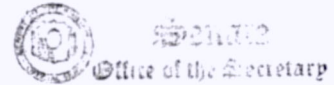


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE
S. B. NO. 1948

'18 AUG 23 P 7:02

Introduced by Senator LOREN B. LEGARDA

RECEIVED



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

EXPLANATORY NOTE

Plastic bags are ubiquitous components of the world's consumer culture. Single-use plastics symbolize the throwaway culture which the Philippines, along with many other countries, have developed. According to the journal *Science*¹ of the American Association for the Advancement of Science, the Philippines ranked third among the countries with the highest source of plastic ocean pollution, generating 1.88 million metric tons of mismanaged plastic garbage per year, with the threats of microplastic pollution also compounding the negative impacts to humans and marine environment.

Plastic ocean pollution primarily composes of single-use plastics, which according to reports include cigarette butts, plastic drinking bottles, plastic bottle caps, food wrappers, plastic grocery bags, plastic lids, straws and stirrers, other types of plastic bags, and foam take-away containers². As they are oftentimes

¹ J. R. Jambeck, R. Geyer, C. Wilcox, T. R. Siegler, M. Perryman, A. Andrady, R. Narayan, and K. L. Law, "Plastic waste inputs from land into the ocean," *Science*, 2015, Volume 347, Number 6223. Accessed at: <https://www.mckinsey.com/~/media/mckinsey/business%20functions/sustainability%20and%20resource%20productivity/our%20insights/saving%20the%20ocean%20from%20plastic%20waste/stemming%20the%20tide%20full%20report.ashx>

² State of Plastics: World Environment Day Outlook. (2018). United Nations Environment. Accessed at: http://worldenvironmentday.global/sites/default/files/toolkit_with_nature/WED%202018_KeyReport_v1_web.pdf

immediately discarded, single-use plastic bags are commonly found in landfills and have become a significant cause of water pollution. In the cities, plastics commonly cause blockages in the sewerage and drainage systems, leading to flooding and aggravating the impacts of severe rainfall and typhoons. It is also well-recognized that the burning of plastic bags has adverse impacts to the environment and to human health, given the level of toxic chemical content in emissions.

The magnitude of the effects in the Philippines are likewise increased, as there remains gaps in the implementation of Republic Act No. 9003 or the Ecological Solid Waste Management Act, which include among others, the establishment of local Solid Waste Management (SWM) Boards, submission of SWM Plans, establishment of Materials Recovery Facilities (MRFs) at the barangay level, and closure of all open and controlled dumpsites³.

Plastic ocean pollution likewise threatens food security of the country, given the dependence of the farming and fishing communities on the oceans. Plastic ocean pollution will also adversely affect the health of communities, with the microplastics getting in our food chains.

Countries like Rwanda, Kenya, Ireland, and Austria, and cities such as New York in the United States, have already implemented laws banning the use of certain single-use plastics and adopted regulatory mechanisms such as levies, penalties and fees on both the retailer and consumer side. In the Asian region, China and Thailand have initiated their own policy initiatives at the national level.

The bill being proposed provides for an ambitious yet comprehensive approach to solving the single-use plastics problem, which involves actions from national and local governments, industries, business enterprises and consumers for the manufacturing, selling, use, recycling and disposal of all single-use plastics in the Philippines. The bill includes provisions for research and technology development for the emergence of new industries and business enterprises for alternatives to single-

³ https://www.senate.gov.ph/publications/SEPO/AAG_Philippine%20Solid%20Wastes_Nov2017.pdf

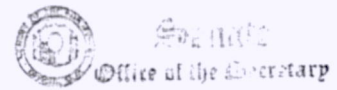
use plastics, strengthening of recycling and disposal centers to support the implementation of the Republic Act No. 9003, collection of fees and levies and creation of incentives mechanisms, and establishment of a Fund. The bill outlines provisions that have strong considerations for relevant sectors transitioning towards a "minimal-to-no single-use plastics", or a circular economy.

The Bill will be strongly consistent with the priorities of the Philippines to achieve the Sustainable Development Goals (SDGs), the commitments under the Paris Agreement for climate change adaptation and mitigation and with the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 2001 Stockholm Convention on Persistent Organic Pollutants and 2013 Minamata Convention on Mercury. The Bill likewise supports the implementation of the G20 Action Plan on Marine Litter, as well as the commitments in the Association of Southeast Asian Nations (ASEAN) Conference on Reducing Marine Debris in the ASEAN Region.

