

**Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City**

**EIGHTEENTH CONGRESS  
First Regular Session**

**House Bill No. 2484**



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**Introduced by Representatives  
ESTRELLITA B. SUANSING and HORACIO P. SUANSING, JR.**

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**EXPLANATORY NOTE**

Plastic carrier bags, including containers and utensils, and other products being used by food and market services have long been purported to be responsible for the clogging of canals, drainages, and waterways. These are deplored as injurious to marine life, and, in general, disruptive to the ecosystem.


However, practicality and scientific study claims will dictate that plastic products are not bereft of benefits, if not more environment-friendly than other products. In a tropical country like the Philippines, wherein wet and dry are the only seasons, plastic products have an advantage over paper or any other type of bags. Plastic bags are also a better choice when it comes to Life Cycle Assessment, which takes into consideration energy requirements, among other considerations, for its production, transportation, and up to its disposal.

The bill intends to include all plastic products, like cups, utensils, food containers, and the ubiquitous carrier bags that are given at the point of sale from wholesale or retail stores and other food service facilities.

This bill seeks to regulate the production, use, recycling and disposal of plastic products for basic services and provides a transition from ordinary petroleum-based plastic products to biodegradable plastic products for use in commercial and cluster of commercial establishments, wet markets, vendors, and all food establishments. Likewise, this bill also encourages reuse and recycling of plastic products as well as in-store recovery programs for commercial, food, and cluster of commercial and food establishments.

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

  
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**AN ACT**  
**REGULATING THE PRODUCTION, IMPORTATION, SALE, PROVISION,**  
**USE, RECOVERY, COLLECTION, RECYCLING AND DISPOSAL OF PLASTIC**  
**PRODUCTS**

*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 “Plastic Products  
2 Regulation Act”.

3 **SEC. 2. Definition of Terms.** – For the purpose of this Act:

4 (a) **Biodegradable plastic product** refers to a plastic product that  
5 degrades and attains molecular structure suited for biodegradation that  
6 results from the action of naturally occurring microorganisms within the  
7 parameters established pursuant to this Act: *Provided*, That the materials  
8 therefor shall not significantly affect food security programs of the  
9 government.

10 (b) **Commercial establishment** refers to an establishment or cluster of  
11 establishments engaged in commerce or sales of goods or services including,  
12 but not limited to, market stores, shopping mall outlets, supermarkets,  
13 department stores, groceries, convenience stores, food chains, restaurants,  
14 cafes, bars, sari-sari stores, vendors and the like.

15 (c) **Operator** refers to a person or group of persons in control of, or  
16 having daily responsibility for, the daily operation of a commercial  
17 establishment which may include, but not limited to, the owner of the store.



(d) **Plastic bag** refers to a polymer bag designed to be provided or utilized at the point of sale for carrying and transporting goods.

(e) **Plastic products** refers to disposable plastic plates, cups, utensils, cutlery and food containers, including plastic bags used by commercial establishments.

(f) **Reusable bag** refers to a washable bag, a *bayong* or any shopping bag used for carrying and transporting goods, which bags are made of organic or non-organic materials and can be used several times.

**SEC. 3. Biodegradable Plastic Products for Basic Services.** – Six (6) months after the effectivity of this Act, commercial establishments shall provide biodegradable plastic products to their consumers: *Provided*, That they shall promote and/or make available for sale locally-made reusable bags that are made of indigenous, organic or compostable materials like *abaca* and water lily: *Provided, further*, That establishments may still provide other plastic bags as sanctioned under Section 6 of this Act.

A biodegradable plastic product shall have indicated or displayed on it in a manner visible to the consumer, a logo showing that it is a biodegradable plastic product as well as the manufacturing date and name of manufacturer and distributor, and the words “RETURN FOR RECYCLING” and other markings in conformity to existing Philippine National Standards (PNS).

The Department of Trade and Industry (DTI), in coordination with the Department of Environment and Natural Resources (DENR), Department of Science and Technology (DOST), leagues of local government units (LGUs), National Solid Waste Management Commission (NSWMC), and other government and private agencies and organizations concerned shall, within six (6) months from the effectivity of this Act, promulgate the appropriate PNS for biodegradable plastic products: *Provided*, That the DTI shall consider in the PNS the effective reusability and recyclability of these products.

Any product that uses materials other than plastic, which are practically not reusable, recyclable or safe to be in contact with food shall not be allowed one (1) year after the effectivity of this Act.

