

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



Senate
Office of the Secretary

14 AUG 11 P3 56

SENATE
S. B. No. **2349**

RECEIVED BY: *js*

Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING RETAIL STORES THAT PROVIDE PLASTIC BAGS TO CONSUMERS TO
IMPLEMENT A PLASTIC BAG COLLECTION AND RECYCLING PROGRAM¹

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, four to five trillion plastic bags are used worldwide, with billions of bags ending up as litter. 430,000 gallons of oil are needed to produce 100 million non-biodegradable plastic bags. Non-biodegradable plastic bags take from 500 to 1,000 years to disintegrate.

Plastic bags contaminate soil and waterways and enter into the food web when animals accidentally ingest them. Plastic marine debris has been documented to harm at least 267 species, and is especially lethal to sea turtles.

Plastic bags have only been around for 50 years. In the United States, department stores started using plastic bags only in the late 1970s and grocery chains in the early 1980s. The elimination of these plastic bags will do much to save and protect the environment.

In enacting this bill, it is the intent of Congress to encourage the use of reusable bags by consumers and retailers and to reduce the consumption of single-use bags.

ms.
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This bill was first filed during the Fourteenth Congress, First Regular Session.



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

AN ACT

REQUIRING RETAIL STORES THAT PROVIDE PLASTIC BAGS TO CONSUMERS TO IMPLEMENT A PLASTIC BAG COLLECTION AND RECYCLING PROGRAM

SECTION 1. *Short Title.* – This Act shall be known as the “Plastic Bag Recycling Act of 2014.”

SECTION 2. *Declaration of Policies.* – 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.

The State shall promote and protect the global environment to attain sustainable development while recognizing the primary responsibility of local government units to deal with environmental problems.

The State recognizes that the responsibility of cleaning the habitat and environment is primarily area-based.

Finally, the State recognizes that a clean and healthy environment is for the good of all and should, therefore, be the concern of all.

SECTION 3. *Definition of Terms.* – As used in this Act, the term:

(A) “Consumer” means any person who makes a purchase at retail for any purpose other than resale.

(B) “Manufacturer” means the producer of a plastic carry-out bag sold to a store.

(C) “Operator” means a person in control of, or having daily responsibility for, the daily operation of a store, which may include, but is not limited to, the owner of the store.

1 (D) "Plastic carry-out bag" means any plastic, latex, or polypropylene carry-out bag
2 provided by a store to a consumer at the point of sale.

3 (E) "Providing plastic bags to consumers" means the act of a retail store of giving to a
4 consumer a plastic bag to store or transport goods purchased at retail.

5 (F) "Purchase at retail" means the acquisition of the ownership to or title to tangible
6 personal property through a sale at retail.

7 (G) "Reusable bag" means either of the following:

8 (1) A bag made of cloth or other machine washable fabric that has handles; or

9 (2) A durable plastic bag with handles that is specifically designed and
10 manufactured for multiple reuse.

11 (H) "Store" means a retail establishment that has gross sales of over One Hundred
12 Thousand Pesos (P100,000.00) each month that provides plastic carry-out bags to its
13 consumers as a result of the sale of a product.

14 SECTION 4. *In-Store Recycling Program.* –

15 (A) Within sixty (60) days after the effectivity of this Act, the operator of a store that
16 provides plastic carry-out bags to consumers as part of a purchase at retail shall establish an in-
17 store recycling program pursuant to this Act that provides an opportunity for consumers of the
18 store to return to the store the plastic carry-out bags.

19 (B) A retail establishment that does not meet the definition of a store in this Act and that
20 provides plastic carry-out bags to consumers at the point of sale may also adopt an in-store
21 recycling program as specified in this Act.

22 (C) An in-store recycling program provided by the operator of a store shall include all of
23 the following:

24 (1) A plastic carry-out bag provided by the store shall have printed or displayed
25 on the bag, in a manner visible to a consumer, the words "PLEASE RETURN TO A
26 PARTICIPATING STORE FOR RECYCLING."

1 (2) A plastic carry-out bag collection bin shall be placed in each store and shall be
2 visible, easily accessible to the consumer, and clearly marked that the collection bin is
3 available for the purpose of collecting and recycling plastic carry-out bags.

4 (3) All plastic bags collected by the store shall be collected, transported, and
5 recycled.

6 (4) The store shall maintain records describing the collection, transport, and
7 recycling of plastic bags collected for a minimum of three years and shall make the
8 records available to the Department of Environment and Natural Resources or to the local
9 government concerned, upon request, to demonstrate compliance with this Act.

10 (5) The operator of the store shall make reusable bags available to consumers
11 within the store, which may be purchased and used in lieu of using a plastic carry-out bag
12 or paper bag. This subsection is not applicable to a retail establishment specified
13 pursuant to Section 4(B).

14 SECTION 5. *Penalties.* –

15 (A) A civil liability in the amount of One Hundred Thousand Pesos (P100,000.00) for the
16 first violation of this Act, Two Hundred Thousand Pesos (P200,000.00) for the second violation,
17 and Three Hundred Thousand Pesos (P300,000.00) for the third and subsequent violations shall
18 be imposed upon stores violating this Act.

19 (B) Any civil penalties collected pursuant to paragraph (A) of this Section shall be paid to
20 the local government of the local government unit where the store is located. The penalties
21 collected pursuant to this section shall go to an Environment Protection Fund to be used by the
22 local government to enforce this Act.

23 SECTION 6. *Appropriations.* – The national government shall appropriate such amounts
24 as may be necessary to carry out the provisions and objectives of this Act.

25 SECTION 7. *Separability Clause.* – If any provision or part hereof, is held invalid or
26 unconstitutional, the remainder of the law of the provision not otherwise affected shall remain
27 valid and subsisting.

1 SECTION 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
3 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

4 SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

6 Approved,

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