For these compelling reasons, the immediate approval of this bill is urgently sought.


LOREN LEGARDA
Senator 

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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SENATE
S. B. NO. 1948

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Introduced by **Senator LOREN B. LEGARDA**

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

*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
2 Regulation and Management Act of 2018"
- 3 SEC. 2. *Declaration of Policy.* - It is the policy of the State to protect and
4 advance the right of the people to a balanced and healthful ecology in accord with
5 the rhythm and harmony of nature.
- 6 In this light, the State recognizes the importance of achieving the United
7 Nations (UN) Sustainable Development Goal (SDG) number 3 to ensure healthy lives
8 and promote well-being for all at all ages, SDG 9 to build resilient infrastructure,
9 promote inclusive and sustainable industrialization and foster innovation, SDG 11 to
10 build sustainable cities and communities, SDG 12 to promote responsible
11 consumption and production, and SDG 14 to reduce marine pollution of all kinds.
12 The State, being a party to the Paris Agreement which was adopted in 2015,
13 recognizes the importance of adopting sustainable lifestyles and patterns of
14 consumption and production in addressing climate change.
15

1 The Philippine Development Plan 2017-2022 further outlines policies and
2 programs to achieve the SDGs, which is embodied under Chapter 20—Ensuring
3 Ecological Integrity, Clean and Healthy Environment, that aims to promote
4 sustainable consumption and production (SCP) through the development and
5 implementation of appropriate policies such as the formulation of a polluter pays
6 policy, establishment of an accessible market for recyclables and recycled products,
7 strengthening of the certification and establishment of information systems for green
8 products and services, and strengthening promotion, development, transfer, and
9 adoption of eco-friendly technologies, systems, and practices in the public and
10 private sectors by increasing access to incentives and facilitating ease of doing
11 business and other related transactions.

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

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

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

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

26 b. *Climate change* refers to a change in climate that can be identified
27 by changes in the mean or variability of its properties and that
28 persists for an extended period typically decades or longer, whether
29 due to natural variability or as a result of human activity;

30 c. *Consumer* refers to a person who is a purchaser, lessee, recipient
31 or prospective purchaser, lessor or recipient of consumer products,
32 services or credit;

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

- 1 k. *Recycling* shall refer to the treating of used or waste materials
2 through a process of making them suitable for beneficial use and
3 for other purposes, and includes any process by which solid waste
4 materials are transformed into new products in such a manner that
5 the original product may lose their identity, and which may be used
6 as raw materials for the production of other goods or services;
- 7 l. *Retailer* refers to a person engaged in the business of selling
8 consumer products directly to consumers;
- 9 m. *Re-use* refers to the process of recovering materials intended for
10 the same or different purpose without the alteration of physical and
11 chemical characteristics;
- 12 n. *Reusable material/plastics/packaging* shall refer to any material
13 specifically designed and manufactured for multiple re-use and
14 extended life. These shall meet the following
15 requirements/considerations:
- 16 i. May be capable of composting and is biodegradable;
- 17 ii. Is accepted for recycling;
- 18 iii. Does not contain any toxic or harmful substance or chemical
19 such as but not limited to lead, cadmium, or any other heavy
20 metal as provided for by existing rules and regulations of the
21 Department of Environment and Natural Resources (DENR).
- 22 o. *Single-use plastics*, for the purpose of this Act, refers to disposable
23 plastics which are commonly used for plastic packaging and include
24 items intended to be used only once before they are thrown away
25 or recycled. These include, but are not limited to, items such as
26 grocery bags, food packaging films and bags, manufacturing water
27 bottles, straws, stirrers, containers, styrofoam/styros, cups, sachets
28 and plastic cutlery;
- 29 p. *Source reduction* refers to the reduction of solid waste before it
30 enters the solid waste stream by methods such as product design,
31 materials substitution, materials re-use and packaging restrictions.
- 32