1       **SEC. 4. In-Store Recovery Program.** – Within sixty (60) days after the  
2       effectivity of this Act, the operator or cluster of operators of commercial  
3       establishments that provide plastic products to consumers as part of a  
4       purchase at retail, shall establish an in-store recovery program that will give  
5       their customers an opportunity to return their used plastic products to the  
6       commercial establishments from which the plastic products originated.

7       An in-store recovery program provided by the operator of said commercial  
8       establishment shall include the following:

9       (a) A plastic products recovery bin which shall be placed at each  
10      commercial establishment or cluster of establishments and shall be visible,  
11      easily accessible to the customer, and clearly marked that the recovery bin is  
12      available for the purpose of collecting recyclable plastic products or disposed  
13      through industrial treatment facilities;

14      (b) A collection system whereby all plastic products recovered by the  
15      commercial establishment shall be collected by the barangays, transported,  
16      and whenever practicable, recycled or disposed through industrial treatment  
17      facilities by the cities and municipalities pursuant to Sec. 19 of this Act.

18      (c) A maintenance record of the commercial establishment's in-store  
19      recovery program describing the recovery, collection, transport, and whenever  
20      applicable, recycling and disposal to industrial treatment facilities of plastic  
21      products collected for a minimum of three (3) years, and every year thereafter.  
22      It shall make the records available to the DENR, DTI and LGU, upon request,  
23      to demonstrate compliance with this Act. The LGU concerned shall likewise  
24      maintain records it has recovered, collected and transported for recycling or  
25      disposal to composting facilities, and shall make the records available to the  
26      DENR and DTI;

27      (d) A customer plastic exchange system wherein the commercial  
28      establishment shall require their customers to surrender an equivalent or  
29      practically equivalent plastic bag for the provision of a new plastic bag.  
30      Otherwise, the customer or consumer will be charged a fixed fee of Php 5.00  
31      per plastic bag, which fee shall be reflected in their receipts, and shall go to a



1 special environmental fund. Manufacturers, distributors and exporters of the  
2 biodegradable plastic bags shall participate in this program as part of their  
3 extended producer's responsibility initiatives.

4 **SEC. 5. Exemptions.** – Primary plastic packaging used in the  
5 manufacture of finished products for sale in the general market, and those  
6 used to pack or contain items to be distributed in relief operations in times of  
7 calamities shall be excluded from the prohibitions under this Act.

8 **SEC. 6. Phase out of Plastic Products.** – Notwithstanding the provision  
9 of Section 4 of this Act, non-biodegradable, non-reusable and non-recyclable  
10 plastic products shall be gradually phased out within a period of one (1) year  
11 from the effectivity of this Act. Thereafter, production, importation, sale,  
12 distribution, provision or use of said plastic products shall be prohibited.

13 **SEC. 7. Program for Affected Employees and Workers of the**  
14 **Plastic Industry.** – The Department of Labor and Employment (DOLE), in  
15 coordination with DTI, shall conduct studies to determine the impact of this  
16 Act on affected plastic industry employees and workers.

17 Likewise, in coordination with Technology Education and Skills  
18 Department Authority (TESDA), plastic manufacturers, non-government and  
19 civil society organizations and institutions, the DOLE and DTI shall develop a  
20 program for alternative livelihood opportunities for employees and workers in  
21 areas like recycling or upcycling of used plastic products.

22 **SEC. 8. Support for Affected Plastic Manufacturers.** – The DTI,  
23 through the Board of Investments, shall develop benefits and programs to  
24 assist affected plastic manufacturers to buffer the impact of this Act on their  
25 industry, by creating incentives to facilitate their transition into the provision  
26 of goods and services that will support the implementation of this Act,

27 **SEC. 9. Monitoring and Market Inspections.** – The DENR and DTI,  
28 in coordination with the LGUs and local law enforcement agencies, shall cause  
29 the regular and routine inspection and monitoring of point-of-sale stores and  
30 facilities of plastic manufacturers to determine compliance with this Act.  
31 Inspection and monitoring shall include the following:

1 (a) Entry or access to the premises of operation and business, including  
2 storage rooms and stockrooms;

3 (b) Inspection of off-site storage facilities, distribution centers, and  
4 transshipment points; and

5 (c) Inspect sanitary landfills to determine if only residual plastic  
6 products are being disposed of.

