

**EIGHTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES**
First Regular Session



'19 JUL -1 P5:59

SENATE
S.B. NO. 114

RECEIVED

Introduced by Senator Maria Lourdes Nancy S. Binay

**AN ACT
REGULATING THE USE OF PLASTIC BAGS, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

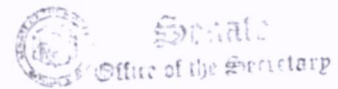
Recent research data from around the globe cites the Philippines as one of the top contributors of plastic wastes in the world's oceans. According to Ocean Conservancy, a non-profit organization based in the United States of America, the Philippines produces an average of 2.7 million metric tons of plastic wastes every year. It was also noted that bulk of plastic wastes in the country comes from local plastic consumption.

The bill seeks to address the growing threats of plastic pollution to the environment and wildlife. Regulating the use of plastic bags, and providing alternatives will surely help reduce tons of plastic wastes in the country.

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

MARIA LOURDES NANCY S. BINAY
Senator

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

1 Section 1. *State Policy.* – The State shall advance the right of the people
2 to a balanced and healthful ecology, Towards this end, it is necessary to reduce
3 the environmental, public health, economic, and societal costs resulting from the
4 production, use, and discard of single-use plastic carryout bags thereby
5 minimizing land-based sources of pollution, and increasing efforts to protect
6 water quality.

7

8 Sec. 2. *Definition of Terms.* – For purposes of this Act, the following
9 definitions shall apply:

10 (a) "Department" means the Department of Environment and
11 Natural Resources,

12 (b) "Recycled paper bag" means a paper carryout bag provided by
13 a store to a customer at the point of sale that meets all of the
14 following requirements:

15 (1) Contains a minimum of 40 percent postconsumer
16 recycled content;

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- (2) Accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs;
- (3) Capable of composting.
- (4) Printed on the bag the name of the manufacturer, the location where the bag was manufactured, and the percentage of postconsumer content.

(c) (1) Until a standard is established and enforceable by the Department, "reusable, biodegradable bag" means a bag that meets both of the following requirements:

- (A) Designed and manufactured for at least 100 uses.
- (B) Made of a washable material that does not contain lead or any other heavy metal in a toxic amount. as determined by the Department.

(2) By January 1, 2014, the Department shall establish standards in regulations that define "reusable, biodegradable bag," using the standards specified in paragraph (1), and any additional durability, material content, or labeling requirements. Labeling requirements shall, at a minimum, require reusable, biodegradable bags to be imprinted, in a manner sufficient to be identifiable and readable, with both of the following:

- (A) The name of the reusable, biodegradable bag producer;
- (B) The reusable, biodegradable bag seal or logo, as determined by the Department, showing compliance with the minimum standards.

1 (d) "Reusable, Biodegradable bag producer" means either of the
2 following:

3 (1) A person or entity that manufactures a reusable,
4 biodegradable bag;

5 (2) A person or entity that initially sells or offers for
6 sale or distribution a reusable, biodegradable bag.

7 (e) (1) "Single-use carryout bag" means a bag made of plastic,
8 paper, or other material, that is provided by a store to a
9 customer at the point of sale and that is not a reusable,
10 biodegradable bag, as defined in subdivision (c).

11 (2) A single-use carryout bag does not include either of the
12 following:

13 (A) A bag provided by a pharmacy to a customer
14 purchasing prescription medication.

15 (B) A nonhandled bag used to protect a purchased item
16 from damaging or contaminating other purchased
17 items when placed in a recycled paper , bag or
18 reusable, biodegradable bag.

19 (f) "Store" means a retail establishment that meets any of the
20 following requirements: (1) Supermarkets and grocery stores;
21 (2) A retail space over 100 square meters that generates sales
22 of retail goods; (3) A convenience food store, food mart, sari-
23 sari store or other entity engaged in the retail sale of a limited
24 line of goods that generally includes milk, bread, soda, and
25 snack foods.

26
27 *Sec. 3. Carryout Bag Regulation. –*

28 (a) (1) On and after April 1, 2014, a store, as defined in paragraph 1
29 or 2 of subdivision (f) of Section 2, shall not provide a single-use
30 carryout bag to a customer at the point of sale.

1 (2) On and after July 1, 2014, a store, as defined in paragraph 1
2 or 2 of subdivision (I) of Section 2, shall only provide reusable,
3 biodegradable bags, as defined by subdivision (c) of Section 2,
4 that meet the requirements of this chapter and standards
5 established by the Department.

6 (b) A store shall make reusable, biodegradable bags available for
7 purchase by a customer. A store, as defined in paragraph 1 or
8 2 of subdivision (f) of Section 2, may provide reusable,
9 biodegradable bags to customers at no cost.

10 (c) Notwithstanding the requirements of subdivision a, a store
11 shall make available for sale to a consumer at the point of sale
12 a recycled paper bag at a reasonable cost.