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

5 SEC. 5. *Prohibition and phase-out of single-use plastics; Levy for the use in*
6 *the interim period and discounts for consumers.* - The phase-out of single-use
7 plastics by all business enterprises to consumers shall be in full force and effect one
8 (1) year from the effectivity of the 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,
11 markets and 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
15 general market shall be collected, recycled, and properly disposed of
16 by the manufacturers pursuant to the provisions of this Act;
- 17 d. For single-use plastic materials which cannot be avoided, business
18 enterprises must ensure that these are recycled in accordance with
19 Section 7 of this Act;
- 20 e. For each piece of single-use plastics already manufactured and in
21 circulation at the time, the retailers shall charge the consumer a
22 minimum levy of five pesos (Php 5.00).
- 23 f. The amount collected in subparagraph (e) of this Section by the
24 retailers shall be reflected in the official receipt. Twenty (20%) of the
25 said amount shall be kept by the business enterprise to cover the cost
26 of the said bags, while eighty (80%) shall be remitted monthly,
27 quarterly, or semi-annually to the Special Plastic Fund created under
28 this Act.

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

1 For take-outs and selling of food and beverages, a discount of five pesos (Php
2 5.00) shall be given to the consumer for bringing their own re-usable/ recyclable
3 containers.

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

12 SEC 7. *Recycling of used single-use plastics.* - Used single-use plastics, when
13 allowed by this Act or those manufactured or used before Act's effectivity, shall be
14 recycled. It shall be the duty of the plastic manufacturers to recycle the said single-
15 use plastics in a manner consistent with existing laws, rules, and regulations, and
16 ensuring that no harmful chemicals or substances are released to the environment.

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

22 It shall be the responsibility of the manufacturers that these plastics are
23 properly collected, recycled, and disposed of, in accordance with this Act.

24 Manufacturers shall also maintain records describing the recovery, collection,
25 transport, recycling of plastic bags collected annually and shall make the records
26 available to the National Solid Waste Management Commission (NSWMC) and/or the
27 local government unit concerned, upon request, to demonstrate compliance with this
28 Act.

29 SEC. 8. *Proper disposal and management of plastic wastes.* - The disposal
30 and management of plastic waste shall be done in accordance with the provisions of
31 Republic Act No. 9003.

32

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

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

- 9 1. Natural Polymers
- 10 2. Biomass-based compostable bio-polymers (i.e. starch, non-starch
11 thermoplastic bio-composite, synthetic biomass-based polymers)
- 12 3. Upcycling
- 13 4. Fiber production
- 14 5. Life Cycle Assessments
- 15 6. Feasibility studies (i.e. willingness to pay, levies, tax, discount,
16 dis/incentives, recommended rates)

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

22 The DTI, Technical Education and Skills Development Authority (TESDA),
23 Department of Labor and Employment (DOLE) and the Presidential Communications
24 Operations Office (PCOO), in coordination with plastic manufacturers/industries,
25 non-government and civil society organizations, and other concerned stakeholders,
26 shall conduct studies within six (6) months upon the effectivity of this Act to
27 determine the impact of this Act on affected plastic industry employees and workers.
28 They shall likewise, together with DOST and the National Ecology Center (NEC),
29 develop a capacity-building program for alternative livelihood opportunities for the
30 affected employees and workers in areas such as recycling of used plastic products
31 and cottage industries, among others.

1 SEC. 10. *Program for affected employees and workers of the plastic industry.*
2 - Within six (6) months from the effectivity of this Act, massive research and
3 technology development initiatives, pilot-testing of innovations and technologies
4 resulting from these studies, and capacity-building activities shall be undertaken with
5 plastic-manufacturing industries and business enterprises for them to adopt these
6 technologies.

7 DOST, NEC, DTI, DOLE and TESDA shall implement the capacity-building
8 program to relevant stakeholders. DOST, in coordination with the NEC, shall provide
9 the LGUs with technical assistance, trainings, and continuing capability-building
10 programs to attain the objectives of this Act.

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

18 SEC. 12. *Incentives for the plastic industries shifting to alternatives.* - The
19 manufacture of alternatives to single-use plastics under Section 9 of this Act shall be
20 supported and encouraged.

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

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

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

4 SEC. 13. *Monitoring and market inspection.* - The NSWMC and DTI, in
5 coordination with the LGUs, and local law enforcement agencies, shall conduct
6 regular inspection and monitoring of business enterprises and facilities of
7 manufacturers to determine compliance with this Act. Inspection and monitoring
8 shall include the following:

- 9 a. Enter of access to the premises of operation and business, including
10 storage rooms and stockrooms;
- 11 b. Inspect off-site storage facilities, distribution centers and
12 transshipment points; and,

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

17 The LGU certification shall be a requirement for the renewal of any local
18 permits, in addition to the DILG-DTI-DICT Joint Memorandum Circular No. 1, s.
19 2016, after the effectivity of this Act.