7 **SEC. 10. Role of the National Solid Waste Management**  
8 **Commission.** – The National Solid Waste Management Commission  
9 (NSWMC), created pursuant to Section 4 of Republic Act No. 9003 shall, in  
10 addition to its functions under the said law, aid and assist in the  
11 implementation and enforcement of its Act.

12 The NSWMC is hereby mandated to conduct studies to ensure the  
13 harmonious implementation of this Act with the Republic Act No. 9003.

14 The DENR is hereby mandated and directed to provide the necessary  
15 financial and manpower resources to enable the NSWMC to perform its  
16 additional functions as mandated in this Act.

17 **SEC. 11. Effect on LGU Ordinances Before or After the Effectivity**  
18 **of this Act.** – LGU ordinances in relation to this Act, such as bans and  
19 prohibitions on the use of plastic products, promulgated and enforced prior  
20 to the effectivity of this Act shall remain valid and subsisting: *Provided, That,*  
21 within one (1) year following the promulgation of this Act, LGUs shall issue or  
22 amend their respective ordinances in line with the provisions of this Act.

23 The provisions, mandates, and directives of this Act shall serve as  
24 minimum standards and stipulations for LGU ordinances.

25 **SEC. 12. Information and Education Campaign.** – The DENR, in  
26 coordination with the LGUs, Department of Interior and Local Government,  
27 Department of Education, Commission on Higher Education, and Public  
28 Information Agency, shall conduct a continuing information and education  
29 campaign on the proper regulation of plastic products in the country.



1       Such campaign shall be incorporated in and shall be in addition to the  
2 public information and education campaign under section 55 of Republic Act  
3 No. 9003.

4       **SEC. 13. LGU Special Environmental Fund for Plastic Product**  
5 **Regulation.** – There is hereby created a Special Environmental Trust Fund  
6 for Plastic Product Regulation to be managed by the National Solid Waste  
7 Management Commission, hereinafter referred to as the Fund, to be  
8 composed of levies, fees, and fines collected pursuant to the implementation  
9 and enforcement of this Act.

10       The Fund shall be exclusively used for the following:

11       (a) Improve the capacity of LGUs, and local law enforcement agencies  
12 for the implementation of this Act;

13       (b) Conduct of information and education campaigns on plastics  
14 product regulation and related environmental awareness measures;

15       (c) Assist and provide incentives for manufactures and community-  
16 based initiatives for the product of native reusable bags, as well as for non-  
17 government and civil society organizations promoting proper solid waste  
18 management; and

19       (d) Augment the Solid Waste Management Fund under Republic Act  
20 No. 9003.

21       Forty percent (40%) of the fines collected under Sec. 20 of this Act shall  
22 be allocated to or retained by the Barangay where the fined prohibited acts  
23 are committed in order to finance the solid waste management of said unit.

24       **SEC. 14. Access to Information.** – The public shall have access to  
25 records, reports, or information concerning the implementation and  
26 mandates of this Act.

27       Such documents shall be available for inspection or reproduction  
28 during normal business hours: *Provided*, That the DENR, DTI or concerned  
29 LGU may consider a record, report or information or particular portions  
30 thereof confidential and may not be made public when such would divulge

1 trade secrets, production or sales figures or methods, production or processes  
2 unique to such manufacturer, seller, or distributor, or would otherwise tend  
3 to affect adversely the competitive position of such manufacturer.

4 **SEC. 15. Citizens Suit.** – For the purposes of enforcing the provisions  
5 of this Act or its implementing rules and regulations, any citizen may file an  
6 appropriate civil, criminal, or administrative action in the proper  
7 courts/bodies against:

8 (a) Any person who violates or fails to comply with the provisions of this  
9 Act and its implementing rules and regulations; or

10 (b) The DENR or other implementing agencies with respect to orders,  
11 rules and regulations issued inconsistent with this Act; and/or

12 (c) Any public officer who willfully or grossly neglects the performance  
13 of an Act specifically enjoined as a duty by this Act or its implementing rules  
14 and regulations; or abuses his authority in the performance of his duty; or,  
15 in any manner improperly performs his duties under this act or its  
16 implementing rules and regulations: *Provided, however,* That no suit can be  
17 filed until after a thirty-day (30) notice has been given to the public officer and  
18 the alleged violator concerned and no appropriate action has been taken  
19 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  
22 violation complained of, exempt the plaintiff from the filing of an injunction  
23 bond for the issuance of preliminary injunction.

