

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

Seventeenth Congress
First Regular Session

HOUSE BILL NO. 3577



Introduced by **HON. ESTRELLITA B. SUANSING**

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 consideration, approval of this bill is earnestly sought.


ESTRELLITA B. SUANSING
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INTRODUCED BY HON. ESTRELLITA B. SUANSING

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

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

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

1 (c) *Operator* refers to a person or group of persons in control of, or having daily
2 responsibility for, the daily operation of a store which may include, but not limited to, the
3 owner of the store.

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

6 (e) *Plastic products* refers to plastic carrier bags including take out bags, plastic cups,
7 utensils and food containers provided by food service companies.

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

11
12 SEC. 3. *Biodegradable Plastic Products for Basic Services.* – Six (6) months after the
13 effectivity of this Act, commercial establishments shall provide biodegradable plastic
14 products to their consumers: *Provided*, That they shall promote and/or make available for
15 sale locally-made *bayong*, *buli* and other reusable bags that are made of *abaca*, water lily and
16 other organic or compostable materials: *Provided, further*, That establishments may still
17 provide other plastic bags as sanctioned under Section 5 of this Act.

18 A biodegradable plastic bag shall have printed or displayed on it in a manner visible
19 to the consumer, a logo showing that it is a biodegradable plastic bag as well as the
20 manufacturing date and name of manufacturer and distributor: *Provided*, That a plastic bag
21 printed with the name or logo of the establishment shall have printed or displayed on it the
22 words “RETURN FOR RECYCLING”.

23 The Department of Trade and Industry (DTI), in coordination with the Department of
24 Environment and Natural Resources (DENR) , leagues of local government units (LGUs),
25 National Solid Waste Management Commission (NSWMC), and other government and
26 private agencies and organizations concerned shall, within six (6) months from the effectivity
27 of this Act, promulgate the appropriate Philippine National Standard (PNS) for biodegradable
28 plastic bags: *Provided*, That the DTI shall consider in the PNS the effective reusability and
29 recyclability of biodegradable plastic bags.

30 SEC. 4. *In-Store Recovery Program.* – Within sixty (60) days after the effectivity of
31 this Act, the operator or cluster of operators of commercial establishments that provide plastic
32 products to consumers as part of a purchase at retail, shall establish an in-store recovery

1 program that will give their customers an opportunity to return their used plastic products to
2 the commercial establishments from which the plastic products originated.

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

5 (a) A plastic products recovery bin shall be placed at each store or cluster of stores
6 and shall be visible, easily accessible to the customer, and clearly marked that the recovery
7 bin is available for the purpose of collecting recyclable plastic products or composting in
8 industrial composting facilities;

9 (b) All plastic products recovered by the store shall be collected, transported, and,
10 whenever practicable, recycled or disposed through industrial composting facilities by the
11 LGUs pursuant to Section 8 of this Act.

12 (c) The commercial establishment shall maintain records describing the recovery,
13 collection, transport, and whenever applicable, recycling and disposal to industrial
14 composting facilities of plastic products collected for a minimum of three (3) years, and every
15 year thereafter. It shall make the records available to the DTI and/or LGU, upon request, to
16 demonstrate compliance with this Act. The LGU concerned shall likewise maintain records it
17 has recovered, collected and transported for recycling or disposal to composting facilities, and
18 shall make the records available to the DTI;

19 (d) The commercial establishment shall require their customers to surrender an
20 equivalent or practically equivalent plastic bag for the provision of a new plastic bag.
21 Otherwise, the customer or consumer will be charged a fixed fee of P1.00 per plastic bag,
22 which fee shall be reflected in their receipts; and

23 (e) The commercial establishment or a cluster of establishments shall make local
24 reusable bags available, whether for sale or free, to consumers within the establishment.

25 Manufacturers, distributors and exporters of the biodegradable plastic bags shall
26 participate in this program as part of their extended producers responsibility initiatives.

27 SEC. 5. *Phaseout of Plastic Products.* – Notwithstanding the provision of Section 4 of
28 this Act, plastic products for basic services shall be gradually phased out within a period of
29 one year from the effectivity of this Act. Thereafter, production, importation, sale,
30 distribution, provision or use of said plastic products shall be prohibited.