20 SEC. 15. *NSWMC as the lead implementing agency and other functions.* - The
21 NSWMC created pursuant to Section 4 of RA 9003 shall be the lead implementing
22 agency for this Act. It shall aid and assist other agencies involved in the
23 implementation and enforcement of this Act. It shall perform the following
24 functions:

- 25 1. Prepare the national strategic single-use plastic roadmap;
- 26 2. Lead the R&D agenda preparation, conduct of researches and pilot-
27 testing of identified alternatives, with DOST;
- 28 3. Lead in the development of standards for inclusion in the Philippine
29 National Standards (PNS) of the products, items or technologies
30 resulting from studies which were pilot-tested, in coordination with DTI
31 and DOST;
- 32 4. Review and monitor the implementation of the Act; which includes

- a. Monitoring local-level enforcement through the compilation of local-level ordinances on single-use plastics;
 - b. Conducting regular and routine inspections and monitoring of business enterprises and facilities of manufacturers as prescribed under Section 12 of this Act;
5. Adopt a program to provide technical and other capability building assistance and support to local government units, business enterprises, concerned citizen groups and other relevant stakeholders in the implementation and enforcement of this Act;
 6. Manage the Special Plastics Fund established under Section 21 of this Act;
 7. Develop safety nets and alternative livelihood programs for business enterprises, plastic manufacturers, small recyclers and other sectors that will be affected as a result of the single-use phase out;

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

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

SEC. 17. *Effect on LGU ordinances effective before or after effectivity of this Act.* - LGU ordinances imposing bans and prohibitions on the use of plastic bags, promulgated and enforced prior to the effectivity of this Act, shall be considered as automatically amended in line with the provisions and mandates of this Act.

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

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

1 SEC. 18. *Public information and education campaign.* - The DENR, in
2 coordination with the LGUs, DILG, DepEd, Commission on Higher Education (CHED),
3 PCOO, and Philippine Information Agency (PIA), shall conduct a continuing
4 information and education campaign on the proper regulation of single-use plastics
5 in the country.

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

8 SEC. 19. *Penalties and sanctions.* - Violations of this Act, starting the first year
9 from the effectivity and as fully provided for under Section 3 of this Act, shall be
10 imposed the following penalties:

11 a. For Business Enterprises, Micro, Small and Medium Enterprises as
12 defined in RA 6977, as amended, Barangay Micro Business
13 Enterprises under RA 9178, and all other enterprises and
14 establishments not otherwise value-added tax (VAT) registered, the
15 following penalties shall be imposed:

16 i. First offense - A fine of five thousand pesos (Php 5,000.00);

17 ii. Second offense - A fine of fifty thousand pesos (Php
18 25,000.00) and suspension of its business permit for three
19 (3) months;

20 iii. Third offense - A fine of fifty thousand pesos (Php
21 50,000.00) and suspension of its business permit for one (1)
22 year; and,

23 iv. Fourth offense - A fine of one hundred thousand pesos (Php
24 100,000.00) and permanent suspension of its business
25 permit. The said business permit shall not be eligible for
26 renewed application for a period of 5 years. Thereafter, the
27 LGU concerned may grant the said store with a business
28 permit, provided its operator can show steps and measures
29 will be put in place to comply with this Act. A further
30 violation after the issuance of a new business permit shall
31 perpetually bar the said operator from conducting its
32 business in the LGU concerned.

1 b. For VAT registered stores, establishments, and enterprises, and for
2 all plastic manufacturers found violating this Act the following
3 penalties shall be imposed:

4 i. First offense - A fine of fifty thousand pesos (Php
5 50,000.00);

6 ii. Second offense - A fine of one hundred thousand pesos (Php
7 100,000.00) and suspension of its business permit for three
8 (3) months:

9 iii. Third offense - A fine of two hundred fifty thousand pesos
10 (Php 250,000.00) and suspension of its business permit for
11 one (1) year; and,

12 iv. Fourth offense - A fine of five hundred thousand pesos (Php
13 500,000.00) and permanent suspension for its business
14 permit. The said business permit shall not be eligible for
15 renewed application for a period of 5 years. Thereafter, the
16 LGU concerned may grant the said store with a business
17 permit, provided its operator can show steps and measures
18 will be put in place to comply with this Act. a further
19 violation after the issuance of a new business permit shall
20 perpetually bar the said operator from conducting its
21 business in the LGU concerned.

