



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

18th Congress
First Regular Session

Office of the Minority Floor Leader

HOUSE BILL No. 5773

**BY REP. BIENVENIDO “BENNY” M. ABANTE, JR.
AND THE MINORITY BLOC**

EXPLANATORY NOTE

When will we act?

The Filipino people has yet to grasped the devastating effect of plastic to the environment. **“Plastics often contain additives making them stronger, more flexible, and durable.** But many of these additives can extend the life of products if they become litter, with some estimates ranging to at least 400 years to break down.”¹

“In 1992, a shipping container filled with 28,000 “rubber” duckies was lost after it fell into the sea somewhere between Hong Kong and the United States. Even today, those plastic bath toys still wash ashore from time to time, even in totally different oceans as far away as the eastern seaboard of the United States, as well as the coasts of Britain and Ireland. That flotilla of escaped plastic ducks joins millions of Lego pieces, sneakers, styrofoam insulation, plastic crates and a plethora of other items lost at sea that -- surprisingly -- **are teaching us about ocean currents and about the astonishing indestructibility of plastics in marine environments.”**²

¹ The world's plastic pollution crisis explained by Laura Parker, National Geographic (Environment/Explainer)
<https://www.nationalgeographic.com/environment/habitats/plastic-pollution/>

² Five Ways That Plastics Harm the Environment by GrrlScientist
<https://www.forbes.com/sites/grrlscientist/2018/04/23/five-ways-that-plastics-harm-the-environment-and-one-way-they-may-help/#486e913267a0>

As of date, the most harrowing statistic on plastic pollution was given in a Marine Plastics Conference in the Philippines last 4 April 2019 in a speech by Ms. Agata E. Pawlowska:

“We all know the shocking statistics about marine plastic pollution. Current studies suggest that 8 million tons of plastic end up in our oceans every year, the equivalent of one garbage truck full of plastic dumped into the ocean each minute. Five of the top 10 global polluting countries are ASEAN members.”

“The Philippines is estimated to have the 3rd highest rate of mismanaged plastic waste worldwide. The Pasig River and Manila Bay have been identified among the water-bodies around the world that need rehabilitation most urgently.”

“Interestingly, less than 20% of leakage originates from ocean-based sources like fisheries and fishing vessels. This means over 80% of ocean plastic comes from land-based sources. Once plastic is discarded, it is not well managed, and thus leaks into the ocean.”



Again, when will we act?

The Philippines has one of the richest marine ecosystem in the word. But in a so-called “sachet economy,” these priceless treasures is alarmingly threatened to destruction. In an article by Rappler on-line,³ one reason pointed to was single-use plastics:

“Who’s the culprit? Advocates point to the booming sachet economy and the lack of policies in place to regulate single-use plastics, let alone ban it.”

“In a September 21 brand audit by the Break Free from Plastic (BFFP) movement, over 3,700 volunteers in 20 locations across the country picked up over 37,000 pieces of plastic trash for the World Clean-up Day.”

“In a single day’s worth of collection, they picked up about half (47.28%) of the total trash or 17,502 pieces of unbranded plastic trash.”

³ What’s lacking in our plastic laws? By Aika Rey <https://www.rappler.com/newsbreak/iq/243501-lacking-plastic-laws-philippines>

“The other half were from multinational companies, with Coca-Cola (7.58%), Nestlé (4.74%), and Universal Robina Corporation (4.34%) topping the list.”

“According to the BFFP report, top plastic materials collected were Low-Density Polyethylene (LDPE) and Polyethylene Terephthalate (PET). Some examples of LDPE are squeezable bottles, food wraps, and bags, while PET are usually in the form of softdrink and water bottles.”

“Earlier this March, the Global Alliance for Incinerator Alternatives (GAIA) Asia Pacific found that Filipinos use more than 163 million plastic sachet packets daily, or nearly 60 billion sachets a year.”

This is a matter of transcendental importance of overreaching significance to society, or of paramount public interest with intergenerational implications. The right of the citizens to a “balanced and healthful ecology is solemnly incorporated in the fundamental law of our land. It carries a correlative duty to refrain from impairing the environment.”⁴ **We have to do something, if not for us, for the people who will inherit this world. And it should start with a ban on single-use plastics.**

Accordingly, the immediate approval of this bill is a must. **No less than President Rodrigo Roa Duterte has pushed for a nation-wide ban.**



BIENVENIDO “BENNY” M. ABANTE, JR.
Minority Leader

⁴ See *Arigo et al v. Swift et al*, GR No. 206510, 16 September 2014.