31 SEC. 6. *Lead Agency.* – The DTI, unless otherwise provided herein, shall be the
32 primary government agency responsible for the implementation and enforcement of this Act.

1 SEC. 7. *Linkage Mechanism.* – The DTI, in coordination with the DENR and the
2 NSWMC, shall consult, and enter into an agreement with other government agencies or
3 LGUs, or with concerned non-governmental organizations (NGOs) or people's organizations
4 (POs), or private enterprises in the furtherance of the objectives of this Act.

5 SEC. 8. *Role of Local Government Units (LGUs).* – The LGUs shall have the primary
6 responsibility in the effort to decrease the percentage of plastic product wastes produced
7 within their respective territorial jurisdictions.

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

12 The Department of Science and Technology (DOST), in coordination with the National
13 Ecology Center, shall provide the LGUs with technical assistance, trainings and continuing
14 capability-building programs to attain the objectives of this Act.

15 SEC. 9. *Fines and Penalties.* – Violations of Sections 3, 4 and 5 of this Act, and the
16 deliberate misrepresentation of the vendor, distributor or manufacturer shall be penalized in
17 the following manner:

18 (a) A fine of not less Ten thousand pesos (Php10,000.00) but not exceeding One
19 hundred thousand pesos (Php100,000.00) for the first offense;

20 (b) A fine of not less than One hundred thousand pesos (P100,000.00) but not exceeding
21 Two hundred fifty thousand pesos (P250,000.00) for the second offense;

22 (c) A fine of not less than Two hundred fifty thousand pesos (P250,000.00) but not
23 exceeding Five hundred thousand pesos (P500,000.00) for the third offense; and

24 (d) A fine of not less than Five hundred thousand pesos (P500,000.00) but not
25 exceeding Seven hundred fifty thousand pesos (P750,000.00) and automatic revocation of its
26 business permit for the fourth offense.

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

29 Any fine collected pursuant to this section shall be retained by the barangay unit where
30 the store is located in order to augment its waste management capability.

31 SEC. 10. *Administrative Action.* – Without prejudice to the right of any person to file an
32 administrative action, the DTI shall, on its own instance or upon verified complaint by any

1 person, institute administrative proceedings in the proper forum against any natural or
2 juridical person who violates any of the provisions of this Act with respect to:

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

4 (b) Such order, rule or regulation issued by the DTI with respect to such standard or
5 limitation.

6 SEC. 11. *Independence of Action.* – The filing of an administrative suit against such
7 person or entity does not preclude the right of any other person to file any criminal or civil
8 action.

9 SEC. 12. *Enforcement.* – The enforcement of the penal provision of this Act shall be
10 made through the DTI, in coordination with the Office of the Mayor of the LGU concerned.

11 SEC. 13. *Joint Congressional Oversight Committee.* – The Joint Congressional
12 Oversight Committee created under Section 60 of Republic Act No. 9003, otherwise known
13 as the “Ecological Solid Waste Management Act of 2000”, shall likewise monitor the
14 implementation of this Act and review the implementing rules and regulations promulgated
15 by the DTI.

16 SEC. 14. *Implementing Rules and Regulations.* – The DTI, in coordination with the
17 DENR, the NSWMC and other relevant government agencies and organizations shall, within
18 six (6) months from the effectivity of this Act, promulgate the implementing rules and
19 regulations (IRR) governing this Act.

20 SEC. 15. *Appropriations.* – The amount necessary to carry out the provisions of this
21 Act shall be charged against the current year’s appropriations of the concerned agencies.
22 Thereafter, such sums as may be necessary for the operation and maintenance of this Act shall
23 be included in the General Appropriations Act.

24 SEC. 16. *Separability Clause.* – If, for any reason, any provision of this Act or part
25 thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the other
26 provisions or parts hereof not affected shall remain in full force and effect.

27 SEC. 17. *Repealing Clause.* – All laws, decrees, orders, issuances, ordinances, rules and
28 regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or
29 modified accordingly.

30 SEC. 18. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
31 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,