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

27 SEC. 20. *Administrative sanctions.* - Local government officials and officials of
28 government agencies who fail to comply with and enforce this Act shall be
29 administratively charged in accordance with RA 7160 and other existing laws, rules
30 and regulations.

31 SEC. 21. *Special Fund for Single-use Plastics Regulation.* - A Special Fund for
32 Single-Use Plastics Regulation (hereinafter referred to as the Fund), to be

1 administered by the NSWMC, is hereby created, to be composed of tariffs, levies,
2 fees, and fines collected pursuant to the implementation and enforcement of this
3 Act.

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

- 6 a. Strengthen the operations of the NSWMC relative to the implementation
7 and enforcement of this Act;
- 8 b. Improve the capacity of LGUs, and local law enforcement agencies for the
9 implementation of this Act;
- 10 c. Establish recycling centers or re-modelled business enterprise that
11 exhibits best practices (as no single-use zones) in each region or
12 province;
- 13 d. Conduct of impact evaluation studies relevant to the implementation of
14 the Act, especially on areas of economic contributions, environmental and
15 public health (through the Department of Health);
- 16 e. Conduct of information and education campaigns on single-use plastics
17 regulation and related environmental awareness measures;
- 18 f. Assistance and provision of incentives for manufacturers and community-
19 based initiatives for the production of single-use plastics, as well as for
20 non-government and civil society organizations promoting proper solid
21 waste management; and,
- 22 g. Additional provisions for the Solid Waste Management Fund under RA
23 9003.

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

28 SEC. 22. *Access to information/public disclosure requirements, public access*
29 *to records, reports or notification.* - The public shall have access to records, reports,
30 or information concerning the implementation and mandates of this Act.

31 Such documents shall be available for inspection or reproduction during
32 regular business hours; provided that the DENR or concerned LGU may consider a

1 record, report or information or particular portions thereof confidential and not for
2 public release when such would divulge trade secrets, production or sales figures or
3 methods, production or processes unique to such manufacturer, seller, or distributor,
4 or would otherwise tend to affect adversely the competitive position of such
5 manufacturer, seller, or distributor.

6 SEC. 23. *Citizens suit.* - For the purposes of enforcing the provisions of this Act
7 or its implementing rules and regulations, any citizen may file an appropriate civil,
8 criminal, or administrative action in the proper courts/bodies against:

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

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

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

26 SEC. 24. *Suits and strategic legal action against public participation (SLAPP).* -
27 Where a suit is brought against a person who filed an action as provided in Section
28 22 of this Act, or against any person, institution or government agency that
29 implements this act or any other consumer related laws, rules, and regulations, it
30 shall be the duty of the investigating prosecutor or the court, as the case may be, to
31 immediately make a determination within not exceeding thirty (30) days whether
32 said legal action has been filed to harass, vex, exert undue pressure or stifle such

1 legal recourses of the person complaining or enforce the provisions of this act. Upon
2 determination thereof, evidence warranting the same, the court shall dismiss the
3 case and award the attorney's fees and 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
6 done in 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
9 and other implementing agencies under the General Appropriations Act (GAA).

10 SEC. 26. *Congressional Oversight Committee.* - The Joint Congressional
11 Oversight Committee created under Section 60 of RA No. 9003 shall also have the
12 power to monitor 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 the 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
17 specify and provide detailed provisions of this Act that needs further clarity in terms
18 of scope, 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
21 interpretation of this Act and its IRR.

22 SEC. 29. *Separability Clause.* - If any part or provision of this Act is held invalid or
23 unconstitutional, other provisions not affected thereby shall remain in force and
24 effect.

25 SEC. 30. *Repealing Clause.* - The provisions of any law, whether general or
26 special, rules and regulations and other issuances or parts thereof which are
27 inconsistent with this Act are hereby repealed, amended or modified accordingly.

28 SEC. 32. *Effectivity.* - This Act shall take effect within fifteen (15) days after its
29 publication in at least two (2) newspapers of general circulation.

30 Approved