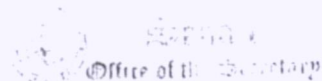


EIGHTEENTH CONGRESS OF THE)
SENATE OF THE PHILIPPINES)
First Regular Session)



SENATE

'19 JUL 11 A11 :01

S. No. **333**

RECEIVED BY

A handwritten signature in black ink, appearing to be "C. Villar", written over a horizontal line.

Introduced by **SENATOR CYNTHIA A. VILLAR**

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

EXPLANATORY NOTE

Garbage has always been a problem of our country. We see garbage scattered and uncollected on our streets, alleys, esteros, rivers, lakes and seashores. It has become not only an eyesore but also a hazard to the health of the people. A major component of our garbage is plastic wastes. As plastic takes several lifetimes to decompose, plastic wastes clog our drainages and waterways and contribute to flooding, destroy the environment and ecological systems, disrupt livelihoods and endanger our food sources.

While plastic wastes certainly form a big part of our garbage problem, it is actually our widespread use of plastic that is the root cause and it is our inability to effectively dispose of plastic waste that aggravates it. It appears that the laws we have passed so far are far from solving our garbage problem.

Indeed, Article II, Section 16 of the 1987 Philippine Constitution provides that 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.” Pursuant to this State policy, we have passed Republic Act No. 9003 or the Ecological Solid Waste Management Act of 2000 that was supposedly provide us a systematic, comprehensive and ecological solid waste program that is focused on solid waste disposal. While there may be some issues regarding the effective implementation of the law, we see that additional legislative measures have to be put in place in order to address the problem of plastic wastes in particular.

Plastic wastes deserve special attention because an ever-increasing population brings with it an ever-increasing demand of consumer products that are packaged in or contain single-use plastics or plastics that are thrown away after they have been used once. We see them as plastic bottles, plastic food wrappers, styrofoam containers, plastic grocery bags, plastic food sachets, plastic spoons and forks, and plastic straws—common plastic wastes that are often not disposed of properly. There are also micro-plastics, which are usually found in cosmetic products that are washed off after a day’s use. Those that do not end up in landfills and waste disposal facilities will find their way to waterways and bodies of water. Plastic wastes are endangering the Philippines’ marine natural resources as marine animals become sick and die when they are entangled in or ingest plastic wastes, which will threaten entire ecosystems as livelihoods and food sources are adversely affected.

Our existing solid waste disposal programs appear to have a hard time of keeping up with the rate by which solid wastes, or plastic wastes in particular, are being produced by our people. Despite the State policy mandated in our Constitution and our solid waste disposal programs established under R.A. 9003, it has been reported that the Philippines is included among the countries with a high incidence of plastic waste leakage into the seas. In the study entitled “*Plastic waste inputs from land into the ocean*”¹ led by Jenna R. Jamback of the College of Engineering, University of Georgia, as of 2010, the Philippines already ranked third,

¹ Plastic waste inputs from land into the ocean by Jenna R. Jamback, et. al; Science 347, 768 (2015); DOI10.1126/science.1260352

next to China and Indonesia, among 192 countries surveyed in terms of estimated volume of mismanaged plastic wastes produced by the population that could potentially enter the seas and oceans. While a United Nations Food and Agriculture Organization (UN FAO) Report estimated that by 2050, the oceans worldwide will contain more plastic than fish, unless people stop the current trend of using and discarding single-use plastic items, such as plastic bags and plastic bottles.²

In addressing the problem of plastic wastes, the solution is certainly not merely the proper disposal thereof. There is a necessity to solve the problem at its root — the unabated and uncontrolled use of single-use plastic in our consumer products. This bill being proposed seeks to help solve the problem by regulating the manufacture, importation and use of single-use plastics, either as products themselves or as packaging materials, with the objective of drastically reducing the volume of plastic wastes being produced. The regulation involves prohibiting and/or discouraging the manufacture, importation and use of single-plastics, encouraging the use of recyclable or reusable products, supporting research and development for alternative packaging materials, and giving incentives to enterprises that manufacture alternatives to single-use plastics.

In view of the foregoing, I recommend the immediate approval of this bill.