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

26 **SEC. 16. Suits and Strategic Legal Action Against Public**  
27 **Participation.** – Where a suit is brought against a person who filed an action  
28 as provided in Section 15 of this Act, or against any person, institution or  
29 government agency that implements this Act or any other consumer related  
30 laws, rules, and regulations, it shall be the duty of the investigating  
31 prosecutor or the court, as the case may be, to immediately make a



determination within not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal resources of the person complaining or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the investigating prosecutor or the court shall dismiss the case and award the attorney's fees and double damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act, its rules, regulations, and guidelines.

**SEC. 17. *Lead Agency.*** – The DENR in coordination with the DTI, unless otherwise provided herein, shall be the primary government agency responsible for the implementation and enforcement of this Act.

**SEC. 18. *Linkage Mechanism.*** – The DENR and the NSWMC, in coordination with the DTI, shall consult, and enter into an agreement with other government agencies, LGUs, concerned non-governmental organizations (NGOs), people's organizations (POs), or private enterprises in the furtherance of the objectives of this Act.

**SEC. 19. *Role of Local Government Units (LGUs).*** – The LGUs shall have the primary responsibility in the effort to decrease the percentage of plastic product wastes produced within their respective territorial jurisdictions.

For this purpose, they shall be primarily responsible for the collection, transportation, recycling and disposal of plastic products recovered to industrial treatment facilities pursuant to this Act. The LGUs may enjoin the participation of other concerned government agencies, private entities and industries.

The DOST, in coordination with the National Ecology Center, shall provide the LGUs with technical assistance, trainings and continuing capability-building programs to attain the objectives of this Act.

1       **SEC. 20. Fines and Penalties.** – Violations of Sections 3, 4 and 6 of this  
2 Act, and the deliberate misrepresentation of the vendor, distributor or  
3 manufacturer shall be penalized in the following manner:

4       (a) A fine of not less than Two hundred fifty thousand pesos  
5 (P250,000.00) but not exceeding Five hundred thousand pesos (P500,000.00)  
6 for the first offense; and

7       (b) A fine of not less than Five hundred thousand pesos (P500,000.00)  
8 but not exceeding Seven hundred fifty thousand pesos (P750,000.00) for the  
9 second offense; and

10       (c) Automatic revocation of its business permit for the third offense.

11       For purposes of the imposition of appropriate fines hereof, the DTI shall  
12 establish classification of commercial establishments based on their  
13 capitalization.

14       **SEC. 21. Administrative Action.** – Without prejudice to the right of any  
15 person to file an administrative action, the DENR shall, on its own instance  
16 or upon verified complaint by any person, institute administrative  
17 proceedings in the proper forum against any natural or juridical person who  
18 violates any of the provisions of this Act with respect to:

19       (a) Standards and limitations provided by this Act; or

20       (b) Such order, rule or regulation issued by the DENR with respect to  
21 such standard or limitation.

22       **SEC. 22. Independence of Action.** – The filing of an administrative suit  
23 against such person or entity does not preclude the right of any other person  
24 to file any criminal or civil action.

25       **SEC. 23. Enforcement.** – The enforcement of the penal provision of this  
26 Act shall be made through the DENR, in coordination with the Office of the  
27 Mayor of the LGU concerned.

28       **SEC. 24. Joint Congressional Oversight Committee.** – The Joint  
29 Congressional Oversight Committee created under Section 60 of Republic Act  
30 No. 9003, otherwise known as the “Ecological Solid Waste Management Act of



2000", shall likewise monitor the implementation of this Act and review the implementing rules and regulations promulgated by the DENR. The Joint Committee shall be co-chaired by the Chairpersons of the House Committee on Ecology and Senate Committee on Environment.

**SEC. 25. Implementing Rules and Regulations.** – The DENR, in coordination with the DTI, the NSWMC and other relevant government agencies and organizations shall, within six (6) months from the effectivity of this Act, promulgate the implementing rules and regulations (IRR) governing this Act.

**SEC. 26. Appropriations.** – The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the concerned agencies. Thereafter, such sums as may be necessary for the operation and maintenance of this Act shall be included in the General Appropriations Act.

**SEC. 27. Separability Clause.** – If, for any reason, any provision of this Act or part thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the other provisions or parts hereof not affected shall remain in full force and effect.

**SEC. 28. Repealing Clause.** – All laws, decrees, orders, issuances, ordinances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SEC. 29. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,