HOUSE OF REPRESENTATIVES

5773
H.B. No. _____

BY REP. BIENVENIDO “BENNY” M. ABANTE, JR.
AND THE MINORITY BLOC

AN ACT BANNING THE MANUFACTURE, IMPORTATION, SALE, AND
USE OF SINGLE-USE PLASTIC PRODUCTS, PROVIDING FUNDS
THEREFOR, AND FOR OTHER PURPOSES.

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 and cited as “Single-Use Plastic Product
2 Ban of 2019.”
3

4 SECTION 2. *State Policy.* – It is a State policy to protect the “public right” of citizens to “a
5 balanced and healthful ecology,” solemnly incorporated in the 1987 Constitution. It is, like
6 other civil and political rights guaranteed in the Bill of Rights, to exist from the inception
7 of mankind and it is an issue of transcendental importance with intergenerational
8 implications. Moreover, the State shall protect and promote the right to health of the
9 people and instill health consciousness among them.

10
11 Accordingly, the State recognizes the dire necessity to institute mechanisms to prevent
12 pollution and promote a healthier environment through appropriate policies, such as waste
13 management, reduction of waste materials at source, and encourage use of sustainable
14 products that will help curb plastic pollution.
15

16 SECTION 3. *Scope.* – This act applies to the manufacture, importation, sale, use of all single-
17 plastics in trade or commerce in business enterprises, as well as by retailers in the
18 Philippines.
19

20 SECTION 4. *Single-Use Plastic.* – Single-Use Plastic refers to disposable plastic products
21 which are commonly used for packaging and include items intended to be used only once
22 before they are thrown away or recycled. This include,, but is not limited to, grocery bags,
23 food packaging containers and bags, water bottles, straws, stirrers, Styrofoam, cups,
24 sachets, plastic cutlery, and all manner of disposable plastic products used for business
25 enterprises as well as retailers intended to be used only once.



SECTION 5. *Prohibition.* – The manufacture, importation, sale, use of all single-plastic products shall be prohibited within one (1) year after the effectivity of this Act.

SECTION 6. *Phase-out Plan.* – A plan to phase out single-use plastic products shall be formulated within three (3) months upon effectivity of this Act by the Department of Environment and Natural Resources (DENR), in cooperation with the Department of Interior and Local Government (DILG), Department of Trade and Industry (DTI), Department of Science and Technology (DOST), and other concerned agencies of the government. The phase-out plan shall cover the following:

- (A) Prohibition. Prohibition of single-use plastics by food establishments, retail stores, markets, supermarkets and groceries.
- (B) LGU Local License Issuance Prohibition. Prohibition on the part of LGU to issue license to operate if non-compliant with this Act and rules for suspension, fine and cancellation of license to operate for continuous violation and non-compliance with this Act.
- (C) Info Drive and Awareness. LGU Info drive and awareness of consumers to use reusable materials in substitution for single-use plastic products, and encourage proper recycling of plastic products.
- (D) Substitution. In substitution for single-use plastic products, the DENR, DTI, DOST and other agencies must provide alternatives, remedial measures and solutions for the absolute ban and phase-out of single-use plastics products.
- (E) Recycling Centers. LGU establishment of recycling centers in their locality and proper disposal thereof.

SECTION 7. *Prohibition on the Importation of Single-Use Plastic Products.* – Within one (1) year from the effectivity of this Act, the Department of Finance (DOF), through the Bureau of Customs (BOC), in coordination with relevant agencies, shall ensure that no single-use plastic product shall be imported to the country.

SECTION 8. *Recycling of Used Single-Use Plastics.* – It shall be the duty of the plastic manufacturers to properly collect and recycle the single-use plastics they produced that are already in circulation prior to the effectivity of the ban, in the manner that is consistent with existing laws, rules and regulations and using mechanism to ensure that no harmful chemicals or substances are released to the environment.

SECTION 9. *LGU Compliance Monitoring.* – The DENR, in coordination with DILG and respective LGUs, shall conduct regular inspection and monitoring of business enterprises and facilities of manufacturers to ensure that they are compliant with the provisions of this Act. The LGUs shall issue a certification to the manufacturers and business establishments who have complied with the provisions of this Act. The certification of compliance shall be necessary for the renewal of local business permits of manufactures and business establishments.