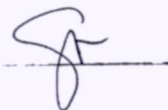

CYNTHIA A. VILLAR

² <https://news.un.org/en/story/2017/04/556132-feature-uns-mission-keep-plastics-out-oceans-and-marine-life>

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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. *Short Title.* – This Act shall be known as the "Single-use Plastic
2 Product Regulation Act of 2019."

3 Sec. 2. *Declaration of Policy.* – It is hereby declared a policy of the state to
4 adopt a systematic, comprehensive and ecological regulation of single-use plastic
5 products to advance the right of the people to a healthy environment and ecology.

6 Sec. 3. *Definition of Terms.* For purposes of this Act, the following terms shall
7 refer to and/or mean as hereunder defined:

8 a) *Business enterprise* – refers to establishments engaged in the production,
9 manufacturing, processing, repacking, assembly, or sale of goods and/or services,
10 including service-oriented enterprises. It shall include retailers, self-employed or

1 own-account workers, micro, small, and medium enterprises, and community-based
2 business enterprises;

3 b) *Consumer* – refers to a person who is purchaser, lessee, recipient, or
4 prospective purchaser, lessor, or receipt of consumer products, services, or credit;

5 c) *Disposal* – refers to the discharge, deposit, dumping, spilling, leaking, or
6 placing of waste into or on land or bodies of water;

7 d) *Incentives* – refers to incentives provided for and as defined in Republic
8 Act No. 9178, otherwise known as the Barangay Micro-Business Enterprise Act of
9 2002, Republic Act No. 9501, otherwise known as the Magna Carta for Micro, Small,
10 and Medium Enterprises, Republic Act No. 10771, otherwise known as the Green
11 Jobs Act of 2016, Executive Order No. 226, otherwise known as the Omnibus
12 Investment Code of 1987, or as defined by concerned local government units through
13 legislation specifically for this purpose, where applicable;

14 e) *Plastic* – refers to a lightweight, resistant, and synthetic material made
15 from a wide range of organic polymers which can be molded into a variety of forms
16 depending on purpose or utility;

17 f) *Recycling* – shall refer to the treatment of used or waste materials through
18 a process of making them reusable or transforming them into new products or raw
19 materials for the production of other goods and/or services;

20 g) *Retailer* – refers to a person engaged in the business of selling products
21 directly to consumers;

22 h) *Reusable material* – refers to any material specifically designed or
23 manufactured for multiple usages. Reusable materials shall meet the following
24 conditions:

- 25 1. May be capable of composting and is biodegradable;
- 26 2. Recyclable;

1 3. Does not contain any toxic or harmful substance or chemical such as
2 but not limited to lead, cadmium, or any other substance or chemical
3 as provided by existing rules and regulations of the Department of
4 Environment and Natural Resources (DENR).

5 i) *Single-use plastic* – refers to disposable plastics which are commonly used
6 for packaging and include items intended to be used only once before disposal or
7 recycling. These include but are not limited to items such as grocery bags, food
8 packaging films and bags, bottles, straws, stirrers, containers, styrofoam, cups,
9 sachets, and cutlery.

10 *Sec. 4. Prohibition of Single-use Plastics and Levy for the Use in the Interim*
11 *Period.* – The prohibition of single-use plastics by all business enterprises shall be in
12 full force and effect one (1) year from the effectivity of this Act. In the interim
13 period, the following shall be enforced:

14 a) Prohibition on the issuance of single-use plastics by food establishment,
15 stores, markets, and retailers;

16 b) Diversion of consumers to usage of reusable materials in substitution of
17 single-plastics;

18 c) Collection, recycling, and disposal by manufacturers of single-use plastics
19 manufactured and/or in circulation in the general market;

20 d) Recycling of unavoidable single-use plastics by manufacturers;

21 e) For each piece of single-use plastics already manufactured, in circulation,
22 and for use in transaction, retailers shall charge the consumer a minimum levy of
23 (P5.00);

24 f) The amount collected in subparagraph (e) of this Section by retailers shall
25 be reflected in the official receipt. Twenty percent (20%) of the said amount shall be
26 kept by the business enterprise to cover the cost of the single-use plastics, while

1 eighty percent (80%) shall be remitted quarterly to the Special Fund created under
2 this Act;

3 At the end of the one (1) year interim period, single-use plastic provision by
4 all business enterprises and use by consumers shall be strictly prohibited.