13 (d) Beginning July 1, 2014, a store as defined in paragraph 3 of
14 subdivision (f) of Section 2 shall comply with the provisions of
15 this article.

16
17 *Sec. 4. Certification. –*

18 (a) On or after January 1, 2015, and on or before January 1 every
19 two years thereafter, a reusable, biodegradable bag producer
20 that sells, distributes, or makes a reusable, biodegradable bag
21 available to a store shall submit a certification to the
22 Department that each reusable, biodegradable bag meets the
23 requirements of subdivision (c) of Section 2 and associated
24 standards issued by the Department.

25 (b) A reusable, biodegradable bag producer shall submit a fee to
26 the Department with each certification pursuant to Section 2.

27 (c) The Department shall provide a system to submit certifications
28 online.

29 (d) The Department shall publish a list on its Internet Web site
30 that includes: (1) The name, location, and appropriate contact

1 information of a reusable, biodegradable bag producer in
2 compliance with this section. (2) The reusable, biodegradable
3 bog product or products in compliance with this section.
4

5 *Sec. 5. Certification Fees. –*

6 (a) The fee for the initial certification by a reusable,
7 biodegradable bag producer, as defined in subdivision (d) of
8 Section 2, shall be as determined by the Department. In
9 establishing the initial fee, consideration by the Department
10 shall include, but not be limited to, if provided by a reusable,
11 biodegradable bag producer, the annual sales revenue of a
12 participating reusable, biodegradable bag producer, the
13 number of its employees, and the number of reusable,
14 biodegradable bag products to be submitted for certification
15 by the such participating producer.

16 (b) The fee for biennial certification thereafter shall be determined
17 by the Department which shall include inspection and re-
18 certification. The Department may adjust the biennial
19 certification fee, if the Department determines that additional
20 fees are necessary to support implementation of this section,
21 Notification of any fee increases shall be provided to certified
22 producers and posted on the department's Internet Web site
23 60 days in advance of the fee increase.

24 (c) The fees in this section shall not exceed the amount necessary
25 to cover the Department's reasonable costs associated with
26 the implementation of this chapter.
27

28 *Sec. 6. Inspection. –*

29 (a) The Department may inspect and audit any entity subject to
30 this chapter.

1 (b) On or after July 1, 2014, the Department may test any
2 reusable, biodegradable bag manufactured by a reusable,
3 biodegradable bag producer and provided to a store for sale
4 or distribution for compliance with this chapter and associated
5 regulations.

6 (c) (c) The Department may enter into an agreement with other
7 government agencies that conduct inspections to provide
8 necessary enforcement of this chapter.
9

10 *Sec. 7. Violations. –*

11 (a) Any violation of Section 3 shall be subject to an administrative
12 penalty of a fine as assessed by the Department in an amount
13 not less than five thousand pesos (P5,000.00) for the first
14 violation. Subsequent violations may be increased by up to ten
15 thousand pesos (P 10,000.00) per violation, but not to exceed
16 one hundred thousand pesos (P100,000.00) per violation.

17 (b) Any violation of Section 4, or any submission of false or
18 misleading information to the Department, shall be subject to
19 an administrative penalty of a fine assessed by the
20 department of up to fifty thousand pesos (P50,000.00) per
21 violation, not to exceed an annual total of one hundred fifty
22 thousand pesos (P150,000.00).

23 (c) The Department shall publish a list on its Internet Web site of
24 any fines or penalties that have been levied against a violator
25 of this section for failure to comply with the requirements of
26 this chapter.
27

28 *Sec. 8. Reusable, Biodegradable Bag Account. –*

29 (a) The Department shall deposit all certification fees paid
30 pursuant to this article into the Reusable, Biodegradable Bag

1 Account, which is hereby created in the Department. The
2 moneys deposited in the Reusable, Biodegradable Bag
3 Account shall be expended by the Department, upon
4 appropriation by the Congress, to assist the Department with
5 its costs of implementing this Act.

6 (b) The Department shall deposit all penalties and fines collected
7 pursuant to this article into the Penalty Subaccount, which is
8 hereby created in the Reusable, Biodegradable Bag Account,
9 and shall be expended by the Department, upon appropriation
10 by the Congress, to assist the Department with its costs of
11 implementing this Act.

12
13 *Sec. 9. Rules and Regulations.* - The Department shall adopt rules and
14 regulations necessary to implement the provisions of this Act within ninety (90)
15 days from the effectivity thereof.

16
17 *Sec. 10. Repealing Clause.* - All laws, executive orders, executive
18 issuances, rules and regulations or part thereof inconsistent or contrary to the
19 provisions of this Act, are hereby repealed or amended accordingly.

20
21 *Sec. 11. Separability Clause.* - In case any provision of this Act is declared
22 unconstitutional or invalid, the other provisions hereof which are not affected
23 thereby shall continue in full force and effect.

24
25 *Sec. 12. Effectivity.* - This Act shall take effect thirty (30) days after its
26 publication in two (2) national newspapers of general circulation.

Approved,