costumers. Likewise, consumers who use native reusable bags  
27 shall also be granted a tax incentive from the cost of their purchase, which shall be deducted  
28 from the tax collected upon such purchase by the store. Such incentives shall be determined by  
29 the Bureau of Internal Revenue.

1           SECTION 8. *Use of the amount collected.* – A store charging a fee pursuant to this  
2 section shall use the amount of the fee retained pursuant to this Act for all of the following:

3           (a)     Reimbursement of the store's costs associated with the collection and remittance  
4 of the fee;

5           (b)     The development of in-store educational materials for distribution to customers  
6 encouraging the use of reusable bags;

7           (c)     The development and implementation of an educational campaign encouraging  
8 the use of reusable bags, including, but not limited to, public service announcements; and

9           (d)     Reimbursement of the store's costs associated with providing reusable bags to  
10 customers or as donations to community organizations, nonprofit organizations, and other similar  
11 entities.

12           SECTION 9. *Plastic Bag Pollution Fund.* – The Plastic Bag Pollution Fund is hereby  
13 established. All fees from the penalties collected by the Department pursuant to this law shall be  
14 deposited in the fund. The Plastic Bag Pollution Fund shall be used by the Department for the  
15 following purposes:

16           (a)     Development and implementation of programs related to the use of reusable bags  
17 to encourage and support pollution prevention, abatement and cleanup, enforcement, green  
18 chemistry, water quality protection and cleanup, and environmental and public education and  
19 outreach;

20           (b)     To establish and maintain local programs, including those in partnership with  
21 nonprofit community-based organizations, for purposes of litter cleanup activities, source  
22 reduction and recycling efforts, educational and litter prevention programs, and other programs  
23 to mitigate the environmental impacts of single-use carryout bags;

24           (c)     Mitigation projects relating to storm water pollution, including devices to prevent  
25 single-use carryout bag litter from entering storm drain systems;

26           (d)     Reusable bag giveaway programs, including those targeting low-income  
27 residents; and

28           (e)     As capital for low-income residents to pursue a business in the manufacture and  
29 distribution of native reusable bags.

1           The revenues deposited in the Plastic Bag Pollution Fund that are generated from the  
2 penalties imposed pursuant to this law shall not be used for activities unrelated to the prevention  
3 or reduction of litter or the environmental impacts of single-use carryout bags.

4           SECTION 10. *Transition period.* –A transition period of two years from the approval of  
5 this law shall be allowed to phase out the distribution and use of plastic bags; provided, that  
6 Section 6 and Section 7 of this Act shall be immediately executory upon issuance of the  
7 Implementing Rules and Regulations.

8           SECTION 11. *Annual Report to Congress.* – The Secretary of Environment and Natural  
9 Resources shall submit to both Houses of Congress a report within one year from the effectivity  
10 of this Act, and every year thereafter, on the implementation of this Act.

11           SECTION 12. *Implementing Rules and Regulations.* – The Secretary shall prepare and  
12 promulgate the Implementing Rules and Regulations of this Act within two months after its  
13 enactment.

14           SECTION 13. *Separability Clause.* – If any provision, or part hereof, is held invalid or  
15 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
16 valid and subsisting.

17           SECTION 14. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
18 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
19 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

20           SECTION 15. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
21 publication in at least two (2) newspapers of general circulation.

Approved,

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