5 *Sec. 5. Prohibition on the Importation of Single-use Plastics.* – Importation of
6 single-use plastics shall be prohibited. Tariffs shall be correspondingly imposed by
7 the Tariff Commission and collected by the Bureau of Customs.

8 *Sec. 6. Recycling of Used Single-use Plastics.* – All used single-use plastics as
9 allowed by this Act shall be recycled. It shall be the duty of single-use plastic
10 manufacturers to collect, recycle, dispose and keep records of the said single-used
11 plastic in a manner consistent with Republic Act No. 9003 and existing laws, rules
12 and regulations. The minimization or absence of negative externalities in the
13 process shall likewise be ensured by the manufacturers.

14 *Sec. 7. Research and Development for Alternatives.* – The Department of
15 Science and Technology (DOST) shall include in its programs, Research and
16 Development Agenda and funding, researches on single-use plastic alternatives.

17 *Sec. 8. Program for Affected Employees and Workers.* – Upon the effectivity
18 of this Act, research and technology development initiatives, pilot-testing of
19 innovations and technologies resulting from the studies with the assistance of the
20 DOST, and capacity-building activities shall be undertaken with plastic-
21 manufacturing industries and business enterprises for them to adopt these
22 technologies.

23 The DOST, the Department of Labor and Employment (DOLE), and the
24 Technical Education and Skills Development Authority (TESDA), with the help of
25 Local Government Units (LGUs) shall provide capacity building programs, technical
26 assistance, and trainings to relevant stakeholders.

1 Sec. 9. *Incentives for Shifting to Alternatives.* – Business enterprises,
2 individuals, cooperatives, partnerships and corporations which engage in the
3 manufacture of identified alternatives to single-use plastics shall be given incentives
4 provided for under Republic Act No. 9178, otherwise known as the Barangay Micro-
5 Business Enterprise Act of 2002, Republic Act No. 9501, otherwise known as the
6 Magna Carta for Micro, Small and Medium Enterprises, Republic Act No. 10771,
7 otherwise known as the Green Jobs Act of 2016, and Executive Order No. 226,
8 otherwise known as the Omnibus Investment Code of 1987.

9 Section 10. *Certification, Monitoring, and Inspection.* – The Department of
10 Trade and Industry (DTI), in coordination with the LGUs and local law enforcement
11 agencies shall conduct regular inspection and monitoring of business enterprises and
12 facilities of manufacturers to determine compliance with this Act.

13 The LGUs concerned, after the conduct of a thorough inspection, shall issue a
14 certificate indicating whether or not business enterprises in their jurisdiction are
15 compliant to this Act. The certification shall be a requirement for the renewal of local
16 permits.

17 Sec. 11. *Information and Education Campaign.* – The DENR, in coordination
18 with LGUs, the Department of Education (DepEd), and the Commission on Higher
19 Education (CHED), and the Philippine Information Agency (PIA), shall conduct public
20 information and education campaign on the proper regulation of single-use plastics
21 in the country.

22 Sec. 12. *Penalties and Sanctions.* – Any violation of this act shall be imposed
23 the following penalties:

24 a) For Business Enterprises, Micro, Small and Medium Enterprises as
25 defined in Republic Act No. 6977, as amended, Barangay Micro Business Enterprises
26 under Republic Act No. 9178, and all other enterprises and establishments not
27 otherwise value-added tax (VAT) registered:

- 1 1) First Offense – A fine of ten thousand pesos (P 10,000.00);
- 2 2) Second Offense – A fine of thirty thousand pesos (P 30,000.00) and
- 3 suspension of business permit for six (6) months;
- 4 3) Third Offense – A fine of fifty thousand pesos (P 50,000.00) and
- 5 suspension of its business permit for one (1) year; and
- 6 4) Fourth Offense – A fine of one hundred thousand pesos (P
- 7 100,000.00) and revocation of business permit and ineligibility for
- 8 application of business permit for a period of five (5) years.