SECTION 10. *Penalties.* – The following penalties shall be imposed for violation of the provisions of this Act:

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|-----------------|---|
| First Offense: | A fine of One Hundred Thousand Pesos (P100,000.00). |
| Second Offense: | A fine of Two Hundred Thousand Pesos (P200,000.00) and the suspension of business permit for one year. |
| Third Offense: | A fine of Three Hundred Thousand Pesos (P300,000.00) and the cancellation of its business permit. Thereafter, the |

business establishment, manufacturer, or business enterprise shall not be eligible to apply for business permit for a period of five (5) years and approval of business permit is contingent with the proof of measures undertaken to comply with this Act and other relevant laws, rules and regulations.

If the offender is a juridical entity, the penalties shall be imposed on the entity's responsible officers, such as, but not limited to, the president, chief executive officer, general manager, or partner directly responsible thereof.

If the guilty officer is an alien, he shall summarily be deported after serving his sentence, and shall be forever barred from re-entering the Philippines.

SECTION 11. *Responsibilities of the LGUs.* – Unless otherwise provided by law, the LGUs shall be responsible for the following:

- a. Improve the capacity of the LGUs and local law enforcement agencies for the implementation of this Act.
- b. Establish recycling centers and encourage the establishment of business enterprise that promotes zero-waste.
- c. Conduct info-drive campaigns on single-use plastic regulation.

SECTION 12. *Retailer Compliance with Respect to Self-Service Facilities.* – Each retailer shall ensure that all e-cigarette, e-liquid or substitutes thereto, sold under Sections 6-8 of this Act shall be properly labelled.

SECTION 13. *DENR Compliance.* – Not later than one (1) year after the date of the effectivity of this Act, and annually thereafter, the DENR shall submit to the President of the Philippines and to both Houses of Congress a Compliance Monitoring Report on the compliance of the provisions of this Act.

The report shall contain pertinent information on the methods, goals and implementation program of the DENR with respect to the requirements of this Act.

SECTION 14. *Congressional Oversight Committee.* – A Congressional Oversight Committee (COC) is hereby constituted which is mandated to monitor and review the implementation of this Act for a period not exceeding three (3) years. The COC shall be composed of the Chairpersons of the Senate Committees on Health, Trade and Commerce, and Environment, Natural Resources and Climate Change and the House of Representatives Committees on Trade and Industry, Health and Public Information, Ecology and a Member of the House of Representatives appointed by the Speaker.

The Secretariat of the COC shall be drawn from the existing secretariat personnel of the standing committees comprising the Congressional Oversight Committee and its funding requirements shall be charged against the appropriations of both the House of Representatives and the Senate of the Philippines.

SECTION 15. *Implementing Rules and Regulations.* – The DENR, in coordination with DTI, DILG, and other concerned government agencies, shall issue the implementing rules and regulations of this Act, within sixty (60) days from the effectivity of this Act. The said rules and regulations shall be submitted to the COC for its review. The COC shall approve the

128 implementing rules and regulations within thirty (30) working days of receipt thereof:
129 Provided, That in the event the implementing rules and regulations are not promulgated
130 within the specified period, the specific provisions of this Act shall immediately be
131 executory.

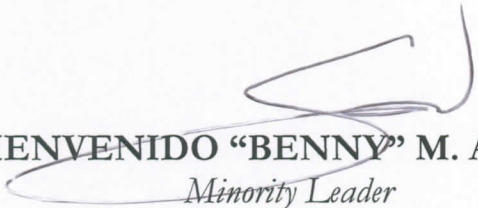
132
133 SECTION 16. *Appropriations.* – The amount necessary to implement the provisions of this
134 Act shall be charged against the current year's appropriations of the concerned national
135 government agencies. Thereafter, such funds as may be necessary for the continued
136 implementation of this Act shall be included in the budgets of the concerned national
137 government agencies under the annual General Appropriations Act.

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139 SECTION 17. *Repealing Clause.* – All other laws, decrees, ordinances, administrative orders,
140 rules and regulations, or any part thereof, which are inconsistent with this Act are repealed
141 or amended accordingly.

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143 SECTION 18. *Separability Clause.* – Should any provision of this Act be subsequently declared
144 unconstitutional, the other provisions not so declared shall remain in full force and effect.

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146 SECTION 19. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in
147 the Official Gazette and at least two (2) newspapers of national circulation.

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149 Approved:


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Minority Leader