9 Any further violation of this Act shall perpetually bar the operator from
10 conducting its business in the LGU concerned.

11 b) For VAT registered enterprises, establishments, and store, and for all
12 plastic manufacturers found violating this Act, the following penalties shall be
13 imposed.

- 14 1) First Offense – A fine of one hundred thousand pesos (P
- 15 100,000.00);
- 16 2) Second Offense – A fine of two hundred and fifty thousand pesos (P
- 17 250,000.00) and suspension of business permit for six (6) month;
- 18 3) Third Offense – A fine of five hundred thousand pesos (P
- 19 500,000.00) and suspension of its business permit for one (1) year;
- 20 and
- 21 4) Fourth Offense – A fine of one million pesos (P 1,000,000.00) and
- 22 revocation of business permit and ineligibility for application of
- 23 business permit for a period of five (5) years.

24 Any further violation of this Act shall perpetually bar the operator from
25 conducting its business in the LGU concerned.

26 Local government officials and officials of government agencies who fail to
27 comply with and enforce this Act shall be administratively charged in accordance
28 with Republic Act No. 7160 and other existing laws, rules and regulations.

1 Sec. 13. *Special Fund.* – A Special Fun for Single-use Plastic Regulation,
2 hereinafter referred to as the Fund, to be administered by the DENR, is hereby
3 created to be composed of tariffs, levies, fees and fines collected pursuant to this
4 Act.

5 The fund shall be used exclusively for the following:

- 6 a) Capacity-building of LGUs and local law enforcement agencies for the
7 purposes of this Act;
- 8 b) Establishment of recycling centers;
- 9 c) Information and education campaigns relative to Section 11 of this Act;
- 10 d) Assistance and incentives for manufacturers and community-based
11 initiatives for the reduction of single-use plastics, as well as for non-
12 government and civil society organizations promoting proper solid waste
13 management;
- 14 e) Capacity building programs, technical assistance, and trainings to
15 relevant stakeholders, relative to Section 8 of this Act; and
- 16 f) Additional provisions for the Solid Waste Management Fund under
17 Republic Act No. 9003.

18 The fund may be augmented by donations, endowments, grants and
19 contributions which shall be subject to the provisions of the National Internal
20 Revenue Code of 1997, as amended.

21 Sec. 14. *Access to Information and Public Disclosure.* – The public shall have
22 access to records, reports or information concerning the implementation and
23 mandates of this Act, provided that the DENR or concerned LGU may consider a
24 record, report or information or portions thereof confidential when such would be of
25 adverse effect to the competitive position of a manufacturer, seller or distributor.

26 Sec. 15. *Appropriations.* – Such amount that may be necessary to carry out
27 the provisions of this Act shall be included in the annual appropriations of the DENR
28 and other implementing agencies under the General Appropriations Act.

1 Sec. 16. *Congressional Oversight Committee.* – The joint Congressional
2 Oversight Committee created under Section 60 of Republic Act No. 9003 shall also
3 have the power to monitor and evaluate the implementation of this Act.

4 Sec. 17. *Implementing Rules and Regulations.* – The DENR, in coordination
5 with the DTI, DILG, Climate Change Commission (CCC) and other concerned
6 government agencies and representatives of LGUs, shall issue the necessary
7 Implementing Rules and Regulations within one hundred twenty (120) days after the
8 effectivity of this Act.

9 Sec. 18. *Separability Clause.* – If any portion or provision of this Act is
10 declared unconstitutional or invalid, the remainder of this Act or any provisions
11 hereof not affected thereby shall continue to be in force and effect.

12 Sec. 19. *Repealing Clause.* – Any law, presidential decree or issuance,
13 executive order, letter of instruction, rule or regulation inconsistent or contrary to
14 the provisions of this Act is hereby repealed or modified accordingly.

15 Sec. 20. *Effectivity.* – This Act shall take effect after fifteen (15) days
16 following its complete publication in the Official Gazette or a newspaper of general
17 circulation.

18 Approved,